



CITY COUNCIL MEETING AGENDA

February 21, 2022

City Hall Council Chambers – 227 S. Center Street, Statesville, NC

Pre-Agenda Meeting – 6:00 p.m. / Regular Meeting – 7:00 p.m.

- I. Call 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** *pg. 4*
- VI. Presentations & Recognitions** (Only at Council Meeting) *pg. 9*
Presentation from the Mayor's Youth Advisory Council
- VII. Public Comment** (Only at Council Meeting)
- VIII. 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. Approval of minutes:** **January 10, 2022 Pre-Agenda and Regular Meeting minutes.**
(Fugett) pgs. 11, 17
 - B. Consider adopting a Capital Project Fund ordinance for the Waterline Replacement Project.** *(Harrell/Roberts) pg. 23*
 - C. Consider approving an audit contract for fiscal year ending June 30, 2022 with Martin Starnes & Associates, CPA's, P.A.** *(Roberts) pg. 25*
 - D. Consider approving two agricultural leases on property located near the airport.**
(Ferguson) pg. 47
 - E. Consider accepting a grant from the State for Fixed Based Operations equipment upgrades, hangar improvements and land acquisition in the amount of \$500,000. In addition, approve an ordinance establishing the Fixed Based Operations Improvement Fund.** *(Ferguson) pg. 59*
 - F. Consider granting permission to the Statesville Police Department (SPD) staff to accept \$40,000 from the Department of Justice/US Attorney's Office for the purpose of supporting SPD's purchase of drones and license plate readers, and approve Budget Amendment No. 2022-30.** *(Brown-Evans) pg. 63*

- G. Consider approving the following request from Impact, Inc. regarding the Juneteenth Celebration: (1) Special Event Permit application, (2) road closure of West Broad Street from Meeting Street to Mulberry Street, from 7:00am to 10:00pm on June 18, 2022, (3) formal request that the City of Statesville be an official co-sponsor and provide in-kind services. *(Griggs) pg. 65*
- H. Consider accepting payments from teams affiliated with CCL (Charlotte Cricket League) for Cochran Street field use for the upcoming Cricket season, and approve Budget Amendment No. 2022-31. *(Griggs) pg. 71*

REGULAR AGENDA

- IX. Receive a report from Darbah Skaf regarding HOME-ARP Funding through the Cabarrus/Iredell/Rowan HOME Consortium. *(Pre-Agenda only)*
- X. Conduct a public hearing and consider passing first reading of an ordinance to annex properties located on Odessa Drive, Crawford Road and Jane Sowers Road – Annexation Request AX21-07 for PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 Peppercorn Plantation LTDP, Goforth Family Revocable Trust & Andrew H. Crawford Properties (NCPark 4077). *(Ashley) pg. 73*
- XI. Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-12 for properties located on Odessa Drive, Crawford Road and Jane Sowers Road; Iredell County Tax Parcel Identification #'s 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 from Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville RA (Residential Agricultural) District to City of Statesville LI (Light Industrial) District. *(Ashley) pg. 87*
- XII. Conduct a public hearing and consider passing first reading of an ordinance to annex the properties located on US 70/Salisbury Highway at East Barkley Road – Annexation Request AX22-01 for PIN # 4753-16-9517 and a portion of PIN # 4753-27-6245; Williams Development Group LLC Property. *(Ashley) pg. 111*
- XIII. Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-11 filed by Bernard and Hannah May for the property located on Sharon Drive; Tax Map # 4754-57-0298 from CU-19 R-8MF (Conditional Use Medium Density Multi-Family Residential) District to R-8 MF (Medium Density Multi-Family Residential) District. *(Ashley) pg. 123*
- XIV. Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-13 for property located on Westminster Drive; Iredell County Tax Parcel Identification #4724-48-7571 from R-5 MF (High Density Multi-Family Residential) District & B-3 (Shopping Center) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. *(Ashley) pg. 143*
- XV. Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-14 for property located on James Farm Road; Iredell County Tax Parcel Identification #4746-81-1103 (portion) from Iredell County R-20 (Rural Residential) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. *(Ashley) pg. 167*
- XVI. Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-15 for properties located on US 21/Turnersburg Highway and Houpe Road; Iredell County Tax Parcel Identification # 4747-70-2049, 4746-67-6347 & 4746-66-8927; from Iredell County RA

(Residential Agricultural) and R-20 (Rural Residential) districts to City of Statesville LI (Light Industrial) District. *(Ashley) pg. 195*

- XVII. Conduct a public hearing and consider approving an economic incentive for Sherwin Williams, f/k/a Project Artist. *(Bosser) pg. 217***
- XVIII. Conduct a public hearing and consider approving an economic incentive for the Williams Development Group, f/k/a Project Barkley. *(Thomas) pg. 219***
- XIX. Consider approving first reading of an amendment to Chapter 12/Article V/Division 1/Generally/Section 12-121/Civil Penalties(d) of the Statesville City Code, regarding parking violations and fines, to clarify that the penalty of \$30.00 is applied to all offences. *(Addison) pg. 221***
- XX. City Manager's Report *(Smith)***
- XXI. Boards and Commission Updates**
 - January 12, 2022 – Airport Commission meeting minutes pg. 225*
 - February 2, 2022 – Technical Review Committee meeting minutes pg. 229*
 - February 9, 2022 – Airport Commission meeting minutes pg. 232*
- XXII. Other Business**
- XXIII. Closed Session (After Pre-Agenda if needed)**
- XXIV. Adjournment**

Page Intentionally Left Blank

RESOLUTION 10-21**CODE OF ETHICS FOR THE CITY OF STATESVILLE****PREAMBLE**

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty"; and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto *Esse quam videri*, "To be rather than to seem"; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this city, and which obeying the law; and

NOW, THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Statesville, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we, the Statesville City Council, do hereby adopt the following General Principles and Code of Ethics to guide the City Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic, representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations
- Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the City of Statesville and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing and pertinent constitutional, statutory, or other legal requirements

or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Behaving consistently and with respect toward everyone with whom they interact
- Exhibiting trustworthiness
- Living as if they are on duty as elected officials regardless of where they are or what they are doing
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other board members, staff and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body.

Section 3. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own,

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are

lawfully conducted and that such sessions do not stray from the purposes for which they are called.


Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

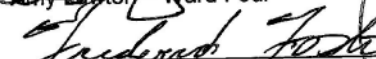
I affirm that I have read and understand the City of Statesville Code of Ethics



Constantine H. Kutteh, Mayor



Steve Johnson – At Large


C.O. Nap Johnson – Ward Two


Amy Linton – Ward Four


Fredrick Foster – Ward Six


William Morgan – At Large, Mayor Pro Tem


David Jones – Ward One


Doris Allison – Ward Three


John Stafford – Ward Five

Page Intentionally Left Blank

SPECIAL PRESENTATION

TO: City Council
FROM: Mayor Costi Kutteh
DATE: February 11, 2022

TO BE REPORTED: **February 21, 2022**
(Date of Council Meeting)

Representatives from the Mayor's Youth Advisory Council will review their activities from the past six months. The YAC is made up of 10 students, two from each of the following middle schools: American Renaissance Middle, East Middle, Oakwood Middle, Third Creek and West Middle. The council was formed in response to feedback that there are very few activities for young people in our community. The Mayor and city staff have been meeting regularly with the students since September 2021.

Page Intentionally Left Blank

**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE PRE-AGENDA MEETING-JANUARY 10, 2021
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.**

Council Present: Mayor Costi Kutteh presiding, Jap Johnson, William Morgan, John Staford, David Jones, Amy Lawton, Steve Johnson, Doris Allison, Fred Foster via Zoom

Council Absent: 0

Staff Present: Ron Smith, Fugett, Messick via Zoom, Ashley, Davis, Maclaga, Harrell, Roberts, Moore, Gregory, Pierce, Moore, Everette, Onley, Weatherman, Kurfees

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

VI Presentations & Recognitions (Only at Council Meeting)

VII Public Comment (Only at Council Meeting)

VIII 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 following Consent Agenda.

- A. Approval of minutes: November 15, 2021 City Council/ICEDC Workshop meeting minutes, December 6, 2021 Pre-Agenda and Regular Council meeting minutes. (Fugett)**
- B. Consider (1) adopting a Resolution of Intent to Reimburse for the Fire Station 1 Project; (2) adopting a Capital Project Fund ordinance for this project; (3) adopting a Resolution to allow the Finance Officer to submit an LGC application; and (4) approving Budget Amendment No. 2022-26. (Harrell/Roberts)**
- C. Consider approving an increase of \$300,000 to the existing Line Crew Labor Contract with Sumter Utilities. (Maclaga)**

- D. Consider passing first reading amending the charter in the city code by ordinance referencing the new voting wards due to re-districting and the 2020 Federal Decennial Census. (Ashley)
- E. Consider authorizing staff to apply for a grant from the National Endowment for the Arts. (Taylor/Griggs) *Removed from the agenda 01/10/2022*
- F. Consider approving acceptance of a grant in the amount of \$30,000 from the NC Land and Water Fund (NCLWF) to perform a study of the Free Nancy Branch and associated tributaries between Statesville High School and the Fourth Creek Confluence and approve Budget Amendment #2022-25. (Moore)

Mayor Kutteh stated that this grant funds a study to identify causes of water quality impairment and critical areas for targeted restoration projects in the Free Nancy Branch and associated tributaries between Statesville High School and the Fourth Creek Confluence all the way to Interstate-77. Upon completion of this study staff will look to apply for Restoration Grants from the NCLWF for restoration of high priority projects. Council authorized staff to apply for the Planning Grant with NCLWF on February 1, 2021. The grant funds \$30,000 with matching funds from the City of \$20,000 and \$5,000 in-kind. Funds were budgeted in the Stormwater Capital Budget for this.

Council member Staford asked if this study is going to come back telling the City to do things that it is not going to do and if so, should the City just pay the \$25,000. Randall Moore, Stormwater Director, replied that if the City does not do what the study recommends then it will not be able to get any grants to fix what it recommends.

REGULAR AGENDA

- IX **Conduct a public hearing regarding the condemnation of an abandoned, dilapidated dwelling located at 522 Stockton Street and consider approving first reading of an ordinance to demolish the dwelling as unfit for human occupancy. (Ashley)**

Mayor Kutteh stated that the dwelling is owned by Michael A. Harmon. The structure appears to have been smashed by a tree and is collapsing. More than half of the roof is collapsed. There is significant structural damage. The back of the house is unsecure and open to all of the elements. The front right window and window frame is gone, leaving a large gaping hole. With that hole and the large open back area, it could make this dwelling very expensive to board. There is significant rot and several holes in the structure. The inside is filled with trash and junk. The tax value of the dwelling is \$49,660. The estimated costs to attempt to repair the structure are greater than \$28,000. That includes a roof replacement of approximately \$14,000 (shingles, rafters, and sheathing). There are at least eight windows that need to be replaced and will cost approximately \$6,000. The porch will need to be re-constructed which will cost approximately \$8,000. The cost of repairs exceeds the 50% requirement and is, therefore, eligible for demolition. The City hired Benfield Lawn and Landscape to clean up the property at a cost of \$1,500. Council heard this case on December 7, 2020 and voted for the city to pursue foreclosure instead of demolition. The property went to foreclosure sale and the owner paid the taxes, liens, and attorney/court cost. Only current 2021 taxes are due in the amount of \$823.49. Council postponed this request at the September 30th meeting until October 18, 2021. Council postponed the hearing at the October 18, 2021, meeting due to the property being sold to a new owner. The total amount paid by the owner is \$3,547.05 (\$1750 liens and \$1,797.05 attorney/court cost). Again, only current 2021 taxes are due. Staff's

recommendation is to cancel the hearing and first reading of an ordinance to condemn and demolish the dwelling and any accessory buildings located at 522 Stockton Street due to the property being sold to (HomeVestors) on September 29, 2021. HomeVestors intentions were to start the rehab work in October. However, they have brought in a dumpster and started cleaning out the house in December. Therefore, staff will monitor the house and work with the new owners to continue to make progress so that the property is brought into compliance.

Mayor Kutteh explained what options Council has for this item. He said it can hold the public hearing and the 1st reading, then postpone the 2nd reading to allow the new owner time to rehab the property.

X Conduct a Public Hearing, and consider passing a Resolution to permanently close a portion of an opened, dedicated right-of way known as Dagenhart St, and a portion of an opened, dedicated right-of-way known as Sowers St. (Ashley)

Mayor Kutteh stated that Mr. Matthew Erich is petitioning to close portions of Sowers and Dagenhart Streets. These streets are located in a block bounded by Monroe St to the north, Wall St to the east, Garner Bagnal Blvd to the south, and McLaughlin St to the west. Mr. Erich currently has TRC site plan approval to develop phase 1 of a mini storage project at the corner of Wall and Monroe St. He has proposed a “phase 2” of this project, which will require the abandonment of the above-mentioned streets.

- Dagenhart St is a paved, open street with a variable width (40'-50') right-of-way. Dagenhart St runs west to east. Mr. Erich proposes to abandon the portion of Dagenhart from the 30' unimproved alley to the west to Garner Bagnal Blvd in the east. No developed properties rely on this portion of Dagenhart St for access.
- Sowers St is a paved, open street with curb and gutter, with a variable width (40'-50') right-of-way. Sowers St runs north to south. Mr. Erich proposes to abandon the portion beginning at the proposed new property line in the north, to Garner Bagnal Blvd in the south.

All parcels dependent upon these streets for access are held by *Diamond Hill Mini Storage Holding LLC*, a company owned by the applicant. After road abandonment, all of these parcels are planned to be combined into a unified site, meaning that no parcel will lose access as part of this abandonment.

There is currently a city-maintained electric line that runs along the Dagenhart St right-of-way, and water and sewer lines that run along the Sowers St right-of-way (see attached survey). The applicant has coordinated with the electric department to move the line and establish a new 30' easement for continuous maintenance after the site develops. Additionally, the public works department has agreed to the abandon the portion of the water and sewer line at the proposed new property line and turn it over to the applicant for private maintenance.

The abandonment process must follow the procedure from NCGS 160A-299. In accordance with these requirements, the public notification process, which includes four legal notice publications, certified mailing to adjoining property owners, and post of the *Resolution of Intent* on the right of way has been completed. council must conduct a public hearing.

On December 6, 2021 City Council passed the Resolution of Intent to Close Sowers & Dagenhart, which is the first action required in the process. Councilman Staford asked if the city could require purchase of the right-of-way to be abandoned, according to our city attorney, that would not be legal.

Staff recommends that Council pass the resolution to abandon, and the Declaration of Withdrawal, contingent upon the following:

- Recombination by plat of all parcels adjoining the streets to be abandoned, all currently held by Diamond Hill Mini Storage, LLC.
- Establishment of an agreement with the electric department for a new 30' maintenance easement for electric lines across the newly combined property.
- Abandonment through the public works department of the existing water and sewer lines underneath Sowers Street.

The petitioner must recombine all parcels adjoining the streets to be abandoned, establish an easement agreement with the electric department, and abandon the water and sewer line through the public works department.

Council member Staford said he is in favor of the closing, but he would like to ask the owner to do some landscaping beautification along Garner Bagnal Boulevard.

Sherry Ashley stated that the City cannot require the applicant to do anything above and beyond what the ordinance requires.

XI Consider passing second reading of TA21-05: Text Amendment to the Unified Development Code filed by the City of Statesville to amend: Article 6. Development Standards, Section 6.08 Design Standards for Non-Residential Developments. (Ashley)

Mayor Kutteh stated that in recent months, three issues have been identified that necessitate amendments to the Unified Development Code (UDC). They concern: 1) multi-family parking in the Central Business (CB) zoning district and density/unit count in the CB, Central Business Perimeter (CBP) and Highway 115/Shelton Avenue Corridor (H-115) districts; 2) an unnecessary lot depth requirement; and 3) clarifying requirements for the use of metal building siding as a material for non-residential uses in all zoning districts except the industrial (LI and HI) districts. On October 18, 2021, City Council postponed both text amendments to further discuss at a works session. The work session was held on November 1, 2021. Results from the work session included further researching parking requirements for multi-family in the downtown, amending lot depth from 110 feet to 100 feet, adding no exposed fasteners and keeping 30% metal on service facades. On September 28, 2021, the Planning Board voted unanimously to recommend approval of TA21-05 with two significant modifications related to metal siding used as a building material:

- a. permitting metal siding to be used not exceeding 30% for any façade visible from public streets, parking and/or drive-thru areas; and
- b. permitting metal siding to be used up to 100% for service façades not visible from public streets, parking and/or drive-thru areas.

The results of the November 1, 2021 work session, were shown at the December 20, 2021 meeting. After further discussion the lot depth was removed, and Councilman Steve

Johnson proposed a motion to change the section regarding metal materials to increase the percentage and clarify the type of metal materials.

XII City Manager's Report (Smith)

XIII Boards and Commission Updates

November 16, 2021 - Design Review Commission meeting minutes

November 17, 2021 - Airport Commission meeting minutes

November 18, 2021 - Stormwater Advisory Committee meeting minutes

December 1, 2021 - Technical Review Committee meeting minutes

December 15, 2021 - Technical Review Committee meeting minutes

XIV Other Business

XV Closed Session (After Pre-Agenda if needed)

There being no other business, Mayor Kutteh asked for a motion to move to Closed Session.

Council member Allison made a motion to move to Closed Session in accordance with NCGS 143-318.11(a)(4) to discuss two economic development matters, NCGS 143-318.11(a)(3), to consult with the City Attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure., and NCGS 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential, seconded by Council member J. Johnson. The motion carried unanimously.

XVI Adjournment

Upon return from Closed Session Mayor Kutteh stated that Council discussed the above listed Closed Session items, and no action was taken.

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

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk

Page Intentionally Left Blank

**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE COUNCIL MEETING-JANUARY 10, 2021
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.**

Council Present: Mayor Costi Kutteh presiding, Jap Johnson, William Morgan, John Staford, David Jones, Amy Lawton, Steve Johnson, Doris Allison, Fred Foster via Zoom

Council Absent: 0

Staff Present: Ron Smith, Fugett, Messick via Zoom, Ashley, Davis, Maclaga, Harrell, Roberts, Moore, Gregory, Pierce, Moore, Everette, Onley, Weatherman, Kurfees

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

Mayor Kutteh stated that Council had added one item to the Consent Agenda: To set a date to conduct a public hearing on an economic incentive request..

V Code of Ethics

VI Presentations & Recognitions (Only at Council Meeting)

VII Public Comment (Only at Council Meeting)

VIII 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 following Consent Agenda.

A. Approval of minutes: November 15, 2021 City Council/ICEDC Workshop meeting minutes, December 6, 2021 Pre-Agenda and Regular Council meeting minutes. (Fugett)

B. Consider (1) adopting a Resolution of Intent to Reimburse for the Fire Station 1 Project; (2) adopting a Capital Project Fund ordinance for this project; (3) adopting a Resolution to allow the Finance Officer to submit an LGC application; and (4) approving Budget Amendment No. 2022-26. (Harrell/Roberts)

C. Consider approving an increase of \$300,000 to the existing Line Crew Labor Contract with Sumter Utilities. (Maclaga)

- D. Consider passing first reading amending the charter in the city code by ordinance referencing the new voting wards due to re-districting and the 2020 Federal Decennial Census. (Ashley)**
- E. Consider authorizing staff to apply for a grant from the National Endowment for the Arts. (Taylor/Griggs) Removed from the agenda 01/10/2022**
- F. Consider approving acceptance of a grant in the amount of \$30,000 from the NC Land and Water Fund (NCLWF) to perform a study of the Free Nancy Branch and associated tributaries between Statesville High School and the Fourth Creek Confluence and approve Budget Amendment #2022-25. (Moore)**

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

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

REGULAR AGENDA

- IX Conduct a public hearing regarding the condemnation of an abandoned, dilapidated dwelling located at 522 Stockton Street and consider approving first reading of an ordinance to demolish the dwelling as unfit for human occupancy. (Ashley)**

Sherry Ashley stated that the dwelling is owned by Michael A. Harmon. The structure appears to have been smashed by a tree and is collapsing. More than half of the roof is collapsed. There is significant structural damage. The back of the house is unsecure and open to all of the elements. The front right window and window frame is gone, leaving a large gaping hole. With that hole and the large open back area, it could make this dwelling very expensive to board. There is significant rot and several holes in the structure. The inside is filled with trash and junk. The tax value of the dwelling is \$49,660. The estimated costs to attempt to repair the structure are greater than \$28,000. That includes a roof replacement of approximately \$14,000 (shingles, rafters, and sheathing). There are at least eight windows that need to be replaced and will cost approximately \$6,000. The porch will need to be re-constructed which will cost approximately \$8,000. The cost of repairs exceeds the 50% requirement and is, therefore, eligible for demolition. The City hired Benfield Lawn and Landscape to clean up the property at a cost of \$1,500. Council heard this case on December 7, 2020 and voted for the city to pursue foreclosure instead of demolition. The property went to foreclosure sale and the owner paid the taxes, liens, and attorney/court cost. Only current 2021 taxes are due in the amount of \$823.49. Council postponed this request at the September 30th meeting until October 18, 2021. Council postponed the hearing at the October 18, 2021, meeting due to the property being sold to a new owner. The total amount paid by the owner is \$3,547.05 (\$1750 liens and \$1,797.05 attorney/court cost). Again, only current 2021 taxes are due. Staff's recommendation is to cancel the hearing and first reading of an ordinance to condemn and demolish the dwelling and any accessory buildings located at 522 Stockton Street due to the property being sold to (HomeVestors) on September 29, 2021. HomeVestors intentions were to start the rehab work in October. However, they have brought in a dumpster and started cleaning out the house in December. Therefore, staff will monitor the house and work with the new owners to continue to make progress so that the property is brought into compliance.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak. There being no speakers, Mayor Kutteh declared the public hearing closed and asked for a motion.

Council member Lawton made a motion to approve 1st reading and for staff to send a Minimum Housing Violation letter, seconded by Council member J. Johnson. The motion carried unanimously.

X Conduct a Public Hearing, and consider passing a Resolution to permanently close a portion of an opened, dedicated right-of way known as Dagenhart St, and a portion of an opened, dedicated right-of-way known as Sowers St. (Ashley)

Sherry Ashley stated that Mr. Matthew Erich is petitioning to close portions of Sowers and Dagenhart Streets. These streets are located in a block bounded by Monroe St to the north, Wall St to the east, Garner Bagnal Blvd to the south, and McLaughlin St to the west. Mr. Erich currently has TRC site plan approval to develop phase 1 of a mini storage project at the corner of Wall and Monroe St. He has proposed a “phase 2” of this project, which will require the abandonment of the above-mentioned streets.

- Dagenhart St is a paved, open street with a variable width (40'-50') right-of-way. Dagenhart St runs west to east. Mr. Erich proposes to abandon the portion of Dagenhart from the 30' unimproved alley to the west to Garner Bagnal Blvd in the east. No developed properties rely on this portion of Dagenhart St for access.
- Sowers St is a paved, open street with curb and gutter, with a variable width (40'-50') right-of-way. Sowers St runs north to south. Mr. Erich proposes to abandon the portion beginning at the proposed new property line in the north, to Garner Bagnal Blvd in the south.

All parcels dependent upon these streets for access are held by *Diamond Hill Mini Storage Holding LLC*, a company owned by the applicant. After road abandonment, all of these parcels are planned to be combined into a unified site, meaning that no parcel will lose access as part of this abandonment.

There is currently a city-maintained electric line that runs along the Dagenhart St right-of-way, and water and sewer lines that run along the Sowers St right-of-way (see attached survey). The applicant has coordinated with the electric department to move the line and establish a new 30' easement for continuous maintenance after the site develops. Additionally, the public works department has agreed to the abandon the portion of the water and sewer line at the proposed new property line and turn it over to the applicant for private maintenance.

The abandonment process must follow the procedure from NCGS 160A-299. In accordance with these requirements, the public notification process, which includes four legal notice publications, certified mailing to adjoining property owners, and post of the *Resolution of Intent* on the right of way has been completed. council must conduct a public hearing.

On December 6, 2021 City Council passed the Resolution of Intent to Close Sowers & Dagenhart, which is the first action required in the process. Councilman Staford asked if

the city could require purchase of the right-of-way to be abandoned, according to our city attorney, that would not be legal.

Staff recommends that Council pass the resolution to abandon, and the Declaration of Withdrawal, contingent upon the following:

- Recombination by plat of all parcels adjoining the streets to be abandoned, all currently held by Diamond Hill Mini Storage, LLC.
- Establishment of an agreement with the electric department for a new 30' maintenance easement for electric lines across the newly combined property.
- Abandonment through the public works department of the existing water and sewer lines underneath Sowers Street.

The petitioner must recombine all parcels adjoining the streets to be abandoned, establish an easement agreement with the electric department, and abandon the water and sewer line through the public works department.

Council member Staford said he is in favor of the closing, but he would like to ask the owner to do some landscaping beautification along Garner Bagnal Boulevard.

Sherry Ashley stated that the City cannot require the applicant to do anything above and beyond what the ordinance requires.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak in favor or in opposition to this item.

Tom Bost representing the applicant came forward to answer any questions. In response to Council member Staford's request, he said the applicant would be agreeable to adding landscaping along Garner Bagnal Boulevard.

There being no other speakers, Mayor Kutteh declared the public hearing closed and asked for a motion.

Council member Morgan made a motion to approve a Resolution to permanently close a portion of an opened, dedicated right-of way known as Dagenhart Street and a portion of an opened, dedicated right-of-way known as Sowers Street, seconded by Council member S. Johnson. The motion carried unanimously.

Council member Staford said he sees this project as a win for the City and he does not see any harm to the existing neighboring properties from it.

XI Consider passing second reading of TA21-05: Text Amendment to the Unified Development Code filed by the City of Statesville to amend: Article 6. Development Standards, Section 6.08 Design Standards for Non-Residential Developments.

Sherry Ashley stated that in recent months, three issues have been identified that necessitate amendments to the Unified Development Code (UDC). They concern: 1) multi-family parking in the Central Business (CB) zoning district and density/unit count in the CB, Central Business Perimeter (CBP) and Highway 115/Shelton Avenue Corridor (H-115) districts; 2) an unnecessary lot depth requirement; and 3) clarifying requirements for the use of metal building siding as a material for non-residential uses in all zoning districts except the industrial (LI and HI) districts. On October 18, 2021, City

Council postponed both text amendments to further discuss at a works session. The work session was held on November 1, 2021. Results from the work session included further researching parking requirements for multi-family in the downtown, amending lot depth from 110 feet to 100 feet, adding no exposed fasteners and keeping 30% metal on service facades. On September 28, 2021, the Planning Board voted unanimously to recommend approval of TA21-05 with two significant modifications related to metal siding used as a building material:

- a. permitting metal siding to be used not exceeding 30% for any façade visible from public streets, parking and/or drive-thru areas; and
- b. permitting metal siding to be used up to 100% for service façades not visible from public streets, parking and/or drive-thru areas.

The results of the November 1, 2021 work session, were shown at the December 20, 2021 meeting. After further discussion the lot depth was removed, and Councilman Steve Johnson proposed a motion to change the section regarding metal materials to increase the percentage and clarify the type of metal materials.

Council member reviewed additional changes he would like to be made.

Council member Staford said he would like the line “existing neighboring properties” to be left in the ordinance. Council member S. Johnson said that the instances of what Staford is referring to would be very few.

Council agreed to add “public parking”.

Council member S. Johnson made a motion to approve 2nd reading of TA21-05: Text Amendment to the Unified Development Code filed by the City of Statesville to amend: Article 6. Development Standards, Section 6.08 Design Standards for Non-Residential Developments, seconded by Council member Morgan. The vote on the motion was as follows:

Ayes: S. Johnson, Morgan, J. Johnson, Lawton, Foster, Jones

Nays: Staford, Allison

Motion Carried: 6-2

XII City Manager’s Report (Smith)

None

XIII Boards and Commission Updates

November 16, 2021 - Design Review Commission meeting minutes

November 17, 2021 - Airport Commission meeting minutes

November 18, 2021 - Stormwater Advisory Committee meeting minutes

December 1, 2021 - Technical Review Committee meeting minutes

December 15, 2021 - Technical Review Committee meeting minutes

XIV Other Business

None

XV Closed Session (After Pre-Agenda if needed)

None

XVI Adjournment

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

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Scott Harrell, Assistant City Manager
Brian Roberts, Finance Director

DATE: February 9, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider adopting a Capital Project Fund ordinance for the Waterline Replacement Project.

- 1. Summary of Information:** The Waterline Replacement Project consists of replacing the water main that extends from the water treatment plant on Pump Station Rd through downtown to the City's connection with the Town of Troutman on US 21. This project scored as the highest priority project in the 2020 water system condition assessment study. The project has been divided into three phases; the estimated cost for all three phases is \$20,000,000.

The City of Statesville has been awarded a grant through the State Fiscal Recovery provided by the 2021 American Rescue Plan for water and sewer infrastructure projects. The grant is in the amount of \$20,000,000, payable on a reimbursement basis. The Waterline Replacement Project is an eligible project for these grant funds. Establishing a capital project fund will provide a mechanism for tracking project costs in support of internal auditing, required grant reporting and reimbursement requests.

- 2. Previous Council or Relevant Actions:** Council authorized a design services contract for this project with Highfill Infrastructure Engineering on February 7, 2022.
- 3. Budget/Funding Implications:** The project will be funded by ARP funds via the State Fiscal Recovery Fund.
- 4. Consequences for Not Acting:** Project costs will be administered through the Water/Sewer Fund Water Maintenance Division operating budget.
- 5. Department Recommendation:** Staff recommends adopting the Project Fund Ordinance.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** Finance Staff will enter the new fund into accounting software.

Attachments:

1. Capital Project Fund Ordinance

ORDINANCE NO. ____

**AN ORDINANCE ESTABLISHING THE
WATERLINE REPLACEMENT PROJECT FUND**

WHEREAS, the City Council of the City of Statesville desires to replace the water main that extends from the water treatment plant on Pump Station Rd through downtown to the City's connection with the Town of Troutman on US 21, and

WHEREAS, the City Council of the City of Statesville has been awarded a grant through the State Fiscal Recovery provided by the 2021 American Rescue Plan to cover professional services and construction of the project, and

WHEREAS, the scope and timeline of the capital project will potentially cross fiscal years, and

WHEREAS, North Carolina General Statutes §159-13.2 authorizes the adoption of a capital project budget ordinance, and

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Statesville that there is hereby adopted a Capital Project Budget Ordinance setting forth the following revenues and expenditures for the life of the project:

REVENUES:

Grant Revenues	\$20,000,000
----------------	--------------

EXPENDITURES:

Project Expenditures	\$20,000,000
----------------------	--------------

Duly adopted this ____ day of _____, 2022.

Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Chief Finance Officer
DATE: February 8, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving an audit contract for fiscal year ending June 30, 2022 with Martin Starnes & Associates, CPA's, P.A.

1. **Summary of Information:** In accordance with NC General Statutes, the City is required to have an annual independent audit. Martin Starnes & Associates, CPAs, P.A. (MSA) from Hickory, NC has conducted the City's annual independent audit for the previous six years based on their original proposal. MSA is a widely respected firm for governmental audits in North Carolina and our previous engagement should be considered successful.

Council agreed to continue the relationship last year on a year-to-year basis. MSA has approached staff with an offer to continue that if we desire. The previous year's audit fee was \$57,485 and their proposed rate for the current year is an 11% increase to \$63,860. This includes drafting financial statements and single audit fees up to 3 programs.

2. **Previous Council or Relevant Actions:** Council has approved the audit contract each year as required.
3. **Budget/Funding Implications:** The contracted amount will be budgeted in the FY2023 budget in Finance Admin – Professional Services.
4. **Consequences for Not Acting:** Staff will pursue other auditor engagements. The City would violate the Statute if there is no engagement.
5. **Department Recommendation:** Approve as presented.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Auditor will submit contract for LGC approval. Staff will engage auditor for fieldwork.

Attachments:

1. Engagement letter
2. MSA contract

MARTIN ♦ STARNES & ASSOCIATES, CPAs, P.A.

"A Professional Association of Certified Public Accountants and Management Consultants"

February 3, 2022

Brian Roberts, Chief Finance Officer
City of Statesville
PO Box 1111
Statesville, NC 28687-1111

You have requested that we audit the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Statesville, NC, as of June 30, 2022, and for the year then ended, and the related notes to the financial statements, which collectively comprise the City of Statesville's basic financial statements as listed in the table of contents.

In addition, we will audit the entity's compliance over major federal and state award programs for the period ended June 30, 2022. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the entity's major federal and state award programs. The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and in accordance with *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the entity complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and *Government Auditing Standards*, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America require that certain supplementary information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Law Enforcement Officers' Special Separation Allowance schedules
- Other Post-Employment Benefits' schedules
- Local Government Employees' Retirement System's schedules

Supplementary information other than RSI will accompany the City of Statesville's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- Combining and individual fund financial statements
- Budgetary schedules
- Other schedules
- Schedule of Expenditures of Federal and State Awards

Schedule of Expenditures of Federal and State Awards

We will subject the Schedule of Expenditures of Federal and State Awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the Schedule of Expenditures of Federal and State Awards is presented fairly in all material respects in relation to the financial statements as a whole.

The following additional information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information:

- Introductory section
- Statistical tables

We will make reference to the component unit auditor's audit of the City of Statesville ABC Board in our report on your financial statements.

Data Collection Form (if applicable)

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, Schedule of Expenditures of Federal and State Awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the Federal Audit Clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the Federal Audit Clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act. As part of an audit of financial statements in accordance with GAAS and in accordance with *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City of Statesville's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is

properly planned and performed in accordance with GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the City of Statesville's basic financial statements. Our report will be addressed to the governing body of the City of Statesville. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of the City of Statesville's major federal and state award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended, the Uniform Guidance, and the State Single Audit Implementation Act, and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and the State Single Audit Implementation Act and other procedures we consider necessary to enable us to express such an opinion on major federal and state award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance and the State Single Audit Implementation Act require that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal and state award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the entity's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, the Uniform Guidance, and the State Single Audit Implementation Act will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal or state programs as a whole.

As part of a compliance audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal and state programs and, performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs, and performing such other procedures as we consider necessary in the circumstances. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Also, as required by the Uniform Guidance and the State Single Audit Implementation Act, we will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal and state award programs. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal and state award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
3. For identifying, in its accounts, all federal and state awards received and expended during the period and the federal and State programs under which they were received;
4. For maintaining records that adequately identify the source and application of funds for federal and state funded activities;
5. For preparing the Schedule of Expenditures of Federal and State Awards (including notes and noncash assistance received) in accordance with the Uniform Guidance and State Single Audit Implementation Act;
6. For designing, implementing, and maintaining effective internal control over federal and state awards that provides reasonable assurance that the entity is managing federal and state awards in compliance with federal and state statutes, regulations, and the terms and conditions of the federal and state awards;
7. For identifying and ensuring that the entity complies with federal and state laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal and state award programs, and implementing systems designed to achieve compliance with applicable federal and state statutes, regulations and the terms and conditions of federal and state award programs;
8. For disclosing accurately, currently and completely the financial results of each federal and state award in accordance with the requirements of the award;

9. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
10. For taking prompt action when instances of noncompliance are identified;
11. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
12. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
13. For submitting the reporting package and data collection form to the appropriate parties;
14. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
15. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including the disclosures, and relevant to federal and state award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit;
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
 - d. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report (if applicable); and
 - e. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report (if applicable).
16. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year or period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
17. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
18. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
19. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant roles in internal control and others where fraud could have a material effect on compliance;
20. For the accuracy and completeness of all information provided;
21. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
22. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the Schedule of Expenditures of Federal and State Awards referred to above, you acknowledge and understand your responsibility (a) for the preparation of the Schedule of Expenditures of Federal and State Awards in accordance with the Uniform Guidance and the State Single Audit Implementation Act, (b) to provide us with the appropriate written representations regarding the Schedule of Expenditures of Federal and State Awards, (c) to include our report on the Schedule of Expenditures of Federal and State Awards in any document that contains the Schedule of Expenditures of Federal and State Awards and that indicates that we have reported on such schedule, and (d) to present the Schedule of Expenditures of Federal and State Awards with the audited financial statements, or if the schedule will not be presented with the audited financial statements, to make the audited basic financial statements readily available to the intended users of the Schedule of Expenditures of Federal and State Awards no later than the date of issuance by you of the schedule and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Nonattest Services

We will perform the following nonattest services:

- Draft of financial statements and footnotes
- GASB 34 conversion entries
- Preparation of auditor portions of Data Collection Form
- Preparation of LGC's data input worksheet

We will not assume management responsibilities on behalf of the City of Statesville. However, we will provide advice and recommendations to assist management of the City of Statesville in performing its responsibilities.

The City of Statesville's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account codings and approving journal entries.

Other

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

During the course of the engagement, a portal will be in place for information to be shared, but not stored. Our policy is to terminate access to this portal after one year. The City is responsible for data backup for business continuity and disaster recovery, and our workpaper documentation is not to be used for these purposes.

Provisions of Engagement Administration and Fees

Marcie Spivey is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Martin Starnes & Associates, CPAs, P.A.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report. To ensure that our independence is not impaired under the AICPA Code of Professional Conduct, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our fees for these services are as follows:

Audit Fee	\$ 50,360
Financial Statement Drafting	10,000
Other Non-Attest Services	-
	<u>\$ 60,360</u>

Additional Fees:

Charge per major program in excess of 3	<u>\$ 3,500</u>
---	-----------------

Our invoices for these fees will be rendered in four installments as work progresses and are payable upon presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for non-payment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination.

We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the City of Statesville's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

We want our clients to receive the maximum value for our professional services and to perceive that our fees are reasonable and fair. In working to provide you with such value, we find there are certain circumstances that can cause us to perform work in excess of that contemplated in our fee estimate.

Following are some of the more common reasons for potential supplemental billings:

Changing Laws and Regulations

There are many governmental and rule-making boards that regularly add or change their requirements. Although we attempt to plan our work to anticipate the requirements that will affect our engagement, there are times when this is not possible. We will discuss these situations with you at the earliest possible time in order to make the necessary adjustments and amendments in our engagement.

Incorrect Accounting Methods or Errors in Client Records

We base our fee estimates on the expectation that client accounting records are in order so that our work can be completed using our standard testing and accounting procedures. However, should we find numerous errors, incomplete records, or the application of incorrect accounting methods, we will have to perform additional work to make the corrections and reflect those changes in the financial statements.

Failure to Prepare for the Engagement

In an effort to minimize your fees, we assign you the responsibility for the preparation of schedules and documents needed for the engagement. We also discuss matters such as availability of your key personnel, deadlines, and work space. If your personnel are unable, for whatever reasons, to provide these items as previously agreed upon, it might substantially increase the work we must do to complete the engagement within the scheduled time.

Starting and Stopping Our Work

If we must withdraw our staff because of the condition of the client's records, or the failure to provide agreed upon items within the established timeline for the engagement, we will not be able to perform our work in a timely, efficient manner, as established by our engagement plan. This will result in additional fees, as we must reschedule our personnel and incur additional start-up costs.

Our fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our fees for such services range from \$75-\$300 per hour.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to management and those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;

- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Martin Starnes & Associates, CPAs, P.A. and constitutes confidential information. However, we may be requested to make certain audit documentation available to the Local Government Commission, Office of the State Auditor, federal or State agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Martin Starnes & Associates, CPAs, P.A.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm to the Contract to Audit Accounts for your consideration and files.

Please sign and return a copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements and compliance over major federal and state award programs, including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

Martin Starnes & Associates, CPAs, P.A.

Martin Starnes & Associates, CPAs, P.A.
Hickory, North Carolina

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of the City of Statesville by:

Name: _____

Title: _____

Date: _____

The of and	Governing Board City Council
	Primary Government Unit City of Statesville, NC
	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Martin Starnes & Associates, CPAs, P.A.
	Auditor Address 730 13th Avenue Dr. SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/22	Audit Report Due Date 10/31/22

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.
2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)(G.S. 159-34 and 115C-447) All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

Brian Roberts

Chief Finance Officer, City of Statesville

broberts@statesvillenc.net

OR Not Applicable ☐ (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

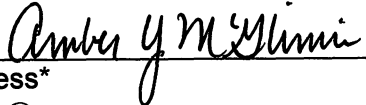
Primary Government Unit	City of Statesville, NC
Audit Fee	\$ See engagement letter
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ See engagement letter
Writing Financial Statements	\$ See engagement letter
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 43,113.75

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 0.00

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 02/03/22	Email Address* amcghinnis@msa.cpa

GOVERNMENTAL UNIT

Governmental Unit*	
City of Statesville, NC	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)* Constantine H. Kutteh, Mayor	Signature*
Date	Email Address ckutteh@statesvillenc.net

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Brian L. Roberts, Chief Finance Officer	Signature*
Date of Pre-Audit Certificate*	Email Address* broberts@statesvillenc.net

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
 Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
 required signatures prior to submission.

PRINT



Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the
Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 4, 2021

Raleigh

4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

Durham

3500 Westgate Drive
Suite 203
Durham, North Carolina 27707

919 354 2584
919 489 8183 FAX

Pittsboro

579 West Street
Post Office Box 1399
Pittsboro, North Carolina 27312

919 542 6000
919 542 5764 FAX

Smithfield

212 East Church Street
Post Office Box 2348
Smithfield, North Carolina 27577

919 934 1121
919 934 1217 FAX

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Ferguson, Airport Manager
DATE: February 9, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving two agricultural leases on property located near the airport.

1. **Summary of Information:** These are two annual agricultural leases for property near the airport. The first is for Bethlehem Road in the amount of \$535.00 by Mr. Robbin Rogers. The other is for property at the intersection of Buffalo Shoal Road and Old Airport Road in the amount of \$5,736.00 from Mr. Phil McClain. Both leases were publicly bid on the city web page and the NC Department of Administration web site. Both bids are 3% higher than the previous year.
2. **Previous Council or Relevant Actions:** Last approved in December of 2020.
3. **Budget/Funding Implications:** If leases are not approved, it would result in a loss of revenue.
4. **Consequences for Not Acting:** If leases are not approved, it would result in a loss of revenue.
5. **Department Recommendation:** Staff recommends approval.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** If approved – obtain signatures and execute the leases.

Attachments:

1. McLain draft lease
2. Rogers draft lease
3. NC DOA bid notification

NORTH CAROLINA
IREDELL COUNTY

LEASE

THIS LEASE, made and entered into this the 1st day of January, 2022, by and between THE CITY OF STATESVILLE, a municipal corporation, duly organized and existing under and by virtue of the Laws of the State of North Carolina, situated in Iredell County, North Carolina, hereinafter referred to as Lessor, and Phil McClain, a private individual residing at 964 Snow Creek Road Statesville, NC 28625 hereinafter referred to as Lessee;

WITNESSETH:

That subject to the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee, and Lessee does hereby accept as tenant of Lessor, certain existing agricultural land situated at Bethlehem Road in Iredell County, a more precise description of said premises hereinafter set forth. That the terms and conditions above referred to are as follows:

1. That the term of this lease shall be a period of one (1) year, beginning on the 1st day of January 2022; and terminating on the 31st day of December, 2022.
2. That the rent for said lease shall be \$535.00 for one year.
3. That the premises leased are more particularly described in Exhibit "A".
4. The Lessee will use the demised premises for propagation of crops. The Lessee hereby agrees to make no illegal or improper use of said facilities and that all planting shall be carried out by "no till" method unless approval is given by Lessor for another method of tilling the soil.
5. Lessee shall have no right to remove timber, soil, or to change the drainage characteristics of the land. Lessee shall not create additional means of ingress or egress and shall not traverse on any wetlands or streams without prior written permission of Lessor.
6. The Lessee shall pay all expenses related to the propagation of crops and the Lessor shall make no claim as to or be responsible for the condition of the soil. Lessor shall not compensate Lessee for any improvements made to the land without written agreement.
7. That the Lessee shall and hereby does keep, save, and forever hold harmless, Lessor from any liability of any kind for any personal injury or property damage arising from or out of the use of or occupancy of the property. Moreover, Lessee shall indemnify and defend Lessor and the leased property at Lessee's expense, against all claims, expenses, and liabilities, including attorney fees, which may be imposed upon, incurred by, or asserted against Lessor arising out of the use or occupancy of the demised premises. This paragraph shall not be construed to

require the Lessee to indemnify or hold the Lessor harmless against any claims resulting from the negligence of the Lessee.

8. That the Lessee shall keep in force at all times during the term of this lease adequate and sufficient comprehensive insurance coverage in a company approved by Lessor insuring Lessor's employees, if any, for Worker's Compensation and property damage in a manner and for amount specified herein. Unless waived in writing by Lessor, all policies of insurance shall be written in the same company. Each policy of insurance shall contain a provision requiring thirty (30) days written notice prior to cancellation or non-renewal of any policy. As a minimum, Lessee shall at all times keep in force the following policies and coverage:
 - a. The minimum acceptable policy limits shall be \$350,000.00 each person - \$350,000.00 each accident for bodily injury, and \$350,000.00, each person; \$25,000.00 each accident for property damage.
9. That the Lessee has inspected the premises prior to executing this lease and knows the condition thereof and accepts said premises as the same are now. During the term of this lease, Lessee will, at his expense, keep the premises clean, neat, free from rubbish, and in a presentable manner.
10. That the Lessee shall be responsible for the maintenance and repair of all roads used by the Lessee on the premises.
11. That upon the expiration or earlier termination of this lease, all fixtures, improvements, and appliances installed by the Lessee may be removed by the Lessee provided no defacement, damage or disfigurement is caused by said removal, then the Lessee shall pay for the costs incurred in restoring said premises to its original condition.
12. It is further understood and agreed that Lessor shall cooperate with Lessee in every reasonable way to time the termination of the lease and use of the property with the harvesting of the crop. Should the Lessor be required to take possession of the site prior to the Lessee harvesting a crop the Lessor shall compensate the Lessee up to the value of the annual rent. The Lessor shall have the right to enter the premises to conduct soil tests and any other uses that do not interfere with the purpose of the Lessee and shall also have the right to refuse to any renewals of this lease.
13. Lessee hereby covenants and agrees with Lessor that it will not use, or permit said premises to be used for any unlawful purpose or permit thereof anything which may be or become a nuisance, or cause damage to the property. Further, Lessee agrees that it will not, during the term of this lease, use or permit said premises to be used in violation of any state or federal law or ordinance of the City of Statesville.
14. Lessee agrees to operate the leased premises for his exclusive use and benefit.

15. In the event of failure to pay any installment of rent on the due date, or upon the breach of any of the covenants or agreements herein contained, or if Lessee goes into bankruptcy, voluntarily or involuntarily, or becomes insolvent, or it is for the benefit of creditors, or files a petition pursuant to any federal or state law for the extension of his debts or for reorganization, or if his stock of goods, wares and merchandise located on the premises should be seized under attachment, execution or other process and such attachment, execution be not vacated or such property leased within fifteen (15) days then, and in any one of such events, Lessor may, after five (5) days written notice to Lessee:
 - a. Declare the full rental for the entire period due and payable immediately and resort to any and all remedies at law or in equity for the enforcement of its rights to recover damages for the breach of covenants herein contained; and,
 - b. Enter and take possession of the leased premises and thereafter hold the same free of any rights of Lessee to use said premises, notwithstanding the taking of possession, Lessor shall have the right to recover from Lessee any and all sums which may be due under the terms of this lease.
16. In the event that the crops are partially destroyed by fire or storm, drought or other casualty and it appears as though the Lessee has abandoned the leasehold, Lessor may, at its option, declare the lease void. In the event Lessor elects to restore the premises, it shall do so within a reasonable period of time and during the period in which the premises are untenable, the monthly rental shall be abated to the extent that the use of the premises by the Lessee is diminished. In the event the Lessor elects not to restore the premises, the lease shall be terminated. Further, in the event of total destruction of the premises by fire, storm, drought or other casualty, then either party to this agreement may elect to terminate same and may do so by giving written notice to the other party within fifteen (15) days of the casualty. However, if said premises are partially or totally destroyed as a result of the negligence of the Lessee, said rights hereinabove stated are not enforceable.
17. That the Lessee shall have the right to post "no trespassing" signs on the property with the understanding that such posting shall not apply to employees or agents of the City of Statesville.
18. That the Lessee shall not assign or sublet the premises leased hereunder and that any attempt to do so shall result in the option to the Lessor to immediately terminate the lease. The Lessee shall not alter, construct or pave any structures, roads or parking areas without the written consent of the City of Statesville.
19. This lease contains the entire agreement and understanding between the parties. There are no oral understandings, terms or conditions and neither party has relied upon any representation,

express or implied, not contained in the lease. This lease may not be changed orally but only by an agreement in writing signed by both parties.

20. If any provision of this lease shall be declared invalid or unenforceable, the remainder of the lease shall continue in full force and effect.
21. The specified remedies to which Lessor may resort under the terms of this lease are cumulative and are not intended to be exclusive of any other remedies or means of redress to which Lessor may be lawfully entitled in case of any breach or threaten of breach by Lessee of any of the provisions of the lease.

IN WITNESS WHEREOF, Lessor and Lessee have caused their proper officers to set their hands and affix their seals hereto on the ____ day of _____, 2022.

