



CITY COUNCIL MEETING AGENDA

April 4, 2022

City Hall Council Chambers – 227 S. Center Street, Statesville, NC
Pre-Agenda Meeting – 6:00p.m. / Regular Meeting – 7:00p.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. 3*
- 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.
 - A. **Approval of minutes: January 13 & 14, 2022 Council Retreat minutes, February 7, 2022 Special meeting, Pre-Agenda meeting, and Regular meeting minutes, and February 21, 2022 Pre-Agenda meeting and Regular meeting minutes.** (*Fugett*) *pgs. 7, 15, 23, 27, 33, 41, 59*
 - B. **Consider passing second reading of an ordinance to annex properties located on US 21/Turnersburg Hwy and Houpe Road – Annexation Request AX21-10 for PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927 Robertson & Harmon Properties.** (*Ashley*) *pg. 83*
 - C. **Consider passing second reading of an ordinance to annex properties located on Northside Drive between Meachum Road and NC 115/Wilkesboro Hwy – Annexation Request AX22-04 for PIN # 4735-11-3473 (portion) Superior Properties of Iredell LTDP & Joyce Johnson Property.** (*Ashley*) *pg. 91*
 - D. **Consider passing second reading of an ordinance to annex properties located on James Farm Road at Parcel Drive – Annexation Request AX22-05 for PIN # 4745-58-0682 Gulfstream West Investments, Inc. Property.** (*Ashley*) *pg. 97*
 - E. **Consider approving sole source vendors for the City of Statesville for apparatus, supplies, materials, or equipment in accordance with NCGS 143-129 (e) (6).** (*Roberts*) *pg. 103*

- F. Consider adopting a resolution authoring staff to apply for a grant from the NC Division of Water Infrastructure to conduct an Inflow and Infiltration analysis of the City's sewage collection system. *(Vaughan) pg. 107*

REGULAR AGENDA

- IX. Conduct a public hearing and consider approving an economic incentive for speculative industrial development NC Park 40/77. *(Bossler) pg. 111*
- X. Conduct a public hearing and consider approving an economic incentive for Project Rider. *(Bossler) pg. 113*
- XI. Conduct a public hearing and consider approving an economic incentive for speculative industrial development known as Statesville Logistics Center. *(Thomas) pg. 115*
- XII. Consider approving a contract with JRN Development, LLC to sell three (3) parcels for the purpose of building three (3) Single Family Detached dwellings to be sold as affordable housing, and approve Budget Amendment No. 2022-32. *(Pierce) pg. 117*
- XIII. Consider approving a request to apply the alternate industrial street standard on US Highway 70 and Barkley Road. *(Taylor) pg. 155*
- XIV. Consider including space for Fire Department administrative staff in the Fire Station 1 design. *(Harrell) pg. 165*
- XV. Consider approving changes to the residential, commercial, and industrial roadway sections in the City of Statesville Street Construction Specifications & Details Manual. *(Taylor) pg. 171*
- XVI. Consider accepting a bid from Vanguard Utility Services, Inc. for Water Meter Installation Services and approve Budget Amendment No. 2022-35. *(Vaughan) pg. 175*
- XVII. Consider appointing one regular member to the Historic Preservation Commission to fill an unexpired term. *(Ashley) pg. 179*
- XVIII. **Boards and Commission Updates**
Technical Review Committee meeting minutes – March 16, 2022 pg. 189
- XIX. **Other Business**
- XX. **Closed Session** *(After Pre-Agenda if needed)*
Preserve Attorney-Client Privilege – G.S. 143-318(a)(3)
Economic Development – G.S. 143-318.11(a)(4)
Real Property – G.S. 143-318.11(a)(5)
Personnel – G.S. 143-318.11(a)(6)
- XXI. **Adjournment**

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.

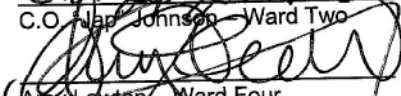
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

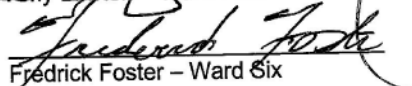
I affirm that I have read and understand the City of Statesville Code of Ethics

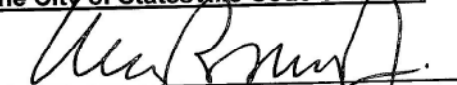

Constantine H. Kutteh, Mayor



Steve Johnson – At Large

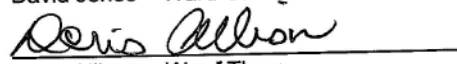

C.O. Johnson – Ward Two



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

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**MINUTE BOOK , PAGE
CITY OF STATESVILLE COUNCIL RETREAT MEETING- JANUARY 13, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 9:00 A.M.**

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

Council Absent: 0

Staff Present: Ron Smith, Fugett, Nesbit, Ashley, Davis, Vaughn, Addison, Weatherman, Brian Roberts, Gregory, Harrell, Griggs, Ferguson, Maclaga, Pierce, Bridges, Kenny Roberts, Holman

Others: Michelle Nance – Regional Planning Director, Kathleen Rose – Rose Associates President/CEO, Geraldine Gardner – Executive Director of Centralina Regional Council, Emily Parker – Senior Planner with Centralina, Nina Barry – Government Affairs Coordinator with Centralina, NC State Representative Jeff McNeely, NC State Senator Vicki Sawyer,

Media: Mike Fuhrman – Iredell Free News, Taylor – R&L

Mayor Kutteh called the meeting to order.

Ron Smith welcomed everyone to the meeting and explained the goals and objectives of the meeting. Smith introduced Geraldine Gardner with Centralina.

Gardner reviewed the agenda and the objectives for Day 1 of the retreat: to discuss opportunities and challenges for balanced growth and to review strategic plan opportunities and discuss the next steps.