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

Brenda Fugett, City Clerk

LESSEE

By: _____

NORTH CAROLINA
IREDELL COUNTY

LEASE

THIS LEASE, made and entered into this the 1st day of January 2022, by and between THE CITY OF STATESVILLE, a municipal corporation, duly organized and existing under and by virtue of the Laws of the State of North Carolina, situated in Iredell County, North Carolina, hereinafter referred to as Lessor, and Dale R. Rogers, a private individual residing at 619 East Main Ave Taylorsville, NC 28681 hereinafter referred to as Lessee;

WITNESSETH:

That subject to the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee, and Lessee does hereby accept as tenant of Lessor, certain existing agricultural land situated at Buffalo Shoals and Airport Road in Iredell County, a more precise description of said premises hereinafter set forth. That the terms and conditions above referred to are as follows:

1. That the term of this lease shall be a period of one (1) year, beginning on the 1st day of January 2022; and terminating on the 31st day of December, 2022.
2. That the rent for said lease shall be \$5,736.00 for one year.
3. That the premises leased are more particularly described in Exhibit "A".
4. The Lessee will use the demised premises for propagation of crops. The Lessee hereby agrees to make no illegal or improper use of said facilities and that all planting shall be carried out by "no till" method unless approval is given by Lessor for another method of tilling the soil.
5. Lessee shall have no right to remove timber, soil, or to change the drainage characteristics of the land. Lessee shall not create additional means of ingress or egress and shall not traverse on any wetlands or streams without prior written permission of Lessor.
6. The Lessee shall pay all expenses related to the propagation of crops and the Lessor shall make no claim as to or be responsible for the condition of the soil. Lessor shall not compensate Lessee for any improvements made to the land without written agreement.
7. That the Lessee shall and hereby does keep, save, and forever hold harmless, Lessor from any liability of any kind for any personal injury or property damage arising from or out of the use of or occupancy of the property. Moreover, Lessee shall indemnify and defend Lessor and the leased property at Lessee's expense, against all claims, expenses, and liabilities, including attorney fees, which may be imposed upon, incurred by, or asserted against Lessor arising out of the use or occupancy of the demised premises. This paragraph shall not be construed to

require the Lessee to indemnify or hold the Lessor harmless against any claims resulting from the negligence of the Lessee.

8. That the Lessee shall keep in force at all times during the term of this lease adequate and sufficient comprehensive insurance coverage in a company approved by Lessor insuring Lessor's employees, if any, for Worker's Compensation and property damage in a manner and for amount specified herein. Unless waived in writing by Lessor, all policies of insurance shall be written in the same company. Each policy of insurance shall contain a provision requiring thirty (30) days written notice prior to cancellation or non-renewal of any policy. As a minimum, Lessee shall at all times keep in force the following policies and coverage:
 - a. The minimum acceptable policy limits shall be \$350,000.00 each person - \$350,000.00 each accident for bodily injury, and \$350,000.00, each person; \$25,000.00 each accident for property damage.
9. That the Lessee has inspected the premises prior to executing this lease and knows the condition thereof and accepts said premises as the same are now. During the term of this lease, Lessee will, at his expense, keep the premises clean, neat, free from rubbish, and in a presentable manner.
10. That the Lessee shall be responsible for the maintenance and repair of all roads used by the Lessee on the premises.
11. That upon the expiration or earlier termination of this lease, all fixtures, improvements, and appliances installed by the Lessee may be removed by the Lessee provided no defacement, damage or disfigurement is caused by said removal, then the Lessee shall pay for the costs incurred in restoring said premises to its original condition.
12. It is further understood and agreed that Lessor shall cooperate with Lessee in every reasonable way to time the termination of the lease and use of the property with the harvesting of the crop. Should the Lessor be required to take possession of the site prior to the Lessee harvesting a crop the Lessor shall compensate the Lessee up to the value of the annual rent. The Lessor shall have the right to enter the premises to conduct soil tests and any other uses that do not interfere with the purpose of the Lessee and shall also have the right to refuse to any renewals of this lease.
13. Lessee hereby covenants and agrees with Lessor that it will not use, or permit said premises to be used for any unlawful purpose or permit thereof anything which may be or become a nuisance, or cause damage to the property. Further, Lessee agrees that it will not, during the term of this lease, use or permit said premises to be used in violation of any state or federal law or ordinance of the City of Statesville.
14. Lessee agrees to operate the leased premises for his exclusive use and benefit.

15. In the event of failure to pay any installment of rent on the due date, or upon the breach of any of the covenants or agreements herein contained, or if Lessee goes into bankruptcy, voluntarily or involuntarily, or becomes insolvent, or it is for the benefit of creditors, or files a petition pursuant to any federal or state law for the extension of his debts or for reorganization, or if his stock of goods, wares and merchandise located on the premises should be seized under attachment, execution or other process and such attachment, execution be not vacated or such property leased within fifteen (15) days then, and in any one of such events, Lessor may, after five (5) days written notice to Lessee:
 - a. Declare the full rental for the entire period due and payable immediately and resort to any and all remedies at law or in equity for the enforcement of its rights to recover damages for the breach of covenants herein contained; and,
 - b. Enter and take possession of the leased premises and thereafter hold the same free of any rights of Lessee to use said premises, notwithstanding the taking of possession, Lessor shall have the right to recover from Lessee any and all sums which may be due under the terms of this lease.
16. In the event that the crops are partially destroyed by fire or storm, drought or other casualty and it appears as though the Lessee has abandoned the leasehold, Lessor may, at its option, declare the lease void. In the event Lessor elects to restore the premises, it shall do so within a reasonable period of time and during the period in which the premises are untenable, the monthly rental shall be abated to the extent that the use of the premises by the Lessee is diminished. In the event the Lessor elects not to restore the premises, the lease shall be terminated. Further, in the event of total destruction of the premises by fire, storm, drought or other casualty, then either party to this agreement may elect to terminate same and may do so by giving written notice to the other party within fifteen (15) days of the casualty. However, if said premises are partially or totally destroyed as a result of the negligence of the Lessee, said rights hereinabove stated are not enforceable.
17. That the Lessee shall have the right to post "no trespassing" signs on the property with the understanding that such posting shall not apply to employees or agents of the City of Statesville.
18. That the Lessee shall not assign or sublet the premises leased hereunder and that any attempt to do so shall result in the option to the Lessor to immediately terminate the lease. The Lessee shall not alter, construct, or pave any structures, roads or parking areas without the written consent of the City of Statesville.
19. This lease contains the entire agreement and understanding between the parties. There are no oral understandings, terms or conditions and neither party has relied upon any representation,

express or implied, not contained in the lease. This lease may not be changed orally but only by an agreement in writing signed by both parties.

20. If any provision of this lease shall be declared invalid or unenforceable, the remainder of the lease shall continue in full force and effect.
21. The specified remedies to which Lessor may resort under the terms of this lease are cumulative and are not intended to be exclusive of any other remedies or means of redress to which Lessor may be lawfully entitled in case of any breach or threaten of breach by Lessee of any of the provisions of the lease.

IN WITNESS WHEREOF, Lessor and Lessee have caused their proper officers to set their hands and affix their seals hereto on the ____ day of _____, 2022.

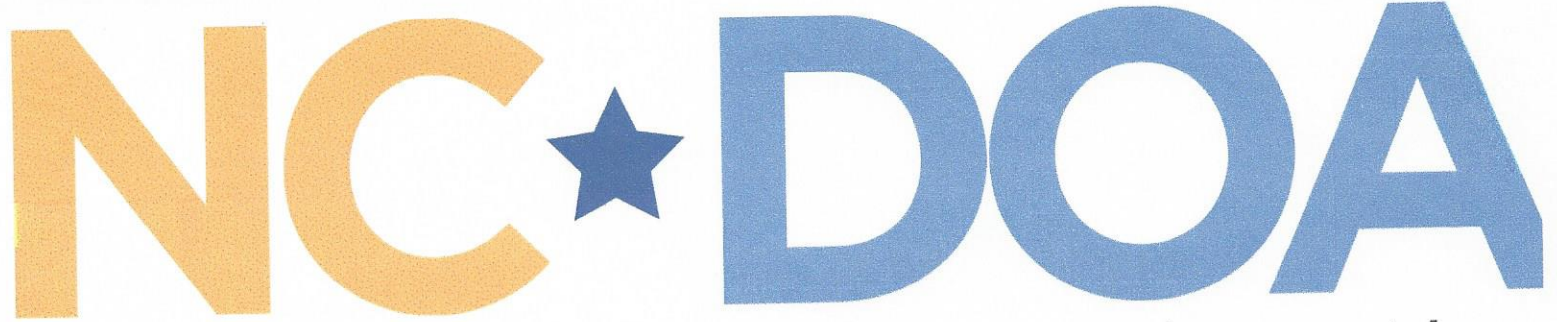
CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

Brenda Fugett, City Clerk

LESSEE

By: _____



Department of Administration

[DOA HOME](#)

City of Statesville- RFP-Lease of City Properties- Statesville, North Carolina

Event Description

Organization Information

Organization Submitting BID Notification

City of Statesville

BID Information

BID Due Time

2:00 pm

Zip-code

28677

Scope of Work

The City of Statesville is requesting written offers for leasing of 2 City owned properties. The lease term will be for one year and it is for agricultural use only. All interested parties are invited to submit a written offer. Please visit our website to download our RFPs for full details.

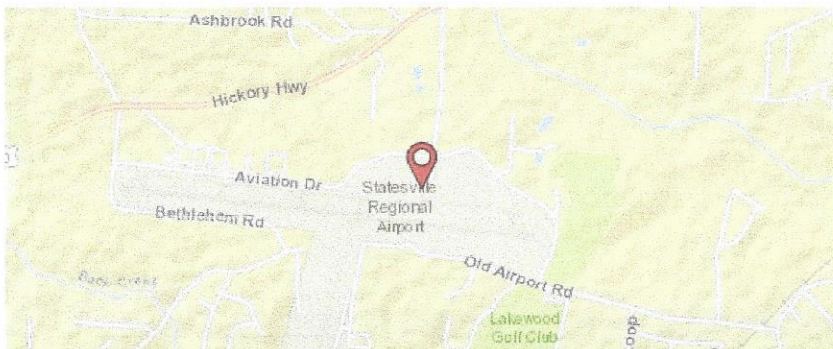
Project Information URL

www.statesvillenc.net/bidpostings (http://www.statesvillenc.net/bidpostings)

HUB vendors/contractors are encouraged to submit a bid for this project.

Pre-Bid Information**Pre-Bid Meeting**

No

Pre-Bid Meeting Mandatory or Optional**When and Where**

([https://maps.google.com/maps?](https://maps.google.com/maps?daddr=238%20Airport%20Rd%2C%20Statesville%2C%20NC%2028677%2C%20United%20States)

When:

Tuesday, January 18, 2022 - 2:00 p.m.

Where:

238 Airport Rd
Statesville, NC 28677
United States

Contact:

John Ferguson

jferguson@statesvillenc.net (<mailto:jferguson@statesvillenc.net>)

704-873-1111

Share this page:

Facebook

([https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fncadmin.nc.gov%2Fnews%2Fevents-](https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fncadmin.nc.gov%2Fnews%2Fevents-calendar%2F2022%2F01%2F18%2Fcity-statesville-rfp-lease-city-properties-statesville-north)

[calendar%2F2022%2F01%2F18%2Fcity-statesville-rfp-lease-city-properties-statesville-north](https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fncadmin.nc.gov%2Fnews%2Fevents-calendar%2F2022%2F01%2F18%2Fcity-statesville-rfp-lease-city-properties-statesville-north))



Twitter

([http://twitter.com/intent/tweet?url=https%3A%2F%2Fncadmin.nc.gov%2Fnews%2Fevents-](http://twitter.com/intent/tweet?url=https%3A%2F%2Fncadmin.nc.gov%2Fnews%2Fevents-calendar%2F2022%2F01%2F18%2Fcity-statesville-rfp-lease-city-properties-statesville-north)

[calendar%2F2022%2F01%2F18%2Fcity-statesville-rfp-lease-city-properties-statesville-north](http://twitter.com/intent/tweet?url=https%3A%2F%2Fncadmin.nc.gov%2Fnews%2Fevents-calendar%2F2022%2F01%2F18%2Fcity-statesville-rfp-lease-city-properties-statesville-north))

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Ferguson, Airport Manager
DATE: February 10, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider accepting a grant from the State for Fixed Based Operations equipment upgrades, hangar improvements and land acquisition in the amount of \$500,000. In addition, approve an ordinance establishing the Fixed Based Operations Improvement Fund.

1. **Summary of Information:** This grant will be administered through the NCDOT Aviation Division and is a 100% grant with no local match. Improvements include repairing hangar roof leaks, replacing hangar insulation, upgrade hangar lighting with LED lights, FBO operations equipment, and land acquisition expenses.
2. **Previous Council or Relevant Actions:** None
3. **Budget/Funding Implications:** None, 100% with no local match.
4. **Consequences for Not Acting:** Loss of grant
5. **Department Recommendation:** Staff recommends approval
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Upon approval, begin accepting bids for the equipment and improvement.

Attachments:

1. Budget Ordinance
2. Fund 519 Proposed Accounts

ORDINANCE NO. ____

**AN ORDINANCE ESTABLISHING THE
FIXED BASED OPERATIONS IMPROVEMENT FUND**

WHEREAS, the City Council of the City of Statesville desires to purchase new equipment for the fixed based operations, hangar improvements, and land acquisitions, and

WHEREAS, the City Council of the City of Statesville has been awarded a grant through the State Capital and Infrastructure Funds (SCIF) for contracted services and land acquisitions of the project, and

WHEREAS, the scope and timeline of the capital project will potentially cross fiscal years, and

WHEREAS, North Carolina General Statutes §159-13.2 authorizes the adoption of a capital project budget ordinance, and

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Statesville that there is hereby adopted a Capital Project Budget Ordinance setting forth the following revenues and expenditures for the life of the project:

REVENUES:

Grant Revenues	\$500,000
----------------	-----------

EXPENDITURES:

Project Expenditures	\$500,000
----------------------	-----------

Duly adopted this ____ day of _____, 2022.

Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

Account	Name	Type
519.0000.103.00.00	Cash & Cash Equivalents	Asset
519.0000.109.01.00	Mark to Market/Gain<Loss>	Asset
519.0000.116.04.00	Accounts Receivable, Net	Asset
519.0000.116.20.00	Interest Receivable	Asset
519.0000.116.75.00	Accrued Receivables	Asset
519.0000.133.11.00	Sales Tax - Contractors	Asset
519.0000.211.10.00	Due to Airport Operating Fund	Liability
519.0000.211.10.01	Due to General Fund	Liability
519.0000.220.00.00	Accounts Payable	Liability
519.0000.260.10.00	Retainage Payable	Liability
519.0000.280.17.00	Deferred Revenue	Liability
519.0000.297.00.00	Fund Balance	Equity
519.0000.340.79.00	NCDOT Aviation Grant XXXXXXXXXXXX	Revenue
519.0000.370.00.00	Investment Earnings	Revenue
519.0000.395.15.00	Transfers From Airport Improvement Fund	Revenue
519.6515.04.00	Professional Services	Expense
519.6515.45.00	Contracted Services - General	Expense
519.6515.75.00	Land Acquisition	Expense

Page Intentionally Left Blank

COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Turkessia Brown-Evans, Community Resource Coordinator
DATE: February 1, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider granting permission to the Statesville Police Department (SPD) staff to accept \$40,000 from the Department of Justice/US Attorney's Office for the purpose of supporting SPD's purchase of drones and license plate readers and approve Budget Amendment No. 2022-30.

1. Summary of Information: The Statesville Police Department restarted the Project Safe Neighborhoods Initiative in 2020 and because of the work and effort of the department, the US Attorney's Office offered additional PSN funding for any needed equipment. The North Carolina Gang Investigators Association is the Federal Award Agency for the US Attorney's Office. SPD received notification that a Grant Allocation of \$40,000 is approved. This allocation is a result of a submitted grant proposal and has no obligations attached. The allocated amount will be used to pay 100% for the following:

- (2) DJI Mavic 2 Enterprise Advanced Drones – \$7,796.74
- (1) UVT Live Tac Monitor Station – \$1,499
- (8) Flock System Advanced License Plate Readers – \$2,500+ \$250 Installation Fee per camera
- DJI Mavic 2 PRCS Elite Charging Station – \$518

Total: \$39,650.48

- 2. Previous Council or Relevant Actions:** Council granted SPD permission to apply for the grant during the February 1, 2021 meeting.
- 3. Budget/Funding Implications:** This is a one-time allocation of \$40,000 from DOJ/US Attorney's with no match for the City of Statesville. SPD will be required to include the ongoing annual fee of \$2,500 per camera per year for the continued use of the Flock System service in the SPD budget.
- 4. Consequences for Not Acting:** If the City of Statesville does not accept this funding, SPD will request to purchase these items from SPD budget and seek other grant opportunities for equipment.
- 5. Department Recommendation:** The Statesville Police Department is requesting council accept DOJ/US Attorney's Office funding of \$40,000 and approve BA# 2022-30.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:**

Attachments:

- 1. BA# 2022-30

CITY OF STATESVILLE
BUDGET AMENDMENT #2022-30
 February 21, 2022
 FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
GENERAL FUND					
010.5100.340.40.00	Revenue	Other Revenue - Federal Funds	-	40,000	40,000
					-
		Total Revenues	<u>49,249,013</u>	<u>40,000</u>	<u>49,289,013</u>
010.5100	Expenditure	Police Department	23,924	40,000	63,924
		Total Expenditures	<u>49,249,013</u>	<u>40,000</u>	<u>49,289,013</u>

DESCRIPTION: To appropriate grant revenues and increase corresponding Police Department expenditures.

 Budget Officer



 Finance Director

APPROVED BY CITY COUNCIL:

 City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Richard Griggs, Recreation and Parks Director
DATE: February 09, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving the following request from Impact, Inc. regarding the Juneteenth Celebration: (1) Special Event Permit application, (2) road closure of West Broad Street from Meeting Street to Mulberry Street, from 7:00am to 10:00pm on June 18, 2022, (3) formal request that the City of Statesville be an official co-sponsor and provide in-kind services.

- 1. Summary of Information:** Impact, Inc. and other community volunteers are currently organizing the 2022 Juneteenth Celebration scheduled for Saturday, June 18th in Downtown Statesville. The organizing committee would appreciate the City's assistance in preparation of this important and impactful community event. In keeping with the City's Special Events Sponsorship Policy, they would like to make a formal request that the City of Statesville be an official co-sponsor of the event, providing in-kind services such as electrical hookups, security (if recommended by SPD), drop off and removal of barricades, sanitation pickup, trash and recycling containers, bleachers, and other services as approved by the City Manager. The organizing committee would like to host the event on West Broad Street from Meeting Street to Mulberry Street. The street will be used to accommodate vendors, information booths, activities, seating areas, as well as the stage for event entertainment. The requested street closure would accommodate setup (beginning at 7am) and breakdown (finishing by 10pm.) Traffic will be detoured by appropriate signage in a manner that will cause minimal inconvenience to the motoring public. Organizers are expecting approximately 1,000 people in attendance at the event.
- 2. Previous Council or Relevant Actions:** Until 2020, Impact hosted the Juneteenth Celebration on South Center Street and received approval from the City and the DOT to close South Center Street, between West Bell Street and Garfield Street. They also received in-kind support from the City similar to the current request.
- 3. Budget/Funding Implications:** In-kind services would primarily be personnel related (i.e. delivery and pickup of bleachers, barricades, trash receptacles, etc.). If a Police presence is recommended by the Statesville Police Department, the cost for officers would be split between the City and the event organizers.
- 4. Consequences of Inaction:** The Juneteenth Celebration would need to consider an alternative location, and would be required to coordinate a variety of services and support from outside contractors.
- 5. Staff Recommendation:** Approve the request as presented.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** Approve the co-sponsorship of the 2022 Juneteenth Celebration

Attachments:

1. Special Event Permit application
2. Road Closure Map



Application for Special Events Permit

I. General Information

EVENT NAME: Juneteenth 2022

EVENT DATE(S): June 18, 2022
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact Police Dept (878-3412) for more information.

LOCATION: West Broad Street – Mulberry Street to Meeting Street

IF THIS EVENT IS A PARADE: Please complete Route Description form.

SET-UP TIME (START/END): 7am – 11am

EVENT HOURS: 11am – 7pm

DISMANTLE HOURS (START/END): 7pm – 10pm

ESTIMATED ATTENDANCE: 1000

BASIS ON WHICH THIS ESTIMATE IS MADE: Previous annual Juneteenth Celebration events

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: IMPACT, INC (Juneteenth Committee)

ARE YOU A NON PROFIT CORPORATION? No Yes X If yes, are you 501c(3) X 501c(6) Place of Worship

APPLICANT NAME: Seifullah El-Amin TITLE: President

ADDRESS: Post Office Box 5144 CITY: Statesville STATE: NC ZIP: 28687

PHONE: 704-880-8086 FAX#: EMAIL: S_el_amin@hotmail.com

ON-SITE CONTACT: Adib El-Amin TITLE: Juneteenth Committee Chairman

ADDRESS: 1403 Peachcroft Road CITY: Charlotte STATE: NC ZIP: 28216

PHONE #: CELL PHONE #: 704-657-6609 EMAIL: aelaminapo@gmail.com

III. Brief Description of Event
Juneteenth is the celebration of the official ending of slavery. The event will consist of entertainment, food and dry goods vendors and community information.
IV. Street Closure Request (Attach map if necessary)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. West Broad Street – Mulberry Street to Meeting Street 6/18/22 7am – 10pm

2. Kelly Street – South entrance from West Broad Street 7am – 10pm

3.

V. Event Details

YES NO

☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes ☐ No ☐

☒ ☐ Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a business license? _____

☒ ☐ Does the event involve the **sale of non-food items**? If "YES" have you applied for a privilege license? _____

☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 1 Number of Band(s): 2-3 Amplification? Yes
Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

☐ ☒ Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

☒ ☐ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: 40 Will any tent exceed 400 sq. feet in area? ☒ NO ☐ YES

☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____

☒ ☐ Will you provide **portable toilets** for the general public attending your event? IF SO, how many? _____

☒ ☐ Will you require **electrical hookup** for the event? Generators? ☐ NO ☐ YES

☒ ☐ Will you require **access to water** for the event? Explain _____ Food vendors need access to water _____

☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____

☒ ☐ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____

☒ ☐ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____
If "YES" to above, have you notified the fire department? _____

☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event?

Downtown Statesville parking and Mitchell Community College parking

Notes:

1. Parking and buildings involved may be examined for ADA compliance.
2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event?

Trash and recycling receptacles and removal will be coordinated with the

City of Statesville Sanitation Department.

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing).

Return to:

April Nesbit, Deputy City Clerk

City of Statesville

227 S. Center Street, 2nd Floor, PO Box 1111, Statesville, NC 28687

Telephone: (704) 878-3583

Fax No. : (704) 878-3514

Email Address: anesbit@statesvillenc.net

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have a signed permit.
- * You will be required to notify property owners affected by the event before a special events permit is issued.
- * No permanent alterations to the street will be permitted.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the City for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the City for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Permit Official, in consultation with the Statesville Police Department, shall determine the number of officers needed to appropriately police street closures and for internal security, and the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application and fee received:

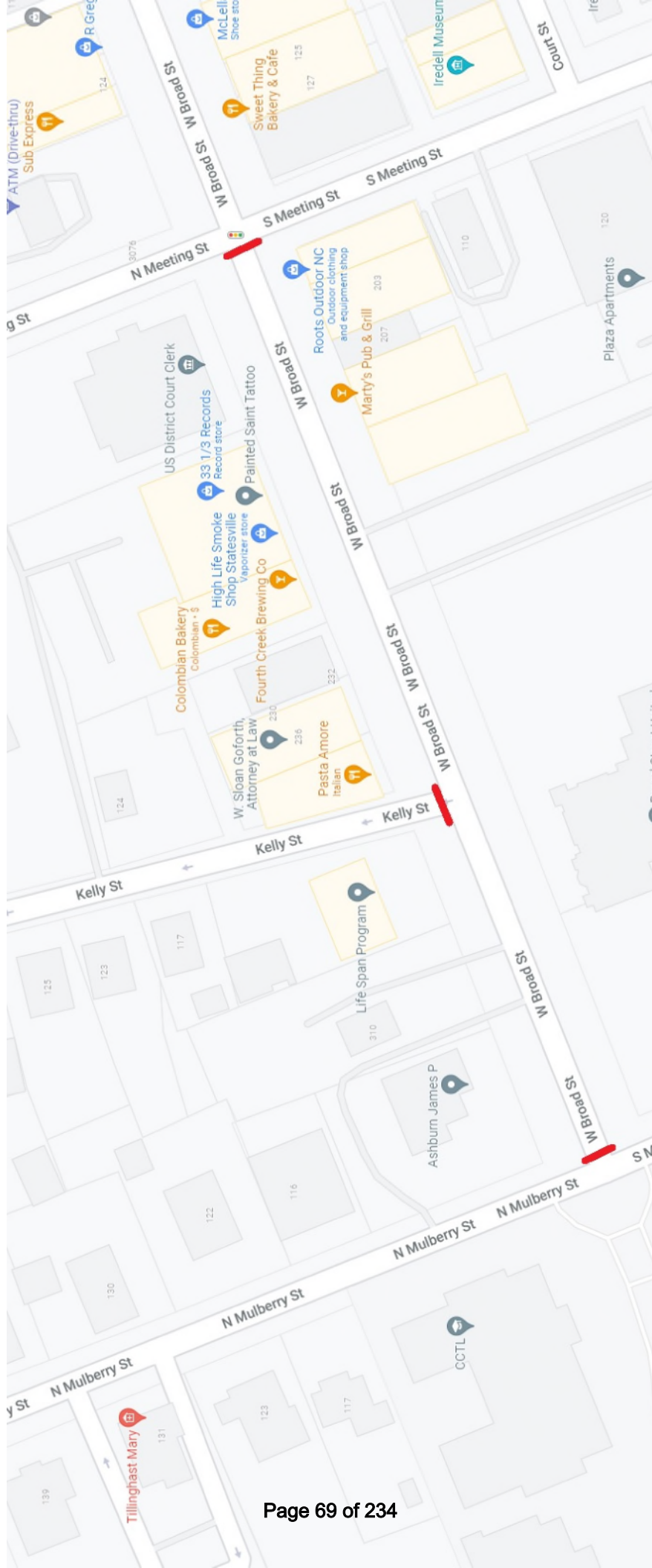
Approved by:

Police _____ Date: _____

Risk Manager _____ Date: _____

City Manager: _____ Date: _____

Application denied:



Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Richard Griggs, Recreation and Parks Director
DATE: February 10, 2022

ACTION NEEDED ON: February 21, 2022

(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider accepting payments from teams affiliated with CCL (Charlotte Cricket League) for Cochran Street field use for the upcoming Cricket season, and approve Budget Amendment No. 2022-31.

- 1. Summary of Information:** Teams associated with the Charlotte Cricket League are interested in converting Cochran Street Park to a Cricket Ground and using the facility for annual Cricket league play.

Cochran Street Park is currently underutilized and the potential for ongoing field use for a new sport would be a welcomed change in activity.

There are some necessary upgrades to prepare the park for Cricket play including the addition of a concrete Cricket Pitch pad (approximately 75ft. x 10ft.)

The field use payments deposit into the Recreation Department's Administration Division will help to fund the necessary upgrades to the facility for their season to begin in mid-March.

- 2. Previous Council or Relevant Actions:** Council has previously accepted restricted donations and payments and allowed the funds to be placed into specific accounts.
- 3. Budget/Funding Implications:** Total budgeted Revenues and Expenditures will be increased by \$3,000 so there is no adverse funding implication.
- 4. Consequences of Inaction:** Payments from CCL would be deposited into general revenues and the budget in the Administration Division would be reduced by \$3,000 limiting our opportunities for the remainder of this fiscal year.
- 5. Staff Recommendation:** Staff recommends accepting the payment from CCL and the placement of the funds in the Administration Division account.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** If approved, receive the payment from CCL and the place the funds in the Administration account.

Attachments:

1. BA #2022-31

CITY OF STATESVILLE
BUDGET AMENDMENT #2022-31
February 21, 2022
FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
GENERAL FUND					
010.6210.360.24.00	Revenue	Recreation - General	150,000	3,000	153,000
					-
		Total Revenues	<u>49,249,013</u>	<u>3,000</u>	<u>49,252,013</u>
010.6210	Expenditure	Recreation Administration	1,003,465	3,000	1,006,465
		Total Expenditures	<u>49,249,013</u>	<u>3,000</u>	<u>49,252,013</u>

DESCRIPTION: To appropriate funds from Charlotte Cricket League and increase corresponding Recreation expenditures.

Budget Officer



Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 8, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of an ordinance to annex properties located on Odessa Drive, Crawford Road and Jane Sowers Road – Annexation Request AX21-07 for PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 Peppercorn Plantation LTDP, Goforth Family Revocable Trust & Andrew H. Crawford Properties (NCPark 4077) .

- 1. Summary of Information:** The 5 properties being considered for annexation have been submitted by NorthPoint Development (applicant) on behalf of Peppercorn Plantation LTDP, Goforth Family Revocable Trust and Andrew H. Crawford (owners). They total 427.27 acres; are located on Crawford Road, Odessa Drive and Jane Sowers Road; and are labeled as follows on the Location Map: Iredell County Tax Parcel Identification 1. 4755-08-8835, 2. 4746-91-3400, 3. 4746-82-8574, 4. 4746-93-4062 & 5. 4756-01-8075 (*see attached Location Map*).

The parcels are currently wooded or agricultural use; the applicant proposes to develop the parcels for distribution use (*see attached GIS Aerial Photo Map, Boundary Survey and Site Photos*). The parcels are currently zoned Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville R-A (Rural-Agricultural) District; and an application is concurrently being processed to rezone all parcels to City of Statesville LI (Light Industrial) District (*see attached Current Zoning Map*).

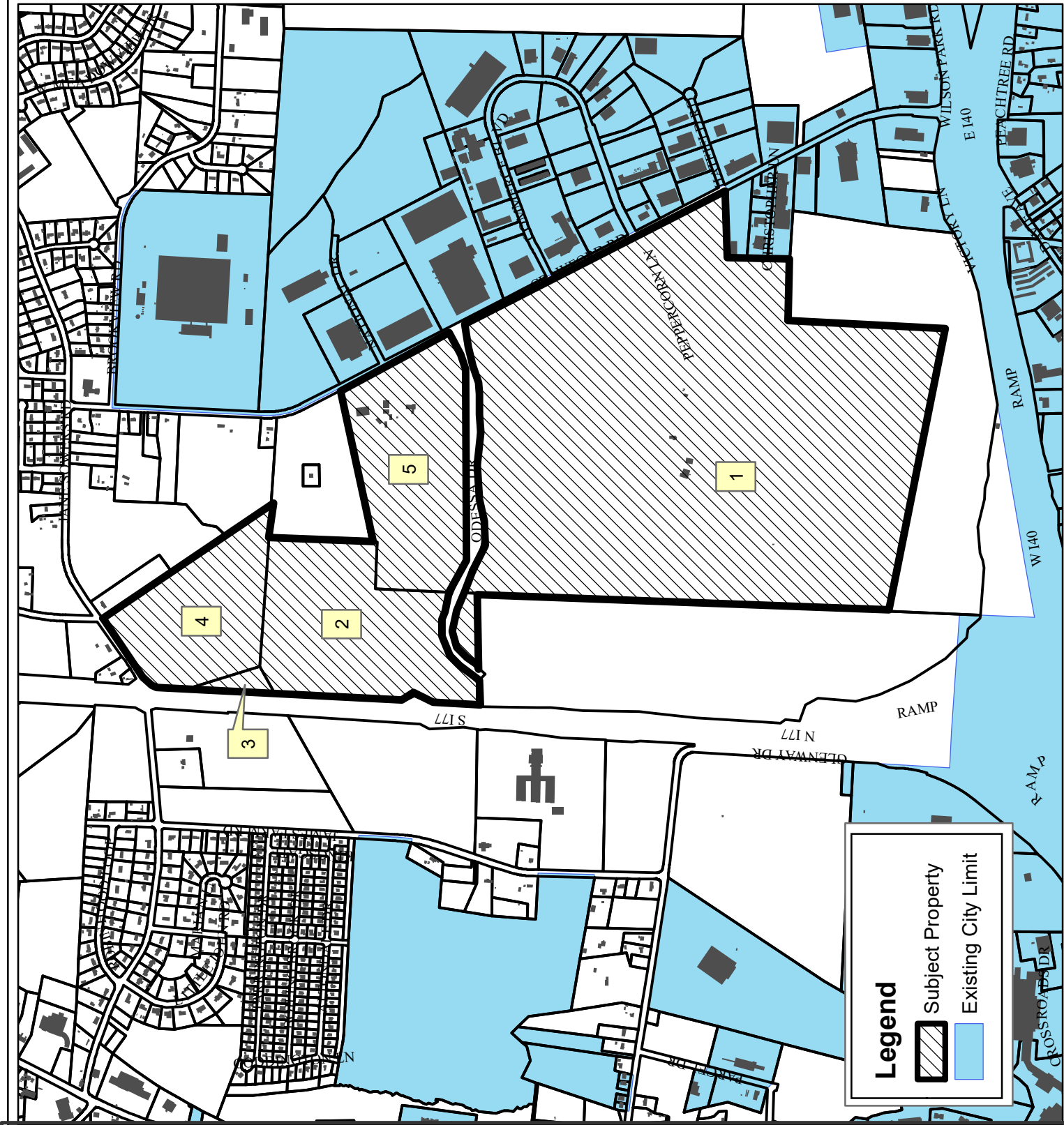
Parcel 1. 4755-08-8835 is within the City's extraterritorial jurisdiction (ETJ); the remaining four are in the Iredell County jurisdiction. All five parcels are contiguous to the primary corporate limits of the City of Statesville; therefore, the applicant requests voluntary annexation to utilize City utilities.

- 2. Previous Council or Relevant Actions:** This application is concurrent with Case No. ZC21-12 NCPark 4077 (Peppercorn).
- 3. Budget/Funding Implications:** The current tax value of the parcels is \$5,334,710. Although a project has not been submitted at this time, the applicant has estimated that the tax value of the land plus site improvements would be approximately \$200 Million. City of Statesville sewer and water services are available; electrical service is customer choice between the City and Energy United (*see attached Utilities Map*). The city will need to provide fire and police services as requested.
- 4. Consequences for Not Acting:** Without annexation the city would not be able to rezone the property or collect property taxes.

5. **Department Recommendation:** The department recommends passing the first reading of the ordinance to annex the subject properties located on Odessa Drive, Crawford Road and Jane Sowers Road.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading will be on March 7, 2022.

Attachments:

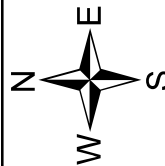
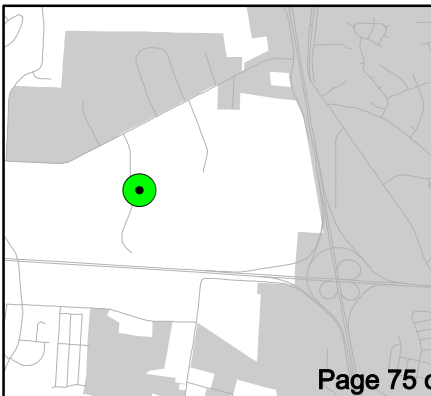
1. Location Map
2. GIS Aerial Photo Map
3. Boundary Survey
4. Site Photos
5. Current Zoning Map
6. Utilities Map
7. Ordinance



City of Statesville **Planning Department**

Peppercorn Plantation LTDP,
 Goforth & Crawford Properties
 AX21-07

PIN # 4755-08-8835, 4746-91-3400,
 4746-82-8574, 4746-93-4062 &
 4756-01-8075



0 1,000 2,000 Feet

1 inch = 1,250 feet





Case No. AX21-07 Peppercorn, Goforth & Crawford Properties
Aerial Photo Map – PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075



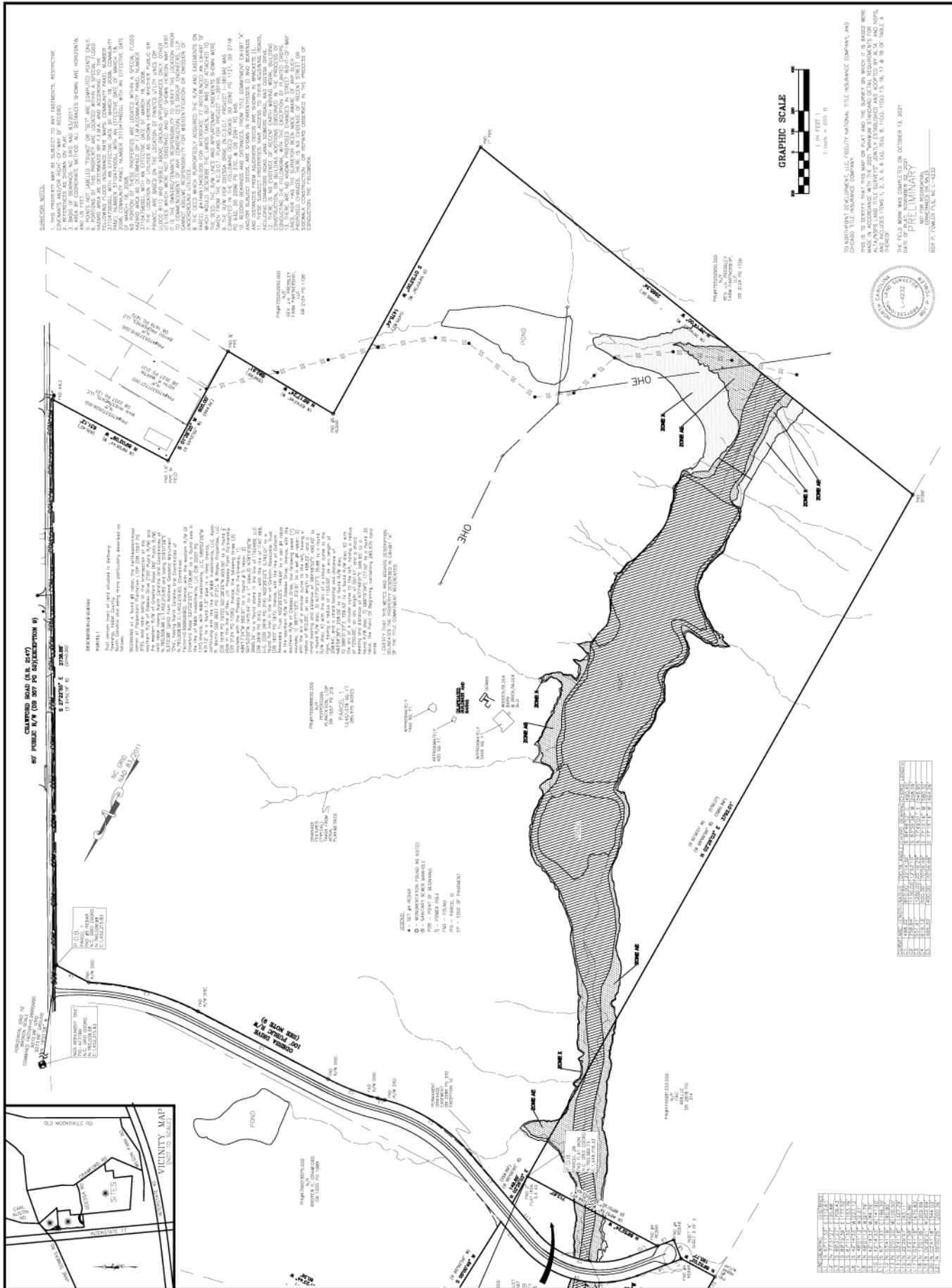
CES GROUP
ENGINEERS, LLP
NC FIRM LICENSE #71240
274 N. HWY. 16, SUITE 200
CARRINGTON, NC 27514
704.489.1500
www.ces-group.net



ALTA/NSPS LAND TITLE SURVEY OF TAXPARCELS
#47508888835.000, #4746913400.000,
#4746828574.000, & #4746934062.000,
BETHANY TOWNSHIP, IREDELL COUNTY, NORTH CAROLINA

PROJECT NUMBER: 7751	
DRAWING REVISIONS	
NO.	DATE
DRAWING TITLE: STATESVILLE PEPPER CORN DWG	
DRAWN BY: [blank]	
CHECKED BY: [blank]	SCALE: 1"=200'

SHEET NUMBER
1 OF 2

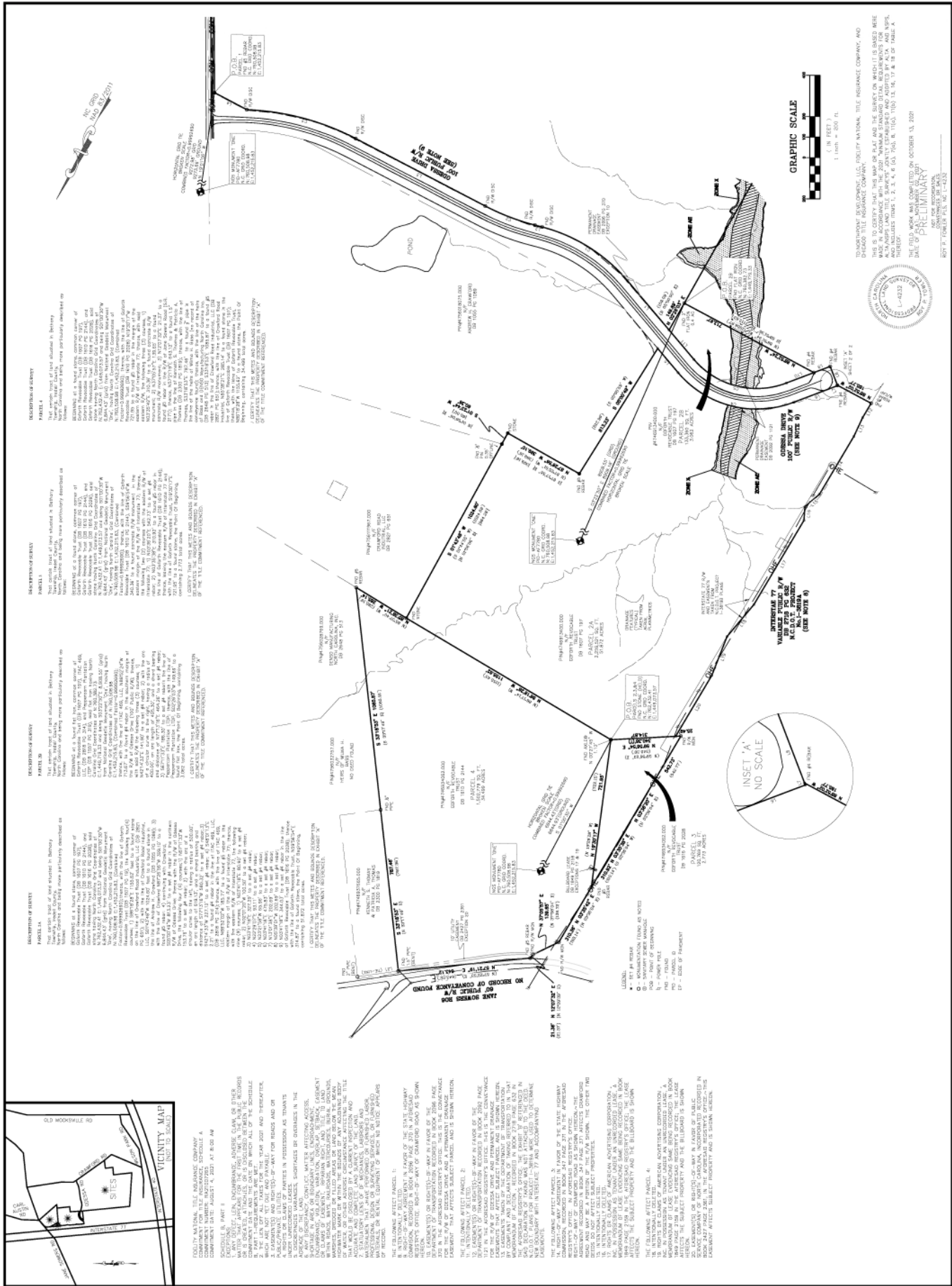




ALTA/NPS LAND TITLE SURVEY OF TAXPARCELS
#47550888835.000, #4746913400.000,
#4746828574.000, & #4746934062.000.
BETHANY TOWNSHIP, REDELL COUNTY, NORTH CAROLINA

[illegible]

20F2
SHEET NUMBER



Site Photos – AX21-07 Peppercorn, Goforth & Crawford (PIN #4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075) Crawford Road, Odessa Drive & Jane Sowers Road



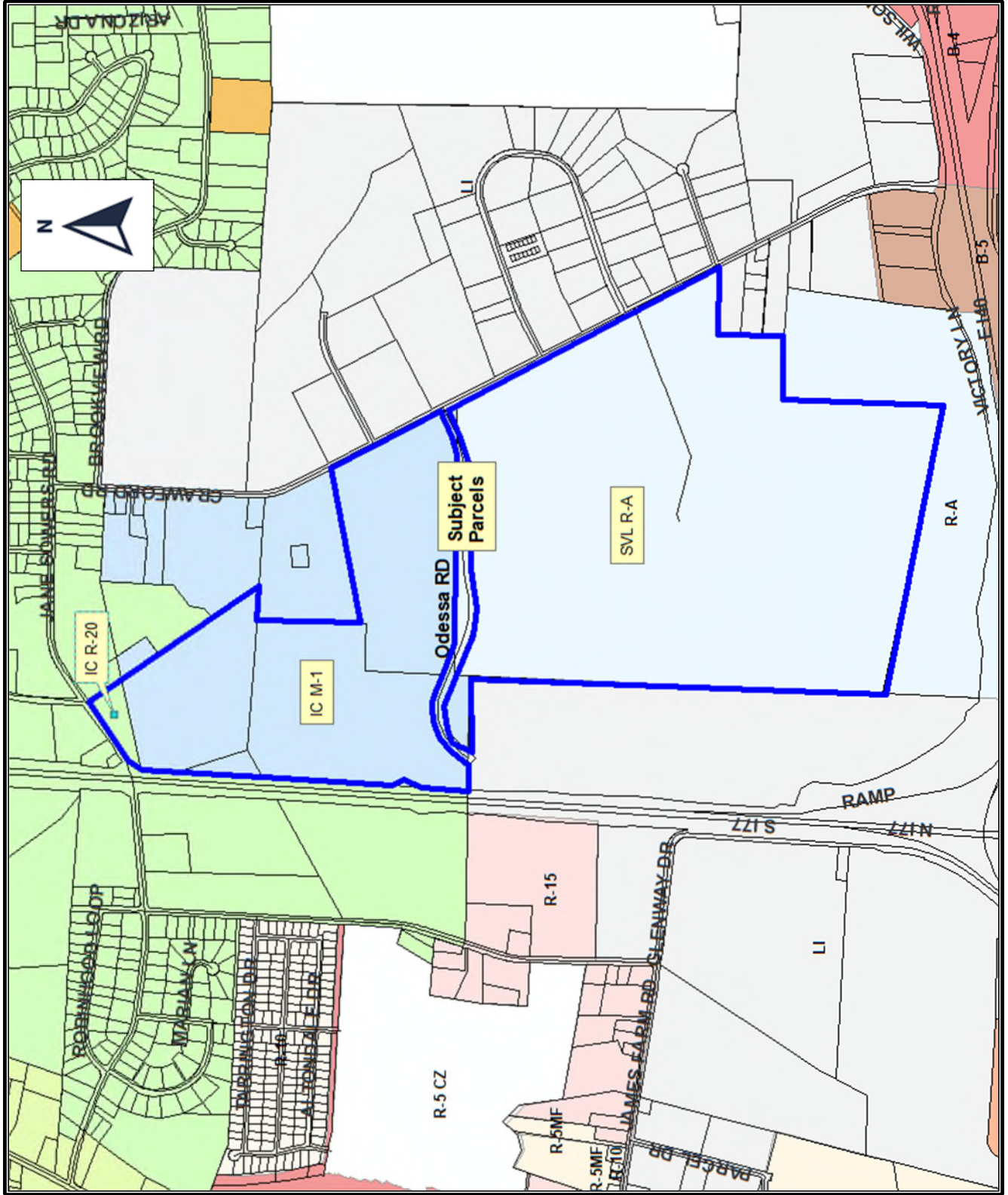
View from Crawford Road at Odessa Drive looking north along onto the property



View from Crawford Road at Odessa Road looking south onto the property



View from Jane Sowers Road looking south onto the property



Case No. AX21-07 Peppercorn Goforth & Crawford
 Current Zoning Map – PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF STATESVILLE, NORTH CAROLINA

**Peppercorn Plantation LTDP, Goforth Family Revocable Trust &
Andrew H. Crawford Property
AX21-07
Parcels 4755-08-8835, 4746-91-3400, 4746-82-8574,
4746-93-4062 & 4756-01-8075**

WHEREAS, the Statesville City Council has petitioned under G.S. 160A-31, to annex the area described below; and

WHEREAS, the Statesville City Council has by resolution directed the Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Statesville City Hall at 7:00 o'clock p.m. on the 21st day of February 2022 after due notice by publication on 11th day of February 2022; and

WHEREAS, the Statesville City Council finds that the petition meets the requirements of G.S. 160A-31:

WHEREAS, the Statesville City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Statesville City Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED BY the Statesville City Council of the City of Statesville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of the City of Statesville, as of March 31, 2022, at 11:59 p.m.

Description

All of that certain Lot or parcel of land situated in Iredell County, North Carolina and more particularly described as following:

The above described property is subject to the rights and restrictions of easements, if any, being within and/or crossing the same bounds as described above.