Parker reviewed the ground rules with Council members. She led Council through an icebreaker exercise of what Council thinks that Statesville is known for and what Council thinks that Statesville should be known for. Some of them are listed below:

What Statesville is known for:

1. **Downtown**
2. **Location – I-40 and I-77**
3. **BalloonFest**
4. **Friendly people**
5. **Agriculture**
6. **The airport**
7. **The auto auction**
8. **Crime**
9. **Lack of retail and economic growth**
10. **Hard to work with/too many rules and regulations**

What Statesville should be known for:

1. **Friendly people**
2. **Location**

3. **Being a place where people want to be and where they can prosper**
4. **Growth**
5. **Water/Sewer capacity**
6. **Best alternative to Charlotte**
7. **To be the most business friendly community in the region**
8. **Best quality of people and living, rich in historic properties**
9. **Maintain friendly hometown atmosphere**
10. **Great place to live and raise a family/improve our demographics**
11. **Treat everybody equal and fair**

Growth Report and Forecast

Ron Smith stated that staff has gone through a major exercise that focused on current and future growth. The intent of this discussion is to drill down on the impacts of the development that is currently underway while also analyzing what to expect from the numerous inquiries that staff has been receiving daily. Staff will present a series of maps that will show Council where the development is occurring and how it will affect City services. The primary areas of impact are in Sanitation, Public Works, Police and Fire. However, increased activity will lead to secondary impacts in other departments eventually.

Sherry Ashley gave an overview of what growth is occurring in Statesville and the pros, cons, and concerns of them. She reviewed interactive maps showing where the growth is occurring as follows:

Residential

1. Larkin-375 Lots-Approved-276-Single Family Homes, 48-Duplexes, 60-Townhomes
2. Giant Oakgrove-Approved-276 Lots-Single Family Homes
3. Dogwood Road (Pine Forest II)-70 Lots
4. Beaver Creek-208 Single Family Lots
5. Hidden Lakes-251 Lots (Total over 400 Single Family Lots)
6. Buffalo Shoals Road-Proposed Development-512 Single Family Lots
7. Off of Westminster Drive-103 Attached Housing (all rentals)
8. Redwood-James Farm Road-168 Rentals
9. Off River Hill-Concept Plan-260
10. Bell Farm Road-252 Units-Already approved
11. Greenbriar-140 units
12. Off Bell Farm Road-Concept Plan-840 units-570 Single Family, 270 Attached units, over 3 units to acre proposed (they wanted a PUD, but it does not qualify for PUD in the City)
13. Kelley Farm-238 Single Family (issue with sewer being between two jurisdictions)
14. Behind Lowes - Richard Angina Project-84 Apartments
15. Georgetown Place-60 Duplex units-Approved
16. Vance P.O. Road – 80 Senior Apartments getting ready to break ground

Mayor Kutteh asked how many infill projects there have been. Ashley replied between 50-100

Industrial/Commercial Projects

1. Harbor Freight - Commercial
2. Blue Harbor Bank – Commercial
3. Doosan - Industrial
4. Peppercorn – Industrial
5. Godley – Industrial
6. Larkin – Industrial

Ashley said that growth is good. It increases the tax base and the population, and the City will gain amenities with this growth such as sidewalks, stoplights, connecting roads, gaining linear footage on Greenways, acreage for future parks and/or future fire stations. Attainable/affordable housing, diversity in housing (young people do not want the big lots and big houses anymore). Some disadvantages associated with growth are: growth will require more personnel, more schools, police and fire, complaints from citizens about dust, noise, etc., increased traffic, fear of change. To be successful, the City must plan for all types of housing and the diversity that the population is wanting.

Scott Harrell reviewed the impacts this growth is expected to have on the Sanitation Department and public utilities. He advised Council that a study is being done on our whole sanitation process on how to make it better and more efficient. He stated that a lot of the growth is beyond where the City's water and sewer lines are.

Harrell reviewed the City's wastewater capacity for years 2021-2041. 3rd Creek WWTP total capacity is 6 million gallons per day. The current flow is approximately 3 million GPD. The projected 2041 flow profile shows approximately 3.8 MGD leaving our available plant capacity at 2.2 MGD. Currently we reserve 2 MGD for Troutman, but they are not using all that yet so there is room to grow in that area. We have a permit to upgrade our flow capacity to 8 MGD.

The 4th Creek WWTP has a capacity of 6 MGD. The 2021 usage was 4.9 MGD leaving 1.1 MGD. The 2041 projected flow is 5.2 MGD. Mayor Kutteh said that the City needs to be careful with allocating 4th Creek usage.

Harrell said that when we hit 80% capacity the State will require the City to start planning to increase the size of the plant. When we hit 90%, we must be turning ground and building a new treatment plant.

Panel Discussion

Michelle Nance, Regional Planning Director and Moderator for Centralina, Jenn Bosser, President/CEO Iredell County Economic Development Corporation, and Kathleen Rose, President/CEO of Rose & Associates Southeast, Inc., answered automated questions about growth and development trends, achieving the right mix of housing, what is the magic number of residential and commercial tax base, the role of residential in making the downtown successful, the Land Use Plan, what attribution should Statesville leverage and what opportunities cannot be missed.

Jenn Bosser stated that Council needs to think about what will fit and what Statesville needs when doing rezonings. Amenities and quality of life are big factors in today's market. The closer to the highways the better for industrial development. She said that companies have started following people in the last 10 years instead of vice-versa. The southeast is growing nationally, the weather is good, and it is in a good central location. We are a lower cost community, have a good climate, a safer community, we have a good work force, infrastructure and good roads and Statesville has a reputation of being business friendly. Bosser advised that if the neighbors do not want a development, the developer is not going to want to deal with that, so Council needs to determine where they want to put warehouses, industry, shops, residential, etc. The City needs to make its streets pretty with sidewalks, trees, landscaping, etc. Developers consider quality of life and space along with other factors.

Rose said that Council also need to determine if a project really meets the test of its Vision and Goals of its Strategic Plan, etc. North Carolina has ranked in the top three locations for the last ten years. Young people are deciding where they want to live before deciding on a job, so they are not following the jobs, the jobs are following the people. Allied Van lines survey showed that the #1 reason people moved in 2019 was to move closer to family and the #2 reason had nothing to do with jobs. The #3 reason was retirement. Young and old people basically want the same things with their homes. Smaller homes and lots. They do not want to spend their weekends mowing the grass. Diversification of housing is the key. High Density residential and low density residential. Size, price, product and lifestyle is the diversity people are looking for. Condos, townhomes, apartments. Young and old want mobility. They want to be able to pick up and move and not be stuck trying to sell a house. Rose said for a mixed use development, she would encourage some office, restaurants, rooftops, and retail. Rapidly changing technology is rapidly changing how we use our spaces.

Bosser said that usually the first question a potential business asks is do we have the labor force. She advised there is 10 million sq. ft. of development in the works in the county for industrial and commercial right now.

Rose said that their survey showed that from 2010, Statesville grew 15%.

Bosser said that Statesville is a choice community, so it can decide what it wants to incentivize ie amenities, buildings, infrastructure, etc.

Rose advised that residential development costs the City more than a commercial property does. Too much residential growth will result in a "bedroom community" because there is not enough commercial and industrial tax base to support it. A lot of Statesville's retail and commercial is obsolete. The City needs to figure out what the carrot is to get these redeveloped. Strengthen your heart first, ie downtown, so you do not lose a leg by doing mixed use somewhere else and ruining the downtown.

Rose advised that the City sell its community college, location and downtown and incentivize those homeowners in and near the downtown to maintain them.

Bosser and Rose both advised that the Land Use Plan is a guide and must be flexible. Council should decide where and when you are going to prioritize. Money and investment follow the path of least resistance and broadband is considered a part of amenities now. Statesville should continue to be responsive and business friendly. Word of mouth from happy developers will bring more development in. Low traffic, make the drive pretty here, make developers put in sidewalks, trees, etc.

Rose said Statesville has great location, the downtown, and educational assets. She said to break it into four quadrants and decide what we want in each and work forward from there. Quality versus quantity of development. She advised Council not to be afraid to ask for better from developers.

Council member Jones asked what recommendations they have for a strategic message to bring in developers that will work best for the City. Bosser said Council should decide what it wants here and what it wants to restrict from coming here. What kind of development do you want here? If ICEDC knows this, it can go out looking for it because Statesville is nationally known now.

Rose said to examine the City website at what kind of message it is sending out of what the City wants and what its incentives are. Companies go online to check out the community first.

Meeting Break

Emily Parker led a discussion of what Council learned from the previous speakers.

Council member Morgan said Council needs to keep their minds open and not second guess and micromanage the developers. If developers believe they can sell the 4,000 homes that are currently in the pipeline, Council must trust that they have done their research and know what they are doing and that Council members are not experts in that.

Council member Lawton said she is excited and happy about what has been discussed. She thanked Jenn Bosser and the work that IEDC does and has already done.

Council member Foster stated that he is excited as well and will be happy when he sees it done.

Mayor Kutteh said that it is impressive to him the grasp that Kathleen has on our community. He said that we still do not have a grasp that college is not the only way for our children to succeed and there are other alternatives out there and we need to change our mindset. No effort by us or any other community organization to make a way for those on the lower economic ladder to get to work. We need to provide something for these people that are here that are ready to work and only need transportation. He said he would like to conversation regarding gentrification in communities.

Council member Stafford thanked the speakers for the statement “don’t be afraid to say no” to a project. He said he was concerned about the broadband comment and that he has never heard the term broadband discussed since he has been on Council.

Council member Allison stated that Council member need to remember to do what is good for the community and not what they want personally, and that government needs to be transparent.

Council member S. Johnson said that Council should not lose focus on smaller projects and make sure that we have sites ready for them and that this will be very important in the Land Use Plan. He said that Council is going to have to say no to some of these projects and protect our commercial and industrial areas from residential development.

Council member Jones said he agrees with S. Johnson. The strategic plan needs to interlock with lives and work growth. He said the city does have a problem with quality affordable workforce housing. Council needs to be flexible and not afraid to say no if a project is not the right fit.

Council member J. Johnson said he agrees with S. Johnson. He said he has heard that Statesville has a reputation among developers as being hard to work with. Council needs to think about how big or little issues are when making decisions.

Land Development Plan Update

Sherry Ashley stated that the City of Statesville’s current Land Use Plan was adopted in 2004/2005. The purpose and importance of the Land Use Plan is that it is the long-range policy document that guides decision making in relation to land development, capital investments/priorities and community programs for the city into the future. Because the current plan is over 15 years old and conditions within the city have changed substantially, the plan needs

to be updated. The city hired Clarion to assist with this update. After 19 months of research, interviews, surveys and public meetings, the 2045 Land Development Plan was presented to both the Planning Board and City Council on October 4, 2021. The plan was delayed by the Planning Board at their October 26, 2021, due to public comments received. Therefore, staff is working with Clarion to provide changes/comments to the plan to address the additional public comments received. The new adoption schedule includes revisions being presented to the Planning Board on February 22, 2022, and the City Council tentatively March 21, 2022. Once the 2045 Land Development Plan is adopted, amendments will be proposed for the Unified Development Ordinance to further implement the goals and policies of the 2045 Land Development Plan.

Route 2 Recreation

Richard Griggs stated that the Route 2 Recreation, Statesville Recreation and Parks Comprehensive Master Plan, is a long-range planning document that is meant to help shape the direction, development and delivery of the City's Recreation and Parks facilities over the course of the next 10 years. This comprehensive plan considers previous planning documents, department goals, existing conditions, and an assessment of needs to provide a framework for the department vision, recommendations, and prioritization strategies. The development of Route 2 Recreation is based on the acknowledgment that providing excellent recreation and parks facilities and program opportunities for a diverse, growing population will be a critical component of accomplishing the City's overarching goals. The community was involved in providing input and helping to set priorities to maximize the effectiveness of the department and its resources. This plan will provide a focused direction for development and delivery of the City's recreation and parks services for current and future residents, ensuring that Statesville continues to be a desirable community for people to live, work and play.