PARCEL 1

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found #5 rebar, the northeasternmost corner of Peppercorn Plantation LTDP (DB 1557 PG 319), said rebar being at the intersection of the southern R/W of Odessa Drive (100' Public R/W) and the western R/W of Crawford Road (60' Public R/W) said rebar having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83 and being S19°01'06"E 9,272.98' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined

Factor=0.99992690); thence, with the western R/W OF Crawford Road S27°22'55"E 2738.88' to a found axle in the line of M&N Investments, LLC (DB 2207 PG 137);thence, with M&N Investments, LLC, N89°02'09"W 631.12' to a found 1.5" pipe in a field; thence, continuing with the line of M&N Investments, LLC, Keith R. Martin (DB 2627 PG 2121), & Bayou Properties, LLC (DB 1679 PG 1972) S01°38'25"W 605.00' to a found 1/2' pipe in the line of Rev. J.H. Pressley Farm Partnership (DB 2124 PG 1726); thence, the following three (3) courses with the Pressley Farm Partnership, 1) N86°17'24"W 592.91' to a found # 5 rebar; 2) S01°53'00"W 1475.44' to a 1" pipe;3) N78°14'00"W 2685.34' to a found stone in the line of ITAC469, LLC (DB 2818 PG 314); thence , with the line of ITAC 469, LLC, ((DB 2818 PG 314) N02°26'03"E 3,792.01' to a found flat iron in the line of Goforth Revocable Trust (DB 1607 PG 197); thence, with the line of Goforth Revocable Trust N02°26'03"E 149.69' to a set #4 rebar in the southern R/W of Odessa Drive; thence, with the southern R/W of Odessa Drive, the following seven (7) courses; 1) S67°11'33"E 312.61' to a set #4 rebar; 2) with the arc of a circular curve to the left, having a radius of 810.00', an arc length of 498.22', and a chord bearing and distance of S84°48'52"E 490.40' to a found R/W disc; 3) N77°31'27"E 35.88 to a found R/W disc; 4) with the arc of a circular curve to the right, having a radius of 1150.00', an arc length of 258.64', and a chord bearing and distance of N83°59'38"E 258.09' to a found R/W disc; 5) S89°31'27"E 709.43' to a found R/W disc; 6) with the arc of a circular curve to the left, having a radius of 1250.00', an arc length of 551.41', and a chord bearing and distance of N77°49'01"E 546.95' to a found R/W disc; 7) S89°15'39"E 177.52' to a found #5 rebar, the Point of Beginning, containing 285.975 total acres.

PARCEL 2A

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690);thence, with the line of Goforth Revocable Trust (DB 1607 PG 19), the following four(4) courses; 1) S86°18'28"E 1155.62' feet to a found stone on the line of Crawford Road Industrial, LLC (DB 2821 PG 651); 2) with the line of Crawford Road Industrial, LLC, S01°43'48"W 1024.60' feet to a found stone in the line of Andrew H. Crawford (DB 1055 PG 1089); 3) with the line of Crawford N87°26'56"W 399.10' to a found #5 rebar; 4) continuing with Crawford, S05°00'49"W 813.23' to a set #4 rebar in the northern R/W of Odessa Drive: thence with the R/W of Odessa Drive, the following four (4) courses;1) N67°11'33"W 153.76' to a set #4 rebar; 2) with the arc of a circular curve to the left, having a radius of 500.00', an arc length of 619.13', and a chord bearing and distance of S77°13'16"W 580.32' to a set #4 rebar;3) S42°14'33"W 227.12' to a set #4 rebar; 4) S48°01'13"E 2.21' to a found #4 rebar in the line of ITAC 469, LLC, (DB 2818 PG 314);thence, with the line of ITAC 469, LLC, N88°52'02"W 185.77' to a found #5 rebar in the eastern margin of the R/W of Interstate 77; thence, with the eastern R/W of Interstate 77, the following nine (9) courses; 1) N03°41'18"E 80.90' to a set #4 rebar; 2) N02°01'20"W 100.50' to a set #4 rebar; 3) N03°41'18"E 327.29' to a set #4 rebar; 4) N22°29'07"E 93.11' to a set #4 rebar; 5) N23°21'58"W 65.96' to a set #4 rebar; 6) N03°41'18"E 475.83' to a set #4 rebar; 7) N13°01'38"E 202.69' to a set #4 rebar; 8) N05°39'01"W 202.69' to a set #4 rebar; 9) N03°41'18"E 344.03' to a set #4 rebar in the line of Goforth Revocable Trust (DB 1616 PG 2028); thence with the line of Goforth Revocable Trust, N59°56'54"E 314.87' to a found stone, the Point Of Beginning, containing 51.872 total acres.

PARCEL 2B

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found flat iron, common corner of Goforth Revocable Trust (DB 1607 PG 197), ITAC 469, LLC, (DB 2818 PG 314), and Peppercorn Plantation LTDP (DB 1557 PG 319), said flat iron having North Carolina Grid Coordinates of N:760,382.73 E:1,449,719.33 and being S03°22'50"E 8,908.55'

(grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of ITAC 469, LLC, N88°52'24"W 713.67' to a found #4 rebar in the southern margin of the R/W of Odessa Drive (100' Public R/W); thence, with said R/W the following three (3) courses; 1) N42°14'33"E 141.90' to a set #4 rebar; 2) with the arc of a circular curve to the right, having a radius of 400.00', an arc length of 495.30', and a chord bearing and distance of N77°13'16"E 464.26' to a set #4 rebar; 3) S67°11'33"E 186.30' to a set #4 rebar in the line of Peppercorn Plantation LTDP; thence, with the line of Peppercorn Plantation LTDP, S02°26'03"W 149.69' to a found flat iron, the Point Of Beginning, containing 3.062 total acres.

PARCEL 3

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of Goforth Revocable Trust (DB 1610 PG 2144), S59°56'54"W 340.36' to a found concrete R/W monument in the eastern margin of the R/W of Interstate 77; thence, the following two (2) courses with the eastern R/W of Interstate 77; 1) N03°36'20"E 542.73' to a set #4 rebar; 2) N03°35'38"E 310.92' to a found #5 rebar in the line of Goforth Revocable Trust (DB 1610 PG 2144); thence, leaving the eastern R/W of Interstate 77 and with the line of Goforth Revocable Trust, S19°30'17"E 721.95' to a found stone, the Point Of Beginning, containing 2.773 total acres.

PARCEL 4

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of Goforth Revocable Trust (DB 1610 PG 2028) N19°30'17"W 721.95 to a found #5 rebar in the margin of the eastern R/W of Interstate 77; thence, with said eastern R/W, the following three (3) courses, 1) N03°35'42"E 310.36' to a found concrete R/W monument; 2) N37°05'57"E 139.65' to a found concrete R/W monument; 3) N12°07'32"E 21.36' to a found #5 rebar in the R/W of Jane Sowers Road (S.R. 2171); thence, N57°21'19"E 643.12' to a found 1.5" pipe in the line of Kenneth S. Thomas & Patricia A. Thomas (DB 2300 PG 1819); thence, with the line of Thomas, S33°18'53"E 787.46' to a found 1/2" pipe in the line of the heirs of Wilma H. Bass (no record of conveyance found); thence, with the line of the heirs of Bass and DENSO Manufacturing North Carolina Inc. (DB 2648 PG 513) S33°18'53"E 1085.87' to a found #5 rebar in the line of Crawford Road Industrial, LLC (DB 2821 PG 651); thence, with the line of Crawford Road Industrial, N85°38'21"E 285.14' to a found stone in the line of Goforth Revocable Trust (DB 1607 PG 197); thence, with the line of Goforth Revocable Trust, N86°18'28"W 1155.62' to a found stone, the Point Of Beginning, containing 34.499 total acres.

Crawford Parcel

BEGINNING AT A RIGHT-OF-WAY DISK, MARKING THE EDGE OF RIGHT-OF-WAY OF CRAWFORD ROAD AND ODESSA DRIVE ALSO BEING THE SOUTHEAST CORNER OF THE PROPERTY OWNED BY ANDREW H. CRAWFORD, DEED BOOK:1055 PAGE:1089; THENCE ALONG THE RIGHT-OF-WAY OF ODESSA DRIVE S 14°59'03" W A DISTANCE OF 27.08' TO A RIGHT-OF-WAY DISK; THENCE S 63°01'30" W A DISTANCE OF 90.10' TO A RIGHT-OF-WAY DISK; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 328.10', WITH A RADIUS OF 1,150.00',

WITH A CHORD BEARING OF S 71°10'12" W, WITH A CHORD LENGTH OF 326.99', TO A POINT, SAID POINT BEING LOCATED N 79°05'41" E A DISTANCE OF 1.03' FROM A RIGHT-OF-WAY DISK; THENCE N 89°08'19" W A DISTANCE OF 1,765.82' TO A RIGHT-OF-WAY DISK; THENCE N 67°11'25" W A DISTANCE OF 245.51' TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY N 05°01'46" E A DISTANCE OF 716.97' TO A 5/8" REBAR; THENCE S 87°26'22" E A DISTANCE OF 399.14' TO A STONE; THENCE N 01°23'16" E A DISTANCE OF 60.41' TO A 5/8" REBAR; THENCE N 79°04'06" E A DISTANCE OF 1,445.61' TO A 5/8" REBAR AT THE EDGE OF RIGHT-OF-WAY OF CRAWFORD ROAD; THENCE ALONG SAID RIGHT-OF-WAY S 27°19'11" E A DISTANCE OF 1,103.11' TO A RIGHT-OF-WAY DISK; WHICH IS THE POINT OF BEGINNING. THE ABOVE-DESCRIBED PROPERTY CONTAINS 2,072,807.30 S.F. OR 47.585 AC. MORE OR LESS.

Section 2. Upon and after March 31, 2022, at 11:59 p.m., the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Statesville and shall be entitled to the same privileges and benefits as other parts of the City of Statesville. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the City of Statesville shall cause to be recorded in the office of the Register of Deeds of Iredell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Iredell County Board of Elections, as required by G.S. 163-288.1.

The Ordinance was introduced by a first reading by Councilmember _____, seconded by Councilmember _____, and carried on the 21st day of February 2022.

AYES:

NAYES:

The second and final reading of this ordinance was heard on the 7th day of March 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

AYES:

NAYES:

The Ordinance to be in full force and effect from and after the 31st day of March 2022 at 11:59 p.m.

City of Statesville

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 9, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-12 for properties located on Odessa Drive, Crawford Road and Jane Sowers Road; Iredell County Tax Parcel Identification #'s 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 from Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville RA (Residential Agricultural) District to City of Statesville LI (Light Industrial) District.

1. Summary of Information:

Rezoning Request: NorthPoint Development (applicant) requests rezoning on behalf of Peppercorn Plantation LTDP, Goforth Family Revocable Trust, and Andrew H. Crawford (owners) of the subject parcels from Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville RA (Residential Agricultural) District to City of Statesville LI (Light Industrial) District. This is a standard rezoning proposal, and not subject to conditions; but would be contingent upon annexation into the City.

Evaluation: This is a request for a change in zoning to permit the five parcels to be used for light industrial development, including distribution and warehousing. The parcels are labeled as follows on the Location Map: Iredell County Tax Parcel Identification 1. 4755-08-8835, 2. 4746-91-3400, 3. 4746-82-8574, 4. 4746-93-4062 & 5. 4756-01-8075 (see attached Location Map, GIS Aerial Map and Current Zoning Map).

The five parcels, totaling 427.27 acres, are currently wooded or agricultural use. In aggregate they have direct access to Crawford Road to the east and Jane Sowers Road to the north; and are accessed by Odessa Drive, which is a NCDOT-maintained road. (see attached Site Photos). No site plan has been formally submitted for review/approval at this time.

The purpose of the LI district is to accommodate light industrial uses that are compatible with general business uses, are not inherently obnoxious to the urban area because of noise, odors, dust, smoke, light, or uses of dangerous materials; and involve indoor production, assembly, and storage. Warehouses and distribution uses are a permitted land uses in the requested Light Industrial zoning district.

There are no minimum lot size or lot width requirements for the LI district; and the combined properties will be sufficiently large enough to accommodate the requirements of the UDO.

However, when a specific development plan is submitted for review and approval by the Technical Review Committee (TRC), the developer will be required to conduct a Traffic Impact Analysis to determine necessary road improvements and dedicate additional ROW along both Crawford Road and Jane Sowers Road per the adopted Mobility & Development Plan (2019). Curb, gutter, and sidewalk will be required along the property boundaries, and on each side of Odessa Drive. The TIA will need to take into account the possibility of an interchange at Jane Sowers Road for which a feasibility study is underway and the widening of US21 North and re-alignment and signalization of Jane Sowers and Shumaker Road.

The Mobility & Development Plan notes that although this area has good proximity to both Interstates 40 and 77, accessibility is limited. The plan assumes potential of an interchange at Jane Sowers Road; and also calls for an extension of James Farm Road over I-77 through this property with a connection to Crawford Road—both connections would provide additional accessibility to this southern half of the focus area (*see attached Jane Sowers North land use focus area – 2019 Mobility & Development Plan*). It should also be noted that the southeastern portion of the subject property (Peppercorn) is recommended for multi-family residential development. While the Mobility Plan is an adopted plan, it is a guiding tool for land use decisions and construction of new/improved roads.

The 2005 Land Development Plan projects the property as appropriate for commercial development in the approximate southern ‘half’ of the aggregated subject properties and Mixed-Use development at the northern ‘half.’ The commercial designation simply provides a recommendation that zoning should be used to establish the appropriate scale and intensity of development; and the Mixed-Use designation can include both single-use districts as well as mixed-use projects and encourages but does not require a mix of uses. The (draft) 2045 Land Development Plan projects the property as Employment Center/Industrial Flex at the southern half, and Activity Corridor at the northern half. The Character intent for Employment Center/Industrial Flex is that it serves as an engine of employment for the city, including business parks, corporate campuses, flex space, as well as heavy manufacturing, warehousing, logistics and distribution, research and development and other industrial uses. These areas are located along major road corridors that provide adequate truck access. Activity Corridors are opportunities to develop new commercial spaces within strategic focus areas—the Jane Sowers North New Development Strategic Focus Area is one of these (*see attached 2005 Future Land Use Map inset, 2045 (DRAFT) Land Use & Character Map inset, and Jane Sowers North background and recommendations section of the (draft) 2045 Land Development Plan*).

City of Statesville sewer and water services are available; electrical service is customer choice between the City and Energy United. To obtain City utilities, a petition for annexation has been filed (*see attached Utilities Map*).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: Iredell County R-20 (Rural Residential) District, single-family residential homes and agricultural property immediately north of the subject property along Jane Sowers Road; Iredell County M-1 (Light Manufacturing) District north of the Crawford property, wooded acreage and agricultural development with a small parcel containing an Iredell Water District water storage tower

EAST OF THE SITE: Iredell County R-20 (Rural Residential) District along Jane Sowers Road with a single family home and agricultural property; Iredell County M-1 (Light Manufacturing) District currently in agricultural use or woodland; City of Statesville LI (Light Industrial) District along Crawford Road, with various industrial and distribution facilities including Kontane Logistics, Exterior Vinyl Wholesale, Hexpol Compounding, C. W. Williams & Co., Stonemasters LLC, and ProEdge Precision and others

SOUTH OF THE SITE: Statesville R-A (Rural-Agricultural) District, agricultural property and woodland between the subject property and Victory Lane/I-77

WEST OF THE SITE: Iredell County R-20 (Rural Residential) District across I-77 from the approximate northern 'half' of the subject parcels, undeveloped but in part subject to the current rezoning request by Redwood Apartment Communities, and the previously-approved Sullivan Farm residential development, Olde Statesville residential development—all on James Farm Road; Statesville LI (Light Industrial) District adjacent to the approximate southern 'half' of the subject parcels, currently undergoing site preparation for a future distribution facility.

2. **Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation.
3. **Budget/Funding Implications:** The current total taxable value of the five undeveloped parcels is approximately \$5,334,710. Although a project has not been submitted at this time, the applicant has estimated that the tax value of the land plus site improvements for a project under consideration would be approximately \$200 Million. City of Statesville water and sewer services are available; electrical service is customer choice between the City and Energy United. The city will need to provide fire and police services as requested.
4. **Consequences for Not Acting:** The properties could remain undeveloped under their respective City and County jurisdictions and zoning designations; or could be developed individually under the current zoning regulations. The city would not receive property taxes or employment opportunities.
5. **Department Recommendation:** The adopted 2019 Mobility & Development Plan and both the current (2005) and draft (2045) Land Development Plans identify this area as broadly suitable for manufacturing, logistics and other employment uses east of I-77. The draft LDP notes that Jane Sowers North area is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is for standard rezoning of the subject parcels; and the request is compatible with the existing land uses to the east along Crawford Road and proposed light industrial land use to the west, as well as with the adopted plan for the strategic focus area. All utilities are available to the site; therefore, staff recommends **approval** of the rezoning request contingent upon annexation.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading would be on March 7, 2022.

Attachments:

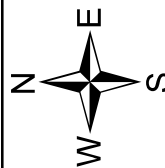
1. Location Map
2. GIS Aerial Map
3. Current Zoning Map
4. Site Photos
5. 2005 Future Land Use Map inset
6. 2045 (DRAFT) Land Use & Character Map inset
7. Jane Sowers North background and recommendations – (draft) 2045 LDP
8. Jane Sowers North land use focus area – 2019 Mobility & Development Plan
9. Utilities Map
10. Council Consistency Statement
11. Planning Board Consistency Statement
12. Rezoning Ordinance
13. Certification of Mailed Notices

City of Statesville Planning Department

NCPlan4077 (Peppercom)
ZC21-12
PIN # 4755-08-8835, 4746-91-3400,
4746-82-8574, 4746-93-4062
& 4756-01-8075

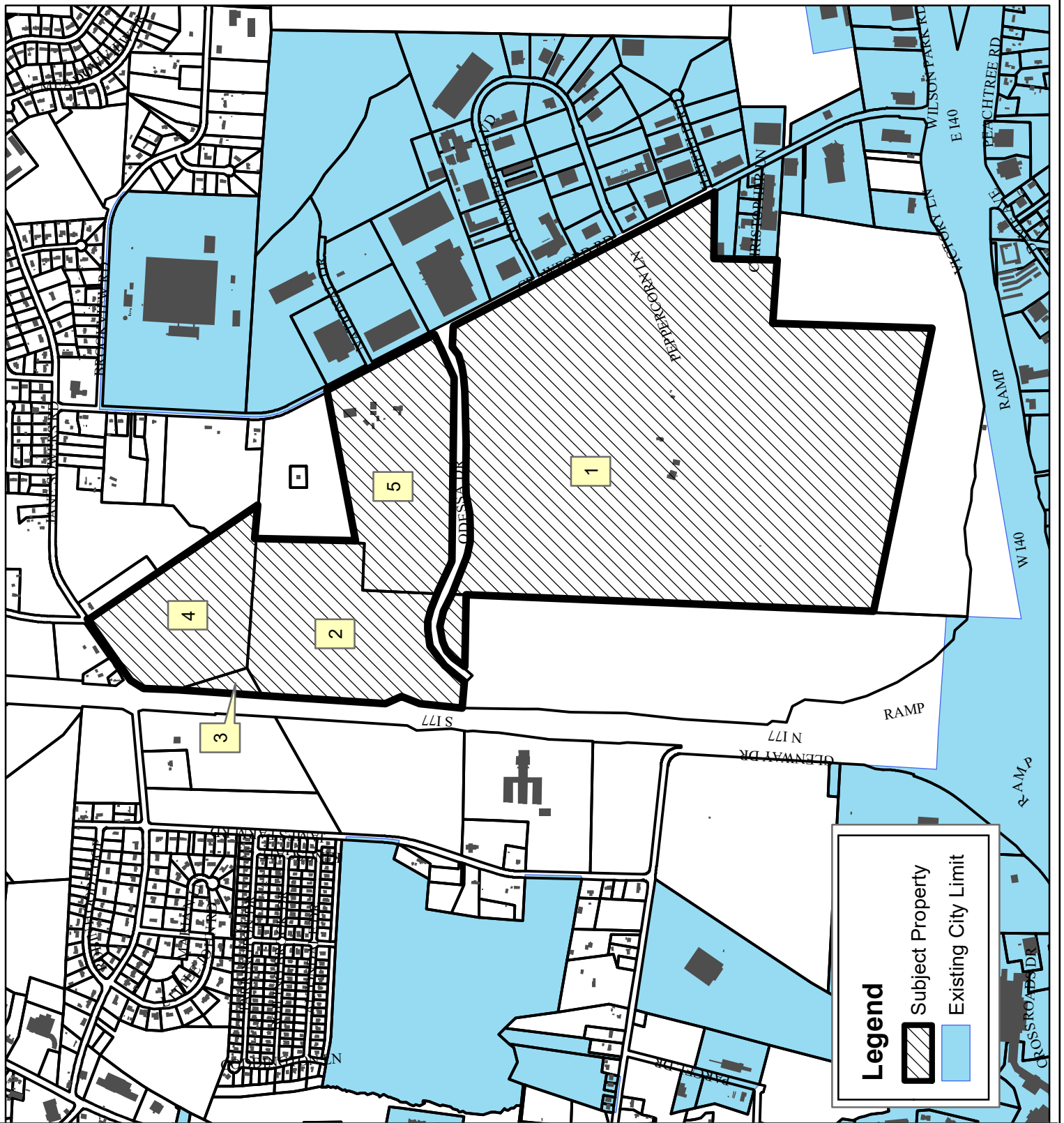


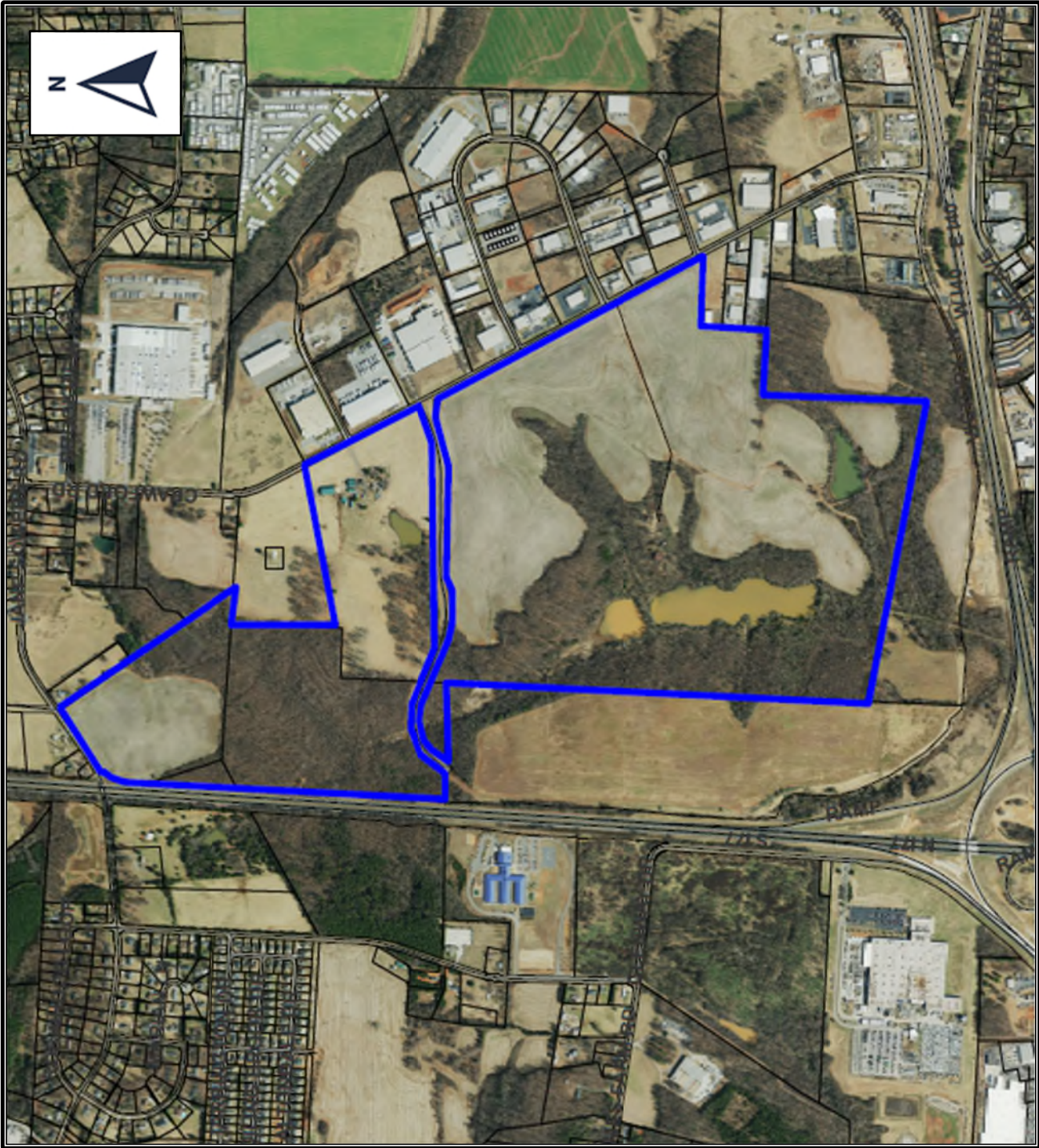
Page 90 of 234



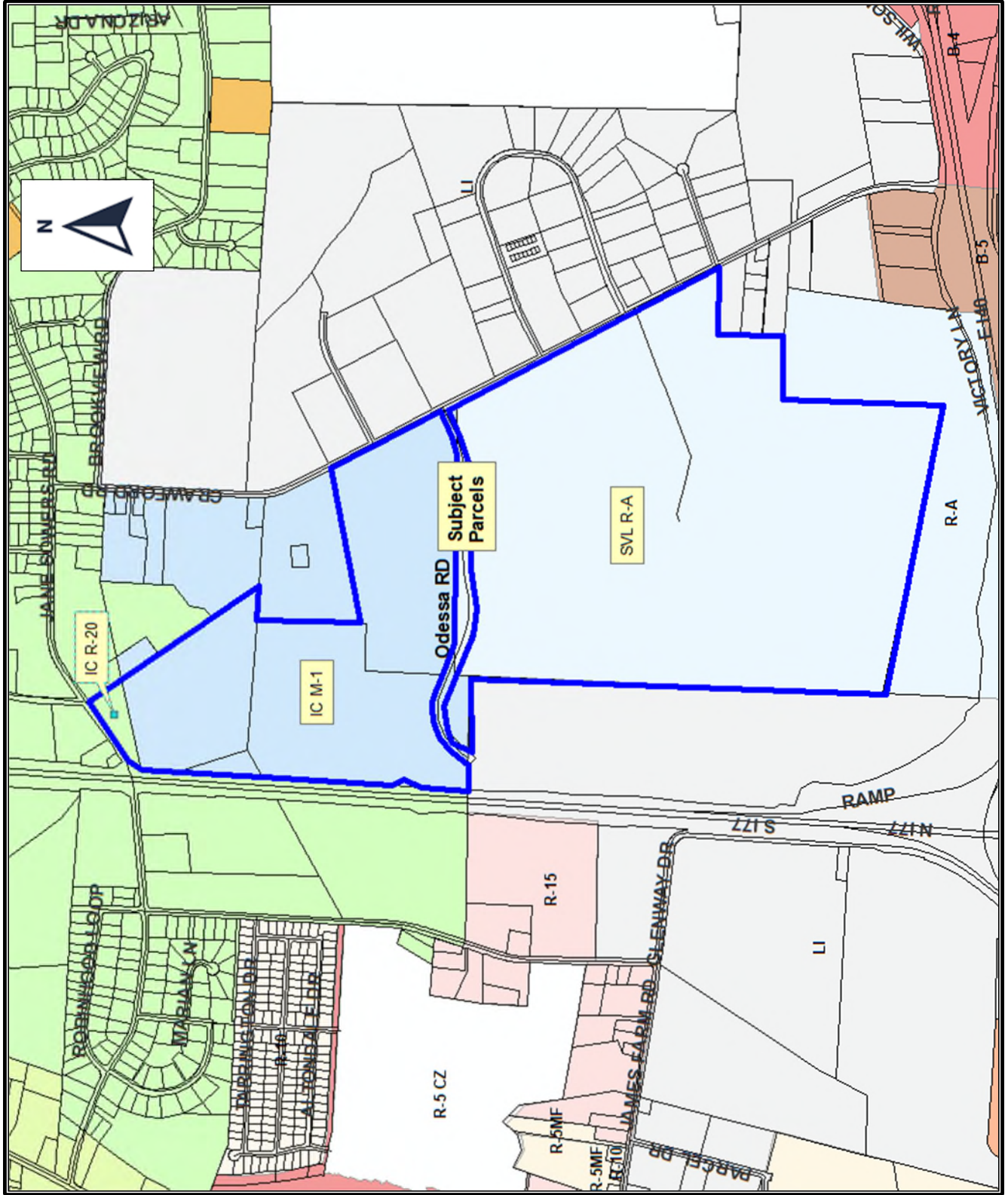
0 1,000 2,000 Feet

1 inch = 1,250 feet





Case No. ZC21-12 NCPark 4077 (Peppercorn)
Aerial Photo Map – PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075



Case No. ZC21-12 NCPark 4077 (Peppercorn)
 Current Zoning Map – PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075

Site Photos – ZC21-12 NCPark 4077 (Peppercorn)
(PIN #4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075)
Crawford Road, Odessa Drive & Jane Sowers Road



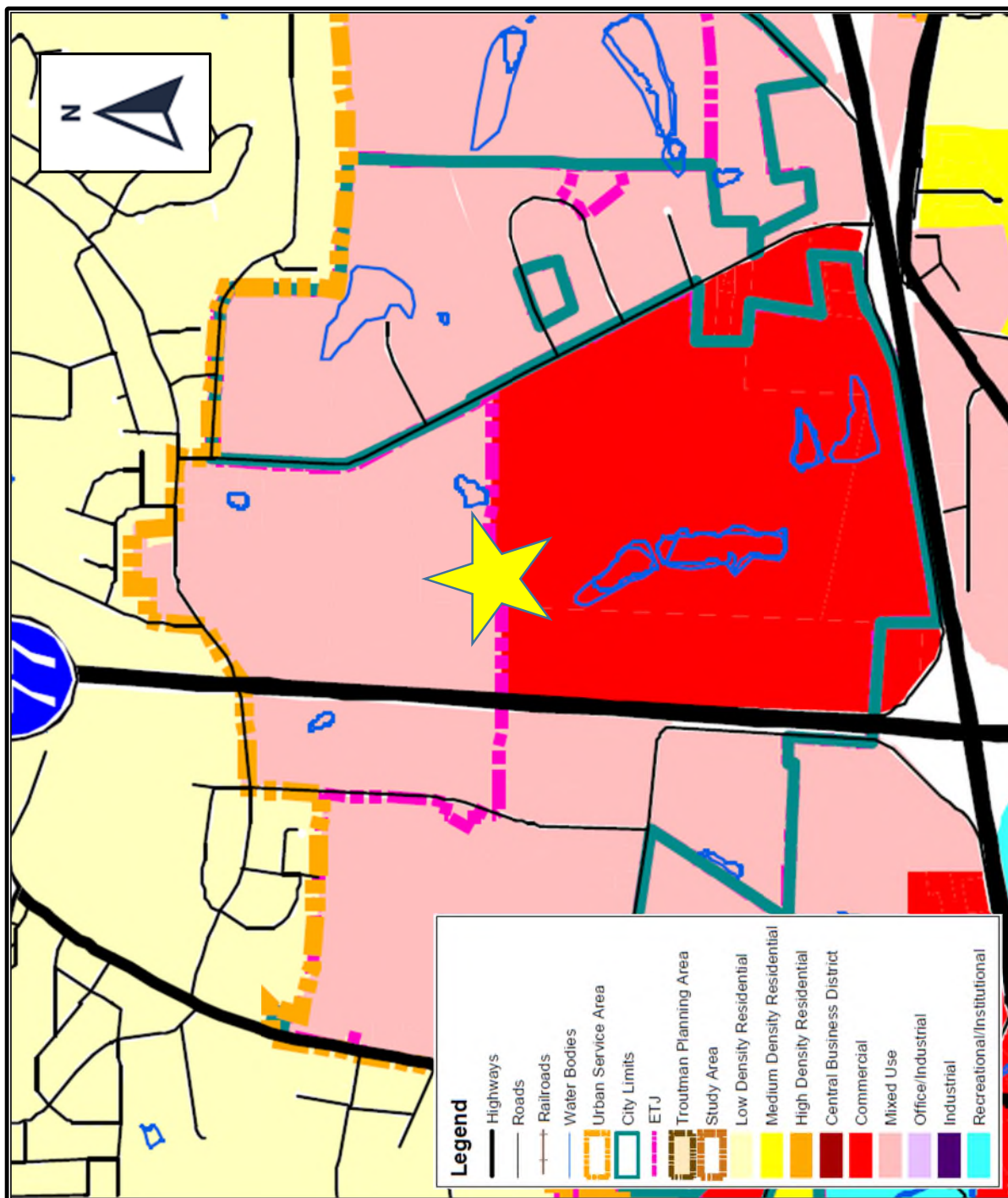
View from Crawford Road at Odessa Drive looking north along onto the property



View from Crawford Road at Odessa Road looking south onto the property

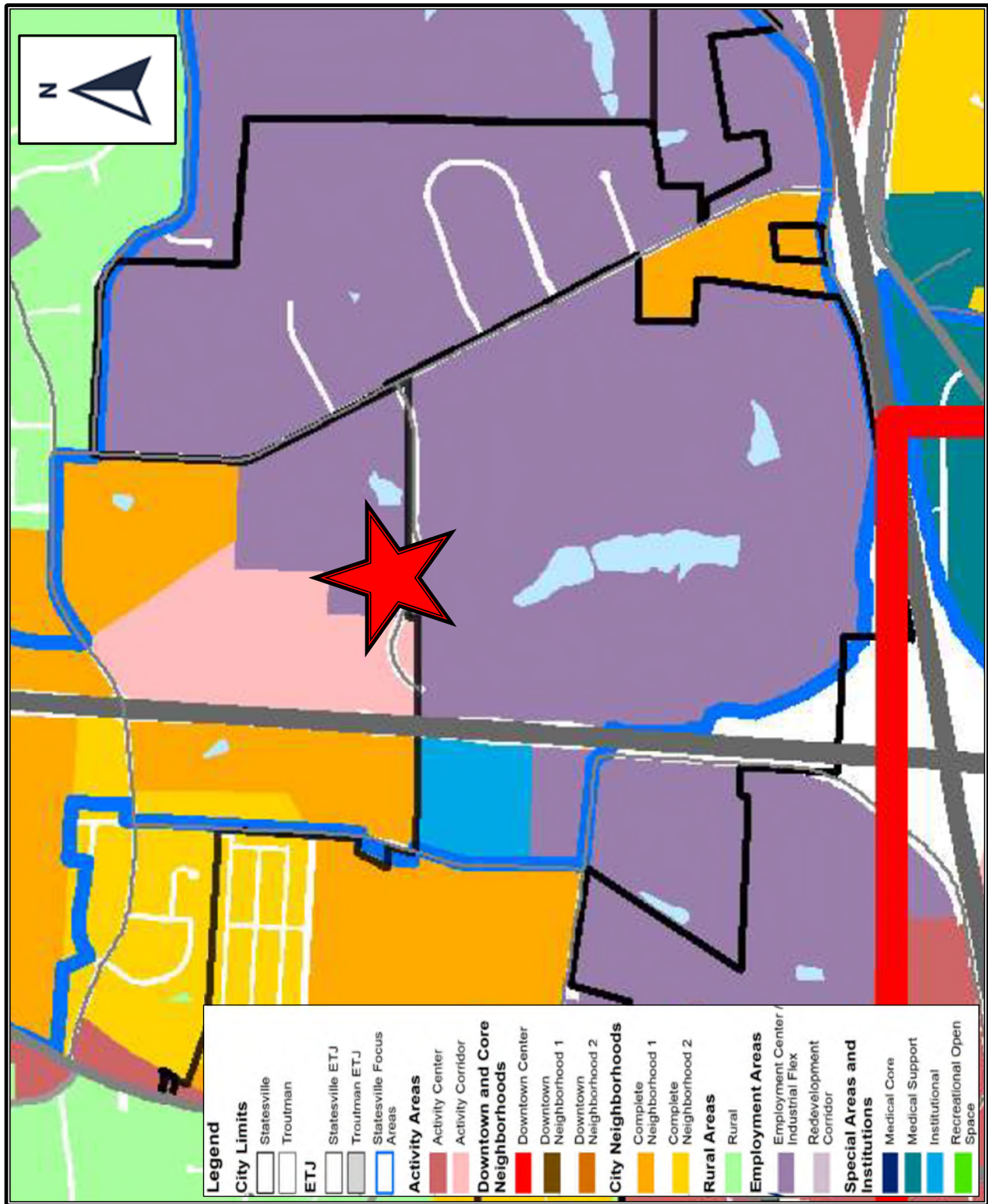


View from Jane Sowers Road looking south onto the property



2005 Future Land Use Map – ZC21-12 NCPark 4077 (Peppercorn)
 Tax Parcel Map # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075

Subject Parcel location –



2045 (DRAFT) Land Use & Character Map – ZC21-12 NCPark 4077
 Tax Parcel Map # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 Appx. Subject Parcel location – ★

Jane Sowers North

Existing Conditions

The Jane Sowers North area encompasses over 2,700 acres focused in the northeast quadrant of I-40 and I-77. Jane Sowers represents one of the few remaining undeveloped tracts at the intersection of two interstates in North Carolina. The focus area currently hosts a significant node of mixed-use, including industrial and commercial uses, off Crawford Road, representing an important employment base for Statesville. Land to the west of Crawford Road is largely vacant and has a limited number of property owners. Single-family housing near Jane Sowers Road bisects the area, and a large tract on the northern end of the focus area is an active auto auction.

Accessibility will be a major challenge for future development of this area. Though the nearby interstates provide good visibility for the site, a lack of local exits and disconnected internal road network makes it difficult to access. Currently, access from I-77 is only possible at Turnersburg Highway, and from I-40 at Old Mocksville Road.

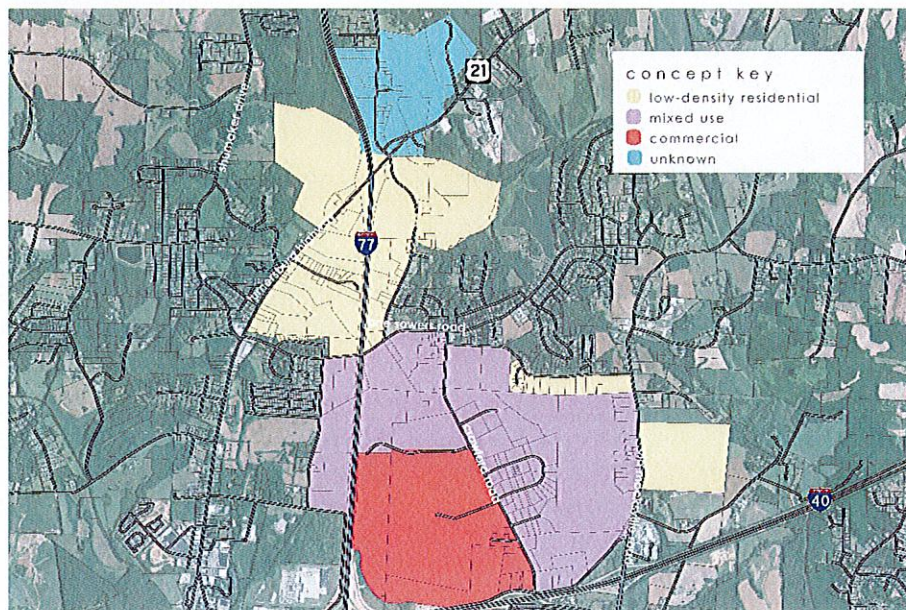
Market Analysis

Given the amount of available acreage and range of opportunities possible for the Jane Sowers focus area, a market analysis was prepared to determine future development potential. Growth in the Statesville area is impacted by proximity to Charlotte, representing the region's largest concentration of jobs. It is likely that growth will occur on the south side of the City, capitalizing on access to I-77 and jobs in Mooresville, northern Mecklenburg County, and Charlotte. However, over the 20-year period, other areas of Statesville will increase in their competitiveness for jobs. The Jane Sowers focus area represents a key development site in northern Statesville, located at the intersection of two major Interstate corridors (I-77 and I-40).

Currently, the Jane Sowers focus area can be accessed off of I-77 at US-21 and off of US-40 at Old Mocksville Road. This analysis assumes the construction of a new interchange at Jane Sowers Road, increasing accessibility to the core of the focus area. Based on forecasted population, household, and employment increases between 2015 and 2035, the Jane Sowers focus area could support the following real estate product types over the next 20 years:

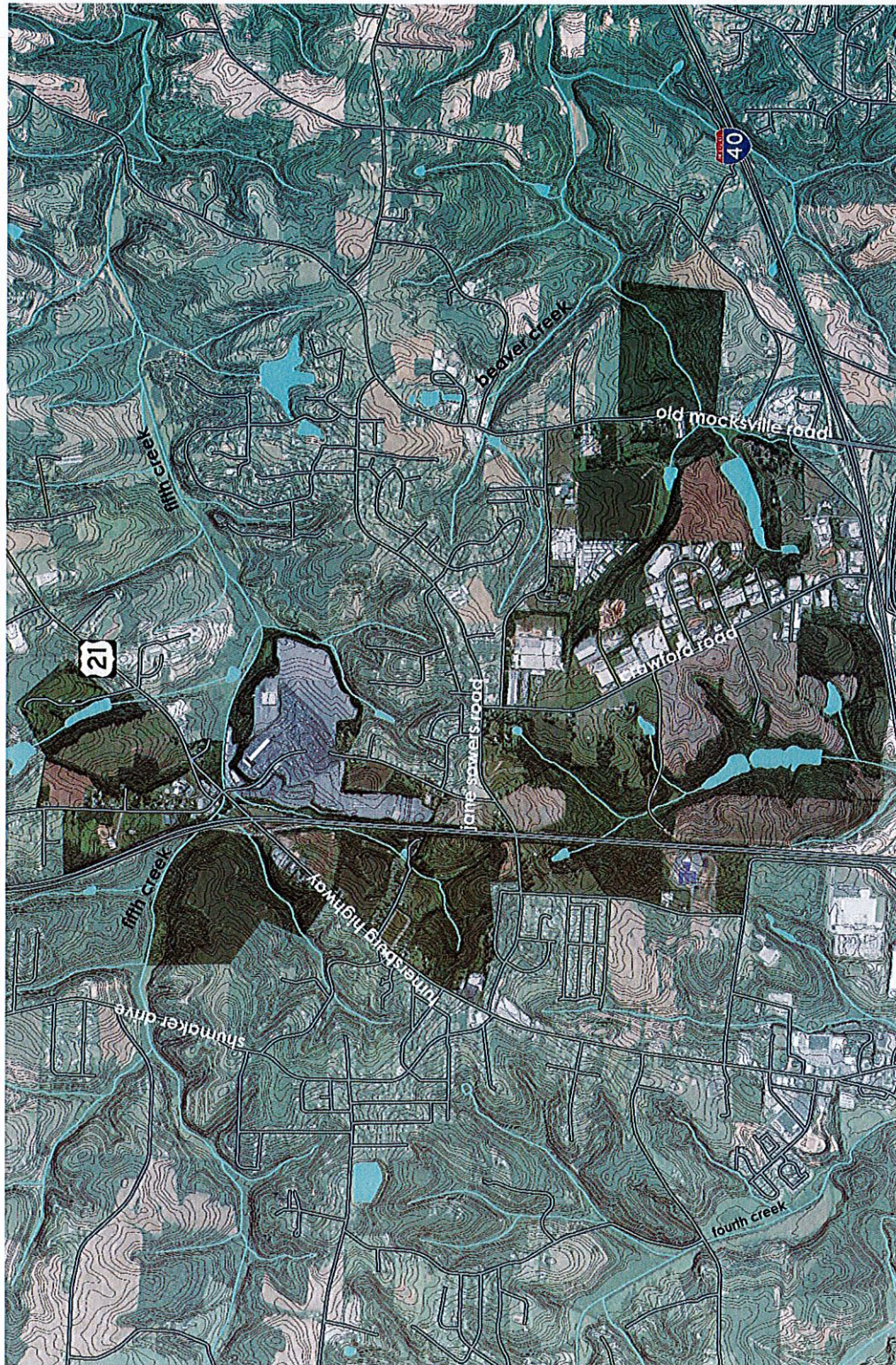
- 950 to 1,400 residential units
- 480,000 to 600,000 square feet of retail
- 125,000 to 187,500 square feet of office
- 650,000 to 800,000 square feet of industrial

The forecast ranges highlighted above are for planning purposes only and can be impacted by land use policy decisions, especially as it relates to the availability of public utilities. The market analysis memorandum can be requested from the City of Statesville for additional detail on the methodology of the market forecasts.



Environmental Features

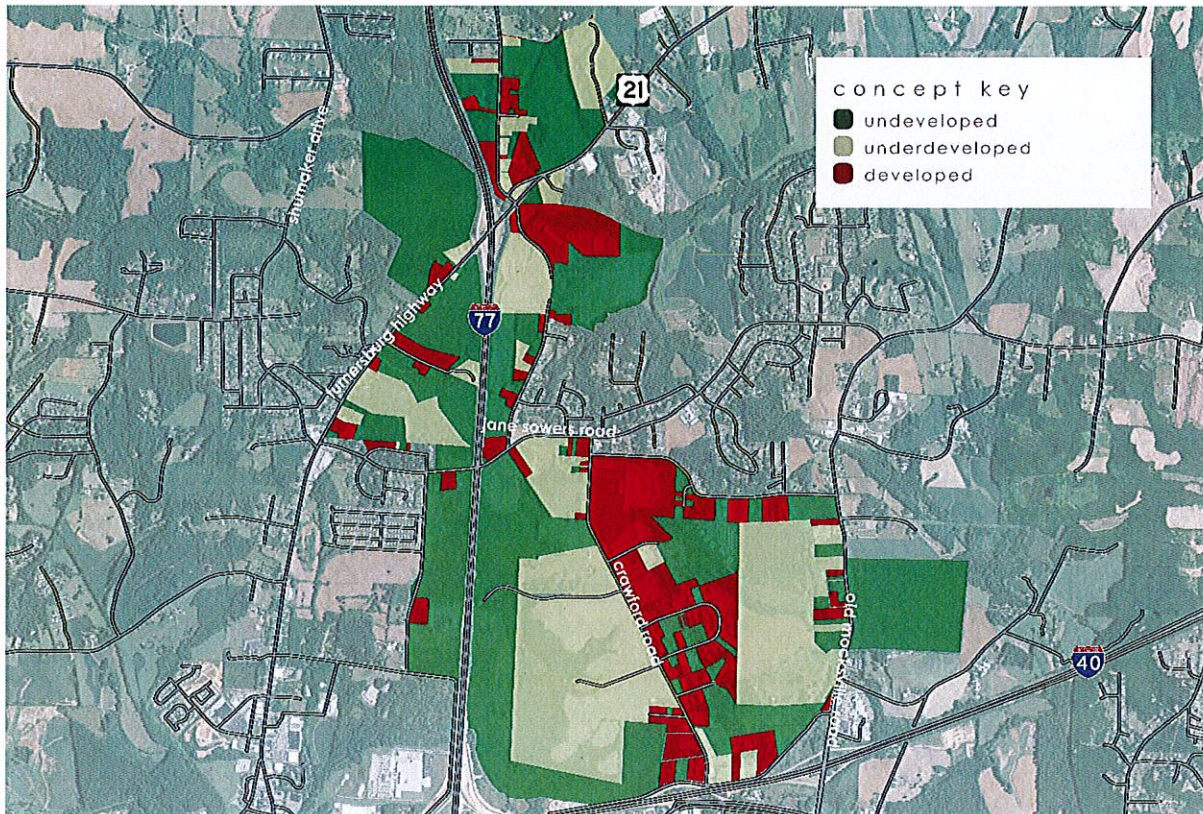
Jane Sowers North



Jane Sowers North

Development Considerations

The Jane Sowers North focus area benefits from visibility from two major interstates. However, accessibility is currently a challenge with major roads only providing mobility to a portion of the area. A review of the current development status classifications shows large congruent parcels that are either undeveloped or underdeveloped, supportive of future growth in the area. The City of Statesville recently invested in utility expansion to serve the US 21/I-77 interchange node. This expansion allows for immediate opportunities for development opening up previously unserved land to increased density and intensities. Development in the quadrant of I-77 and I-40 will likely require enhanced accessibility via a new interchange or overpass.