Civic Center Market Analysis

Kenny Roberts stated that the Market Analysis conducted by the consultant team GreenPlay, LLC and Woolpert, Inc. looked principally at the market, trends, and operations of the Statesville Civic Center and whether the needs of the community are currently being fulfilled. The analysis was conducted in three key areas; 1) Identify: current facility offerings and operations, review of demographics in a 50-mile radius, and review of existing plans, budgets and policies and procedures, 2) Evaluate: facility space and inventory of resources, and the strengths and weaknesses of operations 3) Recommendations: present the findings from the virtual meetings held with focus groups and key stakeholders, and Civic Center staff input. A summary of the following is included:

- Strength of the Civic Center
- Weaknesses/Challenges
- Additional activities that should be offered
- New amenities that should be offered
- How should the improvements be financed
- List of key Partners & Stakeholders
- Key Issues
- Priorities

These findings and recommendations should provide guidance for the development of the annual operating and the Capital Improvement Plan budget for the Civic Center. Additionally, the analysis should lay the groundwork and direction for the development of the Master Plan which is planned in 2022. The goal is to develop a strategic plan for the operations, renovations, and expansion of the Civic Center that will better meet the needs and demands of the community in future years.

Wastewater Treatment Plan Modeling

Scott Harrell stated that McGill Associates was engaged to update wastewater volume projections for the Third Creek Wastewater Treatment Plant (WWTP). After reviewing plant flow data and evaluating residential & industrial growth potential in the plant's service area, McGill has projected the Third Creek WWTP will have an average daily flow of about 3.8 million gallons per day (MGD) by 2041. That volume includes current allocations to industries and the Town of Troutman. With a plant capacity of 6.0 MGD, that leaves about 1.2 MGD that can be leveraged in service agreements with other entities. McGill is currently developing flow projections for the Fourth Creek WWTP; we anticipate having those results to share at the retreat.

Electric Strategic Plan

John Maclaga stated that the Electric department is facing growth and cost pressures simultaneously. On one hand we have significant growth, especially to the South of the City and are expanding main lines and preparing to serve these areas, but growth is, as Sherry has shown, happening all over, including "spot" developments of individual houses on lots that have long sat vacant. On the other we have supply chain issues putting upward pressure on materials costs in excess of regular inflation, some items as much as four times more expensive with lead times increasing--for transformers we can wait past 60 weeks. Additionally, we have areas of the City we must reinvest in to replace old poles, old wire, voltage conversion, etc. Tomorrow I can go into more detail about Electric as a business and how I frame it in my mind under the four dimensions of Safety, Rates, Relationships and Reliability.

Fire Station Location Analysis

Andy Weatherman said that in early 2020 the Fire Department underwent a location analysis to relocate Station 1. Since that time, we have had tremendous growth interest and we need to undertake a study for the entire City, factoring in growth.

We are beginning an in-depth study of the response needs of the city, which will include a current base map with the city limits, fire district area, and fire stations. Statesville drive time analysis (NFPA 1710 4- minute travel or preferred travel time objective) including auto/mutual aid drive time capability in Statesville, including gaps and overlaps. ISO mileage extent analysis for engines and ladders and 5-mile including auto/mutual aid distance extent into Statesville with gaps and overlaps. This will also include population density analysis, demand density analysis, risk categorized by land use or zoning, flood, and railroad crossing for the CRR section. This study will start on January 18, 2022.

Strategic Planning

Council member Jones said that this is just the beginning of forming a strategic plan.

Mayor Kutteh said that it is a fluid organization that is changing every five seconds, and this is not a stagnant document. He said he is not opposed to having an outside entity do a job that staff simply does not have time to do and still run the city efficiently.

Council member S. Johnson asked what the time frame is for the build-out of the 4,000 residential properties. Smith reviewed the timelines for each development. Council member S. Johnson said he just does not want to be jumping through hoops. We run this city, not them. If they are already in the city fine, but if not, we need to start doing a cost benefit analysis before we just automatically annex them. He believes we are looking at another housing bubble.

Council member Staford said that 80% of these developments require annexations, so we need to be more selective in what we allow.

Darbah Skaff - Statesville Housing Authority

Darbah Skaff said that the Housing Authority committed to Council last year to do a study. They met with United Way, City officials, the Police Chief, Iredell Statesville School, and Habitat for Humanity. They hired a planner from Atlanta to do a study and she would like to meet with Council one on one or as a group to decide what their priorities are.

There being no other business, Mayor Kutteh asked for a motion to adjourn.

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

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CITY OF STATESVILLE COUNCIL RETREAT MEETING- JANUARY 14, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 10:00 A.M.

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

Council Absent: 0

Staff Present: Ron Smith, Fugett, Nesbit, Ashley, Davis, Vaughn, Addison, Weatherman, Brian Roberts, Gregory, Griggs, Ferguson, Maclaga, Pierce, Kenny Roberts, Holman, Everett

Others: Geraldine Gardner – Executive Director of Centralina Regional Council, Emily Parker – Senior Planner with Centralina, Nina Barry – Government Affairs Coordinator with Centralina,

Media: Mike Fuhrman – Iredell Free News, Taylor – R&L

Mayor Kutteh called the meeting to order. He introduced Neil Goodman, owner of the meeting facility, via Zoom, Goodman welcomed everyone to his facility and thanked them for being there.

Geraldine Gardner led a review of objectives Council had agreed on. She said that Finance Director Brian Roberts will give a financial update, then she will lead Council in an exercise to develop a prioritized list of ARPA investments for year 1. Council will discuss performance-based pay increases, the Broad Street corridor and commercial development.

Ron Smith introduced Finance Director Brian Roberts.

Roberts said he would like to have Council's input on a formal Fund Balance Policy that he is working on.

Roberts reviewed a slide show of Fund Accounting/Terminology and the Definition of Fund Balance.

Roberts stated that this year's budget was built with a 15% decline in Sale Tax Revenue included, staff budgeted \$6 million, and collections ended up being approximately \$9 million. Roberts reviewed the Enterprise funds. He explained that the Airport Fund shows a loss due to depreciation of the FBO. If that is taken out of the equation, then it actually shows a profit. The Civic Center shows a loss due to having to cancel events because of Covid.

Roberts stated that the current tax rate is 0.5478. 58% of the General Fund budget is Salaries & Benefits, 22% is Operations, 19% is Capital and 1% is Debt. \$13.2 million includes \$5.7 million for the new fire station and \$12.2 million for the Police Department. Over 50% of our budget is for public safety. Out of \$1.00, \$.56 goes to Police & Fire, \$.21 goes to Administration, \$.11 goes to Parks & Rec, \$.06 goes to Transportation, and \$.06 goes to Sanitation. This is in line with other cities.

Brian reviewed a handout of financial highlights as of 6/30/2021. He advised the city came in under \$5.5 million in expenditures mainly due to putting off purchasing capital items.

He reviewed the Sales Tax and Property Tax numbers and fund pressures.

General Fund pressures are:

1. Major Capital Needs – Fire Stations, Fire Apparatus, Warehouse, Greenways, Parks
2. Employee Costs – Over 300 employees are in the General Fund. Any fringe increases (Ex. Employer cost to LGERS raises this fiscal year by 1.2%), affect the General Fund significantly.
3. Revenues to Cover Service Costs – Sanitation and Recreation need to recover more or reduce service level.
4. Growth Pains – Future growth will impact service areas and levels. Need to allocate resources at the front end to ensure service expectations can be met on day one of need.

Occupancy Tax/Civic Center Fund pressures are:

1. Major Capital Needs – Expansion, Parking, Renovations
2. COVID19 – Event bookings continue to be impacted
3. NC Main Street Convention in 2022 – Opportunity to impress

Airport Fund pressures are:

1. Heavily reliant on Fuel Sale Margins – NASCAR is down because of COVID19.

Electric Fund pressures are:

1. Major Capital Needs – Operations Center, System Expansion, System Improvemtns
2. Rate Stabilization

Water/Sewer Fund pressures are:

1. Major Capital Needs – System Improvements, Operations Center, System Expansion
2. Cost Recovery
3. Debt to Equity Ratio
4. System Development Fee Lawsuit Exposure

Stormwater Fund pressures are:

1. Capital Needs – Projects and Equipment
2. What pressures need to come off General Fund Streets

Risk Management Fund pressures are:

1. Increased healthcare costs

Council member S. Johnson pointed out that property tax went from 46% to 42%. He asked Roberts if he is concerned about this. Roberts replied he is because it could rapidly change the city's outlook.

Mayor Kutteh said that the city will have some cushion for a while relative to what we have budgeted because we still do not know what we are going to get from internet sales, which are still on an incline.

Council member S. Johnson said that staff has done a great job during the COVID19 crisis. Roberts thanked him, stating that it was all previous Finance Director Chris Tucker.

Mayor Kutteh said that the city does not have many choices to increase revenue. Private businesses have more options. We need to ask our employees what we are not doing efficiently.

Roberts stated that the city is in a fortunate situation that we have recently experienced. Revenues have far exceeded expenditures, outside funding is in abundance, and determining the best way to allocate those dollars, rather than looking for ways to fund needs is now one of our biggest priorities.

Fund Balance Policy Proposal

Roberts reviewed his draft of the Fund Balance Policy. He said he would prefer to base it on expenses because we have more control over them. He said that if we spend fund balance, we most likely will not replenish it.

Council member S. Johnson said it is nice to have cash on hand when a good deal presents itself.

Roberts asked Council how they want to budget for things like that or do they just want to go straight to Fund Balance for it. He said the policy needs to have enough weight to stop Council from going below the 30% threshold.

Mayor Kutteh said that the Civic Center Fund also needs to be viewed like the Airport Fund.

Ron Smith said that we need to forget about 2021, we got lucky and benefitted. Looking ahead, Council has determined that we need the warehouse, fire stations, ect. and we cannot pay for all of it out of the General Fund.

Capital Items

Ron Smith said he want to make sure that all are still on the same page with these projects. He reviewed the Capital Improvement Plan list advising that Council is not budgeting for any of these in this budget.

Council member S. Johnson asked if the city really needs to build three new Fire Stations before it builds a new Police Station. Lawton and Staford agreed.

Mayor Kutteh said it sounds like Council may want to move the Police Station up on the list. He said Council needs to know if the Fire Stations will work with what the city has coming in the future. Ron Smith said that the locations of 2 and 3 on the plan can move depending on what the study shows and he plans to have a space study done on the Police Department.

Smith introduced Mitch Bergulio with Davenport stating that Davenport can help staff and Council with Capital Planning.

Council members discussed what the impacts to the city has been from the pandemic.

1. Retail and Restaurants
2. Strain on the healthcare system
3. Schools
4. Hospitality and tourism

5. Evictions
6. Small business employment capability
7. Chronic homeless and the homeless shelter – hard to get the word out to people about the excess free food that has been donated
8. Affected the children more – there has been an increase in crime because a lot of kids are at home by themselves
9. Zoom has taken over a lot of the Monday-Friday meeting business at the Civic Center, so they are having to re-imaging what they do and how they do it.
10. Lowered morale, shortages, department workers being out
11. Significant drop in sales in March, April and May at the airport, but since then companies are using charter planes.
12. City should use ARPA funds to match grants to get the most bang for our buck.
13. Need to address low income/affordable housing – there is an immediate need.
14. The homeless population has dramatically increased, landlords have raised their rents so high that people cannot afford them.

Council member Allison said she would like for the city to work with schools to show the children that not everybody goes to college.

Mayor Kutteh said he would like the city to work with ICATS to provide some type of public transportation so people can get to work and help the poverty problem.

Ron Smith and Matt Pierce reviewed the list that staff made of what the ARPA funds can be spent on.