Strengths and Weaknesses

Strengths

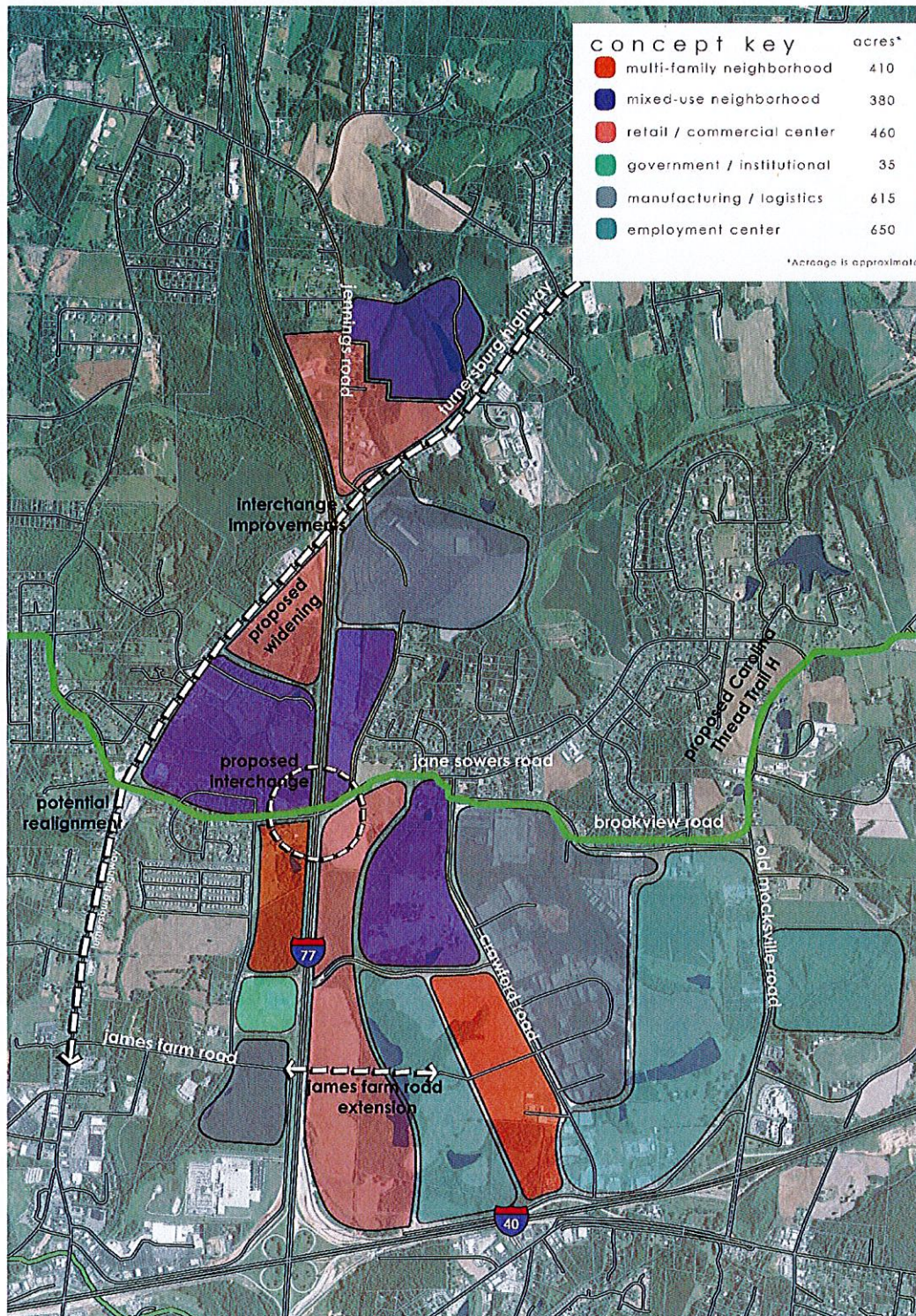
- Proximity to both I-77 and I-40
- Superior visibility
- Large undeveloped parcels
- Limited # of land owners

Weaknesses

- Lack of accessibility
- Existing single-family homes complicate congruent land uses
- Environmental and topography constraints
- "Last stop" on the north end of the region



Concept Design – Jane Sowers



Concept Description

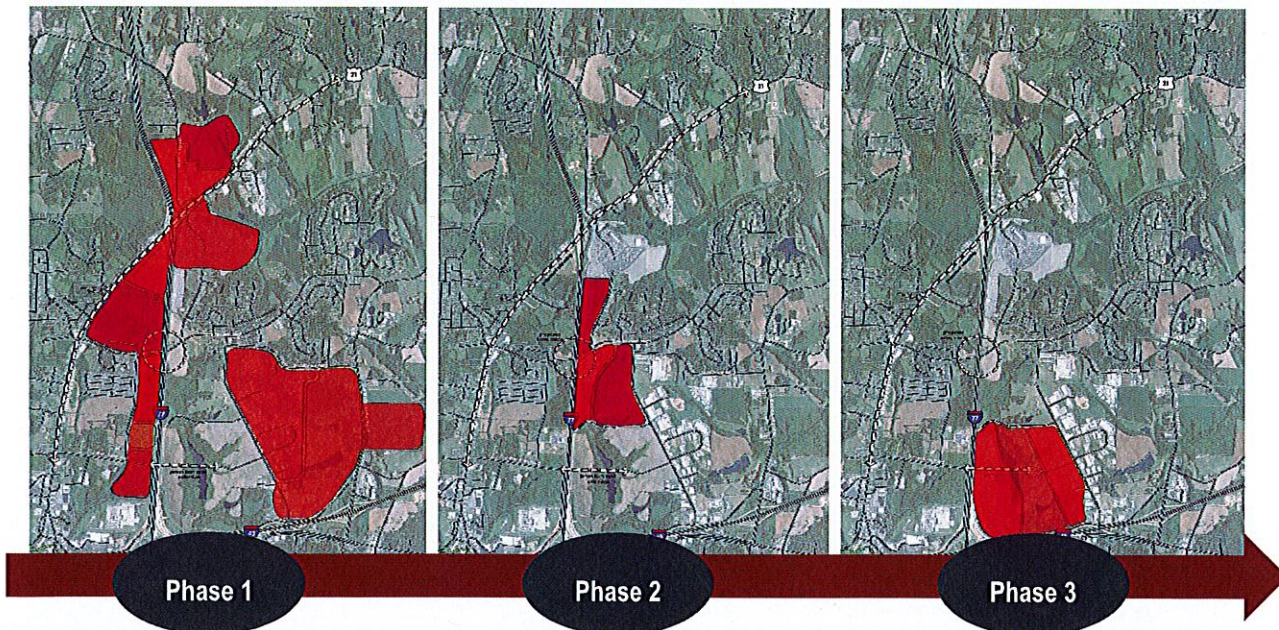
The full build-out of the Jane Sowers North focus area includes several key road improvements to provide much-needed access to the site, spurring enhanced retail and mixed-use opportunities. Eventually, the site could support over 500 acres of mixed-use neighborhoods, 410 acres of multi-family housing, plus 460 acres of retail and commercial development at the interchange of two major interstates. The development is likely to remain an employment base for the City of Statesville, with over 1,200 acres devoted to industrial and office development.

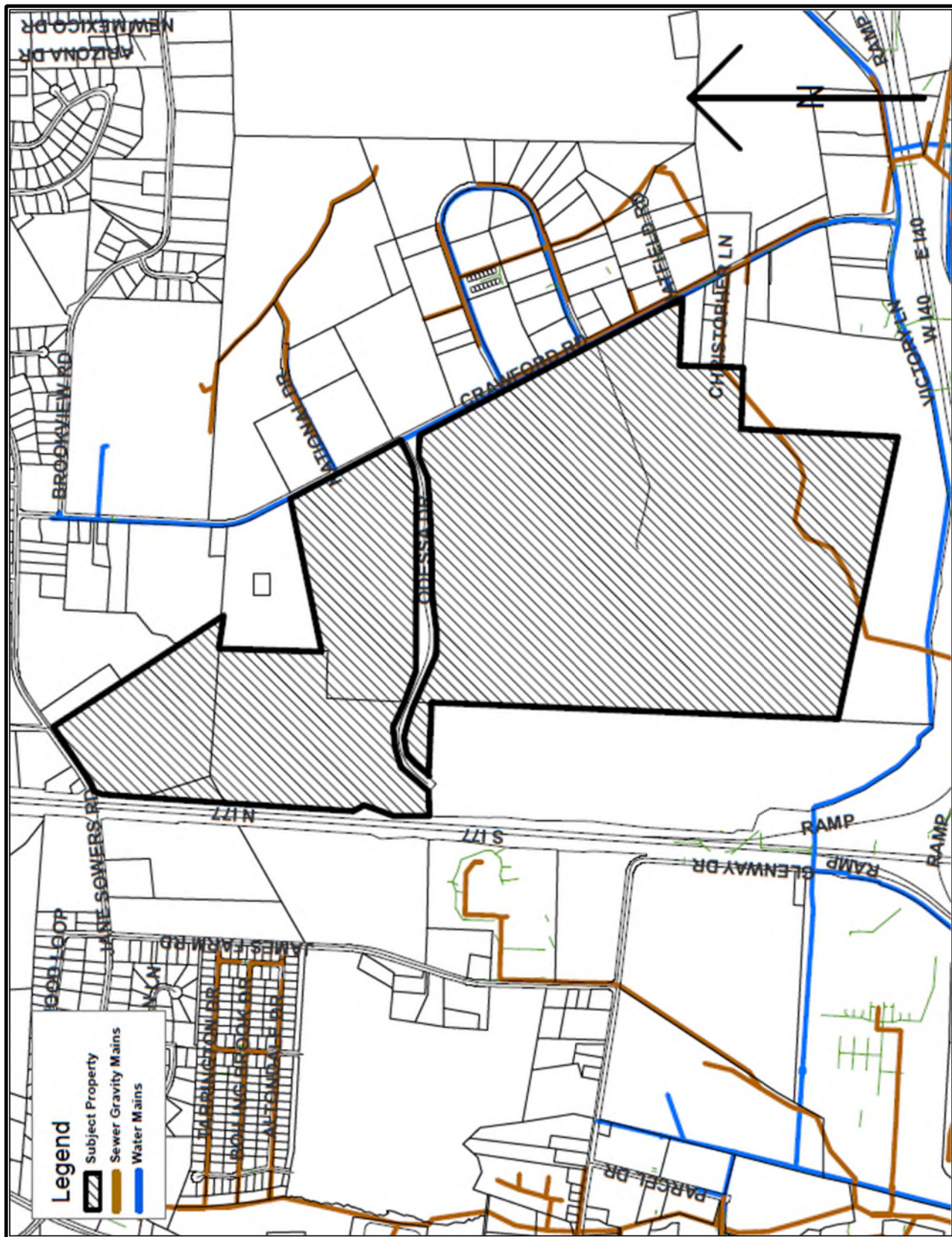
Three key transportation improvements are recommended for the Jane Sowers area, largely to enhance access and mobility throughout the site. The widening of US 21 will increase connectivity between interchanges on I-40 and I-77. Two new facilities are also recommended: a new intersection near Jane Sowers Road and an overpass connecting the east and west sides of I-77 near James Farm Road. The new facilities will increase accessibility to large tracts of land in the northeast quadrant of the I-77/I-40 interchange.

Real estate demand forecasts indicate that the Jane Sowers North area is likely to develop gradually over the next 20+ years. Likely development phasing, illustrated on the following page, will follow planned infrastructure improvements. Based on current accessibility challenges and presence of large single-use parcels, it is likely that development will occur as improvements make interior parcels more easily accessible, and as owners increase their willingness to sell.

Phasing, as shown on the following page, is likely to occur as follows:

- **Phase 1:** Capitalizes on development occurring in areas that currently have accessibility to existing infrastructure, including land near the two interchanges and property along US 21.
- **Phase 2:** Assumes the completion of a new interchange on I-77 in the vicinity of Jane Sowers Road. The second phase shows properties closest to the new interchange developing.
- **Phase 3:** Momentum moves south closer to the intersection of I-77 and I-40. The third development phase assumes the completion of an overpass connecting to James Farm Road.





Case No. ZC21-12 NCPark 4077 (Peppercorn)
 Utilities Map – PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075



To: Statesville City Council

From: Sherry Ashley, Planning Director

Date: February 21, 2022

Subject: Rezoning

Case: ZC21-12 – NCPark 4077 (Peppercorn)

Address: Odessa Drive, Crawford Road & Jane Sowers Road vicinity (Iredell County Tax Parcel Identification # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075)

- ☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan**, is reasonable and in the public interest because: the adopted 2019 Mobility & Development Plan and both the current (2005) and draft (2045) Land Development Plans identify this area as broadly suitable for manufacturing, logistics and other employment uses east of I-77. The draft LDP notes that Jane Sowers North area is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is for standard rezoning of the subject parcels; and the request is compatible with the existing land uses to the east along Crawford Road and proposed light industrial land use to the west, as well as with the adopted plan for the strategic focus area. All utilities are available to the site.
- ☐ 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: _____
- _____
- _____
- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____
- _____
- _____
- _____

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board

From: George A. Berger, AICP, Asst. Planning Director

Date: January 25, 2022

Subject: Zoning Consistency Statement – Planning Board

Case: ZC21-12 NCPark 4077 (Peppercorn)

Address: Odessa Drive, Crawford Road & Jane Sowers Road vicinity, PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075

☐ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: the adopted 2019 Mobility & Development Plan and both the current (2005) and draft (2045) Land Development Plans identify this area as broadly suitable for manufacturing, logistics and other employment uses east of I-77. The draft LDP notes that Jane Sowers North is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is compatible with the existing land uses to the east along Crawford Road and proposed light industrial land use to the west, as well as with the adopted plan for the strategic focus area; and all utilities are available to the site.

☐ 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 Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: _____

☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Todd Lange, Planning Board Chairman

Date: George Berger, Asst. Planning Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTIES FROM IREDELL COUNTY M-1 (LIGHT INDUSTRIAL) DISTRICT AND R-20 (RURAL RESIDENTIAL) DISTRICT AND STATEVILLE R-A (RURAL-AGRICULTURAL) DISTRICT TO LI (LIGHT INDUSTRIAL) DISTRICT

**ZC21-12 Peppercorn Plantation LTDP, Goforth Family Revoc Tr, &
Andrew H Crawford Property
Odessa Drive, Crawford Road & Jane Sowers Road vicinity
PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on February 21, 2022 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from IC M-1 and R-20 and SVL R-A to LI; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on February 11, 2022 and February 18, 2022, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was duly held in accordance with law, and all persons present were given an opportunity to be heard on said proposed ordinance prior to any action being taken thereon by the City Council;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described properties be changed as particularly set out below, said properties being more particularly described as follows:

LEGAL DESCRIPTION

ALL those certain lots or parcels of land lying, and being situate in Iredell County, North Carolina, and more particularly described as follows:

PARCEL 1

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found #5 rebar, the northeasternmost corner of Peppercorn Plantation LTDP (DB 1557 PG 319), said rebar being at the intersection of the southern R/W of Odessa Drive (100' Public R/W) and the western R/W of Crawford Road (60' Public R/W) said rebar having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83 and being S19°01'06"E 9,272.98' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the western R/W OF Crawford Road S27°22'55"E 2738.88' to a found axle in the line of M&N Investments, LLC (DB 2207 PG 137);thence, with M&N Investments, LLC, N89°02'09"W 631.12' to a found 1.5" pipe in a field; thence, continuing with the line of M&N Investments, LLC, Keith R. Martin (DB 2627 PG 2121), & Bayou Properties, LLC (DB 1679 PG 1972) S01°38'25"W 605.00' to a found 1/2' pipe in the line of Rev. J.H. Pressley Farm Partnership (DB 2124 PG 1726); thence, the following three (3) courses with the Pressley Farm Partnership, 1) N86°17'24"W 592.91' to a found # 5 rebar: 2) S01°53'00"W 1475.44' to a 1" pipe;3) N78°14'00"W 2685.34' to a found stone in the line of

ITAC469, LLC (DB 2818 PG 314); thence, with the line of ITAC 469, LLC, ((DB 2818 PG 314) N02°26'03"E 3,792.01' to a found flat iron in the line of Goforth Revocable Trust (DB 1607 PG 197); thence, with the line of Goforth Revocable Trust N02°26'03"E 149.69' to a set #4 rebar in the southern R/W of Odessa Drive; thence, with the southern R/W of Odessa Drive, the following seven (7) courses; 1) S67°11'33"E 312.61' to a set #4 rebar; 2) with the arc of a circular curve to the left, having a radius of 810.00', an arc length of 498.22', and a chord bearing and distance of S84°48'52"E 490.40' to a found R/W disc; 3) N77°31'27"E 35.88 to a found R/W disc; 4) with the arc of a circular curve to the right, having a radius of 1150.00', an arc length of 258.64', and a chord bearing and distance of N83°59'38"E 258.09' to a found R/W disc; 5) S89°31'27"E 709.43' to a found R/W disc; 6) with the arc of a circular curve to the left, having a radius of 1250.00', an arc length of 551.41', and a chord bearing and distance of N77°49'01"E 546.95' to a found R/W disc; 7) S89°15'39"E 177.52' to a found #5 rebar, the Point of Beginning, containing 285.975 total acres.

PARCEL 2A

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of Goforth Revocable Trust (DB 1607 PG 19), the following four(4) courses; 1) S86°18'28"E 1155.62' feet to a found stone on the line of Crawford Road Industrial, LLC (DB 2821 PG 651); 2) with the line of Crawford Road Industrial, LLC, S01°43'48"W 1024.60' feet to a found stone in the line of Andrew H. Crawford (DB 1055 PG 1089); 3) with the line of Crawford N87°26'56"W 399.10' to a found #5 rebar; 4) continuing with Crawford, S05°00'49"W 813.23' to a set #4 rebar in the northern R/W of Odessa Drive: thence with the R/W of Odessa Drive, the following four (4) courses; 1) N67°11'33"W 153.76' to a set #4 rebar; 2) with the arc of a circular curve to the left, having a radius of 500.00', an arc length of 619.13', and a chord bearing and distance of S77°13'16"W 580.32' to a set #4 rebar; 3) S42°14'33"W 227.12' to a set #4 rebar; 4) S48°01'13"E 2.21' to a found #4 rebar in the line of ITAC 469, LLC, (DB 2818 PG 314); thence, with the line of ITAC 469, LLC, N88°52'02"W 185.77' to a found #5 rebar in the eastern margin of the R/W of Interstate 77; thence, with the eastern R/W of Interstate 77, the following nine (9) courses; 1) N03°41'18"E 80.90' to a set #4 rebar; 2) N02°01'20"W 100.50' to a set #4 rebar; 3) N03°41'18"E 327.29' to a set #4 rebar; 4) N22°29'07"E 93.11' to a set #4 rebar; 5) N23°21'58"W 65.96' to a set #4 rebar; 6) N03°41'18"E 475.83' to a set #4 rebar; 7) N13°01'38"E 202.69' to a set #4 rebar; 8) N05°39'01"W 202.69' to a set #4 rebar; 9) N03°41'18"E 344.03' to a set #4 rebar in the line of Goforth Revocable Trust (DB 1616 PG 2028); thence with the line of Goforth Revocable Trust, N59°56'54"E 314.87' to a found stone, the Point Of Beginning, containing 51.872 total acres.

PARCEL 2B

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found flat iron, common corner of Goforth Revocable Trust (DB 1607 PG 197), ITAC 469, LLC, (DB 2818 PG 314), and Peppercorn Plantation LTDP (DB 1557 PG 319), said flat iron having North Carolina Grid Coordinates of N:760,382.73 E:1,449,719.33 and being S03°22'50"E 8,908.55' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of ITAC 469, LLC, N88°52'24"W 713.67' to a found #4 rebar in the southern margin of the R/W of Odessa Drive (100' Public R/W); thence, with said R/W the following three (3) courses; 1) N42°14'33"E 141.90' to a set #4 rebar; 2) with the arc of a circular curve to the right, having a radius of 400.00', an arc length of 495.30', and a chord bearing and distance of N77°13'16"E 464.26' to a set #4

rebar; 3) S67°11'33"E 186.30' to a set #4 rebar in the line of Peppercorn Plantation LTDP; thence, with the line of Peppercorn Plantation LTDP, S02°26'03"W 149.69' to a found flat iron, the Point Of Beginning, containing 3.062 total acres.

PARCEL 3

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of Goforth Revocable Trust (DB 1610 PG 2144), S59°56'54"W 340.36' to a found concrete R/W monument in the eastern margin of the R/W of Interstate 77; thence, the following two (2) courses with the eastern R/W of Interstate 77; 1) N03°36'20"E 542.73' to a set #4 rebar; 2) N03°35'38"E 310.92' to a found #5 rebar in the line of Goforth Revocable Trust (DB 1610 PG 2144); thence, leaving the eastern R/W of Interstate 77 and with the line of Goforth Revocable Trust, S19°30'17"E 721.95' to a found stone, the Point Of Beginning, containing 2.773 total acres.

PARCEL 4

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of Goforth Revocable Trust (DB 1610 PG 2028) N19°30'17"W 721.95' to a found #5 rebar in the margin of the eastern R/W of Interstate 77; thence, with said eastern R/W, the following three (3) courses, 1) N03°35'42"E 310.36' to a found concrete R/W monument; 2) N37°05'57"E 139.65' to a found concrete R/W monument; 3) N12°07'32"E 21.36' to a found #5 rebar in the R/W of Jane Sowers Road (S.R. 2171); thence, N57°21'19"E 643.12' to a found 1.5" pipe in the line of Kenneth S. Thomas & Patricia A. Thomas (DB 2300 PG 1819); thence, with the line of Thomas, S33°18'53"E 787.46' to a found 1/2" pipe in the line of the heirs of Wilma H. Bass (no record of conveyance found); thence, with the line of the heirs of Bass and DENSO Manufacturing North Carolina Inc. (DB 2648 PG 513) S33°18'53"E 1085.87' to a found #5 rebar in the line of Crawford Road Industrial, LLC (DB 2821 PG 651); thence, with the line of Crawford Road Industrial, N85°38'21"E 285.14' to a found stone in the line of Goforth Revocable Trust (DB 1607 PG 197); thence, with the line of Goforth Revocable Trust, N86°18'28"W 1155.62' to a found stone, the Point Of Beginning, containing 34.499 total acres.

Crawford Parcel

BEGINNING AT A RIGHT-OF-WAY DISK, MARKING THE EDGE OF RIGHT-OF-WAY OF CRAWFORD ROAD AND ODESSA DRIVE ALSO BEING THE SOUTHEAST CORNER OF THE PROPERTY OWNED BY ANDREW H. CRAWFORD, DEED BOOK:1055 PAGE:1089; THENCE ALONG THE RIGHT-OF-WAY OF ODESSA DRIVE S 14°59'03" W A DISTANCE OF 27.08' TO A RIGHT-OF-WAY DISK; THENCE S 63°01'30" W A DISTANCE OF 90.10' TO A RIGHT-OF-WAY DISK; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 328.10', WITH A RADIUS OF 1,150.00', WITH A CHORD BEARING OF S 71°10'12" W, WITH A CHORD LENGTH OF 326.99', TO A POINT, SAID POINT BEING LOCATED N 79°05'41" E A DISTANCE OF 1.03' FROM A RIGHT-OF-WAY DISK; THENCE N 89°08'19" W A DISTANCE OF 1,765.82' TO A RIGHT-OF-WAY DISK; THENCE N 67°11'25" W A DISTANCE OF 245.51' TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY N 05°01'46" E A DISTANCE OF 716.97' TO A 5/8" REBAR; THENCE S 87°26'22" E A DISTANCE OF 399.14' TO A STONE; THENCE N 01°23'16"

E A DISTANCE OF 60.41' TO A 5/8" REBAR; THENCE N 79°04'06" E A DISTANCE OF 1,445.61' TO A 5/8" REBAR AT THE EDGE OF RIGHT-OF-WAY OF CRAWFORD ROAD; THENCE ALONG SAID RIGHT-OF-WAY S 27°19'11" E A DISTANCE OF 1,103.11' TO A RIGHT-OF-WAY DISK; WHICH IS THE POINT OF BEGINNING. THE ABOVE-DESCRIBED PROPERTY CONTAINS 2,072,807.30 S.F. OR 47.585 AC. MORE OR LESS.

Property Address: Odessa Drive, Crawford Road & Jane Sowers Road Vicinity, Statesville NC

This ordinance was introduced for first reading by Councilmember _____, seconded by Councilmember _____, and unanimously carried on the _____ day of _____, 2022.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____, 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

Ayes:

Nayes:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2022.

CITY OF STATESVILLE

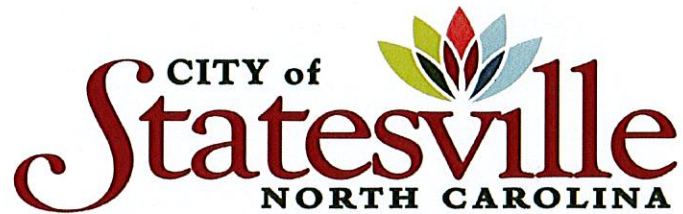
Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk




To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council members:

The purpose of this letter is to certify that the adjacent property owners of PIN Numbers 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 located on Odessa Drive, Crawford Road and Jane Sowers Road, per Case # ZC21-12, were mailed notice of this rezoning request on January 11, 2022.

Thank you,



George A. Berger, AICP
Assistant Planning Director

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 8, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of an ordinance to annex the properties located on US 70/Salisbury Highway at East Barkley Road – Annexation Request AX22-01 for PIN # 4753-16-9517 and a portion of PIN # 4753-27-6245; Williams Development Group LLC Property.

1. **Summary of Information:** The properties being considered for annexation have been submitted by Williams Development Group LLC (owner). There are two parcels being requested that total 67.96 acres; and are located on US 70/Salisbury Highway at East Barkley Road (*see attached Location Map*). A portion of the parcel fronting US 70 has already been annexed into the City in what is believed to be a 'legacy' City-initiated involuntary annexation that did not include a survey; the applicant has been permitted to utilize an existing boundary survey and metes and bounds description of the full parcel for this request, with a contingency that a new survey/description will be provided by the applicant if the NC Dept. of Commerce does not accept the submitted annexation plat.

The parcels are currently undeveloped; the owner proposes to develop it for manufacturing use (*see attached GIS Aerial Photo Map, Boundary Survey and Site Photos*). The parcels are zoned HI (Heavy Industrial) District (*see attached Current Zoning Map*).

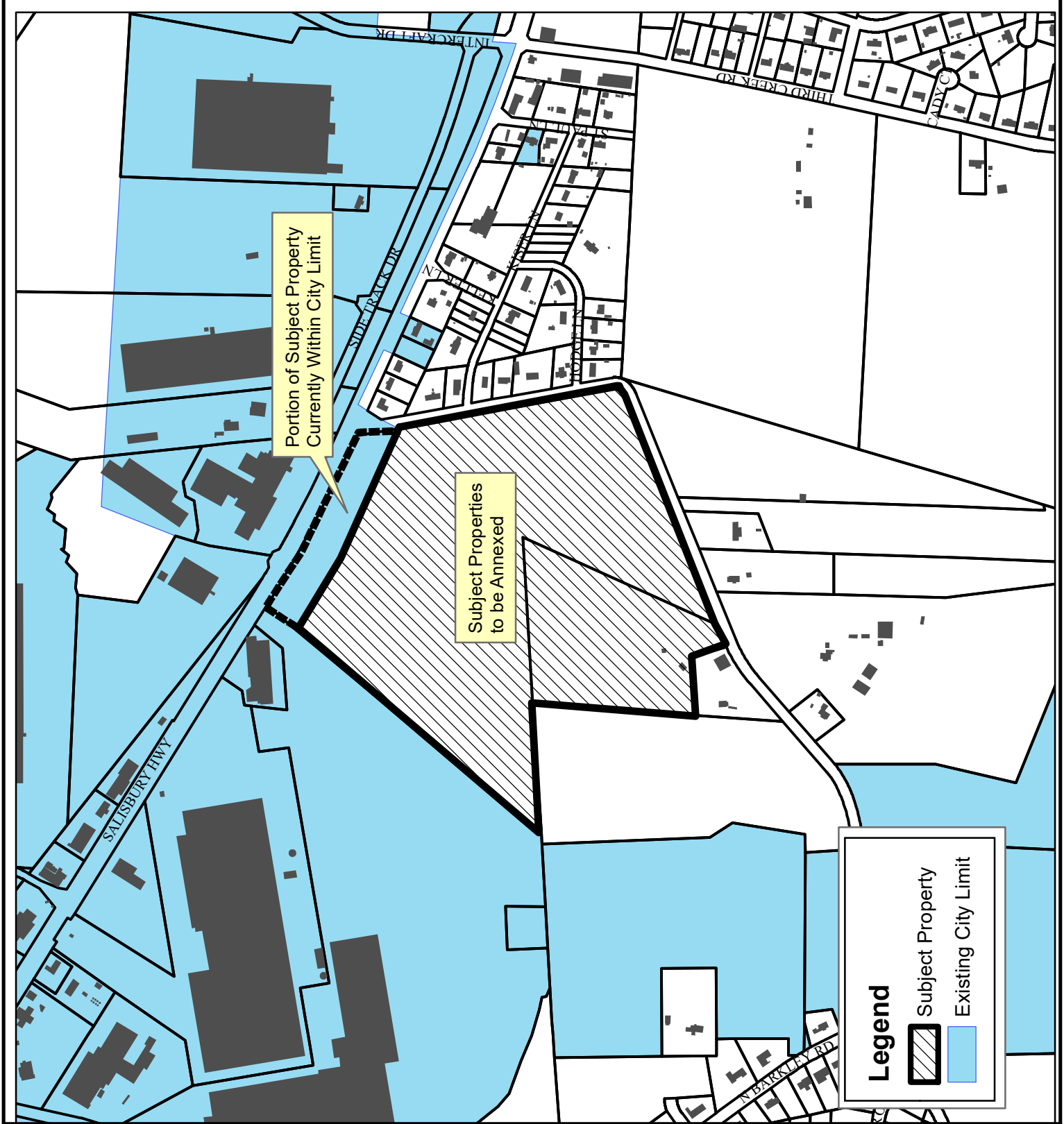
Both properties are within the City's extraterritorial jurisdiction (ETJ) and contiguous to the primary corporate limits of the City of Statesville; therefore, the applicant requests voluntary annexation to utilize City utilities.

2. **Previous Council or Relevant Actions:** N/A.
3. **Budget/Funding Implications:** The current tax value of the two parcels is \$1,125,540. The applicant estimates that the value of land plus site improvements will be approximately \$8.7 Million. The property will be served by City of Statesville sewer, water, and electricity (*see attached Utilities Location Map*). The city will need to provide fire and police services as requested.
4. **Consequences for Not Acting:** Without annexation the city would not collect property taxes.
5. **Department Recommendation:** The department recommends passing the first reading of the ordinance to annex the subject properties.
6. **Manager Comments:** Concur with the department's recommendation.



7. **Next Steps:** If approved, the second reading will be on March 7, 2022.

Attachments:

1. Location Map
2. GIS Aerial Photo Map
3. Boundary Survey
4. Site Photos
5. Current Zoning Map
6. Utilities Map
7. Ordinance

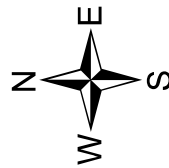
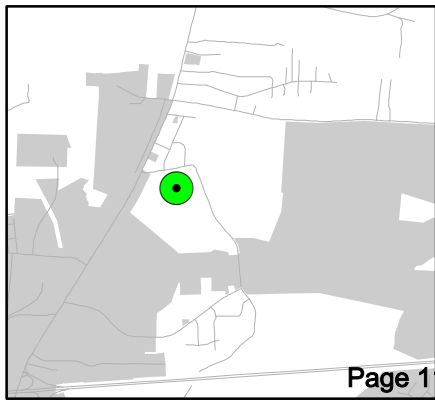


Legend

-  Subject Property
-  Existing City Limit

**City of Statesville
Planning Department**

Williams Devt Group Property
AX22-01
PIN # 4753276245 (portion)
& 4753169517



1 inch = 666.666667 feet





Portion of Subject Property
Currently Within City Limit

Subject Properties
to be Annexed

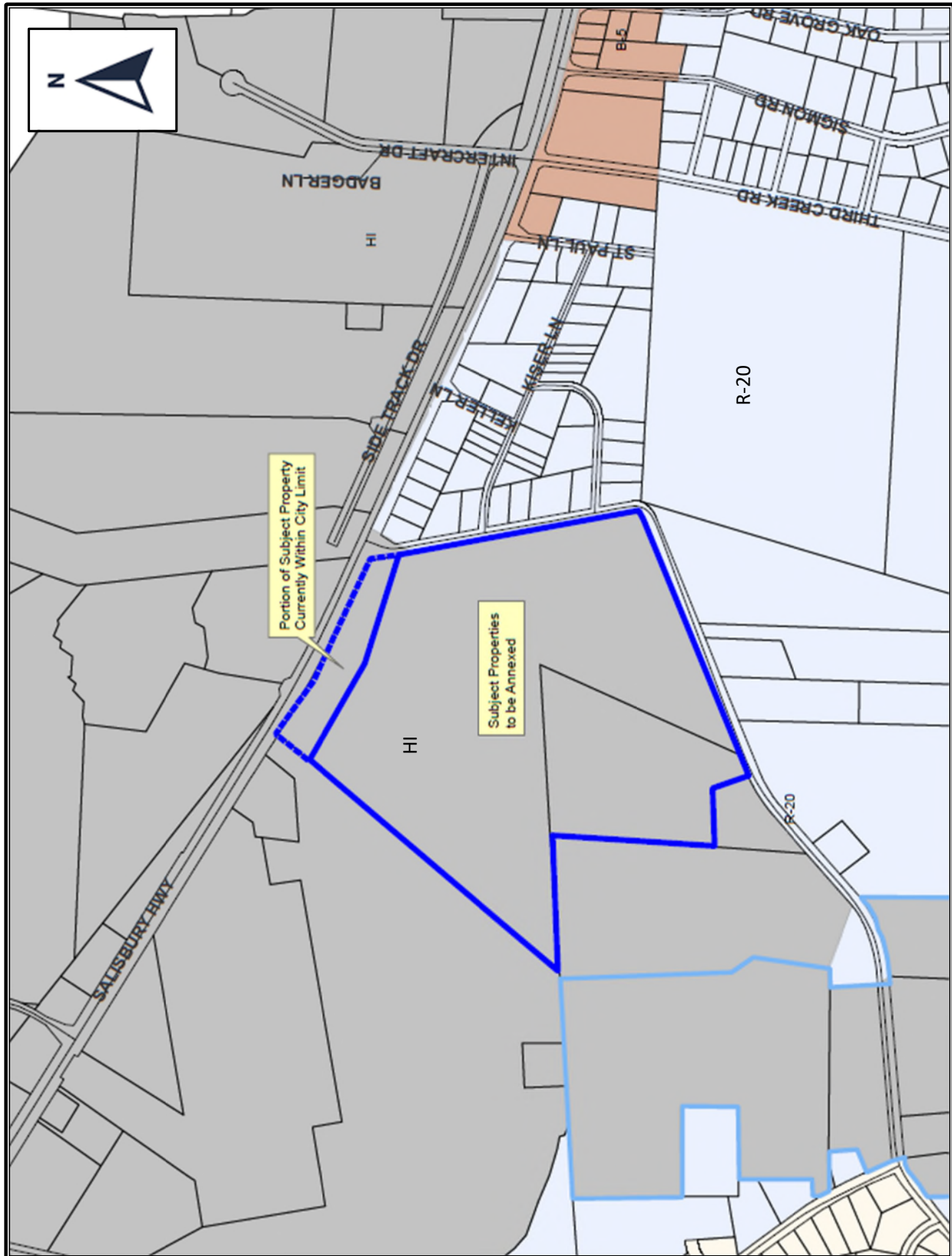
Site Photos – AX22-01 Williams Development Group LLC (PIN # 4753-16-9517 & 4753-27-6245 portion)
US 70/Salisbury Highway at E. Barkley Road



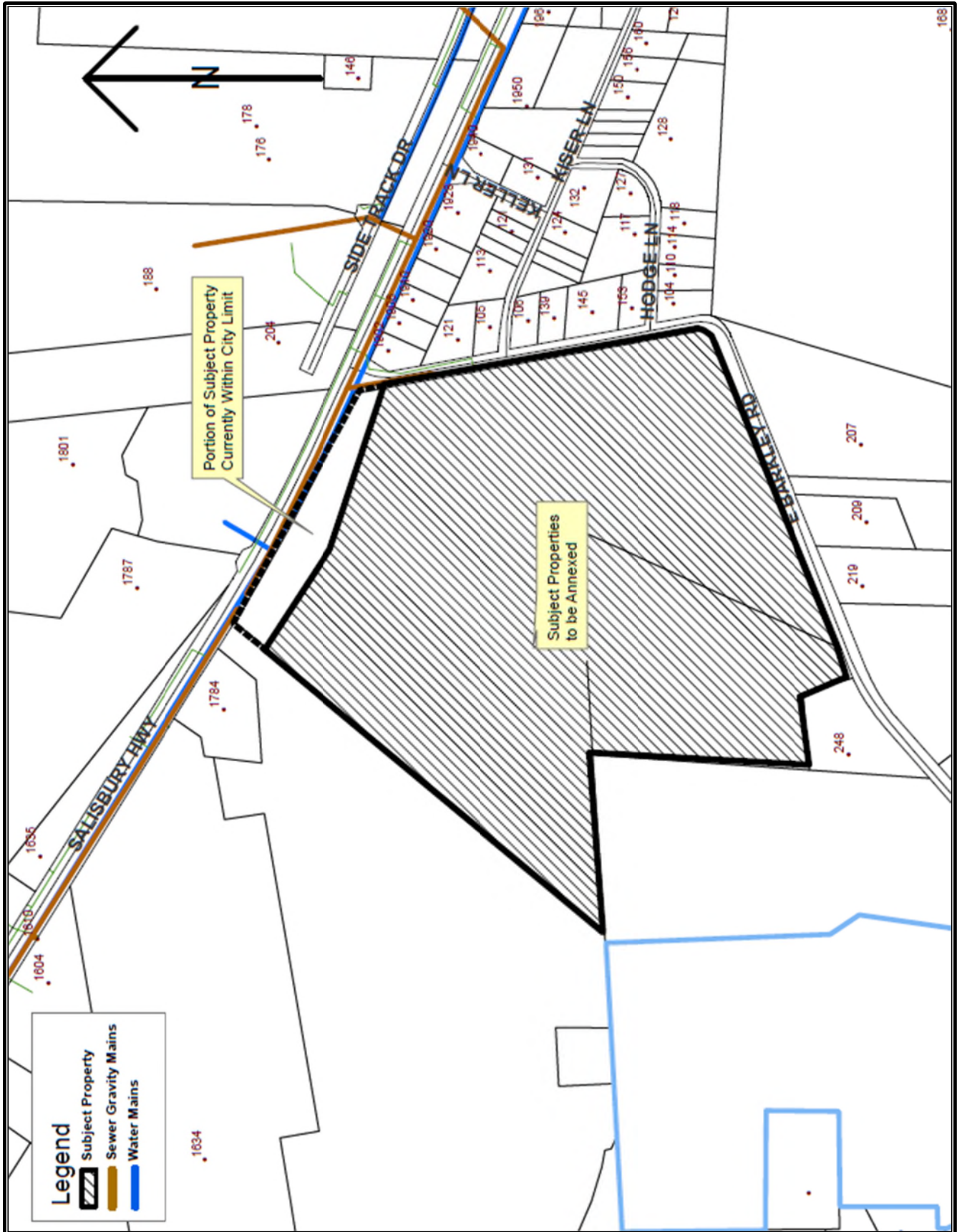
View from E. Barkley Road looking west along US 70 onto the property



View from E. Barkley Road looking north onto the property



Current Zoning Map - Case No. AX22-01 Williams Devt Group Property
Tax Parcel # 4753-16-9517 & 4753-27-6245 (Portion)



Utilities Location Map – AX22-01 Williams Development Group Property
Tax Parcel Map # 4753-16-9517 & 4753-27-6245 (portion)

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF STATESVILLE, NORTH CAROLINA

**Williams Development Group LLC Property
AX22-01
Parcels 4753-16-9517 & 4753-27-6245 (portion)**

WHEREAS, the Statesville City Council has petitioned under G.S. 160A-31, to annex the area described below; and

WHEREAS, the Statesville City Council has by resolution directed the Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Statesville City Hall at 7:00 o'clock p.m. on the 21st day of February 2022 after due notice by publication on 11th day of February 2022; and

WHEREAS, the Statesville City Council finds that the petition meets the requirements of G.S. 160A-31:

WHEREAS, the Statesville City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Statesville City Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED BY the Statesville City Council of the City of Statesville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of the City of Statesville, as of March 31, 2022, at 11:59 p.m.

Description

All of that certain Lot or parcel of land situated in Iredell County, North Carolina and more particularly described as following:

(Tract 1)

COMMENCING at NGS Monument "Amity Hill" having North Carolina Grid Coordinates of North: 724,078.12' and East: 1,448,691.98' North 15°33'54" East a ground distance of 12,578.65' to a new nail being in the centerline of Barkley Road (60' public right of way) and said point being the point of **BEGINNING**. Thence from said point of **BEGINNING** and continuing with Barkley Road South 66°47'05" West a distance of 118.83' to a new nail being the southeastern corner of Marcus W. Parker as described in Deed Book 1546, Page 2118; thence with the line of Marcus W. Parker the following two (2) courses and distances:

1) North 11°05'12" West a distance of 219.37' to an existing iron rod;

2) South 82°48'23" West a distance of 285.76' to a new iron rod being on the eastern line of Marcus W. Parker as described in Deed Book 1970, Page 346; thence with the eastern line of Marcus W. Parker North 03°07'15" East a distance of 822.85' to an existing iron rod being on the southern line of The Sherrill

Industrial Land Limited Partnership as described in Deed Book 1162, Page 870 (Tract 2); thence with the southern line of Tract 2 the following two (2) courses and distances:

- 1) North 85°38'40" East a distance of 833.08' to an existing iron rod;
- 2) South 23°24'41" West a distance of 1108.83' to the **POINT OF BEGINNING**, having an area of 576,477 square feet, or 13.2341 acres of land as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated June 3, 2021 (Job Number 92956).

(Tract 2)

COMMENCING at NGS Monument "Amity Hill" having North Carolina Grid Coordinates of North: 724,078.12' and East: 1,448,691.98' North 15°33'54" East a ground distance of 12,578.65' to a new nail being in the centerline of Barkley Road (60' public right of way) and also being the southeastern corner of The Sherrill Industrial Land Limited Partnership as described in Deed Book 1188, Page 1672 (Tract 1) recorded in the Iredell County Register of Deeds and said point also being the point of **BEGINNING**. Thence from said point of **BEGINNING** and running with the easterly line of Tract 1 the following two (2) courses and distances:

- 1) North 23°24'41" East a distance of 1108.83' to an existing iron rod;
- 2) South 85°38'40" West a total distance of 1,499.81' (passing an iron online at 833.08') to an existing concrete monument being the southeastern corner of Barkley Road Statesville, LLC as described in Deed Book 2541, Page 1137; thence with the easterly line of Barkley Road Statesville, LLC North 39°59'37" East a total distance of 1779.30' (passing concrete monuments at 249.99' and 1,599.29') to a new iron rod on the southerly right of way margin of U.S. Highway 70 (Variable public right of way) (AKA Salisbury Highway); thence with the southerly margin of U.S. Highway 70 the following two (2) courses and distances:
 - 1) with a curve along the arc of a curve to the left said curve having an arc length of 765.84 feet a radius of 6262.85 feet (chord bearing of South 61°51'18" East and chord distance of 765.37 feet) to an existing right of way monument;
 - 2) South 65°29'30" East a distance of 198.76' to an existing right of way monument; thence South 65°18'50" East a distance of 40.37' to a new nail being within East Barkley Road (60' public right of way); thence continuing within the margin of East Barkley Road the following two (2) courses and distances:
 - 1) South 09°32'14" East a distance of 1364.22' to a new iron rod on the south side of the pavement;
 - 2) South 69°05'37" West a distance of 1292.15' to the **POINT OF BEGINNING**, having an area of 2,384,142 square feet, or 54.7324 acres of land as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated June 3, 2021 (Job Number 92956).

Section 2. Upon and after March 31, 2022, at 11:59 p.m., the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Statesville and shall be entitled to the same privileges and benefits as other parts of the City of Statesville. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the City of Statesville shall cause to be recorded in the office of the Register of Deeds of Iredell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Iredell County Board of Elections, as required by G.S. 163-288.1.

The Ordinance was introduced by a first reading by Councilmember _____, seconded by Councilmember _____, and carried on the 21st day of February 2022.

AYES:

NAYES:

The second and final reading of this ordinance was heard on the 7th day of March 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

AYES:

NAYES:

The Ordinance to be in full force and effect from and after the 31st day of March 2022 at 11:59 p.m.

City of Statesville

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 8, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-11 filed by Bernard and Hannah May for the property located on Sharon Drive; Tax Map # 4754-57-0298 from CU-19 R-8MF (Conditional Use Medium Density Multi-Family Residential) District to R-8 MF (Medium Density Multi-Family Residential) District.

1. Summary of Information:

Rezoning Request: Bernard and Hannah May (applicant and property owner), request rezoning of the subject parcel from CU-19 R-8MF (Conditional Use Medium Density Multi-Family Residential) District to R-8 MF (Medium Density Multi-Family Residential) District. This is a standard rezoning proposal, and not subject to conditions (see attached Location Map, GIS Aerial Map, Site Photos, and Zoning Map). However, if this standard request is approved for multi-family housing as requested, a quasi-judicial review process and approval will be required by the City Council.

Evaluation: The request is for a change in zoning on this undeveloped parcel from a Conditional Use residential zoning district to a standard residential zoning district. If approved, the change in zoning would permit the property owners to sell the undeveloped property unencumbered by the previous conditions placed on the property in an earlier rezoning (*see attached conditions – Case CU-19 / #ZC 97-7*).

In 1997 all 3 tracts now shown on the location map was 1 large 78.21-acre parcel.

1. Case number #CU-19 (also referred to as Planning Department Plan File #97-7) received approval in **1997** to permit Broad Street Properties to develop 120 apartment units and 53 single family residential homes on 78.21 acres (*inclusive of what is now the subject parcel*). The maximum residential density of this approval was to be 2.21 units/acre; with the remainder of the property left in open space. In 1998, the plan was revised to permit the 140-unit Phillips Landing apartment project that exists today, with the single-family residential component being abandoned. The apartment project was placed on approximately 16.64 acres; the remaining 61.46 acres was undeveloped (*see attached Conditions – Case No. CU-19 / #ZC97-7*).
2. In **2012**, when rezoning case #ZC12-01 was submitted, it was discovered that the property had been subdivided into 3 tracts without subdivision approval. Tract 1 is 16.64 acres, tract 2 is 25.36 acres and tract 3 is 36.20 acres. Rezoning case #ZC12-01 was approved by City Council permitting a change in the earlier conditions, allowing for the 25.36-acre tract 2 to be used for multi-family residential use at a maximum density of 1.88 units/acre rather than remaining as open space. This approval changed the zoning district conditions on the parcel to CU 19 R-8MF; and referenced that the remaining 36.2-acre tract 3 parcel would not be able to

be developed without a rezoning. Tract 2 remains undeveloped (*see attached Conditions and Concept Plan— Case No. ZC12-01*).

3. The remaining 36.2-acre parcel located at the eastern terminus of Sharon Drive, south of E. Broad Street and the Phillips Landing multi-family apartment development, and west of S. Greenbriar Road is now requesting rezoning. The property is currently undeveloped and contains significant slopes and floodplain (*see attached Subject Area Floodplain Map*).

The applicants wish to remove the Conditional Use zoning designation on the property to sell/develop the property for single-family or multi-family without conditions related to Tract 1, the Phillips Landing apartment project.

The purpose of the R-8 MF (Medium Density Multi-Family Residential) district is to accommodate low density single and multi-family residential development where full urban services are available, with the uses permitted for the district in Table 3-1 of the Unified Development Code.

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: R-15, City of Statesville/Greenway property, CU R-8 MF (Conditional Use Medium Density Multi-Family Residential) District that is undeveloped (proposed Phillips Gardens); and the Phillips Landing Apartments

EAST OF THE SITE: Iredell County RA (Residential Agricultural) District with both undeveloped floodplain and residential lots along Greenbriar Road with homes and various outbuildings

SOUTH OF THE SITE: R-15 (Urban Fringe Low Density Residential) District, undeveloped lots

WEST OF THE SITE: R-10 and R-15 (Urban Fringe Low Density Residential) District, Dalwan Heights neighborhood with single-family residential homes

The 2005 Land Development Plan indicates that this parcel (and the bulk of the surrounding area) is suitable for Medium Density Residential use with a maximum of 6 dwelling units per acre (*see attached Future Land Use Map*). The Land Use and Character Map in the draft 2045 Land Development Plan indicates that this property is suitable for 'Complete Neighborhood 2' development; in which the traditional single family residential development pattern is encouraged, along with multi-family residential development near commercial areas and major roads, and other neighborhood scale land uses suitable to the area (*see attached draft Land Use & Character Map*).

The 36.2-acre parcel exceeds all lot development standards for the proposed R-8 MF district; and there is developable property outside the floodplain to permit development that could meet all required setbacks.

Statesville water, sewer and electrical service are all available to the property (*see attached Utilities Map*).