1. Fire Department Protective Equipment - \$8,000
2. Air Purification for the bay of Fire Station 1 - \$28,000
3. Housing rehab
4. Public transit/workforce transit Assistance
5. Help solve the homeless problem in Statesville
6. Build/support affordable housing
7. Water tower (pair with Radio Tower) will need a 2nd one
8. Exit 45 – Larkin Sewer Expansion - \$382,500
9. Holland Dr Culvert/wing wall replacement - \$1.1 million
10. Improved pedestrian connectivity with south Statesville
11. Swimming pool on the south side of Statesville - \$3.6 million
12. Reconstruction of Caldwell Tennis Courts - \$400,000
13. Install lighting at Soccer Fields 3, 4 and 5 - \$350,000
14. Install magnetic locks at park restrooms - \$32,000
15. School programs
16. Matching grant funds
17. Assistance to the elderly
18. Water and Sewer line - \$50 million

Smith said Council has until April 1st to decide.

Council member Staford reminded everyone t hat this is a one-time windfall so if it spends it on things that are not one-time expenses, the city has to continue funding them.

Council member S. Johnson said that he hates spending money on projects that the outcome cannot be quantified. We can quantify water/sewer lines but investing in people is not so easy to quantify.

Pay for Performance – Merit Based Increases – Stacy Everette

Everette stated that Pay-for-performance refers to performance-based pay programs where an employee is incentivized and rewarded for achieving their goals. Performance management is the continuous process of improving performance by cascading goals. What are cascading goals? Cascading goals are goals that are translated from one level of the organization to the next. This ensures that everyone from the mayor to the front line employee is completely aligned and knows exactly what tasks need to be completed and how they will be measured.

1. City Council – Develop Mission, Vision, Values and Strategic Plan
2. City Manager – Develop City Objectives that are broad action areas for departments
3. Department – Develop strategies with concrete actions to be taken
4. Individual goals– performance advisor develops SMART goals for each employee, based on their position. Supervisor and above, should participate in the development of their SMART goals.

The city wants to move away from the current box-ticking exercise to a meaningful coaching and employee development program that includes the following.

- **Honest and regular feedback and reviews** — Frequent feedback and coaching will help employees overcome challenges and identify opportunities for learning and performance improvement. Employees want regular insights into their work and the better-informed employees are regarding their performance, the better able they are to improve and excel.
- **Employee recognition** — An effective performance management system should prioritize employee recognition and reward. Employees should feel valued and appreciated for the work they do and the effort they put in. If employee recognition is not a priority, this will most likely have a negative bearing on our voluntary turnover.
- **Employee Development** - We don't want employees dreading performance discussions and feel they are being judged. We will focus on coaching employees rather than tearing them down. The performance discussion will be a two-way conversation, supportive and encouraging. If an employee has areas of opportunity (weakness) that need to be addressed
- **Employee Coaching/Mentoring** -Tell the truth, with compassion! Employees respect honest feedback, performance appraisal's should NEVER be a SHOCK at the end of the year when it is too late for the employee to achieve their goals.

The benefits of a Performance Management System are:

- Standard performance management process across the organization.
- Links performance management to “pay for performance” which strengthens the business.
- Enables managers to differentiate between performers and reward those who perform at higher levels.
- Assists managers in assessing employee potential.
- Consistent practice to support salary planning; sound basis for compensation decisions.
- Provides means for “raising the bar” on overall performance goals and expectations.
- Provides means for communication between employee and supervisor.

- Provides an avenue to begin “Succession Planning” for the future, identify potential successors and identifying gaps in skillset that need to be developed.

A key point here is that performance management is a continuous process — not a once-a-year activity.

Planning: The planning phase revolves around setting performance expectations for the employee.. It is best practice to actively involve the employee in this planning process. this involvement increases satisfaction with the performance cycle, as well as perceived fairness, usefulness, and motivation to improve. Employee performance plans should also be flexible so they can be adjusted for changing objectives and requirements along the way

Monitoring: Mitigate obstacles, feedback, coaching – doing your job, developing yourself

Developing: This can be achieved in the form of training and development but also through challenging assignments and other opportunities for personal and professional growth. (This is where succession planning begins)

Rewarding: Discuss Career Goals: This can be through giving them praise, a raise, time off, recognition items, a promotion, or all of the above!

Emphasizing this shared responsibility will make the whole process more effective. The employee will be most motivated when he or she feels involved in the process and understands why their goals matter to their colleagues and the rest of the organization.

SMART goals are based on facts not opinions:

Specific - Clearly states what outcome, result or behavior is to be achieved.

Measurable - Includes measurable results

Achievable - A realistic expectation given time and resources to accomplish

Relevant - Improves the city in some way

Time-Bound - When is it expected to be completed

Performance Measurements – 5 Basic Categories

- **Exceptional Performance:** Performance consistently exceeds established standards and the expected performance level of other employees in similar positions.
- **Exceeding Expectations:** Performance frequently exceeds established standards and is well above the normal expected performance level of other employees in similar positions.
- **Developing Expectations:** Performance consistently meets or occasionally exceeds established standards and normal performance levels of other employees in similar positions.
- **Not Meeting Expectations:** Performance marginally meets established standards and is below the expected performance of most employees. Immediately develop a (Performance Improvement Plan (PIP).
- **Unacceptable:** Performance fails to meet established standards and is well below the performance level of other employees in similar positions. Employees evaluated at this level be considered as having marginal job performance. Immediately schedule a conference (HR, Supervisor and Dept Head) to decide course of action.

Next Steps:

- Evaluate Performance Evaluation Software to purchase and implement
- Develop a timeline of implementation

- Input Employee Information
- Job Descriptions, updated and loaded into the system
- Meet with Supervisors, Managers, Dept heads to decide on assigned factors for each job position
- Develop and rollout training for Performance Advisors
 - Performance Evaluation Software and process
 - Setting SMART goals, giving positive and constructive feedback.,
- Develop and rollout training for ALL employees

Summary

It is our goal to build a performance driven culture by recognizing and rewarding performance.