2. **Previous Council/Relevant Actions:** The Planning Board recommended approval of the request for rezoning by a 4-1 vote on January 25, 2022.
3. **Budget/Funding Implications:** No new budget implications at this time; no specific development plans have been submitted at this time.
4. **Consequences for Not Acting:** The property would retain its current CU-19 R-8MF zoning designation but could not meet the conditions making the property undevelopable.
5. **Department Recommendation:** The 2005 Land Development Plan projects the property as appropriate for Medium Density Residential development. The subject parcel meets the minimum lot

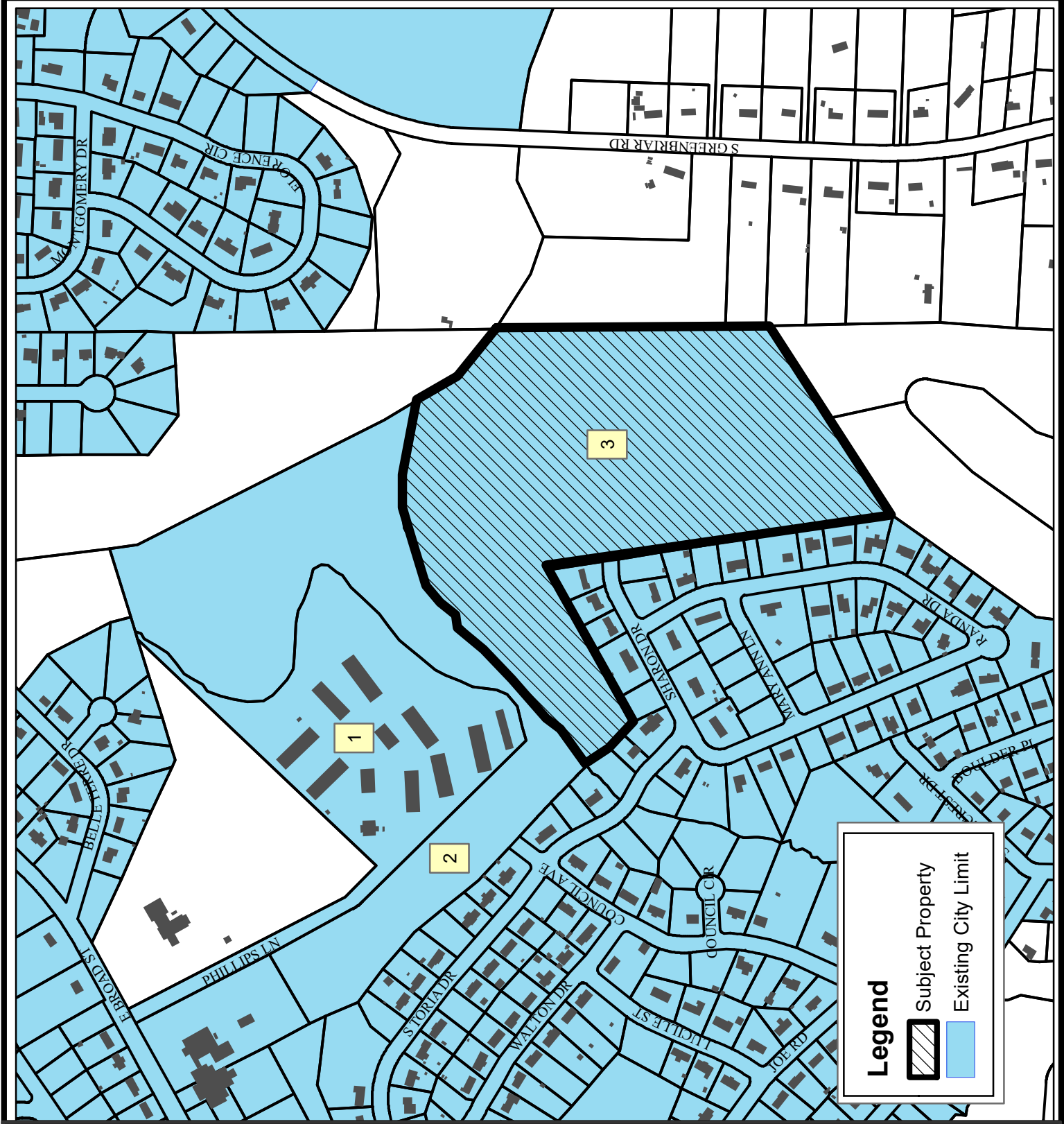
dimensional requirements for the requested R-8 MF zoning district, and all utilities are available to the site. The request to remove the Conditional Use designation from the property would provide a zoning district that is compatible with the surrounding community and clarifies the zoning designation consistent with earlier rezoning approvals, therefore staff recommends approval of the rezoning request.

6. Manager Comments: Concur with the department's recommendation.

7. Next Steps: If approved, the second reading would be on March 7, 2022.

Attachments:

1. Location Map
2. GIS Aerial Map
3. Site Photos
4. Current Zoning Map
5. Conditions – Case No. CU-19 / #97-7
6. Conditions and Concept Plan– Case No. ZC12-01
7. Subject Area Floodplain Map
8. Future Land Use Map (2005 LDP)
9. (Draft) Land Use & Character Map (2045 LDP)
10. Utilities Map
11. Council Consistency Statement
12. Planning Board Consistency Statement
13. Rezoning Ordinance
14. Certification of Mailed Notices

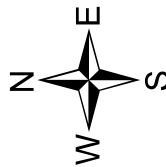
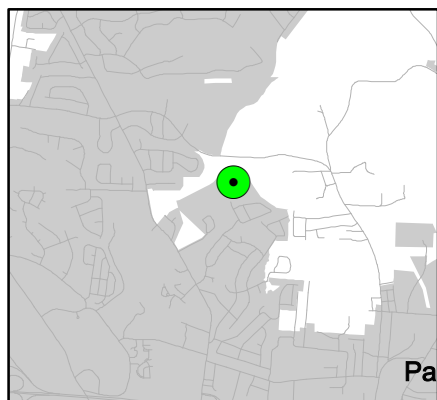


City of Statesville Planning Department

May Property (Sharon Drive)

ZC21-11

PIN # 4754-57-0298



1 inch = 500 feet





GIS Aerial Map – ZC21-11 May Property (Sharon Drive)
Tax Parcel Map # 4754-57-0298



Site Photo – Case No. ZC21-11 May Property (Sharon Drive)
PIN # 4754-57-0298
View South from Sharon Drive end



Site Photo – Case No. ZC21-11 May Property (Sharon Drive)
PIN # 4754-57-0298
View North from Sharon Drive end

CONDITIONAL USE ZONING PERMIT
CITY COUNCIL APPROVAL

ZONING CASE NO. CU-19
ZONING: R-8MF
APPLICANT: Broad Street Properties

Plans for development of the above noted Conditional Use Zoning Permit were submitted for City Council approval under the provisions of the City Code of Ordinances Appendix A, Article 4. plan was reviewed and approved and permit issued by the City Council on the 5th day of May, 1997 and subject to such conditions as indicated below.

5-6-97

Date

John E. Marshall
John Marshall, Mayor

CONDITIONS

1. The density of the project shall not exceed 2.21 units per acre as proposed.
2. The schematic plan presented shall be used as a base for the final plans submitted for review by Planning Board and City Council.

PLANNING DEPARTMENT PLAN FILE # 97-7

I, James W. Reynolds, applicant, agree to adhere to the above conditions placed on rezoning case # 97-7 as adopted by City Council on the 5th day of MAY, 1997.

7/15/97

Date

James W. Reynolds
Applicant

CONDITIONAL USE ZONING PERMIT
CITY COUNCIL APPROVAL

ZONING CASE NO. ZC12-01
ZONING: From R-8MF CU to R-8MF CU (Change of Conditions)
APPLICANT: Wesley Community Development Corporation
PROPERTY ADDRESS: Phillips Lane, Statesville, NC 28625
PIN NUMBER: 4754-47-9936

Plans for development of the above noted Conditional Use Zoning Permit were submitted for City Council approval under the provisions of the City Code of Ordinances Appendix A, Article 4. Plan was reviewed, approved, and permit issued by the City Council on the 10th day of May, 2012 and subject to such conditions as indicated below.

5-10-2012
Date


Michael Johnson, Mayor Pro-Tem

USES:

1. Multi-family residential (duplex and quadplex in Option 1 [RZ1]; townhome-style in Option 2 [RZ2])

CONDITIONS:

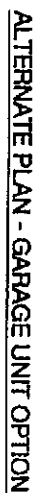
1. The density of the project shall not exceed 1.88 units per acre as proposed (48 units on 25.5 acres).
2. The schematic plan presented shall be used as a base for the final plans submitted for review by the Planning Board and City Council.
3. A Type "E" buffer will be provided in areas where the buffer is disturbed or currently does not meet the screening density.
4. Easement and/or dedication for greenway extension will be provided to the City of Statesville.

PLANNING DEPARTMENT REZONING FILE #ZC12-01

I, Roy Helm of Wesley Community Development Corporation, applicant, agree to adhere to the above conditions places on rezoning case #ZC12-01 as adopted by City Council on the 10th day of May, 2012.

May 1, 2012
Date


Applicant

[illegible]

**URBAN
DESIGN
PARTNERS**

Wesley Community
Development Corp.

Mr. Roy Hahn
1321-C Dade Drive
Bakersville, NC 28677

Phillips Gardens

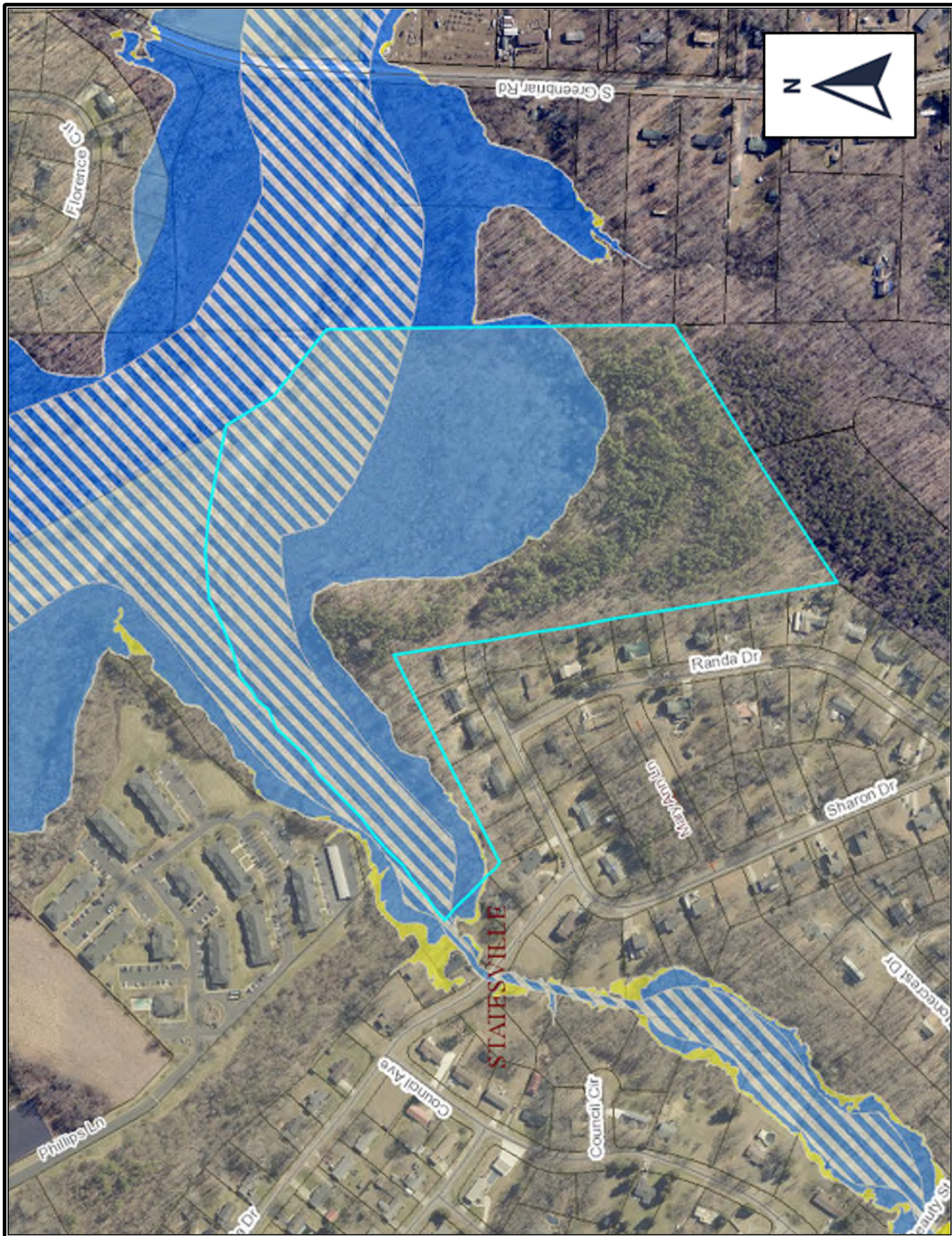
Rezoning Plan

City of Statesville, NC

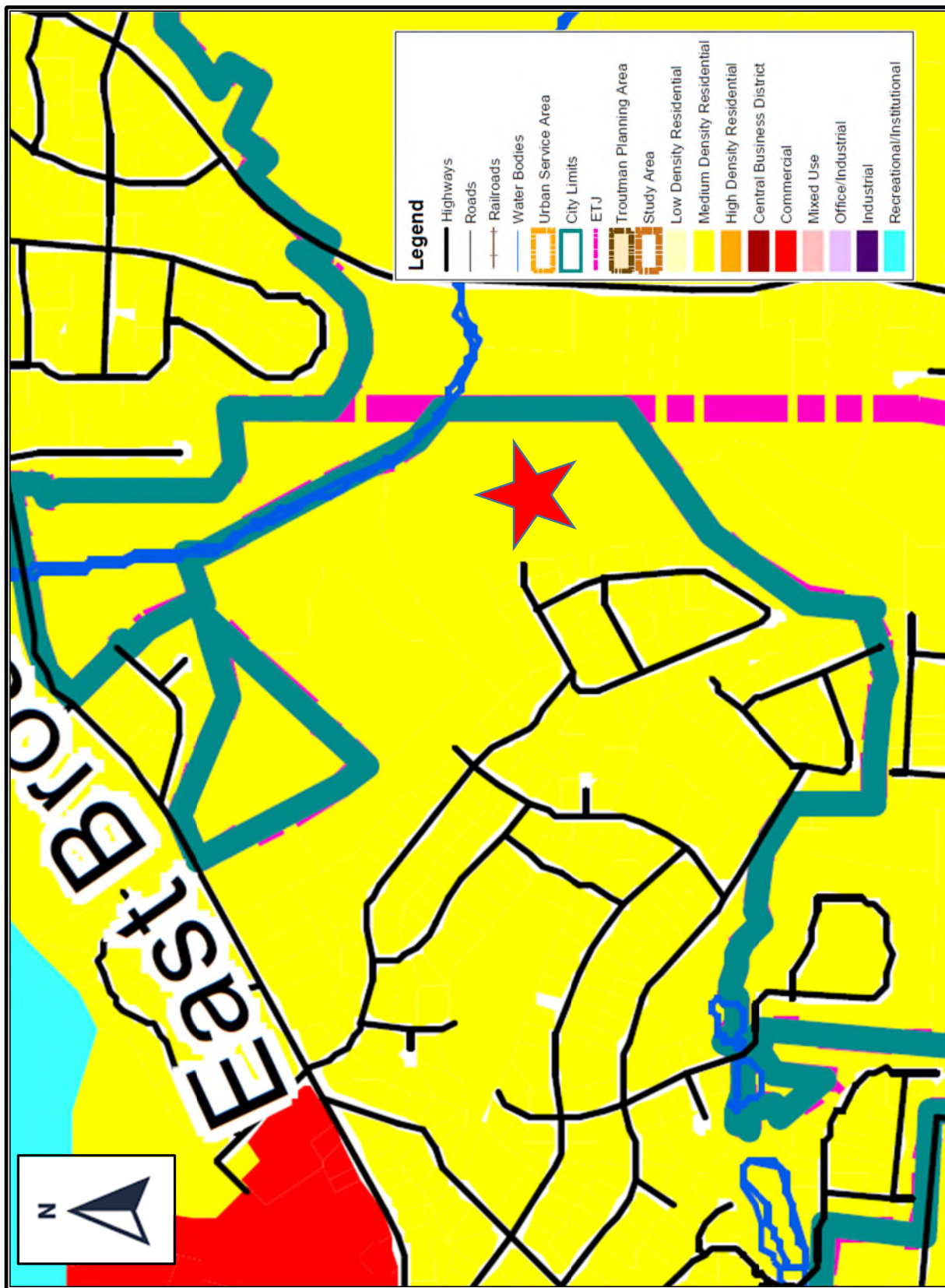
NO.	DATE	BY	REVISION
1	11-18-77	ED	REVISION

Project No: V3-073
Order: Parkway BR, 2012
Designed by: acb
Copper by: acb
Scale: 1" = 30'-0"
Sheet 200

RZ-2

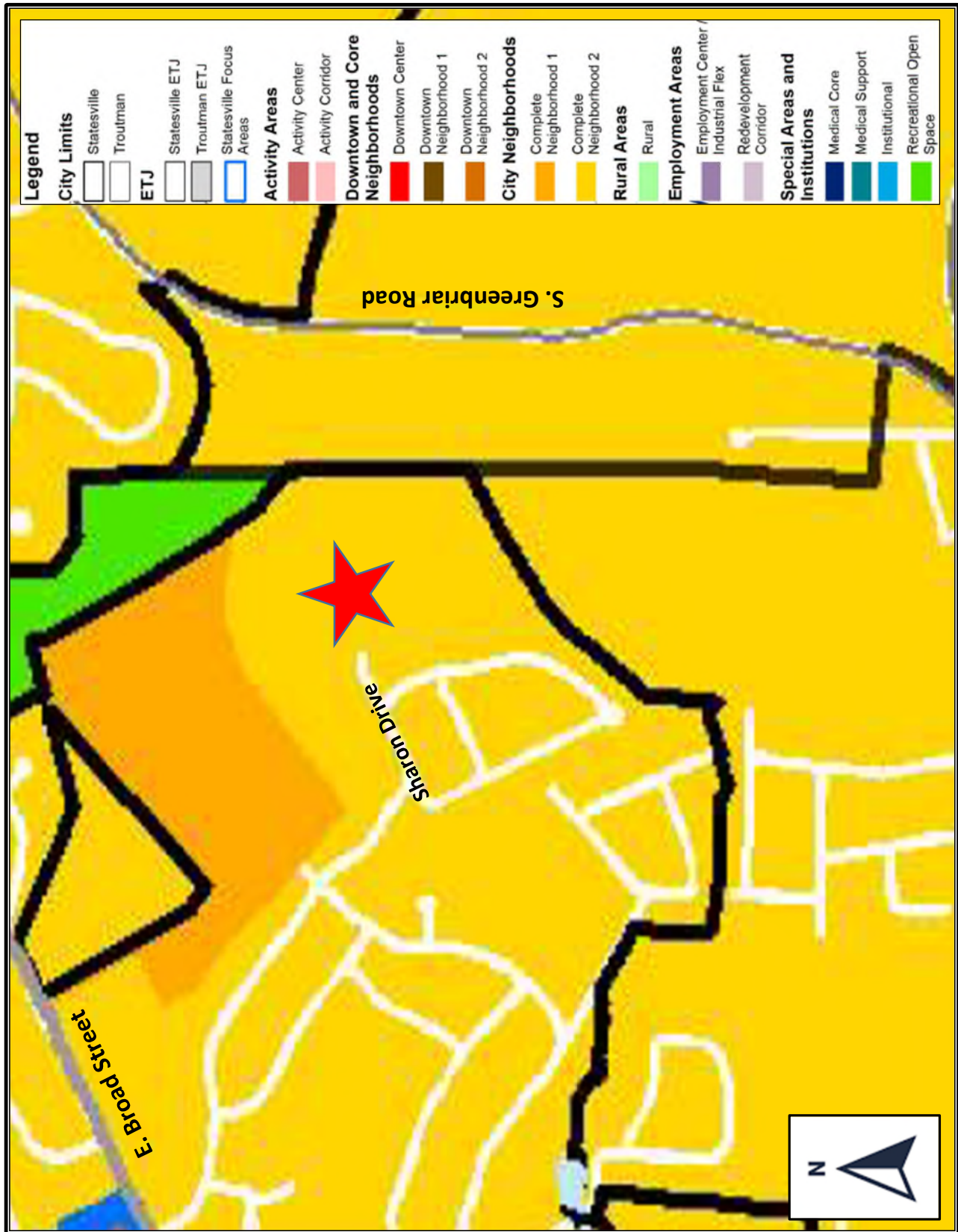


Subject Area Floodplain Map – ZC21-11 May Property (Sharon Drive)
Tax Parcel Map # 4754-57-0298



2005 Future Land Use Map – ZC21-11 May Property (Sharon Drive)
Tax Parcel Map # 4754-57-0298

Subject Parcel location – 

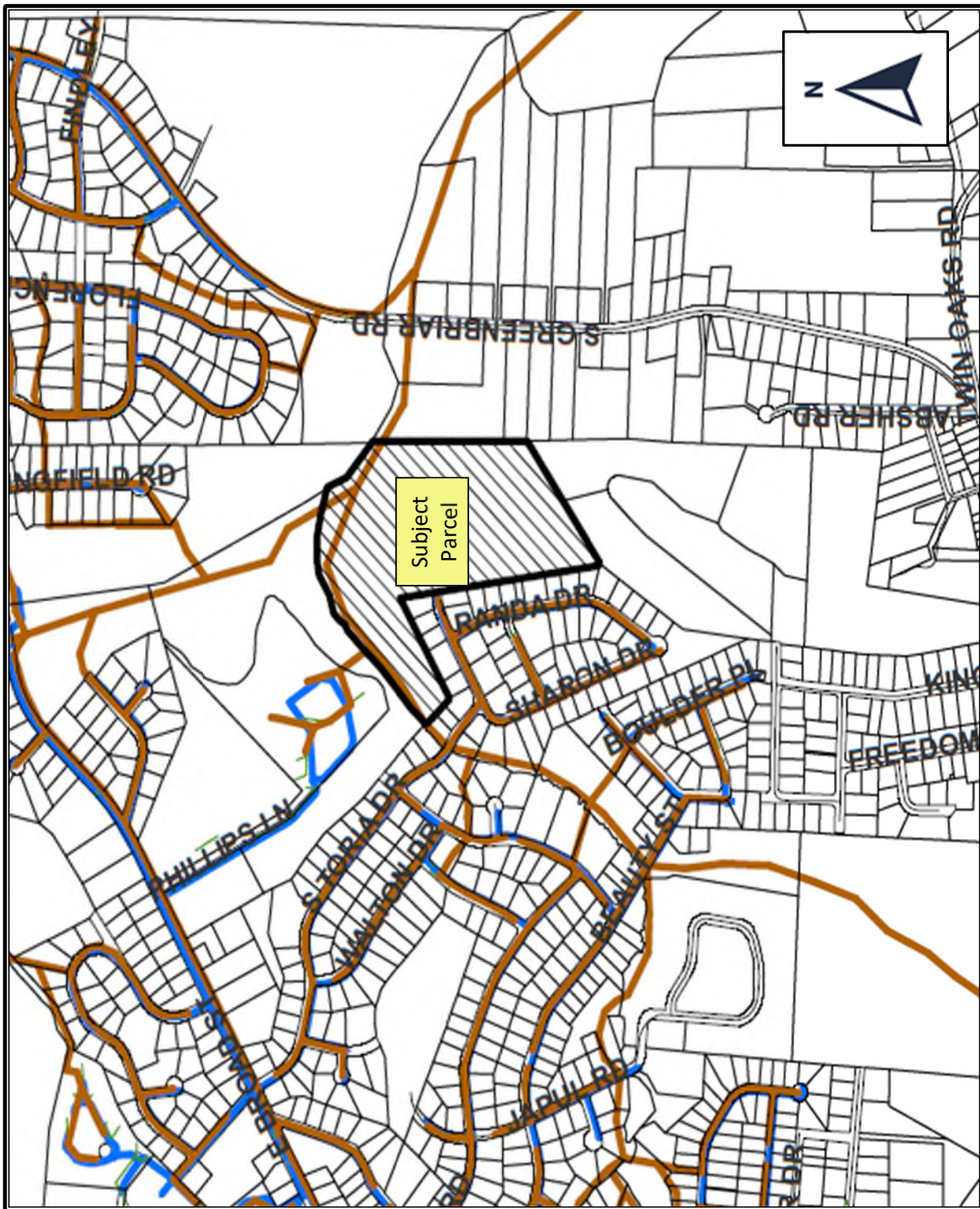


2045 (DRAFT) Land Use & Character Map – ZC21-11 May Property (Sharon Drive)

Tax Parcel Map # 4754-57-0298

Subject Parcel location –





Utilities Map - Case No. ZC21-11 May Property (Sharon Drive)
Parcel # 4754-57-0298



To: Statesville City Council

From: Sherry Ashley, Planning Director

Date: February 21, 2022

Subject: Rezoning

Case: ZC21-11 – May Property

Address: Sharon Drive (PIN # 4754-57-0298)

☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan**, is reasonable and in the public interest because: the 2005 Land Development Plan projects the property as appropriate for Medium Density Residential development. The subject parcel meets the minimum lot dimensional requirements for the requested R-8 MF zoning district, and all utilities are available to the site. The request to remove the Conditional Use designation from the property would provide a zoning district that is compatible with the surrounding community and clarifies the zoning designation consistent with earlier rezoning approvals.

☐ 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: _____

☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board

From: George A. Berger, AICP, Asst. Planning Director

Date: January 25, 2022

Subject: Zoning Consistency Statement – Planning Board

Case: ZC21-11 May Property

Address: Sharon Drive, Parcel ID # 4754-57-0298

☐ The zoning amendment is **recommended for approval** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: the 2005 Land Development Plan projects the property as appropriate for Medium Density Residential development. The subject parcel meets the minimum lot dimensional requirements for the requested R-8 MF zoning district, and all utilities are available to the site. The request to remove the Conditional Use designation from the property would provide a zoning district that is compatible with the surrounding community and clarifies the zoning designation consistent with earlier rezoning approvals.

☐ 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 Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows:

☐ The zoning amendment **should be rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Todd Lange, Planning Board Chairman

Date: George Berger, Asst. Planning Director

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED
PROPERTY FROM CU-19 R-8 MF DISTRICT TO R-8 MF DISTRICT**

**ZC21-11 May Property
Sharon Drive
PIN # 4754-57-0298**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on February 21, 2022 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described property from CU-19 R-8 MF to R-8 MF; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on February 11, 2022 and February 18, 2022, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was duly held in accordance with law, and all persons present were given an opportunity to be heard on said proposed ordinance prior to any action being taken thereon by the City Council;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described property be changed as particularly set out below, said property being more particularly described as follows:

LEGAL DESCRIPTION

LYING AND BEING in Chambersburg Township, Iredell County, North Carolina, and BEGINNING at a rock monument near a No. 4 rebar located at the southwestern corner of Lot No. 4 of Fourth Creek Crossing as shown on a plat recorded in Plat Book 28 at Page 8, Iredell County Registry thence along and with the lines of Thomas L. Templeton and Willie J. Eure, South 54 degrees 29 minutes 54 seconds West 878.43 feet to a 115 inch pipe, a corner of Dalwan Heights, Section No. IV, as shown on Plat Book 12 at Page 31, Iredell County Registry; thence North 08 degrees 50 minutes 30 seconds West 1318.30 feet to a two inch pipe; thence continuing along and with the line of the Dalwin Heights Subdivision, Section No. IV, South 61 degrees 13 minutes 31 seconds West 641.63 feet to a bent one inch pipe and North 48 degrees 13 minutes 52 seconds West 250.70 feet to an angle iron in the creek and running thence North 46 degrees 12 minutes 25 seconds East 26.65 feet; thence North 53 degrees 30 minutes 52 seconds East 54.52 feet; thence North 47 degrees 22 minutes 31 seconds East 77.59 feet; thence North 58 degrees 24 minutes 40 seconds East 42.80 feet; thence North 42 degrees 30 minutes 18 seconds East 60.06 feet; thence North 45 degrees 49 minutes 37 seconds East 48.65 feet; thence North 51 degrees 42 minutes 10 seconds East 67.30 feet; thence North 44 degrees 36 minutes 05 seconds East 181.66 feet; thence North 56 degrees 54 minutes 02 seconds East 48.64 feet; thence North 40 degrees 05 minutes 38 seconds East 128.45 feet; thence North 71 degrees 01 minutes 25 seconds East 54.02 feet; thence North 38 degrees 08 minutes 16 seconds East 43.71 feet; thence North 57 degrees 57 minutes 40 seconds East 35.39 feet; thence North 49 degrees 00 minutes 00 seconds East 44.58 feet; thence North 70 degrees 10 minutes 05 seconds East 78.09 feet; thence North 67 degrees 35 minutes 58 seconds East 84.64 feet; thence North 61 degrees 50 minutes 47 seconds East 73.86 feet; thence North 84 degrees 51 minutes 53 seconds East 129.60 feet; thence South 84 degrees 30 minutes 20 seconds East 114.65 feet; thence South 79 degrees 09 minutes 03 seconds East 98.66 feet; thence South 76 degrees 44 minutes 28 seconds East 152.49 feet, the point in the line of J.W. Alexander and W.O. Hollingsworth; thence along and with the line of Hollingsworth and the center of Fourth Creek South 42 degrees 21 minutes 26 seconds East 385.47 feet to a point, a common corner of Timothy Booher and Fourth Creek Crossing Subdivision, Lot No. 3, as

shown on Plat Book 28 at Page 8, Iredell County Registry; thence along and with the line of Fourth Creek Crossing Subdivision, South 01 degrees 23 minutes 20 seconds East 1006.62 feet to the point and place of BEGINNING and containing 36.207 acres, plus or minus and being the property shown on a boundary survey for L.D. Austin, prepared by Ronnie Dedmon, Surveyor, P.A., dated December 10, 2001.

THERE IS ALSO CONVEYED herewith an easement for ingress, regress and egress over and along a tract described as follows: Lying and being in Chambersburg Township, Iredell County, North Carolina and BEGINNING at a point in the center line of a small branch, said point is located North 46 degrees 12 minutes 25 seconds East 26.65 feet; thence North 53 degrees 30 minutes 52 seconds East 54.52 feet; thence North 47 degrees 22 minutes 31 seconds East 77.59 feet and North 58 degrees 24 minutes 40 seconds East 42.80 feet from angle iron in the creek, which is a common boundary line of Dalwan Heights as shown in Plat Book 6 at Pages 91 and 91A, Iredell County Registry; running thence along and with the center line of said small branch North 42 degrees 30 minutes 18 seconds East 60.06 feet; thence North 45 degrees 01 minutes 03 seconds West 84.09 feet; thence South 76 degrees 14 minutes 44 seconds West 14.53 feet; thence South 72 degrees 37 minutes 45 seconds West 19.84 feet; thence South 72 degrees 37 minutes 45 seconds West 33.87 feet; thence South 4S degrees 01 minutes 03 seconds East 119.15 feet to the point and place of BEGINNING and being shown and identified as a new 60-foot right of way extension on a plat and boundary survey prepared for L.D. Austin, by Ronald Dedmon, Surveyor, dated December 10, 2001.

BEING that same property conveyed to CommunityOne Bank, N.A., 101 Sunset Avenue, P.O. Box 1328, Asheboro, NC 27203, by that certain Trustee's Deed dated June 3, 2011, and recorded on June 9, 2011, in Book 2122 at Page 2237, Iredell County Registry.

Property Address: Sharon Drive, Statesville NC

This ordinance was introduced for first reading by Councilmember _____, seconded by Councilmember _____, and unanimously carried on the _____ day of _____, 2022.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____, 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

Ayes:

Nayes:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2022.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk



To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council:

The purpose of this letter is to certify that the adjacent property owners of PIN Number 4754-57-0298 located on Sharon Drive, per Case # ZC21-11, were mailed notice of this rezoning request on January 11, 2022.

Thank you,


George A. Berger, AICP
Assistant Planning Director

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 9, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-13 for property located on Westminster Drive; Iredell County Tax Parcel Identification #4724-48-7571 from R-5 MF (High Density Multi-Family Residential) District & B-3 (Shopping Center) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District.

1. Summary of Information:

Rezoning Request: Redwood Apartment Neighborhoods (applicant) requests rezoning on behalf of J. Reid and Peggy B. Gray (owners) of the subject parcel from R-5 MF (High Density Multi-Family Residential) District & B-3 (Shopping Center) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. This is a Conditional Zoning request, thus if approved, the project will be tied to the concept plan and conditions submitted by the applicant, plus any conditions recommended by the Planning Board and approved by the City Council; and is contingent upon annexation.

Evaluation: This is a rezoning request to permit the property to be used for a proposed single-story multi-family apartment residential development project. The proposed project site is on approximately 23.2 undeveloped acres located along the south side of Westminster Drive, generally west of B Street and northeast of Marcia Lane, and south of I-77 at the US 70/Garner Bagnal exit (*see attached Location Map, GIS Aerial Photo Map, Site Photos and Current Zoning Map*).

The proposal would provide 103 single-story, two-bedroom apartment units with 2-car garages in 19 buildings containing between 4 and 8 units each. The proposed units, which range in size from 1,294 s.f. to 1,620 s.f. (1,390 s.f. avg.), will be for rent at market rate; and Redwood Apartment Neighborhoods is both the project developer and property manager for their projects. This project, if approved and constructed, would provide additional diversity of housing and a new housing type in the city.

The neighborhood input meeting, required for all conditional zoning proposals per UDC Section 2.07(F), was held by the applicant on January 4, 2022; the significant concern from the small number of attendees was the speed and volume of traffic along Westminster Drive and its potential effect on the proposed project entrance along that street. The conditions submitted by the applicant are indicated on the Concept Plan and provided in writing below (*see attached Concept Plan [3 sheets]*).

The R-5 MF District allows for a minimum of 5,000 s.f. lots (at an approximate maximum density of 8.7 dwelling units per acre); with a minimum of 50 feet in lot width at the front setback line, minimum 25' front yard, 25' rear yard and 5' side yard setbacks and 35' maximum height. Further, the development must have a minimum of 10% active open space (2.33 acres for this parcel). The proposed concept plan

indicates that the project meets or exceeds all minimums; with a proposed 4.43 dwelling units per acre and exceeding all required setbacks and height restrictions; providing the required minimum 15' between buildings and 20' between buildings and any street. The project proposes to provide 8.1 acres (34.8%) of active open space, with a 10' wide shared use path, benches, and a gazebo with additional benches in the center of the project's layout.

As noted in the conditions highlighted below, elevations and materials list for the four proposed model units (Breezewood, Capewood, Forestwood and Meadowood) and the leasing office are provided for review and approval (*see attached Elevations & Materials sheets [3 sheets]*). A minimum 5' sidewalk is integrated into the private street design and shown along one side of all internal streets; street trees are provided along all internal private streets; and a Class D buffer is provided along the entirety of Westminster Drive—exceeding the required 8' street yard—to provide additional privacy and screening for the neighborhood from the street. As indicated on the concept plan, the project has two different proposed perimeter buffers: C (15') and D (20'), which will be provided along the project's perimeter where required. Existing vegetation along the southwestern and southern sides of the subject parcel will remain in order to provide suitable vegetative buffering between the project's structures and adjacent properties, while leaving an undisturbed 50' stream buffer along the southwest corner of the property.

All internal streets for this project are proposed to be private. Per UDC Section 5.04.Z.3 regarding planned multi-family developments, 'private streets for developments with six (6) or more units shall have a minimum thirty (30) feet of right-of-way and twenty (20) feet paving for two-way traffic.' The project's street design indicates a 30' private ROW, and a cross-section of 5' integrated sidewalk, two 10' travel lanes, a 1' ribbon curb.

The proposal exceeds the parking requirements for off-street parking (2 per unit); there are 2-car garages indicated for each unit (206 total), as well as two additional spaces in each driveway. Additionally, there are 6 spaces provided at the mail kiosk (which also serves as guest parking for the leasing office).

A traffic impact analysis (TIA) is not required for this project per UDC Section 8.06.H since it is not expected to generate 3,000 vehicle trips per day and no other issues necessitate a TIA; but NCDOT and the city will review and approve the driveway permits and ROW improvements will be required for Westminster and B Street. Dedication, widening, curb, gutter, and sidewalk will be required along the property boundaries. An additional condition offered by the project applicants is to submit a speed reduction study request to NCDOT to reduce the posted speed limit along Westminster Drive to 35 mph throughout the length of the project. Internal street names have been approved by the Iredell County Planning Department.

An internal street lighting plan will be submitted for approval with the site plan. Although two trash dumpster locations are shown on the concept plan (and indicated that the design will comply with UDC Sec. 6.03.O), developer proposes to contract with a private sanitation company to provide and service individual roll-out trash containers.

The City of Statesville will provide water, sewer, and electrical services to the project (*see attached Utilities Map*). The project will provide and maintain a private sewer lift station that will be connected to the City's service; it will be fenced per UDC Section 6.02.D.5.

The surrounding zoning districts and land uses to the project site are as follows:

NORTH OF THE SITE: B-4 undeveloped lots between Westminster Drive and I-77, as well as five single family homes in the block between A Street and B Street and the Christian Car Care Center home occupation at the northwest quadrant of the Westminster/B Street intersection and Chapman's Travelers Service

EAST OF THE SITE: B-3, undeveloped wooded property along Westminster/B Street, and a 0.84-acre single-family residential parcel at the southern terminus of B Street

SOUTH OF THE SITE: CU6 B-5, an undeveloped 43.8-acre undeveloped parcel owned by the G.L. Wilson Company

WEST OF THE SITE: R-20, single family homes and undeveloped residential lots between Cliffwood Drive and Marcia Lane R-20 along the northwest parcel frontage north of Westminster Drive, single family homes and undeveloped parcels along Cliffwood Drive, and I-77.

The 2005 Land Development Plan/Future Land Use Map proposes that the subject parcel is suitable for Mixed Use development, which can include both single-use districts as well as mixed-use projects and encourages but does not require a mix of uses. No minimum residential density applies in this district, but the maximum gross density should not exceed 12 dwelling units per acre per project. The proposed residential density (4.43 du/ac) is well beneath that threshold. The (draft) 2045 Land Development Plan projects the property as Complete Neighborhood 1, The Character intent for this area includes various forms of housing type choices, including larger apartment complexes. Development should primarily be residential; and development should be connected using sidewalks and off-street path opportunities (see *attached 2005 Future Land Use Map inset, 2045 (DRAFT) Land Use & Character Map inset, and Complete Neighborhood 1 Character Intent & Characteristics sheet*). This project—along with the proposed Redwood James Farm project—proposes one-story attached units, which would fit into the residential character of the surrounding residential area and is a new diverse housing opportunity type for the city.

The applicant is proposing the following conditions:

1. Elevations and materials lists are provided for review
 2. Sidewalks (integrated) are provided on one side of all internal streets
 3. Street trees are provided along internal private streets
 4. A Class D buffer is provided along the entirety of Westminster Drive
-
2. **Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning including conditions proposed by the applicant, several staff-recommended conditions that have been incorporated into a revised concept plan, and contingent upon annexation into the City.
 3. **Budget/Funding Implications:** The current total taxable value of the subject parcel is approximately \$586,900. The applicant estimates that the tax value of the land plus horizontal site development would be approximately \$4,120,000. City of Statesville water, sewer and electrical services will be provided. The city will need to provide fire and police services as requested.
 4. **Consequences for Not Acting:** The properties could remain undeveloped under the current R-5MF and B-3 zoning designations, or the majority of the property is already zoned R-5MF and could be developed as multi-family without rezoning however the City would not receive property taxes without annexation.
 5. **Department Recommendation:** The majority of the subject parcel is already zoned R-5 MF and is appropriate for the proposed use; The 2005 Land Development Plan suggests that the subject parcel is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete

Neighborhood 1, which is intended primarily for residential development including multi-family housing; and this project proposes a new housing type in Statesville. At the proposed gross density of 4.43 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP as well as the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, the plan exceeds the required active open space and will provide beneficial improvements along Westminster Drive and B Street. All utilities are available to the site. Therefore, staff recommends **approval** of the rezoning request contingent upon the four conditions offered by the applicant and the addition of a 5th and a 6th condition as follows:

1. Elevations and materials lists are provided for review
2. Sidewalks (integrated) are provided on one side of all internal streets
3. Street trees are provided along internal private streets
4. A Class D buffer is provided along the entirety of Westminster Drive
5. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code
6. Maximum residential density shall be 4.43 units per acre and a maximum of 103 total residential units; and

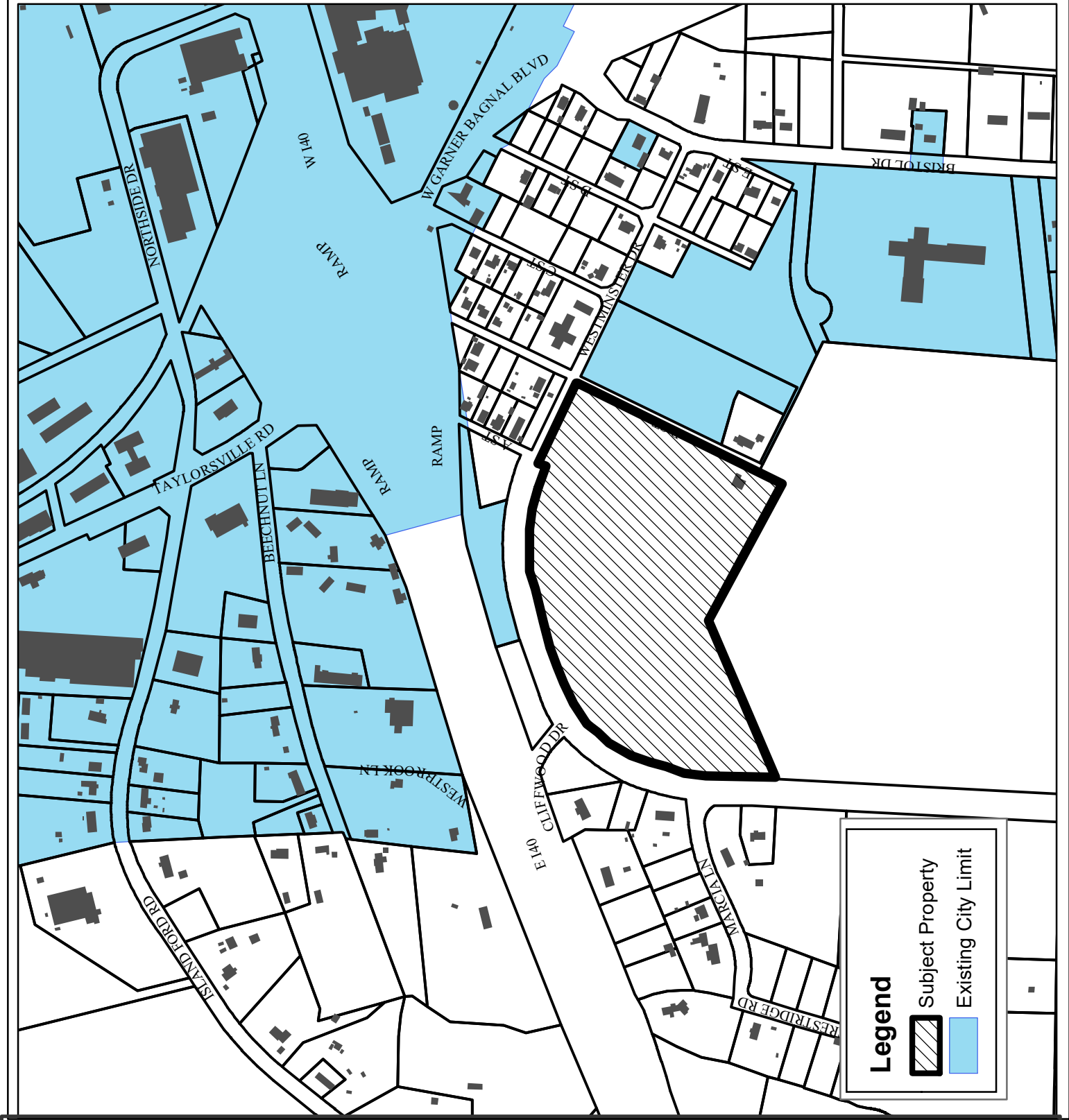
Contingent upon annexation of the subject parcel into the City and correcting the concept plan to include the 2 new conditions and indicating sidewalks along Westminster and B Street.

6. Manager Comments: Concur with the department's recommendation.

7. Next Steps: If approved, the second reading would be on March 7, 2022.

Attachments:

1. Location Map
2. GIS Aerial Map
3. Site Photos
4. Current Zoning Map
5. Concept Plan (3 sheets)
6. Building Floor Plans/Elevations/Materials Lists (3 sheets)
7. Utilities Map
8. 2005 Future Land Use Map inset
9. 2045 (DRAFT) Land Use & Character Map inset
10. Complete Neighborhood 1 Intent & Characteristics sheet – (draft) 2045 LDP
11. Council Consistency Statement
12. Planning Board Consistency Statement
13. Rezoning Ordinance
14. Certification of Mailed Notices

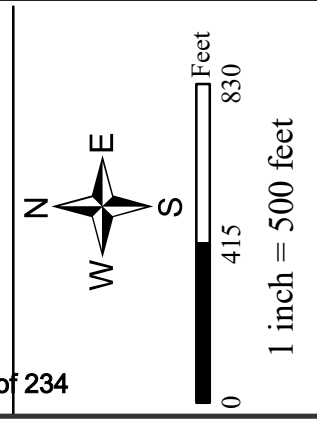
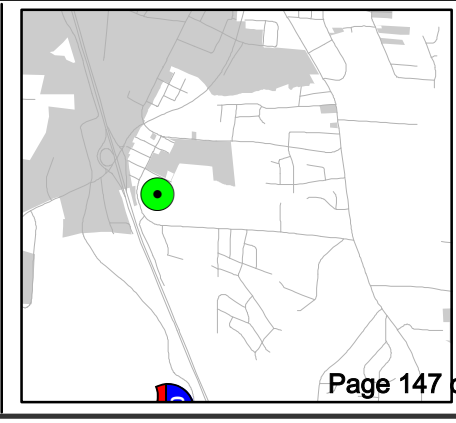


Legend

- Subject Property
- Existing City Limit

**City of Statesville
Planning Department**

Redwood Westminister
ZC21-13
PIN # 4724-48-7571





Case No. ZC21-13 Redwood Westminster
Aerial Photo Map – PIN # 4724-48-7571

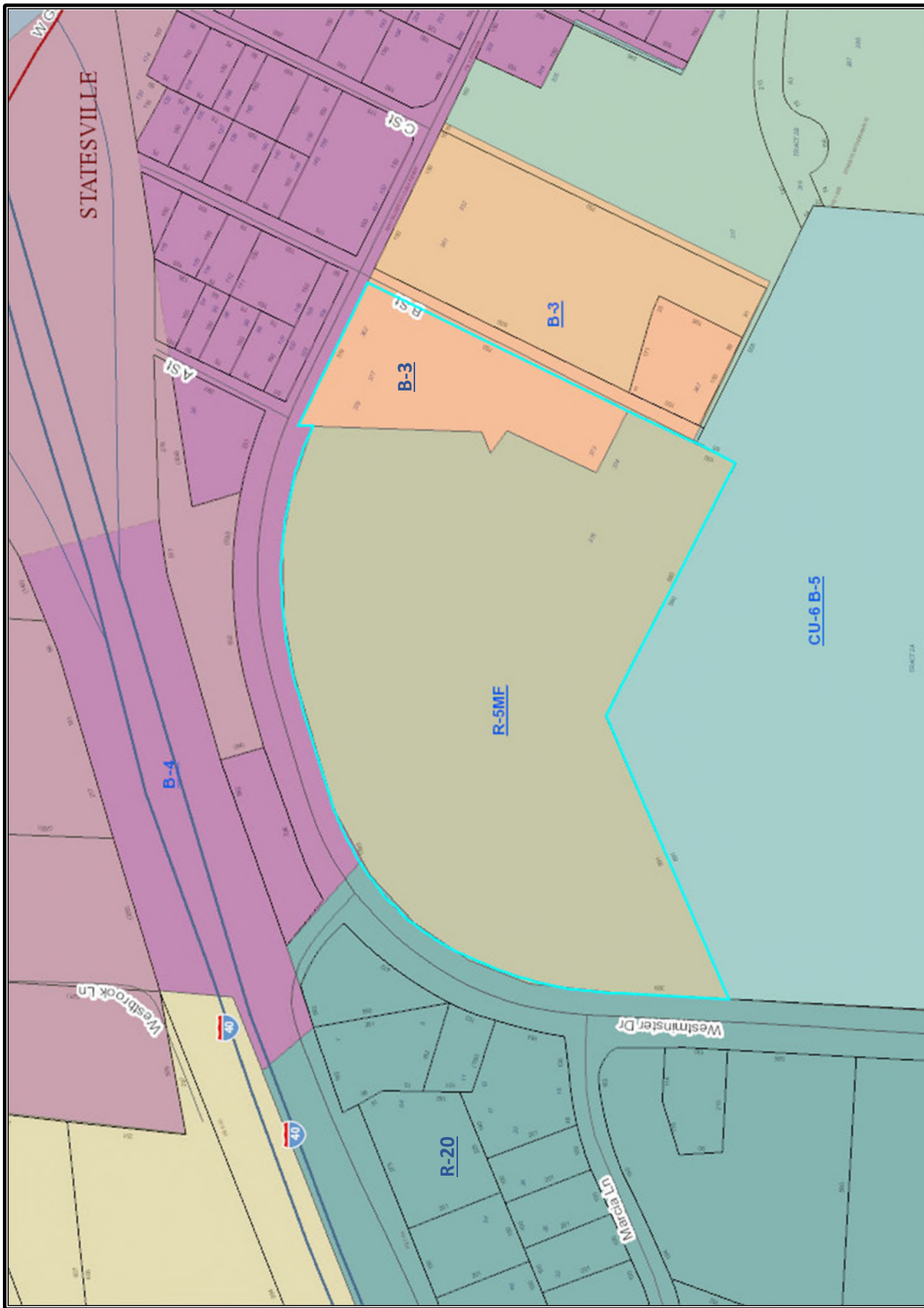
Site Photos – ZC21-13 Redwood Westminster
(PIN # 4724-48-7571)
Westminster Drive at B Street



View from the Westminster Drive/B Street intersection looking west onto the property



View from B Street looking southwest onto the property



Case No. ZC21-13 Redwood Westminster
Current Zoning Map – PIN # 4724-48-7571

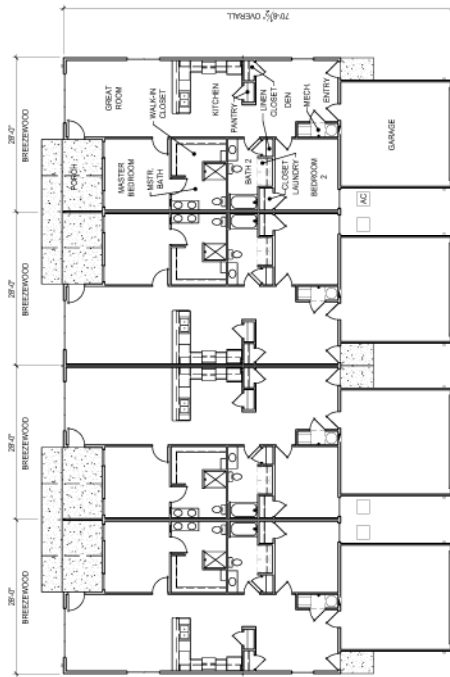
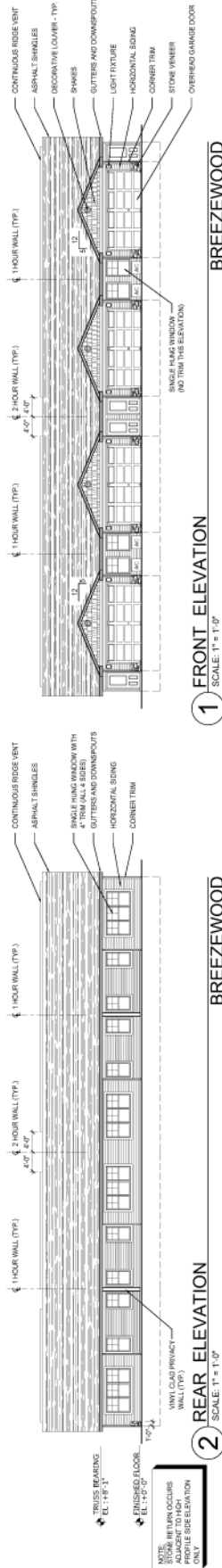
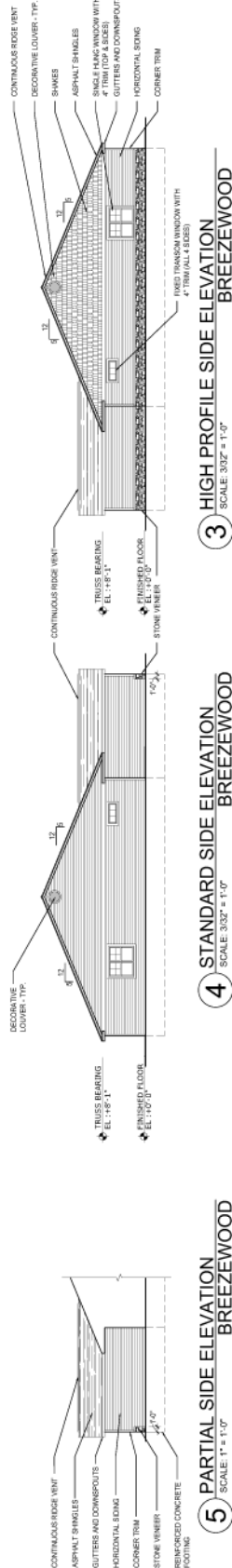
PRELIMINARY
NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION

REVISIONS

MPG ARCHITECTS
MANN • PARSONS • GRAY
3660 Embassy Parkway
Fairlawn, OH 44333
phone 330.666.8770
fax 330.666.8812
mpg-architects.com

Redwood
BUILDING FLOOR PLAN AND ELEVATIONS
PROJECT #:
DATE: SEPTEMBER 28, 2020
ADDRESS
REDWOOD APARTMENT ELEVATIONS

A1.1



EXTERIOR FINISH MATERIAL SELECTIONS	
ITEM	COLOR
ASPHALT SHINGLES	WHITE
DECORATIVE LOWER	WHITE
TRUSS BEARING	WHITE
FINISHED FLOOR	WHITE
STONE VENEER	WHITE
TRUSS RIDGE VENT	WHITE
ASPHALT SHINGLES	WHITE
GUTTERS AND DOWNSPOUTS	WHITE
HORIZONTAL SIDING	WHITE
CORNER TRIM	WHITE
STONE VENEER	WHITE
OVERHEAD GARAGE DOOR	WHITE
SINGLE KING	WHITE
STANDARD WHITE WITH FLAT GRES AND 4" WIDE TRIM	WHITE

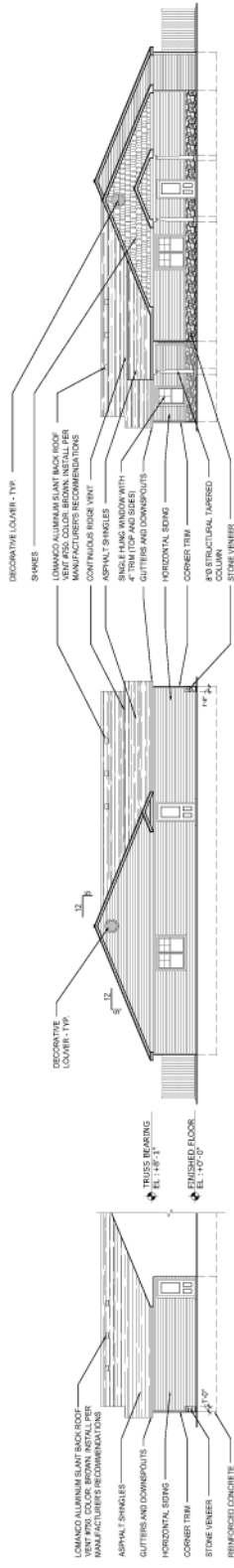
PRELIMINARY
NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION

REVISIONS

MP3 ARCHITECTS
MANN • PARSONS • GRAY
3660 Embassy Parkway
Fairlawn, OH 44333
phone 330.666.8770
fax 330.666.8812
mpg-architects.com

Redwood
BUILDING FLOOR PLAN AND ELEVATIONS
PROJECT #:
DATE: SEPTEMBER 28, 2020
ADDRESS
REDWOOD APARTMENT ELEVATIONS

A1.6



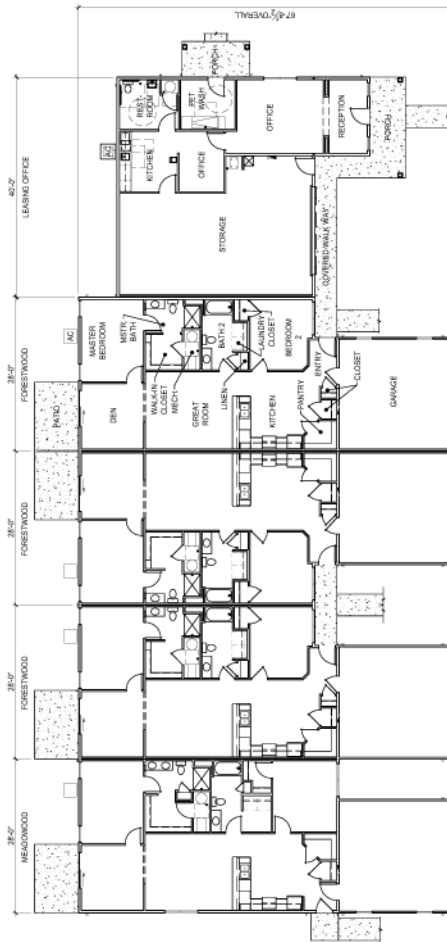
5 PARTIAL SIDE ELEVATION
LEASING OFFICE
SCALE: 1" = 1'-0"

4 STANDARD SIDE ELEVATION
MEADOWOOD
SCALE: 3/32" = 1'-0"

3 HIGH PROFILE SIDE ELEVATION
LEASING OFFICE
SCALE: 3/32" = 1'-0"

2 REAR ELEVATION
MEADOWOOD, FORESTWOOD, LEASING OFFICE
SCALE: 1" = 1'-0"

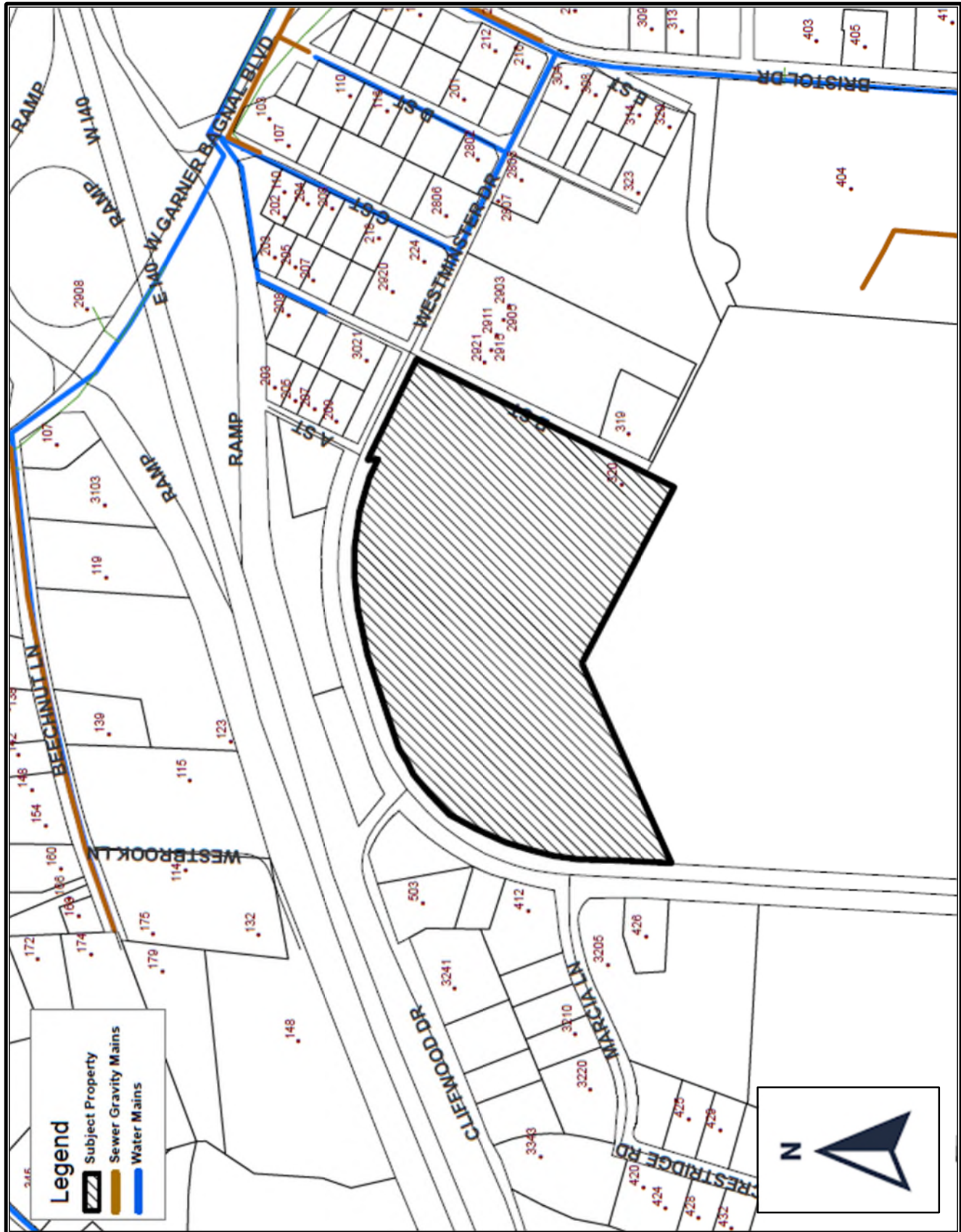
1 FRONT ELEVATION
MEADOWOOD, FORESTWOOD, LEASING OFFICE
SCALE: 1" = 1'-0"



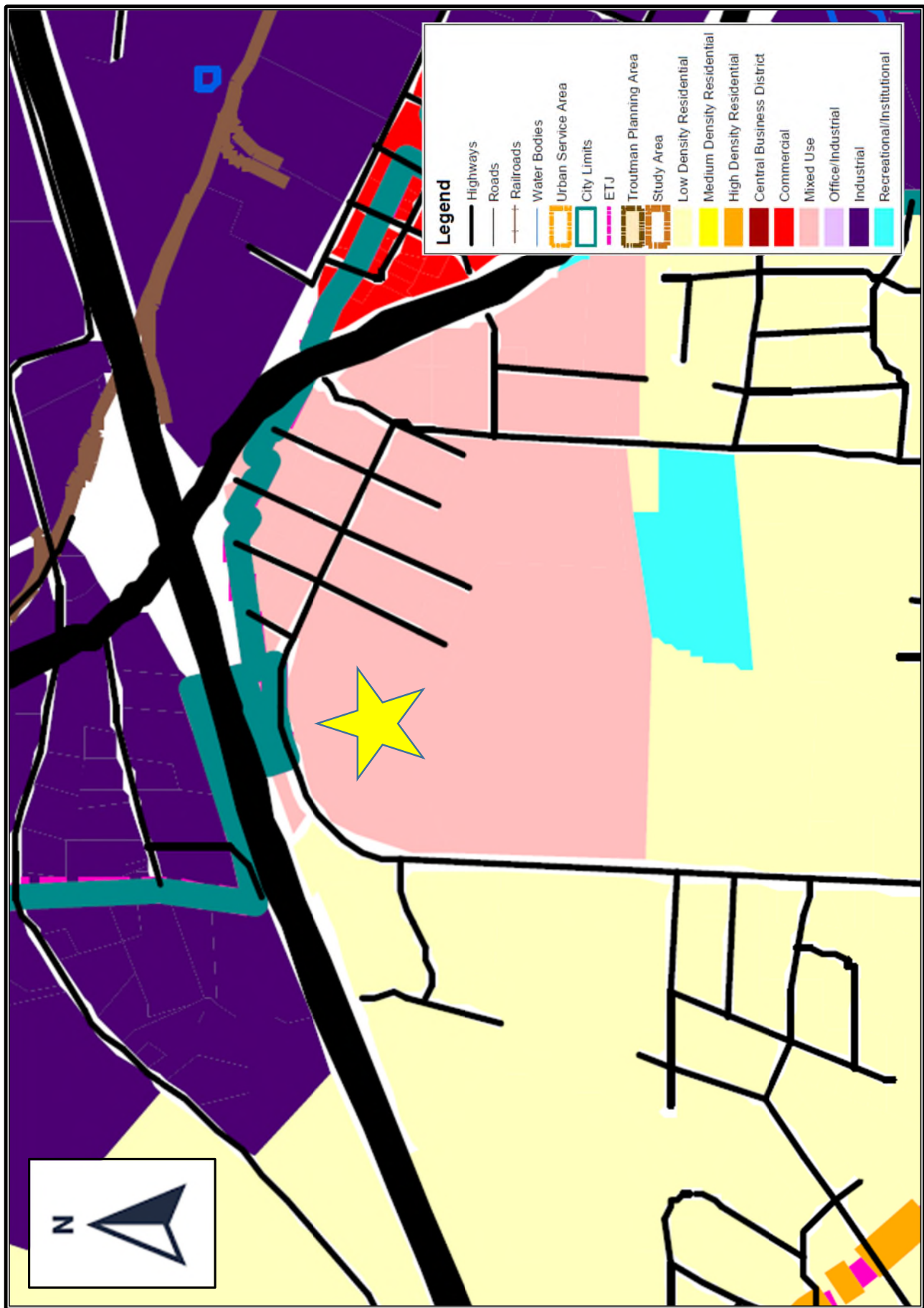
OVERALL FLOOR PLAN
SCALE: 3/32" = 1'-0"

EXTERIOR FINISH MATERIAL SELECTIONS

ITEM	MATERIAL/STYLE	COLORS
DECORATIVE LOUVER	VINYL	WHITE
APRIL SHINGLES	ORIENTAL 30 YEAR LAMINATED	WHITE
GUTTERS AND DOWNSPOUTS	ALUMINUM	WHITE
HORIZONTAL SIDING	VINYL	VARIES
SHAKES	VINYL	WHITE
CORNER TRIM	VINYL	WHITE
STONE VENER	PRESTIGE	WHITE
OVERHEAD GARAGE DOOR	RAISED PANEL	WHITE
SINGLE HUNG	VINYL	STANDARD WHITE WITH FLAT GLOSS 4" X 4" TRIM
6" X 6" SLIDING PATIO DOOR	VINYL	WHITE



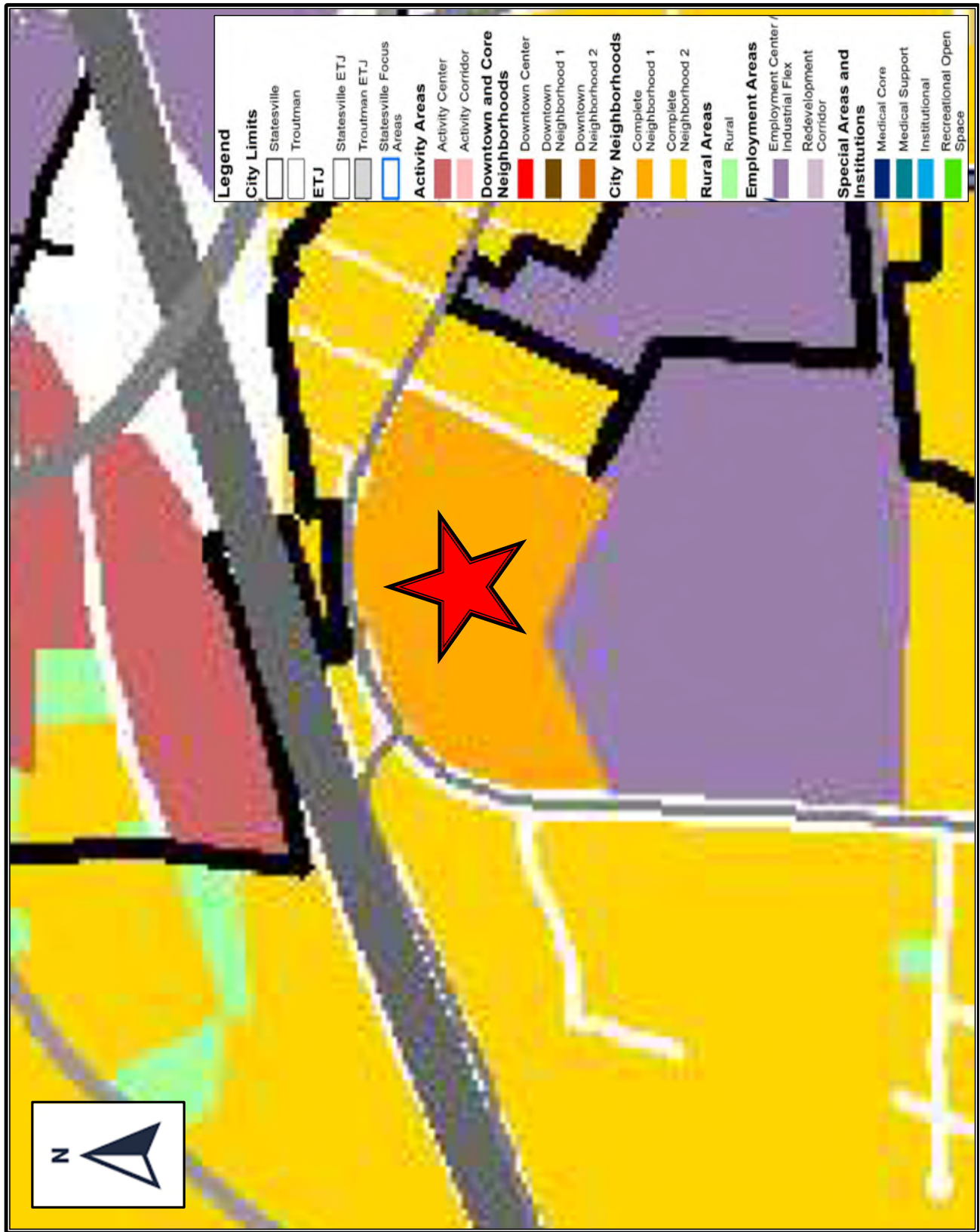
Case No. ZC21-13 Redwood Westminister
Utilities Map – PIN # 4724-48-7571



2005 Future Land Use Map – ZC21-13 Redwood Westminister
Tax Parcel Map # 4724-48-7571

Subject Parcel location –





2045 (DRAFT) Land Use & Character Map – ZC21-13 Redwood Westminster
Tax Parcel Map # 4724-48-7571

Subject Parcel location – 

Complete Neighborhood 1

Character Intent

Complete Neighborhoods 1 include existing and new opportunities for compact and walkable multifamily neighborhoods located along major city corridors with potential for multimodal transportation options. These neighborhoods are designed to accommodate various forms of housing type choices (see page 36) and larger apartment complexes and condominiums. Residential uses should be designed to prioritize pedestrian circulation and frame the streetscape along the primary access street. Developments should create internal connectivity and access to adjacent uses through sidewalks, bike lanes, and multiuse paths. Master planned projects that include a variety of unit types designed around a common space are preferred. Building layouts should also create multi-modal connections to common residential amenities and required services such as clubhouses and parks. Limited neighborhood-serving retail and commercial uses are also appropriate, preferably at prominent central locations near common space and incorporated into development as live/work units and mixed use buildings. These neighborhoods should be designed to buffer adjacent uses to reduce visual impacts on neighboring properties.

Pattern & Form

Modified grid design, mid to long block lengths framed by pedestrian and street connections.

Opportunities

New multifamily residential and multimodal connections.

Primary Uses

Residential

Secondary Uses

Clubhouses and recreation centers, neighborhood scale commercial/office, daycare, institutional.

Form Characteristics

Building Height	One to four stories
Building Orientation	Residences oriented towards the primary street or designed around common space, 5-20 ft setbacks.
Building Types	Apartments, townhomes, other multifamily residential forms and a variety of housing type choices (see page 36)
Street Character	Connected neighborhood streets with sidewalks on both sides and street trees, off-street pedestrian and bike circulation connections (trails and paths)
Parking Character	Small surface parking lots shared by many residences, on-street parking, or alleyways, individual driveways should be avoided





To: Statesville City Council

From: Sherry Ashley, Planning Director

Date: February 21, 2022

Subject: Rezoning

Case: ZC21-13 – Redwood Westminster

Address: Westminster Drive (Iredell County Tax Parcel Identification # 4724-48-7571)

☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan**, is reasonable and in the public interest because: the majority of the subject parcel is already zoned R-5 MF and is appropriate for the proposed use; The 2005 Land Development Plan suggests that the subject parcel is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing; and this project proposes a new housing type in Statesville. At the proposed gross density of 4.43 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP as well as the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, the plan exceeds the required active open space and will provide beneficial improvements along Westminster Drive and B Street.

☐ 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: _____

☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board

From: George A. Berger, AICP, Asst. Planning Director

Date: January 25, 2022

Subject: Zoning Consistency Statement – Planning Board

Case: ZC21-13 Redwood Westminster

Address: Westminster Drive & B Street vicinity, Parcel # 4724-48-7571

- ☐ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: the majority of the subject parcel is already zoned R-5 MF and is appropriate for the proposed use; The 2005 Land Development Plan suggests that the subject parcel is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing; and this project proposes a new housing type in Statesville. At the proposed gross density of 4.43 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP as well as the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, the plan exceeds the required active open space and will provide beneficial improvements along Westminster Drive and B Street.
- ☐ 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 Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: _____

- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Todd Lange, Planning Board Chairman

Date: George Berger, Asst. Planning Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTIES FROM R-5 MF (HIGH DENSITY MULTI-FAMILY RESIDENTIAL) DISTRICT AND B-3 (SHOPPING CENTER BUSINESS) DISTRICT TO R-5 MF CZ (HIGH DENSITY MULTI-FAMILY CONDITIONAL ZONING) DISTRICT

**ZC21-13 J. Reid Gray Sr. & Peggy B. Property
Westminster Drive & B Street vicinity
PIN # 4724-48-7571**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on February 21, 2022 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from R-5 MF and B-3 to R-5 MF CZ; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on February 11, 2022 and February 18, 2022, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was duly held in accordance with law, and all persons present were given an opportunity to be heard on said proposed ordinance prior to any action being taken thereon by the City Council;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described properties be changed as particularly set out below, said properties being more particularly described as follows:

LEGAL DESCRIPTION

LYING AND BEING SITUATE IN IREDELL COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING RAILROAD SPIKE LOCATED ON CENTER LINE OF THE WESTMINSTER DRIVE, A 60-FOOT PUBLIC RIGHT OF WAY, AS SHOWN IN MAP BOOK 17, PAGE 11 OF THE IREDELL COUNTY PUBLIC REGISTRY; THENCE with the CENTER line of THE AFOREMENTIONED WESTMINSTER DRIVE THE FOLLOWING SIXTEEN (16) COURSES AND DISTANCES: 1) N03° 05' 04"E, A DISTANCE OF 308.85 FEET TO A CALCULATED POINT; 2) THENCE N16° 07' 01"E, A DISTANCE OF 93.04 FEET TO A CALCULATED POINT; 3) THENCE N24° 13' 22"E, A DISTANCE OF 79.89 FEET TO A CALCULATED POINT; 4) THENCE N32° 31' 30"E, A DISTANCE OF 95.36 FEET TO A CALCULATED POINT; 5) THENCE N40° 07' 06"E, A DISTANCE OF 91.28 FEET TO A CALCULATED POINT; 6) THENCE N48° 31' 10"E, A DISTANCE OF 100.64 FEET TO A CALCULATED POINT; 7) THENCE N56° 33' 43"E, A DISTANCE OF 78.78 FEET TO A CALCULATED POINT; 8) THENCE N65° 42' 51"E, A DISTANCE OF 107.77 FEET TO A CALCULATED POINT; 9) THENCE N72° 34' 43"E, A DISTANCE OF 145.81 FEET TO A CALCULATED POINT; 10) THENCE N74° 08' 41"E, A DISTANCE OF 130.35 FEET TO A CALCULATED POINT; 11) THENCE N78° 00' 57"E, A DISTANCE OF 119.83 FEET TO A CALCULATED POINT; 12) THENCE N85° 26' 25"E, A DISTANCE OF 94.08 FEET TO A CALCULATED POINT; 13) THENCE S87° 28' 44"E, A DISTANCE OF 100.09 FEET TO A CALCULATED POINT; 14) THENCE S79° 39' 46"E, A DISTANCE OF 135.78 FEET TO A CALCULATED POINT; 15) THENCE S71° 19' 14"E, A DISTANCE OF 107.44 FEET TO A CALCULATED POINT; THENCE LEAVING THE CENTERLINE OF THE AFOREMENTIONED WESTMINSTER DRIVE, AND STILL COMPLETELY CONTAINED WITHIN THE 60-FOOT PUBLIC RIGHT OF WAY, THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S05° 37' 03"W, A DISTANCE OF 12.83 FEET TO A CALCULATED POINT; 2) THENCE S63° 24' 25"E, A DISTANCE OF 319.22 FEET TO A NEW IRON SET;

THENCE WITH THE WESTERN RIGHT OF WAY OF B STREET, A 30-FOOT PUBLIC RIGHT OF WAY, AS SHOWN IN MAP BOOK 1, PAGE 938, THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S26° 32' 08."W, A DISTANCE OF 750.09 FEET TO AN EXISTING ½" IRON ROD; 2) THENCE S26° 09' 12"W, A DISTANCE OF 100.12 FEET TO AN EXISTING AXLE; THENCE WITH THE NORTHERN PROPERTY LINE OF GL WILSON BUILDING CO (NOW OR FORMERLY) AS DESCRIBED IN DEED BOOK 2594, PAGE 2350, THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) N63° 37' 14"W, A DISTANCE OF 580.46 FEET TO AN EXISTING ½" IRON ROD; 2) THENCE S66° 22' 04"W, A DISTANCE OF 691.39' FEET TO AN EXISTING RAILROAD SPIKE, MARKING THE POINT AND PLACE OF BEGINNING CONTAINING 23.271 ACRES MORE OR LESS.

Property Address: Westminster Drive and B Street vicinity, Statesville NC

This ordinance was introduced for first reading by Councilmember _____, seconded by Councilmember _____, and unanimously carried on the _____ day of _____, 2022.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____, 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

Ayes:

Nayes:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2022.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk



To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council members:

The purpose of this letter is to certify that the adjacent property owners of PIN Number 4724-48-7571 located on Westminster Drive, per Case # ZC21-13, were mailed notice of this rezoning request on January 11, 2022.

Thank you,

George A. Berger, AICP
Assistant Planning Director

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 9, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-14 for property located on James Farm Road; Iredell County Tax Parcel Identification #4746-81-1103 (portion) from Iredell County R-20 (Rural Residential) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District.

1. Summary of Information:

Rezoning Request: Redwood Apartment Neighborhoods (applicant) requests rezoning on behalf of Goforth, Goforth and Cline LLC (owners) of the subject parcel from Iredell County R-20 (Rural Residential) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. This is a Conditional Zoning request, thus if approved, the project will be tied to the concept plan and conditions submitted by the applicant, plus any conditions recommended by the Planning Board and approved by the City Council; and is contingent upon annexation.

Evaluation: This is a rezoning request to permit the property to be used for a proposed single-story multi-family apartment residential development project. The proposed project site is on approximately 36.02 undeveloped acres located along the east side of James Farm Road, generally between Tarrington Drive and Glenway Drive, immediately west of (abutting) I-77 north of the I-40 interchange (*see attached Location Map, GIS Aerial Photo Map, Site Photos and Current Zoning Map*).

The proposal would provide 172 single-story, two-bedroom apartment units with 2-car garages in 28 buildings containing between 4 and 8 units each. The proposed units, which will be five model types, range in size from 1,294 s.f. to 1,620 s.f. (1,390 s.f. avg.), will be for rent at market rate; and Redwood Apartment Neighborhoods is both the project developer and property manager for their projects. This project, if approved and constructed, would provide additional diversity of housing and a new housing type in the city.

The neighborhood input meeting, required for all conditional zoning proposals per UDC Section 2.07(F), was held by the applicant on January 5, 2022; the meeting was sparsely attended, with concern about an increase in new residents and the additional traffic. No changes to the concept plan was recommended. The conditions submitted by the applicant are indicated on the Concept Plan and provided in writing below. Also noted on the Concept Plan is the portion of the subject parcel not subject to rezoning; this portion has been defined by a metes and bounds legal description (see attached Concept Plan sheet RZ3.0 & property exclusion legal description).

The R-5 MF District allows for a minimum of 5,000 s.f. lots (at an approximate maximum density of 8.7 dwelling units per acre); with a minimum of 50 feet in lot width at the front setback line, minimum 25' front yard, 25' rear yard and 5' side yard setbacks and 35' maximum height. Further, the development must

have a minimum of 10% active open space (3.6 acres for the proposed project site). The proposed concept plan indicates that the project meets or exceeds all minimums; with a proposed 4.77 dwelling units per acre and exceeding all required setbacks and height restrictions; providing the required minimum 15' between buildings and 20' between buildings and any street.

The project proposes to provide 11.7 acres (32%) of active open space; amenities proposed are a gazebo and benches in a central location along a shared use path through the natural area; and an 8'-10' wide shared use path leading from three areas of the neighborhood and via a 6' wide paved sidewalk to the adjoining Cloverleaf Elementary School (access will be coordinated between the developer and Iredell-Statesville Schools during the development process). The shared use path will also traverse across the neighborhood, leading to a future crossing of James Farm Road where a greenway (part of the Carolina Thread Trail) will be constructed as part of the adjacent Sullivan Farm residential project.

The project has initially been proposed to be constructed in two phases; with 107 units and the leasing office constructed in phase 1 in the northern half of the subject property, and the remaining 65 units proposed in phase 2.

As noted in the conditions highlighted below, elevations and materials lists for the five proposed model units (Breezewood, Capewood, Wildwood, Forestwood and Meadowood) and the leasing office are provided for review and approval (*see attached Elevations & Materials sheets*); minimum 5' sidewalks are integrated into the private street design and shown along one side of all internal streets; street trees are provided along all internal private streets; and a 50' landscape buffer of existing vegetation and/or planted vegetation will be provided along the entirety of the frontage of I-77 north of the NCDOT noise wall—exceeding the required 8' street yard in order to provide additional noise reduction and screening for the neighborhood from the interstate highway. As indicated on the concept plan, the project indicates a Class C (15') perimeter buffers along the north and south project boundaries as required.

All internal streets for this project are proposed to be private. Per UDC Section 5.04.Z.3 regarding planned multi-family developments, 'private streets for developments with six (6) or more units shall have a minimum thirty (30) feet of right-of-way and twenty (20) feet paving for two-way traffic.' The project's street design indicates a 30' private ROW, and a cross-section of 5' integrated sidewalk, two 10' travel lanes, a 1' ribbon curb. The proposal exceeds the parking requirements for off-street parking (2 per unit); there are 2-car garages indicated for each unit (344 total), as well as two additional spaces in each driveway. Additionally, there are 5 spaces provided at each mail kiosk (one of these parking areas also serves as guest parking for the leasing office).

A traffic impact analysis is required for this project and is underway. The project will be required to provide driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis at time of site plan approval. Curb, gutter and sidewalk will be provided along the eastern side of James Farm Road throughout the entire length of the project (as noted on the Concept Plan). 40' of right-of-way is required to be dedicated to NCDOT from the centerline of the road to accommodate the required 80' ROW as noted in the adopted Statesville Mobility & Development Plan. Internal street names have been approved by the Iredell County Planning Department.

An internal street lighting plan will be submitted for approval with the site plan. Although two trash dumpster locations are shown on the concept plan (and indicated that the design will comply with UDC Sec. 6.03.O), developer proposes to contract with a private sanitation company to provide and service individual roll-out trash containers.

Water service is available to the property; and City of Statesville sewer service is available to serve the project. Duke Energy will provide electric service (*see attached Utilities Map*). The project will provide and maintain a private sewer lift station that will be connected to the City's service; it will be fenced per UDC Section 6.02.D.5.

The surrounding zoning districts and land uses to the project site are as follows:

NORTH OF THE SITE: Iredell County (IC) R-20, undeveloped pasture and woodland and a rural single-family residential home between the northern subject parcel boundary and Jane Sowers Road

EAST OF THE SITE: IC M-1 and I-77, undeveloped wooded property between I-77 and Crawford Road but subject to a current rezoning/annexation proposal (ZC21-12 NCPark 4077 (Peppercorn) & ZC21-07 (Peppercorn Plantation LTDP, Goforth Family Revoc Tr & Andrew H. Crawford property)

SOUTH OF THE SITE: R-15, the Kingdom Hall of Jehovah's Witnesses church, and Cloverleaf Elementary School (Iredell-Statesville Schools/Iredell County)

WEST OF THE SITE: R-10, the Olde Statesville single-family residential neighborhood; R-5 CZ, the recently-approved Sullivan Farm (Lennar) single-family residential project; IC R-20, a single-family rural residential home; R-15, single-family rural residential homes and undeveloped residential parcels

The 2005 Land Development Plan/Future Land Use Map proposes that the subject parcel is suitable for Mixed Use development; which can include both single-use districts as well as mixed-use projects and encourages but does not require a mix of uses. No minimum residential density applies in this district, but the maximum gross density should not exceed 12 dwelling units per acre per project. The proposed residential density (4.77 du/ac) is well beneath that threshold. The (draft) 2045 Land Development Plan projects the property as Complete Neighborhood 1, The Character intent for this area includes various forms of housing type choices, including larger apartment complexes. Development should primarily be residential; and development should be connected using sidewalks and off-street path opportunities (*see attached 2005 Future Land Use Map inset, 2045 (DRAFT) Land Use & Character Map inset, and Complete Neighborhood 1 Character Intent & Characteristics sheet*). This project—along with the proposed Redwood Westminster project—is proposed as a single-story attached apartment project that will provide a new housing type for the city.

The applicant has offered the following conditions:

1. Elevations and materials lists are provided for review
 2. Sidewalks (integrated) are provided on one side of all internal private streets
 3. Street trees are provided along internal private streets
 4. A 50' landscape buffer will be provided (or existing trees and other vegetation will remain) along the project's boundary with Interstate 77 to serve as a noise-reducing feature on behalf of residents. This will begin at the northern end of the NCDOT sound wall and run the length of the project with the exception of the 50' stream buffer near the project northeast corner
 5. Driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis will be required by the developer at time of site plan approval.
- 2. Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning including conditions proposed by the applicant, several staff-recommended conditions that have been incorporated into a revised concept plan, and contingent upon annexation into the City.
- 3. Budget/Funding Implications:** The current total taxable value of the subject parcel is approximately \$304,140. The applicant estimates that the tax value of the land plus horizontal site development would be approximately \$6,640,000. Water service is available to the project; City of Statesville sewer service is available; and Duke Energy electrical service will be provided. The City will need to

provide fire and police services as requested.

4. Consequences for Not Acting: The subject portion of the tax parcel could remain undeveloped under the current Iredell County R-20 zoning designation or be developed under IC R-20 zoning. The City would not receive property taxes without annexation.

5. Department Recommendation: The 2005 Land Development Plan suggests that the portion of the parcel requested for rezoning is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing. At the proposed gross density of 4.77 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP and less than the 8.7 du/acre the R-5MF zoning district would permit. Additionally, this project proposes a new housing type and a diversity of housing options in Statesville, the plan exceeds the required active open space, will provide beneficial improvements along James Farm Road, and provides pedestrian connections to both Cloverleaf Elementary School and the greenway system. All utilities are available to the site. Therefore staff recommends **approval** of the rezoning request contingent upon the five conditions offered by the applicant and the addition of a 5th and 6th condition as follows:

1. Elevations and materials lists are provided for review
2. Sidewalks (integrated) are provided on one side of all internal private streets
3. Street trees are provided along internal private streets
4. A 50' landscape buffer will be provided (or existing trees and other vegetation will remain) along the project's boundary with Interstate 77 to serve as a noise-reducing feature on behalf of residents. This will begin at the northern end of the NCDOT sound wall and run the length of the project with the exception of the 50' stream buffer near the project northeast corner
5. Driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis will be required by the developer at time of site plan approval;
6. Any items(s) not specifically addressed must meet the requirements of the Unified Development Code;
7. Maximum residential density shall be 4.77 units per acre and a maximum of 172 total residential units; and

Contingent upon annexation of the subject parcel into the city.

6. Manager Comments: Concur with the department's recommendation.

7. Next Steps: If approved, the second reading would be on March 7, 2022.

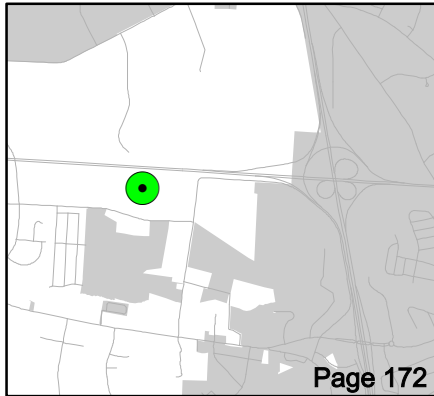
Attachments:

1. Location Map
2. GIS Aerial Map
3. Site Photos
4. Current Zoning Map
5. Concept Plan (3 sheets)
6. Legal Description for property to be excluded from rezoning
7. Building Floor Plans/Elevations/Materials Lists (4 sheets)

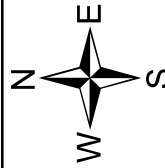
8. Utilities Map
9. 2005 Future Land Use Map inset
10. 2045 (DRAFT) Land Use & Character Map inset
11. Complete Neighborhood 1 Intent & Characteristics sheet – (draft) 2045 LDP
12. Council Consistency Statement
13. Planning Board Consistency Statement
14. Rezoning Ordinance
15. Certification of Mailed Notices

City of Statesville Planning Department

Redwood James Farm
ZC21-14
PIN # 4746-81-1103
(portion)

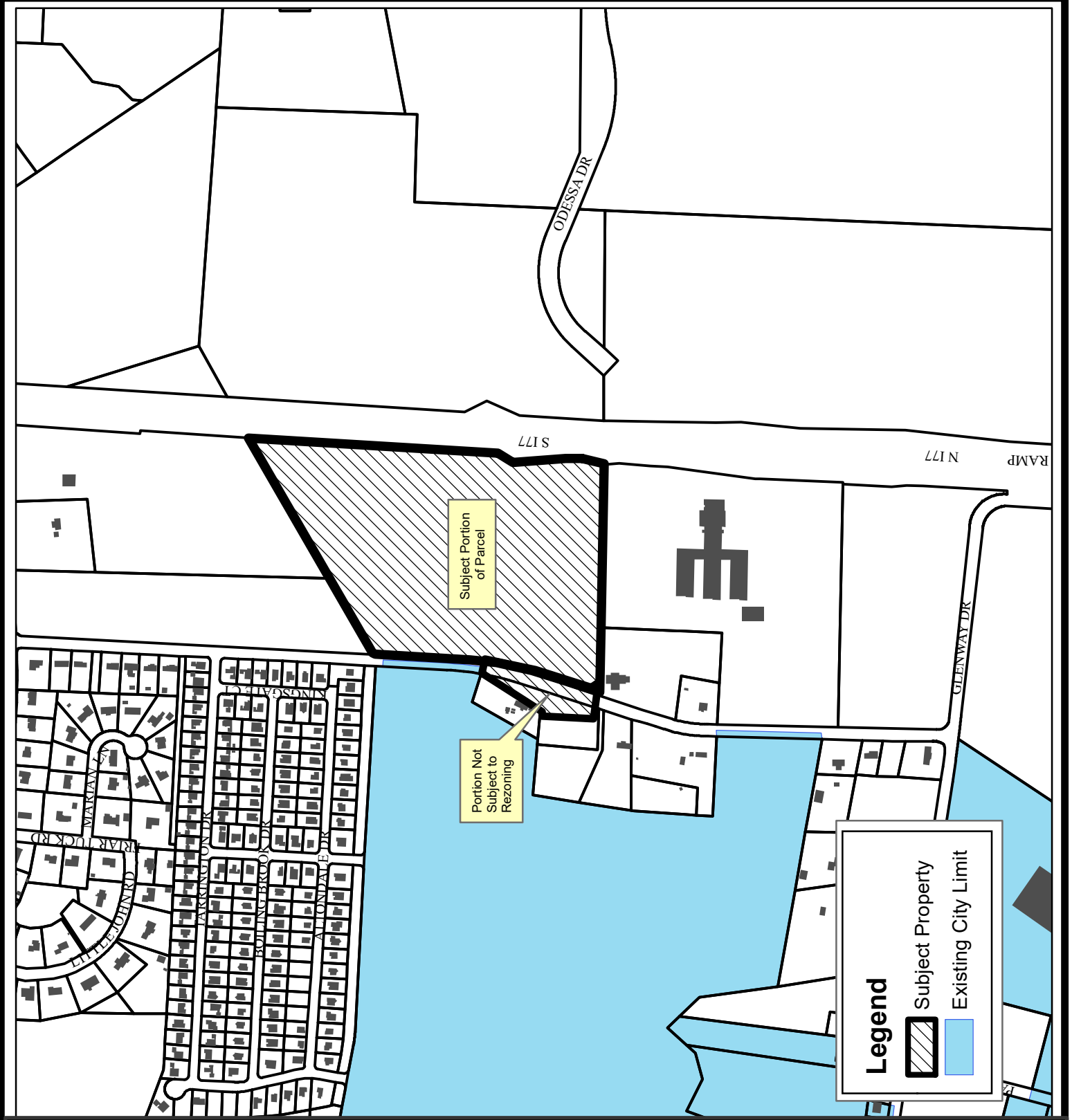


Page 172 of 234



0 550 1,100 Feet

1 inch = 666.666667 feet





Case No. ZC21-14 Redwood James Farm
Aerial Photo Map – PIN # 4746-81-1103 (portion)

Site Photos – ZC21-14 Redwood James Farm
(PIN # 4746-81-1103) James Farm Road



View from James Farm Road looking southeast onto the property



View from James Farm Road looking northeast onto the property



Case No. ZC21-14 Redwood James Farm
Current Zoning Map – PIN # 4746-81-1103 (portion)

BEING A PORTION OF TAX PARCEL #4746811103
THE AREA LOCATED ON THE WEST SIDE OF JAMES
FARM ROAD RECORDED IN DEED BOOK 1903 PAGE 104-107

BEGINNING AT A 1" PIPE IN THE WESTERN R/W OF JAMES FARM ROAD
(SR#2173) A 60' R/W, SAID PIPE BEING THE NORTHEAST CORNER OF
THE MADELINE WRIGHT PROPERTY RECORDED IN DB 2513 PG 498 OF
THE IREDELL COUNTY REGISTER OF DEEDS. RUNNING THENCE FROM
SAID BEGINNING POINT S 76° 36' 38" E 29.02 FEET TO A POINT IN THE
CENTERLINE OF JAMES FARM ROAD, THENCE ALONG THE CENTERLINE WITH
A CURVE HAVING A RADIUS OF 1130.00' FEET, A LENGTH OF 137.67' FEET,
A CHORD BEARING OF S 13° 43' 16" W 137.58' TO A COMPUTED POINT,
THENCE CONTINUING ALONG THE CENTERLINE OF JAMES FARM ROAD S 17° 42' 08" W
453.44 FEET TO A POINT, THENCE LEAVING THE CENTERLINE, N 88° 58' 19" W 72.03 FEET
TO A SET #4 REBAR,(PASSING OVER A FOUND 1" PIPE AT 30.21 FEET), THENCE N 03° 52' 15" E
FOR A DISTANCE OF 267.08 FEET TO A FOUND 1" PIPE, THENCE S 83° 02' 19" E
22.77 FEET TO A FOUND 1" PIPE, THENCE N 29° 28' 06" E FOR A DISTANCE OF
353.00 FEET TO A FOUND 1" PIPE BEING THE POINT AND PLACE OF BEGINNING
CONTAINING 1.17 ACRES

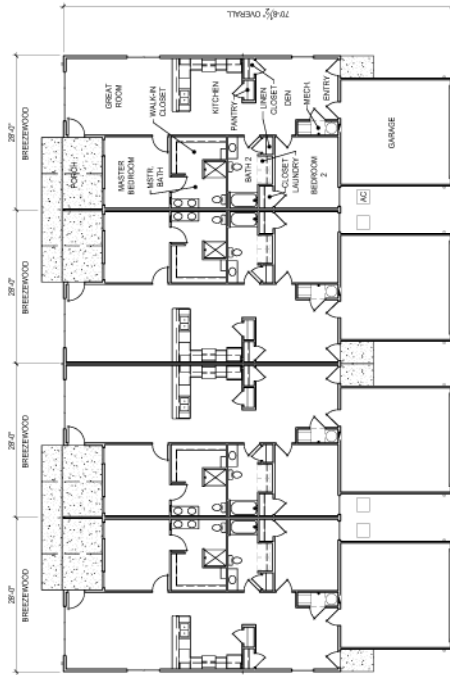
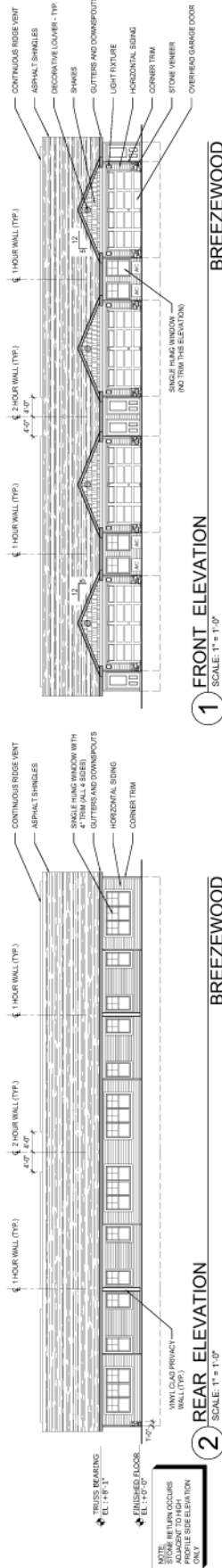
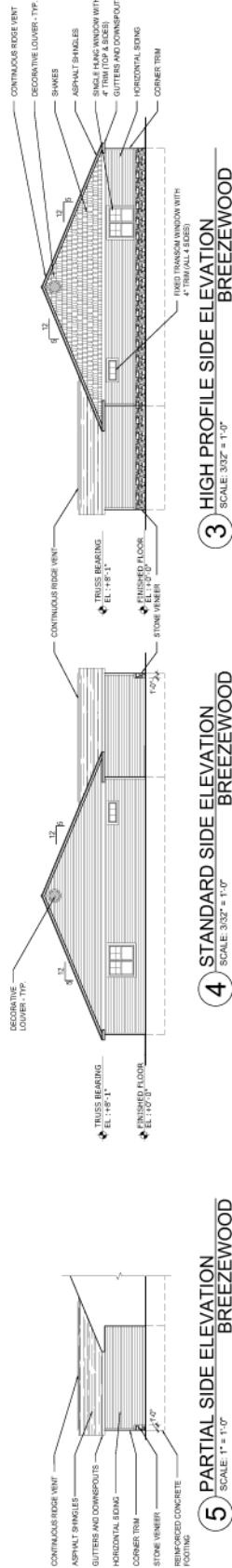
PRELIMINARY
NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION

REVISIONS

MPG ARCHITECTS
MANN • PARSONS • GAY
3660 Embassy Parkway
Fairham, OH 44333
phone 330.666.8770
fax 330.666.8812
mpg-architects.com

Redwood
BUILDING FLOOR PLAN AND ELEVATIONS
PROJECT #:
DATE: SEPTEMBER 28, 2020
ADDRESS
REDWOOD APARTMENT ELEVATIONS

A1.1



EXTERIOR FINISH MATERIAL SELECTIONS	
ITEM	DESCRIPTION
1	ASPHALT SHINGLES
2	TRUSS BEARING
3	FINISHED FLOOR
4	STONE VENEER
5	HORIZONTAL SIDING
6	CORNER TRIM
7	GUTTERS AND DOWNSPOUTS
8	ASPHALT SHINGLES
9	DECORATIVE LOWER TRIM
10	CONTINUOUS RIDGE VENT
11	FIXED TRANOM WINDOW WITH 4" TRIM (ALL 4 SIDES)
12	OVERHEAD GARAGE DOOR
13	STANDARD WHITE WITH FLAT GRES AND 4" WIDE TRIM