This performance management program will provide:

- Ability to motivate, retain and attract top performers.
- Establishes specific measurable goals and objectives that reduces bias and subjective evaluations
- Allows us to accurately evaluate our employees through review of factual data over the entire review period
- Establishes a formal method for communicating both positive and constructive information, thereby providing opportunity for improvement in targeted areas of performance and behavioral concern

Mayor Kutteh asked if employees in different departments can be evaluated using different criteria. Everette said she will need to check on that. He asked if this would tell Council where it needs more staff or if there is too many in a department. Everette replied that this study would not, that would be a different type of study.

Broad Street Exit

Council member Lawton said that the exit at I-77 onto Broad Street looks bad and something needs to be done about Newtown Shopping Center.

Council member Morgan said that we need to be patient because it would be difficult for anybody to get in there right now with the NCDOT construction going on.

Council member Lawton said that there has got to be something that Council can do about the old theatre and the graffiti at JR's.

Council member Jones stated that a lot of the NCDOT condemnation has not been settled. The mall has held up pretty good for being 45 years old. He said it will take time to redevelop it.

Ron Smith said that the City Attorney is on the phone and needs some guidance from Council concerning a lawsuit matter she is sitting in negotiations for right now.

Council member Lawton made a motion to move to Closed Session in accordance with NCGS 143-318.11(a)(3), to protect the attorney-client privilege and to give instructions concerning a potential or actual judicial action, seconded by Council member Foster. The motion carried unanimously.

Upon return from Closed Session, Mayor Kutteh said that Council instructed the City Attorney as stated above and no action was taken.

Council member Foster said he is not worried about the mall until Council finds a way to get a grocery store on the southside of town.

Council member Jones said the best way to get a grocery store on that side of town is from rooftops. He said that the 300 homes coming into the Larkin development will be the biggest catalyst that will bring a grocery store to that location.

Council member S. Johnson agreed stating that the demographics just do not fit the grocery chains matrix.

Council member Stafford said that Council has been working on these types of issues with residential, so it needs to incorporate commercial as well.

Underground Utilities

Ron Smith said this is a continuation of the discussion that took place a few months ago about the possibility of running electric utilities underground. He apologized saying that he and John Maclaga have been working more on a plan of action than a specific plan to actually start moving lines. He will come back in a month or so with a more formalized plan with steps that the city can take to move in that direction.

Mayor Kutteh said that when putting electric lines underground, it's not just a simple matter of putting our lines underground, because other utilities rent our poles to put their lines on.

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

**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE SPECIAL MEETING – FEBRUARY 07, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 4:30 P.M.**

Council Present: Mayor Costi Kutteh presiding, Jap Johnson, William Morgan, John Staford, David Jones (arrived at 5:00 p.m.), Amy Lawton, Steve Johnson, Doris Allison, Fred Foster

Council Absent: 0

Staff Present: Ron Smith, Fugett, Messick, Taylor, Davis, Harrell, Bridges, Pierce

Others: Mr. Campbell (owns the building at Water Street parking lot)

I Call to Order

Mayor Kutteh called the meeting to order.

II Work Session Topics

Proposed improvements to the Water Street/Meeting Street Intersection

Mark Taylor stated that there are several conflict points at the intersection of Water and Meeting Streets. Staff consulted NCDOT because it is their facility. Option A would eliminate Debow Street vertically because it is so close to the intersection of Meeting and Water Streets. Option B would close the parking lot entrance on Water Street with some aspects of a streetscape added to make it more aesthetically pleasing. Option C is what NCDOT has proposed. NCDOT proposes an “all stop” condition at the intersection, with the person to the right having the right-of-way, with some stipulations to eliminate some of the conflict points. Staff combined all three options to come up with a project that staff, along with NCDOT’s input, believes would accent the transportation aspect as well as make it a safer intersection. The existing Debow Street would be removed, graded and seeded and new curb, gutter and sidewalk added. Parking spaces would be added along Light Street. On Meeting Street part of the existing road at the intersection would be removed, graded and seeded and new curb and gutter installed. A new sidewalk and crosswalk would be installed at Meeting and Tunxis Place. On Water Street a monolithic grass island (surface mounted) on asphalt concrete pavement would be added. A painted hatch area would be in the middle of Water Street on the Center Street end at the end of the island. The existing driveway from Water Street into the parking lot would be removed and new curb, gutter, bollards and trees installed. A right turn out only would be added at Landmark Alley onto Water Street. New 3-way stops would be installed at Water Street, Meeting Street, and West End Avenue. The cost to do all of this is \$153,863.10 which includes a 20% contingency.

Mayor Kutteh asked staff to notify all the surrounding building owners and anyone else who could be affected by things like this, even if legally the city is not required to notify them. He asked staff to go above and beyond what is required.

Mayor Kutteh reviewed Mr. Campbell’s concerns:

1. Of the 44 accidents that have been reported in the last three years, 25 occurred in his parking lot and 2 were in the church parking lot across the street, so of the 44, only 17 actually occurred in the street. In light of that, perhaps the city should also be looking at what is happening in the parking lot as well as what is happening in the streets.
2. Does not like the Water Street entrance closure
3. Does not think that trees and shrubs add anything to the project
4. Has the Fire Department been notified because they are in and out of these alleys quite a bit.
5. 5 ft. bollards are too tall
6. There is a lot of traffic on Debow Street, particularly trucks, including the city's sanitation trucks and closing it cuts off the entrance to the farm and garden store.
7. He liked the crosswalk being installed at the church
8. Make the entrances "enter only" and "exit only"
9. Lighting is very poor in the location
10. If you are coming west on Water Street, perhaps instead of closing that entrance, the median could be stopped short and leave the left turn lane into the lot
11. Concerned about the direction of the parking spaces on Light Street

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Mayor Kutteh asked Ron Smith to report on another matter concerning this location.

Smith stated that the City has been named as a party to a lawsuit relating to the fatality that took place in front of this building September 23, 2020. Council does not need to make any decisions at this time, he just wanted to let them know about it.