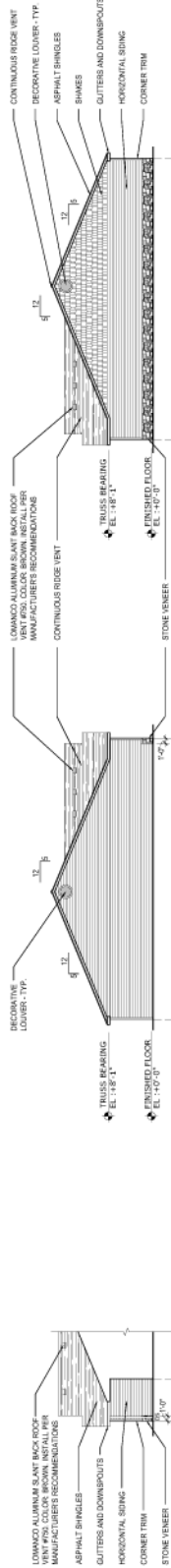
PRELIMINARY
NOTE!!!
THIS DRAWING IS NOT
FOR CONSTRUCTION

REVISIONS

MPG ARCHITECTS
MANN • PARSONS • GRAY
3660 Embassy Parkway
Fairham, OH 44333
phone 330.666.8770
fax 330.666.8812
mpg-architects.com

Redwood
BUILDING FLOOR PLAN AND ELEVATIONS
PROJECT #:
DATE: SEPTEMBER 28, 2020
ADDRESS
REDWOOD APARTMENT ELEVATIONS

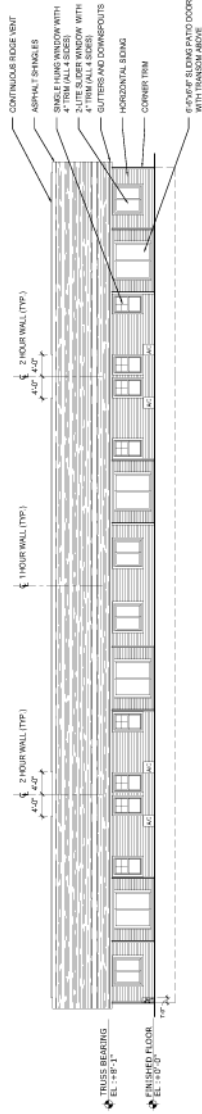
A1.7



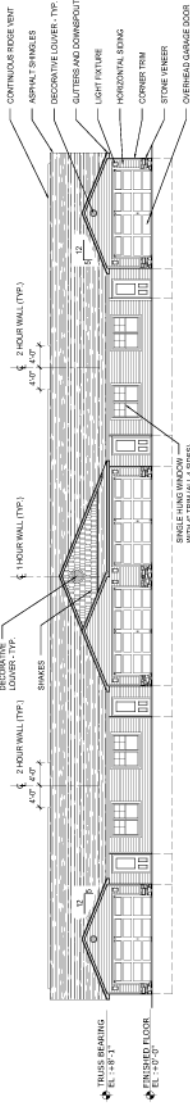
5 PARTIAL SIDE ELEVATION
WILLOWOOD
SCALE: 1" = 1'-0"

4 STANDARD SIDE ELEVATION
WILLOWOOD
SCALE: 3/32" = 1'-0"

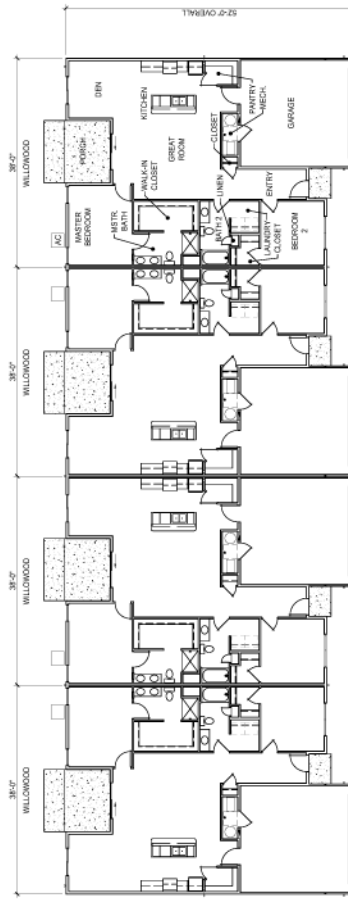
3 HIGH PROFILE SIDE ELEVATION
WILLOWOOD
SCALE: 3/32" = 1'-0"



2 REAR ELEVATION
WILLOWOOD
SCALE: 1" = 1'-0"

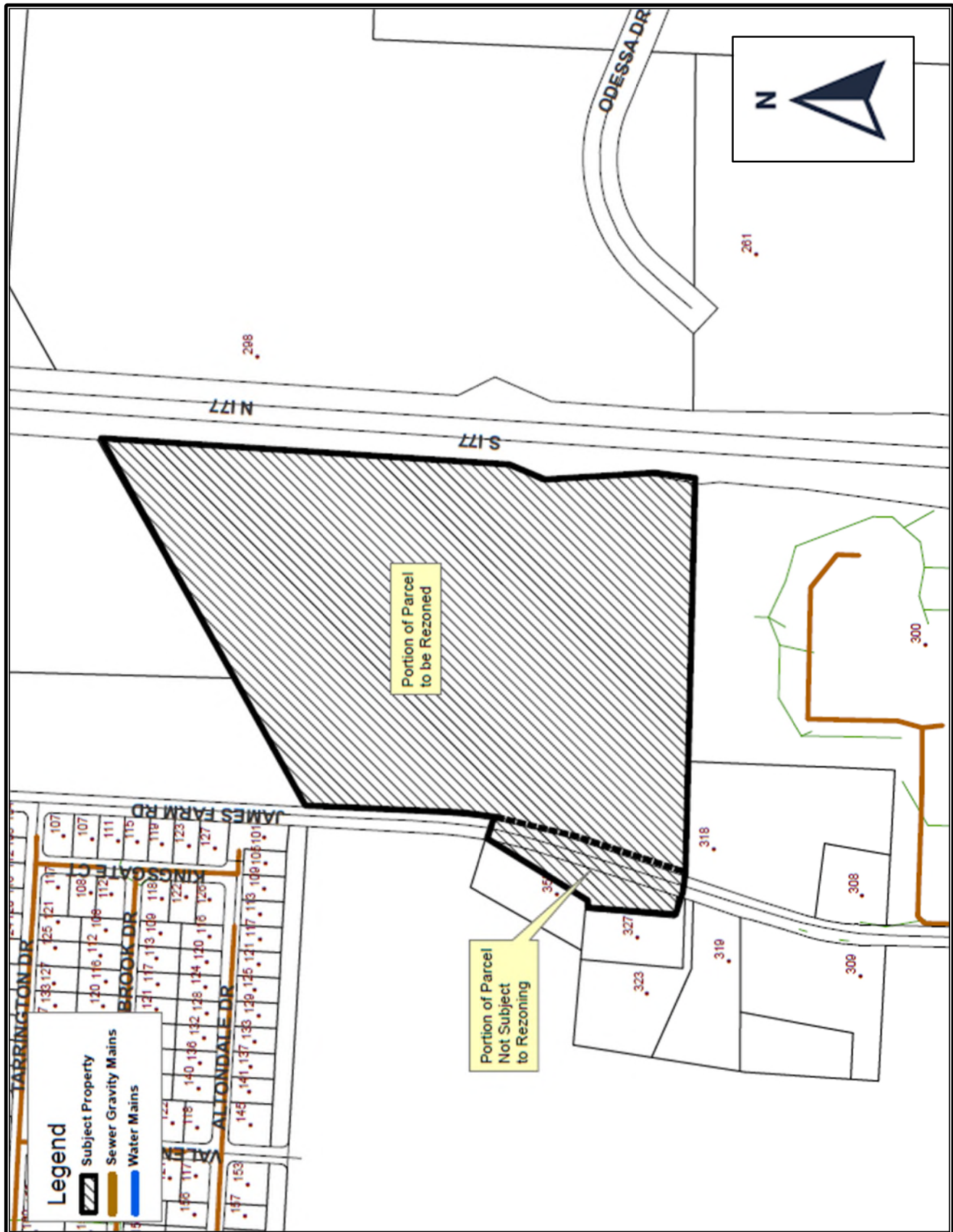


1 FRONT ELEVATION
WILLOWOOD
SCALE: 1" = 1'-0"

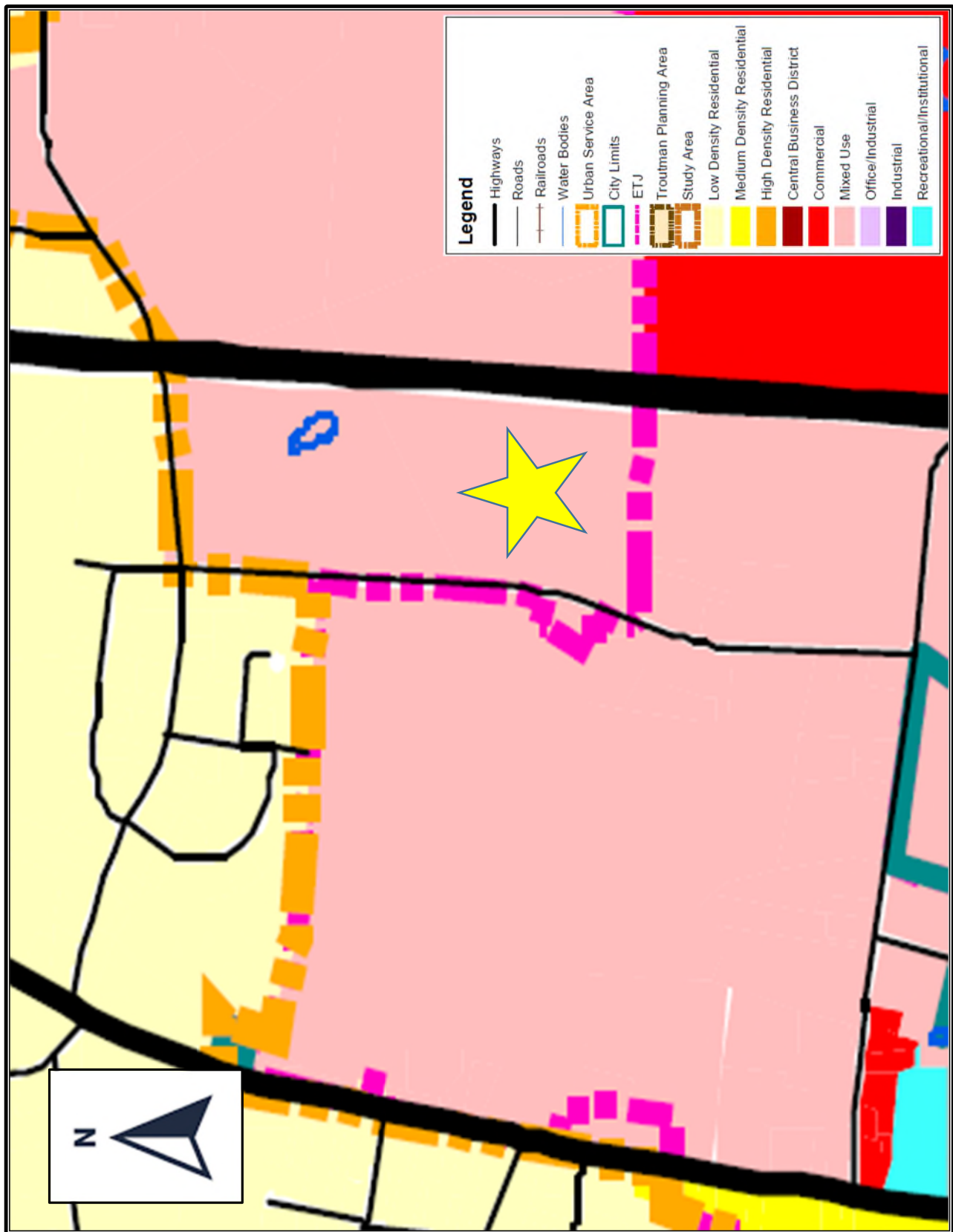


OVERALL FLOOR PLAN
WILLOWOOD
SCALE: 3/32" = 1'-0"

EXTERIOR FINISH MATERIAL SELECTIONS		
ITEM	MATERIAL/STYLE	COLORS
DECORATIVE LOWER	VINYL	WHITE
ASPHALT SHINGLES	DIMENSIONAL 30 YEAR LAMINATED	WHITE/RED WOOD
GUTTERS AND DOWNSPOUTS	PRESFINISHED ALUMINUM	WHITE
HORIZONTAL SIDING	VINYL	VARIES
SHAKES	VINYL	VARIES
CORNER TRIM	VINYL	WHITE
STONE VENER	PRESTIGE	CHOC WHITE VERN
OVERHEAD GARAGE DOOR	PAVED PANEL PAN STEEL	WHITE
SINGLE FLUNG	VINYL	STANDARD WHITE WITH FLAT GROSS 4" X 4" TRIM
6" X 6" SLIDING PATIO WINDOW WITH TRANSOM WINDOW	VINYL	WHITE



Case No. ZC21-14 Redwood James Farm
 Utilities Map – PIN # 4746-81-1103 (portion)



Subject Parcel location –



2045 (DRAFT) Land Use & Character Map – ZC21-14 Redwood James Farm
 Tax Parcel Map # 4746-81-1103 (portion)

Subject Parcel location – 

Complete Neighborhood 1

Character Intent

Complete Neighborhoods 1 include existing and new opportunities for compact and walkable multifamily neighborhoods located along major city corridors with potential for multimodal transportation options. These neighborhoods are designed to accommodate various forms of housing type choices (see page 36) and larger apartment complexes and condominiums. Residential uses should be designed to prioritize pedestrian circulation and frame the streetscape along the primary access street. Developments should create internal connectivity and access to adjacent uses through sidewalks, bike lanes, and multiuse paths. Master planned projects that include a variety of unit types designed around a common space are preferred. Building layouts should also create multi-modal connections to common residential amenities and required services such as clubhouses and parks. Limited neighborhood-serving retail and commercial uses are also appropriate, preferably at prominent central locations near common space and incorporated into development as live/work units and mixed use buildings. These neighborhoods should be designed to buffer adjacent uses to reduce visual impacts on neighboring properties.

Pattern & Form

Modified grid design, mid to long block lengths framed by pedestrian and street connections.

Opportunities

New multifamily residential and multimodal connections.

Primary Uses

Residential

Secondary Uses

Clubhouses and recreation centers, neighborhood scale commercial/office, daycare, institutional.

Form Characteristics

Building Height	One to four stories
Building Orientation	Residences oriented towards the primary street or designed around common space, 5-20 ft setbacks.
Building Types	Apartments, townhomes, other multifamily residential forms and a variety of housing type choices (see page 36)
Street Character	Connected neighborhood streets with sidewalks on both sides and street trees, off-street pedestrian and bike circulation connections (trails and paths)
Parking Character	Small surface parking lots shared by many residences, on-street parking, or alleyways, individual driveways should be avoided





To: Statesville City Council

From: Sherry Ashley, Planning Director

Date: February 21, 2022

Subject: Rezoning

Case: ZC21-14 – Redwood James Farm

Address: Westminster Drive (Iredell County Tax Parcel Identification # 4746-81-1103
(portion))

- ☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan**, is reasonable and in the public interest because: the 2005 Land Development Plan suggests that the portion of the parcel requested for rezoning is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing. At the proposed gross density of 4.77 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP, as well as than the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, this project proposes a new housing type and a diversity of housing options in Statesville, the plan exceeds the required active open space, will provide beneficial improvements along James Farm Road, and provides pedestrian connections to both Cloverleaf Elementary School and the greenway system. All utilities are available to the site.
- ☐ 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: _____

- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board

From: George A. Berger, AICP, Asst. Planning Director

Date: January 25, 2022

Subject: Zoning Consistency Statement – Planning Board

Case: ZC21-14 Redwood James Farm

Address: James Farm Road vicinity, Parcel # 4746-81-1103

- ☐ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: the 2005 Land Development Plan suggests that the portion of the parcel requested for rezoning is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing. At the proposed gross density of 4.77 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP, as well as than the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, this project proposes a new housing type and diversity of housing options in Statesville, the plan exceeds the required active open space, will provide beneficial improvements along James Farm Road, and provides pedestrian connections to both Cloverleaf Elementary School and the greenway system.
- ☐ 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 Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: _____
- _____
- _____
- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____
- _____
- _____
- _____

Date: Todd Lange, Planning Board Chairman

Date: George Berger, Asst. Planning Director

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF A PORTION OF THE
AFTER DESCRIBED PROPERTY FROM IREDELL COUNTY R-20 (RURAL RESIDENTIAL)
DISTRICT TO R-5 MF CZ (HIGH DENSITY MULTI-FAMILY CONDITIONAL ZONING) DISTRICT**

**ZC21-14 Goforth, Goforth & Cline LLC Property
James Farm Road vicinity
PIN # 4746-81-1103**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on February 21, 2022 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from Iredell County R-20 to R-5 MF CZ; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on February 11, 2022 and February 18, 2022, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was duly held in accordance with law, and all persons present were given an opportunity to be heard on said proposed ordinance prior to any action being taken thereon by the City Council;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of a portion of the after described property as noted be changed as particularly set out below, said properties being more particularly described as follows:

LEGAL DESCRIPTION

LYING AND BEING SITUATE IN IREDELL COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TAX PARCEL #4746811103 BEING THE SAME PROPERTY RECORDED IN DEED BOOK 1903 PAGE 104-107 IN THE IREDELL COUNTY REGISTRY

BEGINNING AT A 1" PIPE IN THE WESTERN R/W OF JAMES FARM ROAD (SR#2173) A 60' R/W, SAID PIPE BEING THE NORTHEAST CORNER OF THE MADELINE WRIGHT PROPERTY RECORDED IN DB 2513 PG 498 OF THE IREDELL COUNTY REGISTER OF DEEDS. RUNNING THENCE FROM SAID BEGINNING POINT, S 76° 36' 38" E FOR A DISTANCE OF 26.80 FEET TO A POINT IN THE CENTERLINE OF SAID JAMES FARM ROAD, THENCE ALONG THE CENTERLINE OF JAMES FARM ROAD THE FOLLOWING BEARINGS AND DISTANCES:

1. N 12° 22' 23" E FOR A DISTANCE OF 34.30 FEET TO A POINT
2. N 06° 01' 42" E FOR A DISTANCE OF 160.14 FEET TO A POINT
3. N 02° 52' 52" E FOR A DISTANCE OF 342.60 FEET TO A POINT

THENCE LEAVING THE CENTERLINE OF THE SAID JAMES FARM ROAD, N 61° 00' 06" E FOR A DISTANCE OF 35.65 FEET TO A #4 REBAR WITH CAP, THENCE CONTINUING N 61° 00' 06" E FOR A DISTANCE OF 440.41 FEET TO A #4 REBAR WITH CAP, THENCE N 61° 00' 06" E FOR A DISTANCE OF 803.60 FEET TO A CONCRETE MONUMENT IN THE WEST R/W

OF I-77. THENCE ALONG THE WEST R/W OF I-77 S 03° 37' 37" W FOR A DISTANCE OF 1163.46 FEET TO A POINT, THENCE, S 26° 22' 48" W FOR A DISTANCE OF 117.02 FEET TO A POINT, THENCE, S 03° 20' 30" E FOR A DISTANCE OF 93.77 FEET TO A POINT, THENCE, S 02° 56' 08" E FOR A DISTANCE OF 73.87 FEET TO A POINT, THENCE, S 02° 11' 00" E FOR A DISTANCE OF 137.63 FEET TO A POINT, THENCE, S 05° 00' 14" W FOR A DISTANCE OF 172.78 FEET TO A POINT, THENCE, N 88° 58' 19" W FOR A DISTANCE OF 818.40 FEET TO A 1/2" PIPE, THENCE, N 88° 58' 19" W FOR A DISTANCE OF 353.40 TO A #4 REBAR IN THE EAST R/W OF SAID JAMES FARM ROAD, THENCE N 88° 58' 19" W FOR A DISTANCE OF 61.40 TO A FOUND 1" PIPE IN THE WEST R/W OF JAMES FARM ROAD, THENCE N 88° 58' 19" W A DISTANCE OF 41.82 FEET TO A POINT, THENCE, N 03° 52' 15" E FOR A DISTANCE OF 267.08 FEET TO A 1 INCH PIPE, THENCE, S 83° 02' 19" E FOR A DISTANCE OF 22.77 FEET TO A 1 INCH PIPE, THENCE N 29° 28' 06" E A DISTANCE OF 353.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.04 ACRES TOTAL 1.21 ACRES WITHIN THE R/W OF JAMES FARM ROAD, 35.83 ACRES OUTSIDE THE R/W OF JAMES FARM ROAD.

BEING THE SAME PROPERTY DESCRIBED IN DEED BOOK 1903 PAGE 104 OF THE IREDELL COUNTY REGISTER OF DEEDS.

EXCEPT THAT THE FOLLOWING SHALL BE EXCLUDED FROM REZONING:

BEING A PORTION OF TAX PARCEL #4746811103 THE AREA LOCATED ON THE WEST SIDE OF JAMES FARM ROAD RECORDED IN DEED BOOK 1903 PAGE 104-107

BEGINNING AT A 1" PIPE IN THE WESTERN R/W OF JAMES FARM ROAD (SR#2173) A 60' R/W, SAID PIPE BEING THE NORTHEAST CORNER OF THE MADELINE WRIGHT PROPERTY RECORDED IN DB 2513 PG 498 OF THE IREDELL COUNTY REGISTER OF DEEDS. RUNNING THENCE FROM SAID BEGINNING POINT S 76° 36' 38" E 29.02 FEET TO A POINT IN THE CENTERLINE OF JAMES FARM ROAD, THENCE ALONG THE CENTERLINE WITH A CURVE HAVING A RADIUS OF 1130.00' FEET, A LENGTH OF 137.67' FEET, A CHORD BEARING OF S 13° 43' 16" W 137.58' TO A COMPUTED POINT, THENCE CONTINUING ALONG THE CENTERLINE OF JAMES FARM ROAD S 17° 42' 08" W 453.44 FEET TO A POINT, THENCE LEAVING THE CENTERLINE, N 88° 58' 19" W 72.03 FEET TO A SET #4 REBAR,(PASSING OVER A FOUND 1" PIPE AT 30.21 FEET), THENCE N 03° 52' 15" E FOR A DISTANCE OF 267.08 FEET TO A FOUND 1" PIPE, THENCE S 83° 02' 19" E 22.77 FEET TO A FOUND 1" PIPE, THENCE N 29° 28' 06" E FOR A DISTANCE OF 353.00 FEET TO A FOUND 1" PIPE BEING THE POINT AND PLACE OF BEGINNING CONTAINING 1.17 ACRES.

Property Address: James Farm Road vicinity between Tarrington Drive and Glenway Drive, Statesville NC

This ordinance was introduced for first reading by Councilmember_____, seconded by Councilmember_____, and unanimously carried on the _____ day of _____, 2022.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____

_____, 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

Ayes:

Nayes:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2022.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk



To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council members:

The purpose of this letter is to certify that the adjacent property owners of PIN Number 4746-81-1103 (portion) located on James Farm Road, per Case # ZC21-14, were mailed notice of this rezoning request on January 11, 2022.

Thank you,

George A. Berger, AICP
Assistant Planning Director

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 9, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of Rezoning Request ZC21-15 for properties located on US 21/Turnersburg Highway and Houpe Road; Iredell County Tax Parcel Identification # 4747-70-2049, 4746-67-6347 & 4746-66-8927; from Iredell County RA (Residential Agricultural) and R-20 (Rural Residential) districts to City of Statesville LI (Light Industrial) District.

1. Summary of Information:

Rezoning Request: TPA Group (applicant) requests rezoning on behalf of Viola G Robertson et al & Lowell E Harmon (owners) for the subject parcels from Iredell County RA (Residential Agricultural) and R-20 (Rural Residential) districts to City of Statesville LI (Light Industrial) District. This is a standard rezoning proposal, and not subject to conditions; but is contingent upon annexation into the City.

Evaluation: This is a request for a change in zoning to permit three parcels of property to be used for light industrial development, including distribution and warehousing. The parcels are labeled as follows on the Location Map: Iredell County Tax Parcel Identification 1. 4747-70-2049, 2. 4746-67-6347 & 3. 4746-66-8927 (*see attached Location Map, Boundary Survey, GIS Aerial Map and Current Zoning Map*).

The three subject parcels, totaling 185.8 acres, are currently wooded or agricultural use. All three parcels have direct access to US 21/Turnersburg Highway and parcel 2 also abuts Houpe Road (*see attached Site Photos*).

The parcels have been placed under contract by the developer to develop future warehouse/distribution use; although no site plan has been formally submitted for review/approval at this time. Warehouses and distribution facilities are a permitted land uses in the requested Light Industrial zoning district.

The purpose of the LI district is to accommodate light industrial uses that are compatible with general business uses, are not inherently obnoxious to the urban area because of noise, odors, dust, smoke, light, or uses of dangerous materials; and involve indoor production, assembly, and storage.

There are no minimum lot size or lot width requirements for the LI district; and the combined properties will be sufficiently large enough to accommodate development meeting the requirements of the Unified Development Code.

When a site plan is submitted for review and approval by the Technical Review Committee (TRC), the developer will be required to conduct a Traffic Impact Analysis (TIA) for necessary road improvements and

dedicate ROW along US 21 per the adopted Statesville Mobility & Development Plan. US 21 in this area is listed as a Strategic Corridor; and along US 21 in this area the projected ROW is 110', requiring dedication from the centerline for the widening (see attached Turnersburg Hwy. Strategic Corridor inset – 2019 Mobility & Development Plan). Curb, gutter, and sidewalk will be required along the property boundaries.

The 2005 Land Development Plan projects the property as appropriate for Low Density Residential on the subject properties. Now dated, the LDP did not at the time anticipate sewer service becoming available in this portion of the city's planning area; but does anticipate both residential and commercial development should utilities be available (*see attached 2005 Future Land Use Map inset*).

The (draft) 2045 Land Development Plan projects the property as Activity Corridor adjacent to the I-77/US 21 interchange area, and Rural further to the south nearest Houpe Road. However, US 21 in this area—similar to the Mobility & Development Plan—is considered one of the LDP's identified Gateway Corridors; and the interchange-proximate area is outlined in the Jane Sowers North Strategic Focus Area. While development in this area was anticipated more quickly in the southern/eastern quadrants of the interchange area, the plan notes the potential for reconsidering the phasing and specific development pattern as both utilities can be provided and as private sector interest dictates. The Jane Sowers North focus area and the I-77 interchange area is the northern gateway to the city, which “offers significant opportunities to create a new district that could provide new employment and housing options. The Real Estate Market Study identifies the Strategic Focus Area as a prime opportunity for gateway employment uses, supported by multifamily housing and service-oriented retail to support the surrounding uses. Development standards applied in this area should create high quality gateway entrances into the city and maximize development potential within this area.” (Draft LDP pg. 50) (*see attached 2045 (DRAFT) Land Use & Character Map inset, 2019 Mobility & Development Plan Turnersburg Highway Strategic Corridor inset; and Jane Sowers North background and recommendations section of the (draft) 2045 Land Development Plan*).

The Mobility & Development Plan indicates that the subject parcels have access and superior visibility to both Interstates 40 and 77. The area is also appropriate for retail and other commercial development—particularly mixed use, which can include industrial/distribution uses—and that the interchange is, as noted above, the northern gateway to the city and the northernmost undeveloped interchange. However, the plan also noted that at the time, public utility services for significant development were limited/unavailable, so development west of the interchange would likely be somewhat limited. With some decrease in commercial development and the increase in distribution/warehouse development it is important to acknowledge that the location of the subject parcels to the west of the interchange make them suitable for the latter land uses, while properties adjacent to and in other quadrants of the interchange should reflect the Jane Sowers North concept plan with subsequent updates reflective of the current request, if approved. Retail commercial use may still be appropriate for the frontages along US 21.

Water service is available to the property; City sewer service is available following extension by the developer; electrical service is customer choice between Duke Energy and Energy United. A petition for annexation has also been filed by the developer (*see attached Utilities Map*).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: Iredell County R-20 (Rural Residential) and RA (Residential Agricultural) districts, undeveloped acreage with Fifth Creek at the northern property boundary

EAST OF THE SITE: Iredell County HB (Highway Business) CUD District, Exxon auto/truck fueling station/7-11 convenience store, Arby's eating establishment; Iredell County RA (Residential Agricultural) District, Rose Chapel United Methodist Church; Iredell County GB (General Business) CUD District, Messick Glass & Mirror fronting undeveloped property; Iredell County R-20 (Rural Residential) District, single-family homes fronting US 21; Iredell County NB (Neighborhood Business) District, Iredell County Farm Bureau Insurance agency

SOUTH OF THE SITE: Statesville R-20 (Rural Residential) District, single-family homes along Houpe Road, manufactured homes along (private) Shasta Drive, Barker's Grocery convenience store/gasoline station at the US 21/Houpe Road intersection

WEST OF THE SITE: Iredell County R-20 (Rural Residential) District, generally undeveloped woodland, and pasture acreage.

2. **Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation.
3. **Budget/Funding Implications:** The current total taxable value of the three undeveloped parcels is approximately \$1,077,790. Although a project has not been submitted at this time, the applicant has estimated that the tax value of the land plus site improvements would be approximately \$24 Million. Water service is available to the property; City sewer service is available following extension by the developer; electrical service is customer choice between Duke Energy and Energy United. The city will need to provide fire and police services as requested.
4. **Consequences for Not Acting:** The properties could remain undeveloped under County jurisdiction and zoning; or could be developed under the County's R-A & R-20 zoning regulations. The City would not receive property taxes or employment opportunities without annexation.
5. **Department Recommendation:** Although the current (2005) Land Development Plan did not anticipate development in this area of the City's planning area, it did predict new development when public utilities became available. The adopted 2019 Mobility & Development Plan and draft (2045) Land Development plans, however, identify this area as a significant corridor and focus area for growth and development. The 2045 draft LDP notes that Jane Sowers North is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is for standard rezoning of the subject parcels; and any development request would be required to be compatible with the existing adopted plans and a forthcoming Land Development Plan, including a focus on compatibility with the strategic focus area. Access to the interstate highway system is appropriate; and all utilities are available to the site as requested and/or upon extension by the owner. Therefore, staff recommends **approval** of the rezoning request, contingent upon annexation.

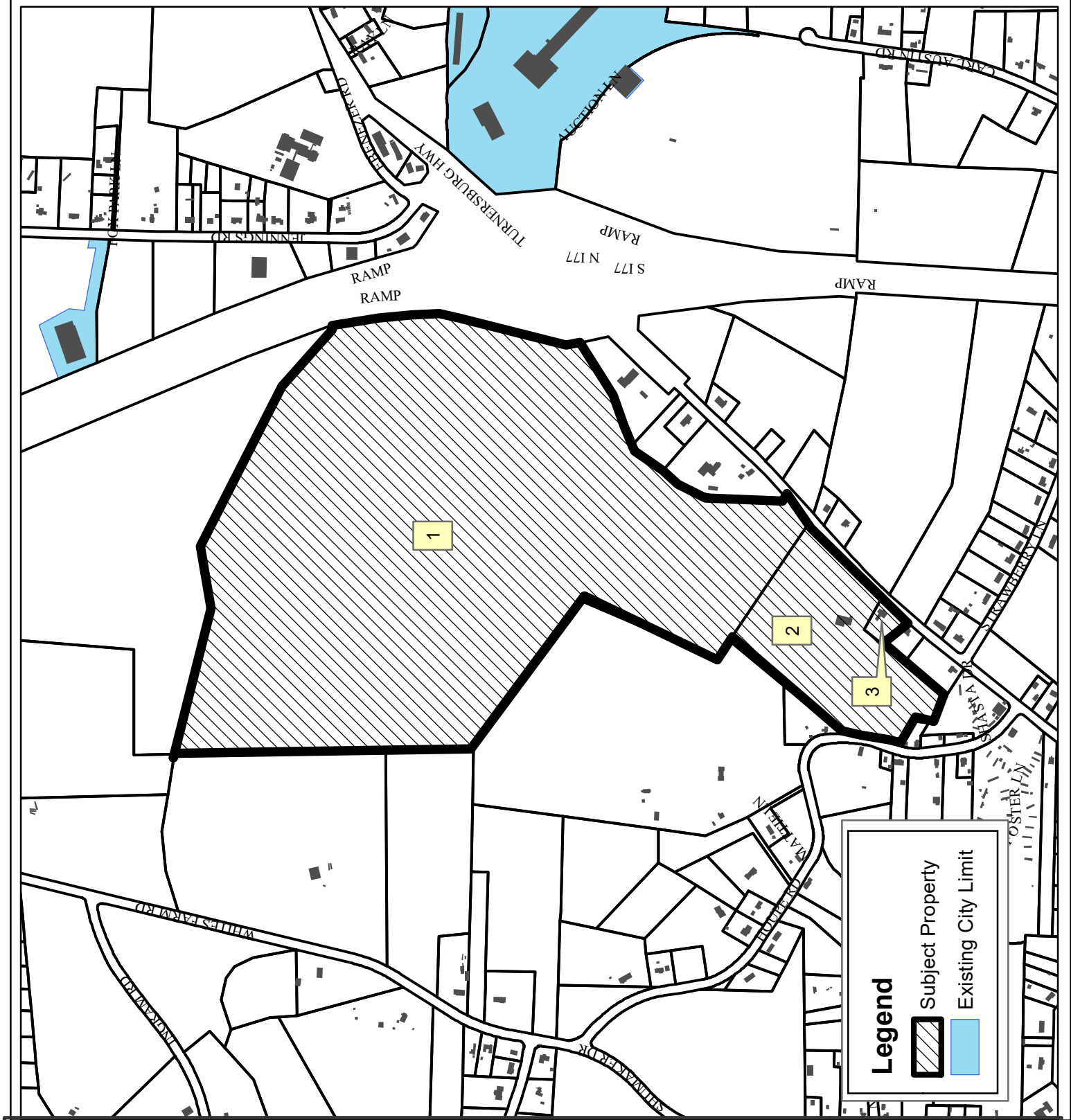
In addition to recommending approval of this zoning amendment, staff believes the approval constitutes **an amendment to the City's comprehensive land use plan**. Conditions in the area have taken place since the 2005 Land Use Map was adopted, meeting the criteria for permitting this map amendment to be approved: public utilities are now available for development on the subject parcels; a Mobility & Development Plan indicate that development other than rural is suitable for the area; a draft Land Development Plan indicates that gateway employment uses are suitable for the area; and the Interstate 77 interchange is appropriate for light industrial development, particularly related to warehousing, distribution and logistics. The (draft) Land Use & Character Map, as part of the 2045 Land Development Plan, will be amended to reflect this amendment if approved.

6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading would be on March 7, 2022.

Attachments:

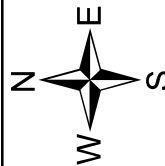
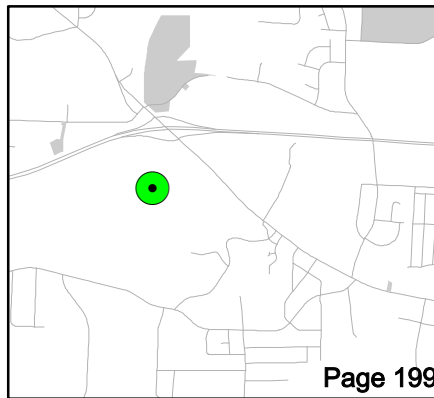
1. Location Map
2. Boundary Survey
3. GIS Aerial Map
4. Current Zoning Map
5. Site Photos

6. 2005 Future Land Use Map inset
7. 2045 (DRAFT) Land Use & Character Map inset
8. Jane Sowers North land use focus area – 2019 Mobility & Development Plan
9. Jane Sowers North background and recommendations – (draft) 2045 LDP
10. Utilities Map
11. Council Consistency Statement
12. Planning Board Consistency Statement
13. Rezoning Ordinance
14. Certification of Mailed Notices



City of Statesville Planning Department

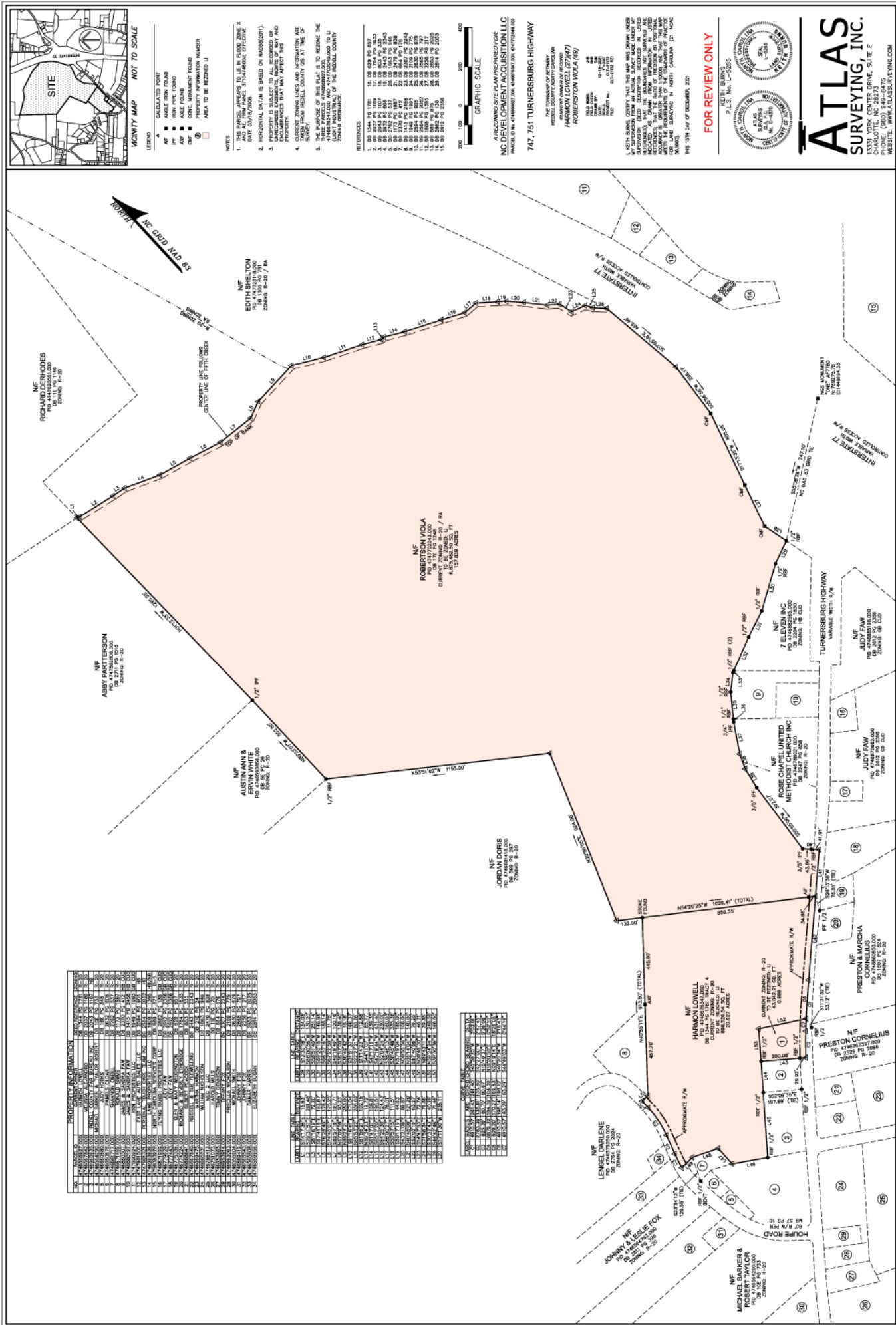
Statesville Logistics Park
ZC21-15
PIN # 4747-70-2049, 4746-67-6347
& 4746-66-8927



0 650 1,300 Feet

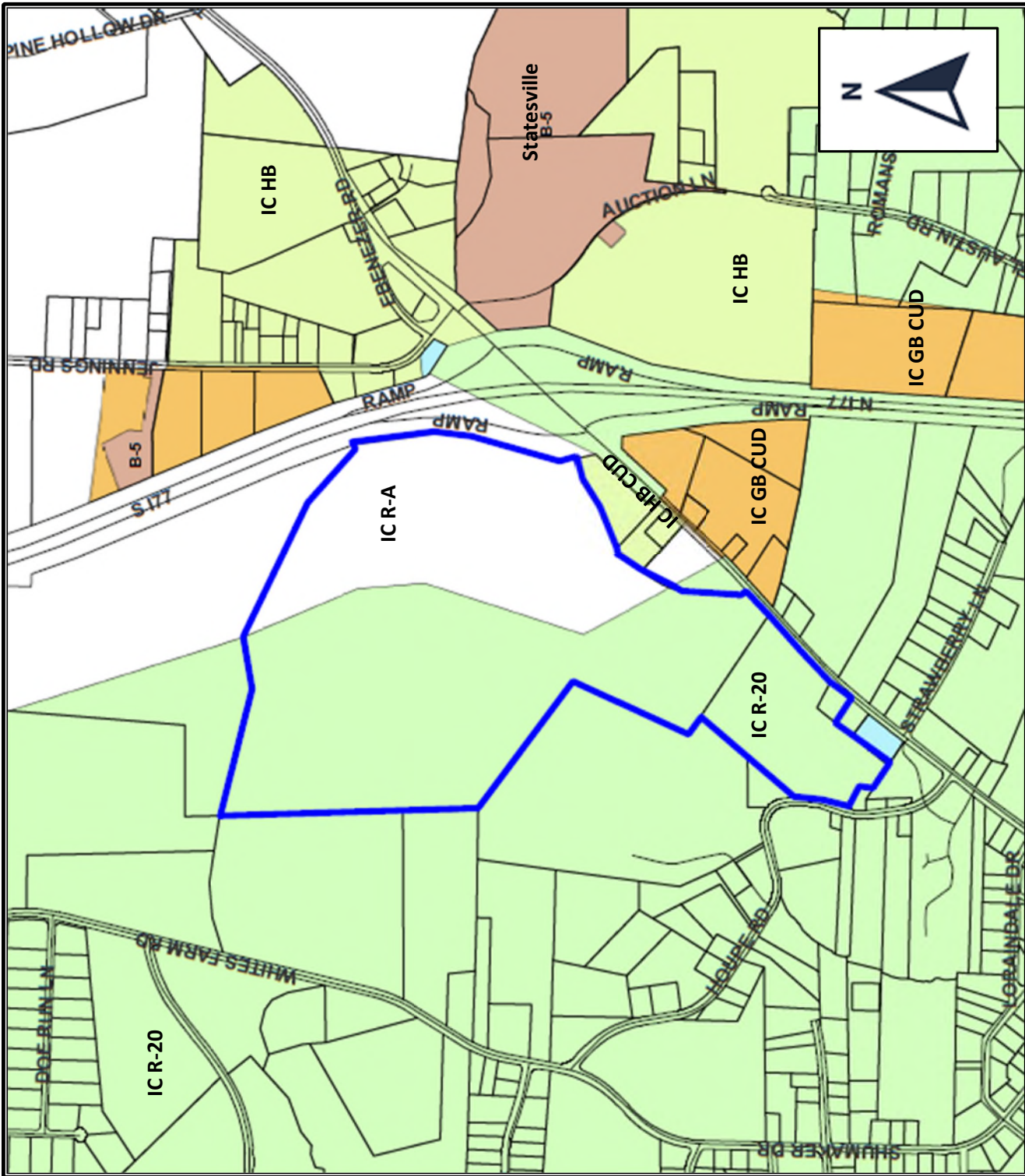
1 inch = 833.333333 feet







Case No. ZC21-15 Statesville Logistics Park
Aerial Photo Map – PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927



Case No. ZC21-15 Statesville Logistics Park
 Current Zoning Map – PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927

Site Photos – ZC21-15 Statesville Logistics Park
(PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927) US 21/Turnersburg Hwy and Houpe Road vicinity



View from US 21 looking south onto the property at northern property line of 4747-70-2049



View from US 21 looking south onto the property midway along PIN # 4746-67-6347



2005 Future Land Use Map – ZC21-15 Statesville Logistics Park
 Tax Parcel Map # 4747-70-2049, 4746-67-6347 & 4746-66-8927

Subject Parcel location – 



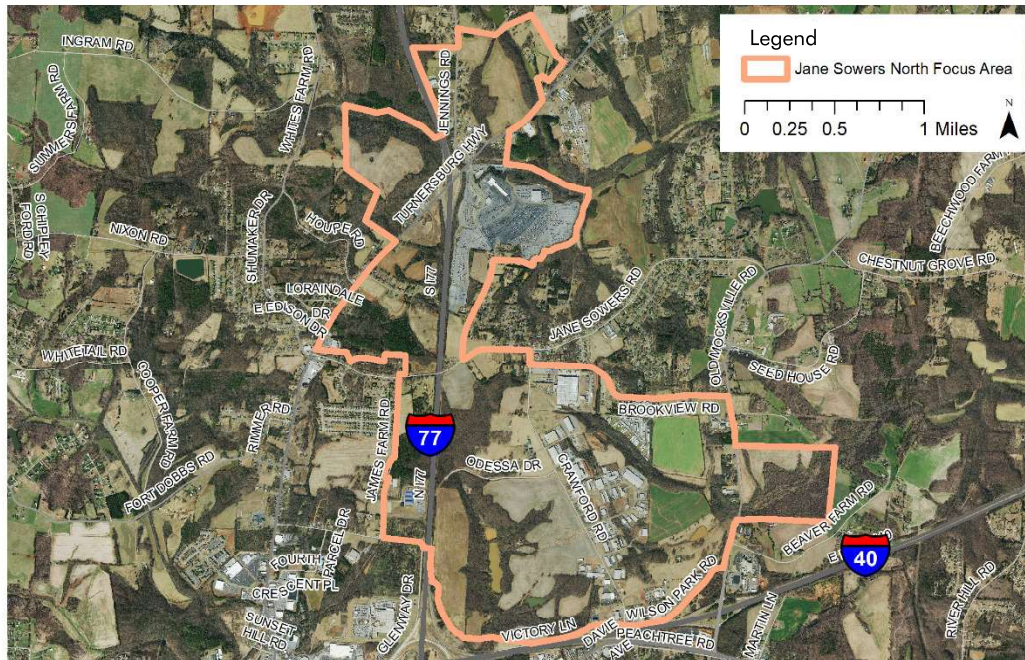
★
Appx. Subject Parcel location –

2045 (DRAFT) Land Use & Character Map – ZC21-15 Statesville Logistics Park
Tax Parcel Map # 4747-70-2049, 4746-67-6347 & 4746-66-8927

Jane Sowers North

New Development Strategic Focus Area

Jane Sowers North New Development Strategic Focus Area Map



Background

The Jane Sowers North Strategic Focus Area is located along the I-77 corridor to the north of I-40. Encompassing 2,700 acres, this is one of the few remaining undeveloped tracts at the intersection of two interstates in North Carolina. Currently, this area is a mix of uses with the majority of the land in an undeveloped state. A cluster of industrial uses are located east of I-77 along Crawford Road. A few limited convenience commercial uses are located nearby that support the surrounding industries and the Davis Regional Medical Center to the east. To the west of I-77 is the Cloverleaf Elementary International Baccalaureate World School and a church. A large tract on the northern end of the area is an active auto auction. The Jane Sowers North Strategic Focus Area is adjacent to single-family neighborhoods particularly along Jane Sowers Road east and west of I-77.

The largest barriers for growth in Jane Sowers North are currently the limited access points to and across the Interstate highways, and access to municipal utilities in some areas. Environmental and topographical constraints are also a challenge in some areas.


Investment in utility and transportation infrastructure can transform Jane Sowers North into a new activity node and northern gateway to the city. At present, a portion of the area has sewer service, and the City recently extended full utility service along Turnersburg Highway

to I-77. The *Mobility and Development Plan* calls for improvements to the Turnersburg/I-77 interchange (Exit 54), and a new interchange at Jane Sowers Road. A study to determine the feasibility of a new interchange at Jane Sowers Road is currently underway.

Recommendations

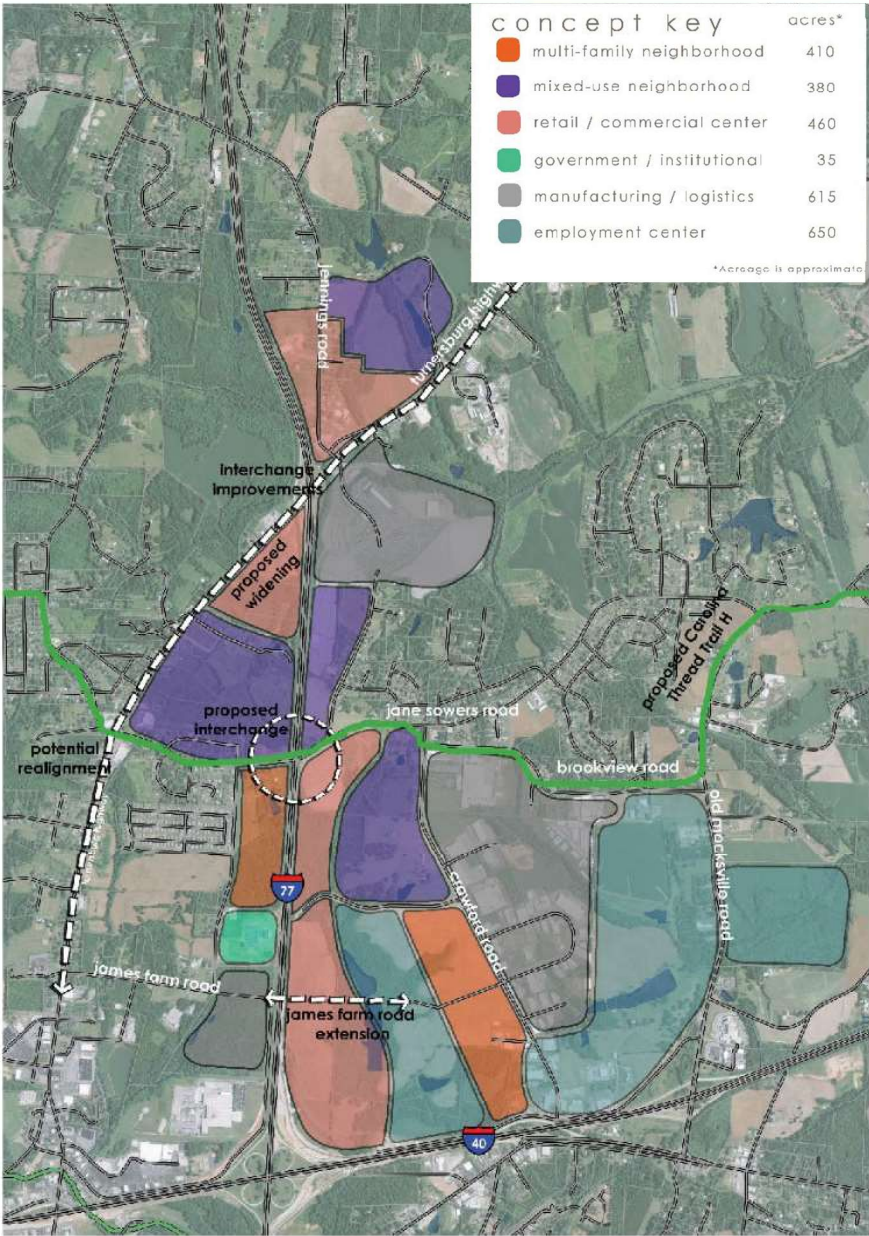
The 2019 *Mobility and Development Plan* identifies this area as a viable location for a mix of uses, including retail commercial centers near the interchanges, and manufacturing and logistics and other employment uses located east of I-77. The plan also calls for multifamily and mixed density neighborhoods that create transitions between the employment uses and existing single-family neighborhoods. Due to the primary market draw for development in the southern end of the planning area closer to Charlotte, it is expected that Jane Sowers North will have less market draw in the near term. The plan suggests a phasing of the area's development, beginning with the areas in the north closest to I-77 Exit 54 to take advantage of the utility expansion to the US-21/I-77 interchange, then south toward the I-77/I-40 interchange. If plans to create a new I-77 interchange at Jane Sowers Road come to fruition, this phasing plan may need to be reconsidered.

Jane Sowers North is the northern gateway to the city and offers significant opportunities to create a new district that could provide new employment and housing options. The *Real Estate Market Study* identifies the Strategic Focus Area as a prime opportunity for gateway employment uses, supported by multifamily housing and service-oriented retail to support the surrounding uses. Development standards applied in this area should create high quality gateway entrances into the city and maximize development potential within this area.

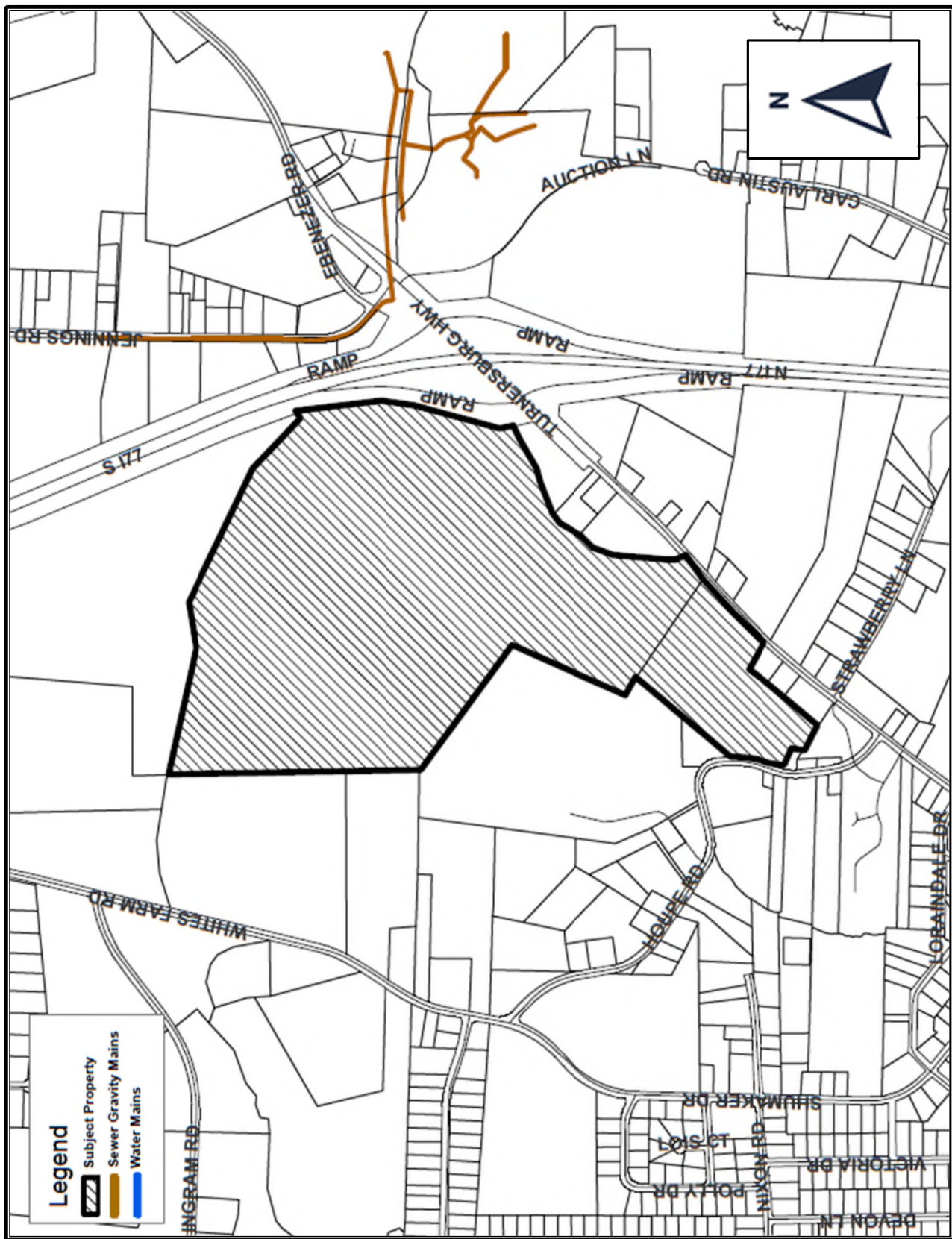


See the Real Estate and Market Analysis Report pages 39-40 and 44 for information on the Jane Sowers North market analysis.

Mobility and Development Plan Jane Sowers Concept Diagram



The 2019 Mobility and Development Plan’s Concept Design for Jane Sowers North recommends a mix of multifamily and mixed use neighborhoods, retail commercial centers, manufacturing and logistics parks and several mixed employment centers.



Case No. ZC21-15 Statesville Logistics Park
 Utilities Map – PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927



To: Statesville City Council

From: Sherry Ashley, Planning Director

Date: February 21, 2022

Subject: Rezoning

Case: ZC21-15 – Statesville Logistics Park

Address: US 21/Turnersburg Highway and Houpe Road (Iredell County Tax Parcel Identification # 4746-81-1103 (portion))

- ☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan**, is reasonable and in the public interest because: although the current (2005) Land Development Plan did not anticipate development in this area of the City's planning area, it did predict new development when public utilities became available. The adopted 2019 Mobility & Development Plan and draft (2045) Land Development Plan, however, identify this area as a significant corridor and focus area for growth and development. The draft LDP notes that Jane Sowers North is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is for standard rezoning of the subject parcels; and any development request would be required to be compatible with the existing adopted plans and a forthcoming Land Development Plan, including a focus on compatibility with the strategic focus area. Access to the interstate highway system is appropriate; and all utilities are available to the site as requested and/or upon extension by the owner.
- ☐ 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: public utilities are now available for development on the subject parcels; a Mobility & Development Plan indicate that development other than rural is suitable for the area; a draft Land Development Plan indicates that gateway employment uses are suitable for the area; and the Interstate 77 interchange is appropriate for light industrial development, particularly related to warehousing, distribution and logistics.
- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____
- _____
- _____

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board

From: George A. Berger, AICP, Asst. Planning Director

Date: January 25, 2022

Subject: Zoning Consistency Statement – Planning Board

Case: ZC21-15 Statesville Logistics Park

Address: US 21/Turnersburg Hwy & Houpe Road vicinity, Parcel # 4747-70-2049, 4746-67-6347 & 4746-66-8927

- ☐ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: although the current (2005) Land Development Plan did not anticipate development in this area of the City's planning area, it did predict new development when public utilities became available. The adopted 2019 Mobility & Development Plan and draft (2045) Land Development Plan, however, identify this area as a significant corridor and focus area for growth and development. The draft LDP notes that Jane Sowers North is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is for standard rezoning of the subject parcels; and any development request would be required to be compatible with the existing adopted plans and a forthcoming Land Development Plan, including a focus on compatibility with the strategic focus area. Access to the interstate highway system is appropriate; and all utilities are available to the site as requested and/or upon extension by the owner.
- ☐ 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 Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: public utilities are now available for development on the subject parcels; a Mobility & Development Plan indicate that development other than rural is suitable for the area; a draft Land Development Plan indicates that gateway employment uses are suitable for the area; and the Interstate 77 interchange is appropriate for light industrial development, particularly related to warehousing, distribution and logistics.
- ☐ The zoning amendment is **rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Todd Lange, Planning Board Chairman

Date: George Berger, Asst. Planning Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER
DESCRIBED PROPERTIES FROM IREDELL COUNTY RA (RESIDENTIAL
AGRICULTURAL) DISTRICT AND IREDELL COUNTY R-20 (RURAL RESIDENTIAL)
DISTRICT TO CITY OF STATESVILLE LI (LIGHT INDUSTRIAL) DISTRICT

ZC21-15 Viola G Robertson et al & Lowell E Harmon Property
US 21/Turnersburg Hwy, Interstate 77 and Houpe Road vicinity
PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on February 21, 2022 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from Iredell County RA and R-20 to LI; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on February 11, 2022 and February 18, 2022, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was duly held in accordance with law, and all persons present were given an opportunity to be heard on said proposed ordinance prior to any action being taken thereon by the City Council;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described properties be changed as particularly set out below, said properties being more particularly described as follows:

LEGAL DESCRIPTION

LYING AND BEING SITUATE IN IREDELL COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION – COMBINED PID NO. 4746668927.000, 4746676347.000 & 4747702049.000

COMMENCING AT NGS MONUMENT AF7780 WITH NC GRID NAD 83 COORDINATES OF N:769275.78 AND E:1449194.03; THENCE LEAVING SAID MONUMENT S55°08'28"W FOR A DISTANCE OF 747.10 FEET TO A 1/2" REBAR FOUND; THENCE S68°00'56"W FOR A DISTANCE OF 130.20 FEET TO A 1/2" REBAR FOUND; THENCE S58°51'40"W FOR A DISTANCE OF 251.14 FEET TO A 1/2" REBAR FOUND; THENCE S69°20'15"W FOR A DISTANCE OF 149.98 FEET TO A 1/2" REBAR

FOUND; THENCE S66°20'16"W FOR A DISTANCE OF 188.14 FEET TO A 1/2" REBAR FOUND; THENCE S67°22'50"W FOR A DISTANCE OF 11.78 FEET TO A 1/2" REBAR FOUND; THENCE S49°19'49"W FOR A DISTANCE OF 100.16 FEET TO A 1/2" REBAR FOUND; THENCE S36°57'00"W FOR A DISTANCE OF 139.40 FEET TO A 1/2" REBAR FOUND; THENCE S36°49'42"W FOR A DISTANCE OF 15.18 FEET TO A 3/4" IRON PIN FOUND; THENCE S31°51'37"W FOR A DISTANCE OF 166.37 FEET TO A POINT; THENCE S22°27'21"W FOR A DISTANCE OF 80.76 FEET TO A POINT; THENCE S11°14'23"W FOR A DISTANCE OF 112.68 FEET TO A 3/5" IRON PIN FOUND; THENCE S05°55'06"W FOR A DISTANCE OF 392.07 FEET TO A 3/5" IRON PIN FOUND; THENCE S44°11'07"E (PASSING A 1/2" REBAR FOUND AT 43.86 FEET) FOR A DISTANCE OF 85.77 FEET TO A POINT IN THE CENTERLINE OF TURNERSBURG HIGHWAY; THENCE ALONG SAID CENTERLINE S47°17'16"W FOR A DISTANCE OF 239.35 FEET TO A POINT; THENCE S47°19'44"W FOR A DISTANCE OF 431.40 FEET TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 261.43 FEET, WITH A RADIUS OF 4,910.57 FEET, WITH A CHORD BEARING OF S45°58'25"W, WITH A CHORD LENGTH OF 261.40 FEET TO A POINT; THENCE WITH A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 135.81 FEET, WITH A RADIUS OF 2,783.39 FEET, WITH A CHORD BEARING OF S42°27'00"W, WITH A CHORD LENGTH OF 135.80 FEET TO A POINT; THENCE DEPARTING SAID CENTERLINE N52°04'24"W (PASSING A 1/2" REBAR FOUND AT 29.92 FEET) FOR A DISTANCE OF 230.00 FEET TO A 1/2" REBAR FOUND; THENCE S38°46'13"W FOR A DISTANCE OF 160.03 FEET TO A 1/2" REBAR FOUND; THENCE S38°45'48"W FOR A DISTANCE OF 335.38 FEET TO A 1/2" REBAR FOUND; THENCE N57°19'04"W FOR A DISTANCE OF 185.00 FEET TO A POINT; THENCE N00°55'56"E FOR A DISTANCE OF 106.00 FEET TO A POINT; THENCE N66°14'04"W FOR A DISTANCE OF 140.00 FEET TO A POINT; THENCE S87°40'56"W FOR A DISTANCE OF 76.25 FEET TO A POINT IN THE CENTERLINE OF HOUBE ROAD; THENCE ALONG SAID CENTERLINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 80.70 FEET, WITH A RADIUS OF 825.39 FEET, WITH A CHORD BEARING OF N15°46'37"E, WITH A CHORD LENGTH OF 80.67 FEET TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 104.39 FEET, WITH A RADIUS OF 6,879.32 FEET, WITH A CHORD BEARING OF N18°00'50"E, WITH A CHORD LENGTH OF 104.39 FEET TO A POINT; THENCE WITH A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 170.27 FEET, WITH A RADIUS OF 529.20 FEET, WITH A CHORD BEARING OF N09°19'14"E, WITH A CHORD LENGTH OF 169.53 FEET TO A POINT; THENCE N00°48'30"E FOR A DISTANCE OF 46.71 FEET TO A POINT; THENCE N89°43'11"E FOR A DISTANCE OF 39.35 FEET TO A POINT; THENCE N40°55'11"E (PASSING AN AXEL FOUND AT 467.70 FEET) FOR A DISTANCE OF 913.50 FEET TO A STONE FOUND; THENCE N54°20'25"W FOR A DISTANCE OF 132.00 FEET TO A POINT; THENCE N20°56'05"E FOR A DISTANCE OF 924.00 FEET TO A POINT; THENCE N53°51'02"W FOR A DISTANCE OF 1,155.00 FEET TO A 1/2" REBAR FOUND; THENCE N00°23'07"W FOR A DISTANCE OF 552.55 FEET TO A 1/2" IRON PIN FOUND; THENCE N01°12'33"W FOR A DISTANCE OF 1,295.22 FEET TO A POINT IN THE CENTERLINE OF FIFTH CREEK; THENCE ALONG SAID CENTERLINE S74°17'36"E FOR A DISTANCE OF 15.63 FEET TO A POINT; THENCE S79°31'57"E

FOR A DISTANCE OF 201.46 FEET TO A POINT; THENCE S81°16'19"E FOR A DISTANCE OF 72.20 FEET TO A POINT; THENCE S67°41'18"E FOR A DISTANCE OF 192.87 FEET TO A POINT; THENCE S76°28'45"E FOR A DISTANCE OF 176.42 FEET TO A POINT; THENCE S74°45'07"E FOR A DISTANCE OF 175.25 FEET TO A POINT; THENCE S85°57'16"E FOR A DISTANCE OF 197.71 FEET TO A POINT; THENCE N67°09'59"E FOR A DISTANCE OF 93.23 FEET TO A POINT; THENCE N85°24'21"E FOR A DISTANCE OF 253.00 FEET TO A POINT; THENCE S61°16'41"E FOR A DISTANCE OF 171.04 FEET TO A POINT; THENCE S65°53'22"E FOR A DISTANCE OF 206.02 FEET TO A POINT; THENCE S61°56'21"E FOR A DISTANCE OF 102.15 FEET TO A POINT; THENCE N89°34'23"E FOR A DISTANCE OF 19.72 FEET TO A POINT; THENCE S61°47'07"E FOR A DISTANCE OF 109.81 FEET TO A POINT; THENCE S65°12'20"E FOR A DISTANCE OF 196.51 FEET TO A POINT; THENCE S64°25'30"E FOR A DISTANCE OF 124.43 FEET TO A POINT; THENCE S88°00'27"E FOR A DISTANCE OF 76.01 FEET TO A POINT; THENCE S50°57'15"E FOR A DISTANCE OF 111.51 FEET TO A POINT; THENCE S50°17'19"E FOR A DISTANCE OF 44.63 FEET TO A POINT; THENCE S43°21'08"E FOR A DISTANCE OF 89.87 FEET TO A POINT; THENCE S40°48'08"E FOR A DISTANCE OF 121.20 FEET TO A POINT; THENCE S52°03'19"E FOR A DISTANCE OF 63.27 FEET TO A POINT; THENCE S14°47'53"E FOR A DISTANCE OF 72.74 FEET TO A POINT; THENCE S71°58'34"E FOR A DISTANCE OF 76.86 FEET TO A POINT; THENCE S30°32'43"E FOR A DISTANCE OF 40.28 FEET TO A POINT; THENCE S44°42'46"E FOR A DISTANCE OF 71.46 FEET TO A POINT; THENCE S07°05'19"E FOR A DISTANCE OF 465.46 FEET TO A POINT; THENCE S05°56'35"W FOR A DISTANCE OF 298.17 FEET TO A CONCRETE MONUMENT FOUND; THENCE S17°13'35"W FOR A DISTANCE OF 405.05 FEET TO A CONCRETE MONUMENT FOUND; THENCE S17°11'30"W FOR A DISTANCE OF 235.11 FEET TO A CONCRETE MONUMENT FOUND; THENCE S13°30'18"E FOR A DISTANCE OF 134.08 FEET TO A 1/2" REBAR FOUND, SAID REBAR ALSO BEING THE POINT OF BEGINNING.

CONTAINING 7,817,051.25 SQUARE FEET OR 179.455 ACRES MORE OR LESS.

Property Address: US 21/Turnersburg Hwy, Interstate 77 and Houpe Road vicinity, Statesville NC

This ordinance was introduced for first reading by Councilmember _____, seconded by Councilmember _____, and unanimously carried on the day of _____, 2022.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____, 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

Ayes:

Nayes:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2022.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk



To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council members:

The purpose of this letter is to certify that the adjacent property owners of PIN Numbers 4747-70-2049, 4746-67-6347 & 4746-66-8927 located on US 21/Turnersburg Highway and Houpe Road, per Case Number ZC21-15, were mailed notice of this rezoning request on January 11, 2022.

Thank you,

George A. Berger, AICP
Assistant Planning Director

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Jenn Bosser, Iredell EDC

DATE: February 10, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving an economic incentive for Sherwin Williams (f/k/a Project Artist.)

1. Summary of Information: Sherwin Williams is an existing employer in the City of Statesville with two facilities – a distribution center located at 2727 Salisbury Road and a manufacturing and distribution center located near Hwy 70. The company currently employs 232 and anticipates new job creation between 75-183. The average salary/wages are anticipated to be at or above the County's average wage, which is currently \$59,411. The company has plans to expand their existing manufacturing and distribution center and has plans to build a new 800,000 sf facility, representing a total investment \$324,064,900. The City of Statesville will also review and vote on a resolution to administer a grant from the North Carolina Railroad to enhance rail at the existing site.

2. Previous Council or Relevant Actions:

3. Budget/Funding Implications:

Incentive Request:

- 80% based on \$324,064,900 investment.
- Total Incentive Grant - \$8,610,774 (\$1,230,110.57 over 7 years)
- Resolution to administer grant funds from the North Carolina Railroad to enhance rail services to the site

4. Consequences for Not Acting:

5. Department Recommendation:

6. Manager Comments:

7. Next Steps:

Attachments: N/A

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Chad Thomas, Iredell EDC
DATE: February 10, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving an economic incentive for the Williams Development Group (f/k/a Project Barkley.)

- 1. Summary of Information:** Williams Development Group (WDG) is a privately held multi-division real estate development company based in Winston-Salem, NC. WDG is planning to develop a speculative industrial project featuring two speculative buildings near the intersection of Barkley Road and Salisbury Hwy. The developer is working with the City of Statesville to annex the remaining portion of the property not in the City limits. The incentive request is for the first building (263,500-sf).
- 2. Previous Council or Relevant Actions:**
- 3. Budget/Funding Implications:**
 - Incentive Request:
 - 80% based on \$22,710,000 investment.
 - Total Incentive Grant - \$298,573 (\$99,524 over 3 years)
- 4. Consequences for Not Acting:**
- 5. Department Recommendation:**
- 6. Manager Comments:**
- 7. Next Steps:**

Attachments: N/A

Page Intentionally Left Blank

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: David W. Addison, Chief of Police
DATE: February 9, 2022

ACTION NEEDED ON: February 21, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving first reading of an amendment to Chapter 12/Article V/Division 1/Generally/Section 12-121/Civil Penalties(d) of the Statesville City Code, regarding parking violations and fines, to clarify that the penalty of \$30.00 is applied to all offences.

1. **Summary of Information:** The City of Statesville issues parking citations for violation which occur across our community and especially in the downtown community. The following sentence would be included in the ordinance. 'The penalty of thirty (\$30.00) applies to all fines not been paid within fourteen (14) days.'
2. **Previous Council or Relevant Actions:** Ordinance No. 38-21 was approved by Council and went into effect on August 16, 2021.
3. **Budget/Funding Implications:** There is no additional cost for this revision. It is clearly stated on our parking tickets and information we have provided.
4. **Consequences for Not Acting:** If no action is taken, fine would only apply to parking violations with a \$10.00 fine.
5. **Department Recommendation:** The Statesville Police Department recommends the adoption of the revised ordinance.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** If approved, the second reading will be on March 7, 2021.

Attachments:

1. Ordinance 38-21 (revised August 16, 2021)
2. Revised City of Statesville Ordinance Sec. 12-121. Civil Penalties

ORDINANCE NO. 38-21AN ORDINANCE AMENDING CHAPTER 12, ARTICLE V, DIVISION 1, GENERALLY -
SECTION 12.121 - CIVIL PENALTIES(D) FOR PARKING VIOLATIONS

WHEREAS the violation of the City's parking ordinances continues to be a problem; and

WHEREAS the City Council believes the City's parking ordinances would be strengthened by amending Section 12-121(d) of the Statesville City Code in the manner set forth hereinbelow;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville: That Section 12-121(d) of the Statesville City Code is amended as follows:

(d) **Contents of Notice.**

Such parking violation notice or citation shall among other things, state upon its face that the fine for the parking violation is ~~five dollars (\$5.00)~~ **ten dollars (\$10.00)** if paid within 14 (fourteen) days after the violation; ~~thirty dollars (\$30.00)~~ **forty dollars (\$40.00)** if paid more than 14 (fourteen) days after the violation and within 28 (twenty eight) days of the violation; and ~~eighty dollars (\$80.00) if paid more than 28 (twenty eight) days after the violation;~~ **Once a vehicle has received three parking violations and each has not been paid within thirty days, the Statesville Police Department will install a vehicle immobilization device (boot) on the vehicle. If the fines are not paid within five days after installing the vehicle immobilization device, the vehicle will be towed at the owner's expense; and that** the violator may be taxed with court costs should it become necessary to file a civil action to collect the fine. The notice or citation shall further provide that the fine may be paid by mailing the citation and the money for the stated fine to P.O. Box 1111, Statesville, NC 28687, or by making direct payment in the collection area of the Statesville City Office Building at 301 South Center Street, Statesville, NC. The fine stated in the notice or citation must either be paid within the stated time or cleared by the appropriate supervisor within the Statesville Police Department within five (5) days of the issuance of the citation. The notice or citation shall further state that if the parking violation citation is not paid or cleared as set forth above within fourteen (14) days, a civil action may be filed by the city in court for the collection of the fine. The chief of police or the chief's designee may waive a civil parking fine when a determination is made that a parking citation has been issued by mistake or in error, or if circumstances existed that prevented the vehicles removal prior to the violation occurring.

This ordinance was introduced for a first reading by Council member Morgan, seconded by Council member Allison, and unanimously carried on the 2nd day of August, 2021

Ayes: Morgan, Allison, Lawton, Foster
Nays: Jones, Staford, J. Johnson, S. Johnson
Tie Vote: 4-4
Mayor Kutteh voted Aye. Motion carried 5-4

The second and final reading of this ordinance was heard on the 16th day of August, 2021, and upon motion of Council member Allison seconded by Council member Foster, and unanimously carried, was adopted.

Ayes: Allison, Foster, Morgan, Lawton
Nays: Jones, Staford, J. Johnson, S. Johnson
Tie Vote: 4-4
Mayor Kutteh voted Aye. Motion carried 5-4

This ordinance to be in full force and effect from and after the 16th day of August, 2021.



ATTEST:

Brenda Fugett
Brenda Fugett, City Clerk

Constantine H. Kutteh
Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: Leah Gaines Messick
Leah Gaines Messick, City Attorney

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 12, ARTICLE V, DIVISION 1, GENERALLY -
SECTION 12.121 - CIVIL PENALTIES(D) FOR PARKING VIOLATIONS**

WHEREAS the violation of the City's parking ordinances continues to be a problem; and

WHEREAS the City Council believes the City's parking ordinances would be strengthened by amending Section 12-121(d) of the Statesville City Code in the manner set forth hereinbelow;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville:
That Section 12-121(d) of the Statesville City Code is amended as follows:

(d) **Contents of Notice.**

Such parking violation notice or citation shall among other things, state upon its face that the fine for the parking violation is ten dollars (\$10.00) if paid within 14 (fourteen) days after the violation; forty dollars (\$40.00) if paid more than 14 (fourteen) days after the violation **The penalty of thirty (\$30.00) applies to all fines that have not been paid within fourteen (14) days.** Once a vehicle has received three parking violations and each has not been paid within thirty days, the Statesville Police Department will install a vehicle immobilization device (boot) on the vehicle. If the fines are not paid within five days after installing the vehicle immobilization device, the vehicle will be towed at the owner's expense; the violator may be taxed with court costs should it become necessary to file a civil action to collect the fine. The notice or citation shall further provide that the fine may be paid by mailing the citation and the money for the stated fine to P.O. Box 1111, Statesville, NC 28687, or by making direct payment in the collection area of the Statesville City Office Building at 301 South Center Street, Statesville, NC. The fine stated in the notice or citation must either be paid within the stated time or cleared by the appropriate supervisor within the Statesville Police Department within five (5) days of the issuance of the citation. The notice or citation shall further state that if the parking violation citation is not paid or cleared as set forth above within fourteen (14) days, a civil action may be filed by the city in court for the collection of the fine. The chief of police or the chief's designee may waive a civil parking fine when a determination is made that a parking citation has been issued by mistake or in error, or if circumstances existed that prevented the vehicles removal prior to the violation occurring.

This ordinance was introduced for a first reading by Council member _____,
seconded by Council member _____, and unanimously carried on the ____ day of _____, 2021

Ayes:

Nays:

The second and final reading of this ordinance was heard on the _____ day of _____, 2021,
and upon motion of Council member _____ seconded by Council member _____
_____, and unanimously carried, was adopted.

Ayes:

Nays:

This ordinance to be in full force and effect from and after the _____ day of _____, 2021.

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
Leah Gaines Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk



**Airport Commission Minutes
Statesville Regional Airport – Conference Room
January 12, 2022**

The Statesville Airport Commission met on Wednesday, January 12, 2022 at the Statesville Regional Airport in the Terminal Building Conference Room.

Members Present: Steve Johnson, Todd Bodell, Bob Saltzman, David Bullins, David Alexander

Members Present: Gene Houpe
(via phone)

Members Absent: Mike Colyer

Staff Present: John Ferguson, April Nesbit

Others Present: Jeff Kirby, John McCalment, Hunter Boniface, Pete Sistare

Chairman Steve Johnson called the meeting to order and asked if there was discussion or a motion to approve December 8, 2021 Airport Commission meeting minutes. Edits to the minutes were discussed and the following motion was made:

Houpe made a motion to approve the December 8, 2021 Airport Commission meeting minutes with the following amendments:

- **Page 1, Paragraph 3** – John Ferguson introduced Robbie O'Neill, Director of Aviation and Amanda ????. Ferguson reminded Commission members that the Champion Hangar **Land** Lease will end in 2022. He said he had sent Champion Air the recently revised hangar **rental** lease to review and they have some questions and concerns about it, so he invited them to attend this meeting to discuss them with the board
- **Page 2, Paragraph 1 - Fuel Purchase** – Robbie stated that currently they purchase from World Fuel or AVGAS every Tuesday, whoever has the best price. Their fuel farm holds about 12,000 gallons. A load is usually from 7,500 to 8,000 gallons. During the pandemic, ~~John~~ **Robbie** expressed to him that Titan Fuel could not deliver fuel to them when they needed it. He is concerned that they will not be able to get fuel when they need it if they are required to purchase only from Titan as stated in the lease. Their business relies on fuel being delivered in a timely manner for them to operate without interruption.
- **Page 3, Motion/Champion Air** – Colyer seconded the motion. The vote was as follows:
Ayes: Bullins, Colyer, Steve Johnson
Nays: Saltzman
Motion carried: 3-1
- **Page 4, Motion to Adjourn** - There being no further business to discuss, Colyer made a motion to adjourn, seconded by ~~Bodell~~ **Saltzman**. The motion carried unanimously.

Lease assignment – Grier Lackey Hangar – Ferguson

Ferguson stated that Aerospace parts company out of Mooresville wants to lease the hangar. Chairman Johnson asked if there were any comments or changes that needed to be made. Saltzman stated that the following date needs to be changed to May 2026:

3. Addition of Paragraph Fifteen (15) (Title to Leasehold Improvements. Fee simple title to the Leasehold Improvements shall be and remain in Lessee and their assigns throughout the term of the Agreement. Upon the expiration or other termination of this Agreement, or May 1, 2024 ~~2024~~ 2026, whichever shall sooner occur, fee simple title to all Leasehold Improvements and any permanent fixtures remaining on the Leased Premises shall immediately vest in the Lessor. Fee simple title to the Property shall at all times be and remain in Lessor.

Ferguson commented that the ground lease rate would increase to \$0.245 per square foot with CPI.

David Alexander made a motion to approve the Grier Lackey hangar lease assignment with the amended date, seconded by Saltzman. The motion carried unanimously.

Champion Lease

David Alexander stated that he felt Champion should retain liability of their fuel farm with the same fuel farm flowage fee. They would also need to complete an environmental inspection with DENR, and be required to provide pollution and liability insurance. This will indemnify the city if there are any spills. It is important that the City does not have any liability if we are leaving the rates the same.

Alexander made a motion that Champion Air be allowed to keep their fuel farm at the current fuel farm flowage fee, be required to complete an environmental inspection with DENR, and provide pollution and liability insurance. Saltzman seconded the motion.

Chairman Johnson asked if there was any other discussion regarding this lease.

Saltzman stated that the lease should state that the premises of land revert back to the original, and that the ownership of fuel farm will revert back to City at termination of the lease or transfer of assignment. This would be a good time to have this as a flat \$0.20 based on volume. There would be no increase in costs. This would still be less than what they are paying and still falls in Robbie's range.

Saltzman asked Alexander to amend his motion to include to \$0.20/gallon flat rate. Alexander agreed to add the \$0.20/gallon flat rate.

Saltzman stated that service visits and annual inspections along with any repairs should be reported to the City. Bodell stated this is inconsistent with what we are doing with others. Ferguson stated that each lease that comes up will change to this format moving forward. Bodell stated that the old policy was based on gallons pumped. This will set precedence moving forward. Johnson stated that his would put Champion at a disadvantage in the interim. Ferguson stated that it would be a small amount of money and less than what Robbie previously quoted. Bodell agreed that they need to have a policy, but this company helped build Statesville and were the first ones to have a fuel farm. He feels that we should help them out as much as possible, and not nickel and dime them. They are established in the community. Bodell also stated that the city and county need to be compensated fairly as well. Saltzman stated that there is discrimination between transients and base fuel. Alexander asked if Robbie misspoke in the minutes regarding the \$38k spent annually on fuel upload fees. Ferguson stated yes. Bodell asked if other options were offered? Saltzman stated that several other options were offered.

Chairman Johnson asked if there were any other comments. With there being none, he asked for a vote on the motion with the added \$0.20/gallon flat rate. The motion carried unanimously.

David Alexander and Gene Houpe departed the meeting.

FBO/Airport Operations Update – Ferguson

- January fuel is not doing as well as expected.
- Financials:
 - 6-month – running \$292,000 in the positive.
 - December was a tsunami of expenses; lost around \$12k.
 - Will be required to pay the \$360,000 loan payment this month.
 - We are expecting funds in the amount of \$205k from grants.
 - Received notification that we will get \$5.1m for a new hangar for Victory Air.
 - We are expecting \$763,000 from the infrastructure bill.
- Weather – Expecting 6-8 inches of snow this weekend. We are planning accordingly.
- Ferguson stated that he will be attending the NCAA conference in April. One commissioner will be attending with him. After this conference, he will be named president of the NCAA. He will also be attending the Transportation Summit in Raleigh January 19-20.
- Terminal building – planning to schedule meetings with legislature.
- Lowe's property – Ground testing is being performed. We hope to have a deal once we get the results back. This was brought to City Council by Iredell County Economic Development Corp and therefore bypassed the Airport Commission.
 - Bodell asked if anyone on those committees were knowledgeable about airports. Ferguson stated that Keith Merritt wrote the lease.
 - Saltzman stated that he is concerned that the Airport Commission is seen as useless, and that nobody cares about their opinions. The AC could have gone into executive session to talk about this. He feels hurt that the AC was bypassed and felt they should have been informed of the deal.
 - Johnson stated that this came through ICEDC and initially there were time constraints. The deal needed immediate attention. City Council had to look at incentives because they were not bringing a lot of tax base, but would be using a lot of fuel.
 - Saltzman asked at what point the AC would be allowed to look at the contract. Johnson stated that they won't because it's been approved by Council. This lease has been rewritten several times. Council and staff did not intentionally go around the AC regarding this.

Saltzman made a motion to request that City Council allow the Airport Commission to review the lease of the unknown entity in executive session prior to the lease being consummated. Bodell seconded the motion.

Vote was as follows:

Ayes: Bodell, Saltzman

Nays: Johnson, Bullins

Motion failed: 2-2

Saltzman asked if it was a conflict for Chairman Johnson to vote. Johnson stated that it was not as there was no personal gain.

Current Airport Projects Update – Kirby

- Safety Area Project – Winter has slowed construction. We are waiting to see the completed designs of the retaining wall.
- East Corporate Area – Still moving ahead but they have dealt with weather.
- Lighting project – John McCalmant stated that they had a meeting today and they are still making good progress. The contractor is halfway through and expect to have the taxiway lights completed in about 1.5 months.
- Navajds – John McCalmant – no word in about 1.5 years. This project is contingent upon the safety area project. This project can begin once the foundation and retaining wall are complete. They are coordinating with the contractor and making sure we are on their schedule for this year.
- Eldorado Road land acquisition – first closing was on January 7th. We have 2 other signed purchase agreements.

- Runway 10 projection zone – appraisals are in and moving forward.

Jeff Kirby stated that he has been hearing through the grapevine that there may funds available for the terminal building through the state. The Commission may want to be looking for other projects to earmark. Ferguson stated that he spoke with the architect and let him know that we could use a cost estimate. We are looking at \$6-6.5 m for the terminal building. Kirby stated that there were a wide range of earmarks from other communities last year. We have looked at several areas to put hangars in the last year. It would be great to get some of the areas pad ready. Saltzman asked how many people are on the waiting list for hangar space. Ferguson stated 50-60 people with most looking for single engine space. Kirby stated that he feels that the time is right to ask. We need to look for projects in the \$10-20m range.

Johnson stated that he wants to have work session to discuss the additional funds that would come in to address capital projects and where to put hangars. We need to have a continuous source of revenue so that we can plan ahead. This would help with the problem of having somewhere to park airplanes. Bullins asked if there was a certain big job to put together to take to legislatures, i.e. hangar, terminal. Kirby stated that they could do that, but he feels that the South Corporate Area, which is a \$16-18 million project with no hangars, would be a good project. We could ask for \$19.75m as an earmark.

Bullins made a motion to request state funds in the amount of \$19.75m for corporate area development, seconded by Saltzman. The motion carried unanimously.

City Council Items – Lease Assumption, Hangar Grant – Ferguson

Two (2) items on City Council agenda for February 7, 2022 – Lackey ground lease, and the grant for the Victory Air hangar.

Other Business

Bodell stated that he feels they have become a commission based on leases and we are not designed for this. We need an expert to help and give advice so that we can then advise City Council. This is a ~~collective~~ **eclective** airport, and one basic lease doesn't work for all circumstances. He stated that he is not sure what we need to do, but that we need bigger help in this area. Chairman Johnson instructed Ferguson to research to see if there is assistance for a legal advisor. Ferguson stated that the Anderson, SC attorney came to the meetings but was charging 500-600 per meeting. Bodell stated that our City attorney is a general attorney. We need help in the aviation area. Chairman Johnson asked Ferguson to look for an expert in legal aviation.

Adjournment

There being no further business to discuss, Saltzman made a motion to adjourn, seconded by Bodell. The motion carried unanimously.



**Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
January 19, 2022 – 9:00am**

City Staff: David Cole – Planning, Regina Hoke – W/S Maintenance/BFCC, Steve Bridges & Mark Taylor – Public Works, Jared Wiles – Electric, Randall Moore – Stormwater, Charles Jenkins – Fire Marshall, Shawn Cox – Arborist, April Nesbit – Clerk

County Staff: None

Others: Christy Tucker and Andrew Kostecki – American Performance Steel, Riley Burgess and Peyton Woody – First Resurrection Church

Media:

1. Call to order & Introductions

David Cole called the meeting to order.

2. Consider approving the January 19, 2022 TRC meeting minutes.

Steve Bridges made a motion to approve the January 19, 2022 TRC meeting minutes, seconded by Mark Taylor. The motion carried unanimously.

Plan Reviews

3. First Resurrection Church – 1420 Shelton Avenue – 1st Submittal

Regina Hoke – BFCC

- 2" water meter shows a 2" Reduced Pressure Backflow Preventer and details for installation on the plans.
- Fire line – No proposed backflow preventer on the plans. For 2nd submittal please make an inset box showing fire line DCDA backflow placement and DI Pipe size to be used for approval. The fire line details for installation from Charlotte will need to be removed and add City of Statesville's DCDA installation details.
- Add information regarding construction water to the plans.

Steve Bridges – Public Works

- Use the most current standards and details for public works and utilities.
- Additional 5' of right of way dedication needed on Power Street to meet our current right of way detail.
- Sight distance at all drives should be 250' in each direction.

Mark Taylor - Public Works

- Would like to work with the church to comply with the streetscape project and realignment of the intersection of Shelton Avenue and Amity Hill Rd./Old Charlotte Rd. Some property dedication on the corner of Old Charlotte and Power Street may be needed.
 - Peyton Woody – knew this was in the works and have been working around it.
 - Riley Burgess – if have the alignment they can go ahead and dedicate the ROW.

Jared Wiles – Electric

- Need total connective load.

Randall Moore – Stormwater

- Existing impervious for the property should be 75,586.26 sf. Update this on plans.
- The proposed impervious is less than the existing therefore post-construction stormwater controls is not required.
- Provide statement from NCDOT regarding dumping of runoff onto Shelton Avenue.
- Project cannot dump runoff from site onto Power St. (safety hazard). See Development Standards in the Stormwater Ordinance.

Charles Jenkins – Fire Marshall's Office

- FDC placement for sprinkler system is TBD.
- Need hydrant within 100 feet.
- Need height of second building.
 - Peyton Woody – unsure; haven't drawn up the plans yet.
- Drive thru drop off needs to be extended to 26 feet.
- Tree species at island of drive thru needs to be changed out.

Shawn Cox – Arborist

- Red maple – avoid these if possible.
- Trident maple will mature at 12-14 feet. This is a good choice for the island drive thru.
- Will need pre-plant inspection before planting. Add note to plan.

David Cole – Planning

- Add 35x35 site visibility triangle from existing roadway at the Shelton/Power St intersection.
- Add handicap ramp access to sidewalks at the Shelton/Power and Power/Old Charlotte street corners.
- Indicate that the materials used for dumpster screening are to match those used on the building. Staff recommends that the dumpster area be moved to a more internal location on the site (less prominently visible from Power St).
- The minimum R/W in the city is 50', while Power St currently measures only 40'. This means that an additional 5' must be dedicated as R/W from street centerline. This will have the dual purpose of ensuring the sidewalk along that frontage is in the R/W. This dedication must occur via final plat, prior to the issuance of CO for the property. In addition, please dedicate additional R/W at the corner of Old Charlotte/Power St to allow for future intersection realignment as shown in city plans.
- Staff recommends an additional sidewalk connection to the rear building entrance from the Power Street sidewalk, for pedestrian access from the neighborhoods from the west.
- Indicate which areas will be phased as 1 versus 2. TRC will only be providing approval for phase 1 as part of this review, so the phase 2 areas must be clearly labelled and "greyed out" or otherwise notated as a "future phase." Landscaping should be planted according to each phase.

David Cole – Tabled for revisions.

4. American Performance Steel/Kosbuilt – James Farm Road & Parcel Drive – 3rd Submittal

The following staff members had no comments on the project: Regina Hoke, Steve Bridges, Shawn Cox, Jared Wiles, Mark Taylor, Charles Jenkins.

Randall Moore – Stormwater

- Would like to see diversions put into collection (pipe) to enter into SCM with rip rap outlets.
- Provide copy of E&SC Approval and NCG01 Certificate of Coverage.
- O&M Agreement needed.
- Installation Bond needed. Cannot sign off until this is provided.
- Provide table with pipe diameter, material, length, slope, rim elevation, invert elevation, grate type, drainage area and flow into structure on plans.
- Flared outlets or end walls required at pipe outlets.
- Pipes minimum of 24" below sub-grade.
- Spoke with engineer on the project and the revised plans that he sent corrected the following items. However, because we have the old plans at this meeting to review, the items must be addressed:
 - Swales must be able to handle the 10-year storm within full bank elevation.
 - SCM outlet should be located outside of the 30-foot setback.
 - Show all storm infrastructure on Sheet C.1
 - Proposed grades go into the 25-foot undisturbed vegetative buffer. This is not allowed.
 - Calc Book says 1.791 acres of impervious, plan sheets indicate 1.984 – need to know which one is correct. Verify calcs are with the correct amount of impervious.
- Can approve contingent upon O&M agreement, updates on plan, and installation bond.

David Cole – Planning

- Remove remaining note referencing 5' sidewalk easement.
- This will constitute Phase 1 approval only. Submittal of future phases must come back to TRC.
- Staff is concerned about access to the Phase 3 building – It appears the driveway has been removed.
- A plat dedicating the right of way along James Farm Rd will need to be recorded prior to issuance of certificate of occupancy for the phase 1 building.
- In accordance with the City Council approval, all future phases of this project must connect to city sewer.

Mark Taylor made a motion to approve the 3rd submittal for American Performance Steel/Kosbuilt – James Farm Road & Parcel Drive, contingent upon removing the plan note referencing 5' sidewalk easement, the Stormwater O&M agreement and Installation Bond, and the stormwater plan updates referenced. The motion was seconded by Jared Wiles and carried unanimously.

5. Other Business

None

6. Adjournment

Charles Jenkins made a motion to adjourn, seconded by Steve Bridges. The motion carried unanimously.



**Airport Commission Minutes
Statesville Regional Airport – Conference Room
February 9, 2022**

The Statesville Airport Commission met on Wednesday, February 9, 2022 at the Statesville Regional Airport in the Terminal Building Conference Room.

Members Present: Steve Johnson, Todd Bodell, Mike Colyer

Members Present: David Bullins, Bob Saltzman, Gene Houpe
(via ZOOM/Phone)

Members Absent: David Alexander

Staff Present: John Ferguson, April Nesbit

Others Present: Jeff Kirby, John McCalment, Hunter Boniface, Pete Sistare, Tim Gruebel

Chairman Steve Johnson called the meeting to order and asked if there was discussion or a motion to approve January 12, 2022 Airport Commission meeting minutes.

Bodell requested that the word “**collective**” on page 4 under Other Business be changed to “**eclective**.”

Colyer made a motion to approve the January 12, 2022 Airport Commission minutes with the amendment, seconded by Bodell. The motion carried unanimously.

Approval of two (2) Agricultural Ground Leases – Ferguson

These two (2) grounds leases are sent out for bids each year. The bid was placed on the COS website along with the NC Department of Administration to try and solicit additional bids. We still only received the same two bidders. There will be a 3% increase from last year.

Colyer made a motion to approve the two (2) agricultural ground leases, seconded by Bodell. The motion carried unanimously.

FBO/Airport Operations Update – Ferguson

- Financials:
 - The report shows the Airport Fund as \$37,922 in the negative, but this is due to the debt payment that was made for the FBO. We have grant funds totally \$205K that should be transferred electronically by month end, and we will be back in the positive.
- January 2022 fuel sales were less than January 2021, but we had a few days with bad weather. Overall sales are still doing well.

- City Council approved the grant funds on Monday night for the Victory Air hangar.
- Grants:
 - There has been some confusion on how the grant money that Vicki Sawyer and Jeff McNeely worked to get will be distributed. We have a Zoom call on Thursday that will provide more information. This is the \$500k that will be used to reimburse the City for the Eldorado Road land purchases among other items.
 - Congressional Infrastructure program – we will be receiving \$763K, but are not sure what we are going to spend it on yet. It can be used for infrastructure for the airport – water/sewer, runways, and taxiways. This grant is on the FAA's website, but we have not received written notification yet.
 - Chairman Johnson asked Parrish & Partners to get a list of projects together that this grant can be used for.
- The Air Race Classic (FKA Powder Puff Derby) visits various airports around the country. It consists of 50 aircraft flown by women. The closest stop on their schedule this year is in Tennessee. Ferguson stated that he has been emailing with the event planners to try and get a stop in Statesville. The last email he received stated that they are considering Statesville for an upcoming race.

Current Airport Projects Update – Parrish & Partners

- Safety Area Project/Tim Gruebel – weather has put this project behind. Construction on the retaining wall foundations should begin in the next couple of weeks.
- East Corporate Area/Tim Gruebel – bad weather has also delayed this project. Approval of contract for phase 2 was received and will be going to design. We anticipate construction beginning in Spring 2023.
- Lighting Project/John McCalment – project is moving along well. They will finish up taxiway lights and signs in the next couple of weeks. Night closure of the runways will begin on March 14th, and the runways will be closed Monday – Thursdays for several weeks.
- Navajds/John McCalment – This project remains on hold waiting for the retaining wall in the Safety Area Project. The contractor will be trying to install some of the components in the shelters in the next few weeks.
- Eldorado Road land acquisition/Jeff Kirby – Two closings are complete, and another closing is scheduled for Friday.
- Runway 10 Projection Zone Land Acquisition/Jeff Kirby – we received the surveys and appraisals are underway.
- South Corporate Area/Jeff Kirby – This sketch (attached) is a compilation of everything that has been done on this end of the airport. \$20m will not build everything on the sketch. The commission agreed at the last meeting to request a little under \$20m from legislature. These funds would make this pad ready in a lot of different areas. He feels confident that the site work can be completed for the \$20m if the funds are granted.
- Terminal building/Jeff Kirby – requesting earmark funds for this project as well.
 - Johnson asked Kirby how long it will take to receive funds if they present a request to the state for the terminal building and get it. Kirby stated the earliest would be Spring 2023. Johnson asked for an estimated time for construction. Kirby stated that two (2) years is a good estimate. Statesville has a good starting point as the concept, which takes 6-9 months, is already complete. Johnson stated that we are looking at 1.5 years of inflation by the time we are ready to build. Should we be asking for more than \$7m to cover this? Kirby stated that it would not hurt to include inflation costs in the ask.
 - Grubel stated that other airports are asking for anywhere between \$15m-\$70m in the short session.

- Johnson stated that we should ask for \$8.5m for the terminal building and round the South Corporate Area request to \$20m.
- Kirby stated that he will prepare a presentation with one paragraph and a summary for the legislature along with the sketch.

City Council Items/Ferguson

The two (2) agricultural ground leases will be on the February 21st Council agenda.

Other Business

None

Adjournment

There being no further business to discuss, Bodell made a motion to adjourn, seconded by Colyer. The motion carried unanimously.