Messick said that the city has been sued for negligent design and maintenance of that interchange. The city has been brought in as a third-party defendant. That means that the driver has brought the city in and said that the city and NCDOT are together liable for this incident, as well as the NCDMV title company.

Taylor stated that NCDOT came up with this design and has informed city staff that if this parking lot was developed now, they would not allow the entrance from Water Street.

Mayor Kutteh asked if the city can install bollards and no trees or vice versa. Taylor said that NCDOT is okay with Options A, B, or C, with their prime choice being Option C.

Council member J. Johnson said he would only vote for Option C.

Council member S. Johnson said he was inclined to agree with J. Johnson. He said that a 3-point stop would alleviate someone coming from West End Avenue onto Water Street too fast and losing control of their vehicle.

Mayor Kutteh stated that if most of the accidents are happening in the parking lot, the city could close the parking lot. The city is under no obligation to provide parking.

Council member Jones arrived at 5:00 p.m.

Council member Stafford said he would like to see some sort of low growth greenspace, not necessarily grass in the island.

Council member J. Johnson made a motion to approve Option C as presented, seconded by Council member S. Johnson.

Taylor asked Council to review the channelization installed further down Water Street that makes Landmark Alley a right in/right out only. Council members J. Johnson and S. Johnson agreed to include this in their motion. The amended motion is as follows:

Council member J. Johnson made a motion to approve Option C to include installing the painted hatch area on Water Street to make Landmark Alley a right in/right out only at Water Street, seconded by Council member S. Johnson. The vote on the motion was unanimous.

Council member Foster how long it will be before the project is started. Taylor replied that he has to submit a plan to NCDOT so they will be the hold up. He predicts they will approve the plan by fall with construction starting next spring.

Council member Staford asked Taylor to try to fit in another handicap spot in the parking lot if he can.

Council member Morgan said that Bank of America is out of the downtown now and that property might be a good investment for the city for a parking lot.

Valley Curb discussion

Taylor displayed a list of other cities that allow valley curb. He advised that NCDOT does not allow valley curb and Durham does not either. NCDOT leaves it up to the city to choose.

Council member Morgan pointed out that with vertical curb, it must be put in, then the driveway cuts made. He asked what the cost difference is between valley curb and vertical curb. Taylor replied that it is about the same amount of money.

Taylor explained how most developments do curb now.

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Council member J. Johnson said the only reason he and others want the vertical curb is for safety reasons.

Council member Staford stated that considering the small cost difference, he does not know why the city would allow valley curb.

Mayor Kutteh asked Taylor what the pros and cons of valley curb versus vertical curb. Taylor replied that he is not sure, but the capacity is less for valley curb. In his personal opinion he would rather have the standard 30" vertical curb.

Council member J. Johnson made a motion to only allow standard vertical curb, seconded by Council member Staford.

Ron Smith asked what Council wants to do about the developments that are already in process that have been approved. He said he would like to delay the effective date of this by at least 1 month so staff can notify any developments in process.

Messick advised that the developments that have been approved have the right to go by the standards and code that was in place when they were approved or they have the option to go by the new standard.

Council member J. Johnson said he does not want to wait. Smith said there is a discussion about street standards on the Council agenda and this could be included with it for further discussion.

III Closed Session

Preserve Attorney-Client Privilege – G.S. 143-318(a)(3)

Economic Development – G.S. 143-318.11(a)(4)

Real Property – G.S. 143-318.11(a)(5)

Personnel – G.S. 143-318.11(a)(6)

IV Adjournment

Council member J. Johnson made a motion to move to Closed Session in accordance with G.S.143-318(a)3) to preserve the Attorney-Client privilege, G.S. 143-318.11(a)(4) Economic Development, G.S. 143-318-11(a)(5) Real Property, and G.S. 143-318.11(a)(6) Personnel matter, seconded by Council member Jones. The motion carried unanimously.

**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE PRE-AGENDA MEETING – FEBRUARY 07, 2022
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

Council Absent: 0

Staff Present: Ron Smith, Fugett, Messick, Addison, Ferguson, Ashley, Nesbit, Harrell, Pierce, Maclaga, Bridges, Taylor, Vaughan, Everette, Weatherman, Roberts, Kurfees, Davis, Gregory

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)

Resolution – Four Chaplains Sunday

Resolution – Black History Month

VII Consent Agenda - All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.

Mayor Kutteh reviewed the Consent Agenda.

A. Approval of minutes: December 20, 2021 Pre-Agenda Meeting and Regular Meeting minutes. *(Fugett)*

B. Consider approving the assumption of a ground lease for G. Lackey's hangar to TMT Aero, LLC a North Carolina Limited Liability Company for the purpose of aircraft storage. *(Ferguson)*

C. Consider approving (1) a grant from the NCDOT Aviation Division in the amount of \$5,154,400 for the construction of a corporate hangar at the Statesville Regional Airport; (2) Work Authorization #21 in the amount of \$236,858.00 for engineering, geotechnical, and architectural services for the design of the hangar; and (3) Budget Amendment #2022-27. *(Ferguson)*

D. Consider renewal of a contract with Leah Gaines Messick to continue as the Statesville City Attorney. *(Smith)*

- E. Consider authorizing the City of Statesville Fire Department to apply for the FY21 Staffing for Adequate Fire and Emergency Response (SAFER) Grant.** *(Weatherman)*
- F. Consider approving 2nd 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)*
- G. Consider approving a resolution directing the City Clerk to investigate a Petition of Annexation, receive the City Clerk's Certificate of Sufficiency, and consider approving a resolution setting the date of February 21, 2022 for a public hearing for the petition for annexation of PIN #4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93- 4062 & 4756-01-8075; Case No. AX21-07 Peppercorn Plantation LTDP, Goforth Family Revocable Trust & Andrew H. Crawford Properties.** *(Ashley)*
- H. Consider approving a resolution directing the City Clerk to investigate a Petition of Annexation, receive the City Clerk's Certificate of Sufficiency, and consider approving a resolution setting the date of February 21, 2022 for a public hearing for the petition for annexation of PIN #4753-16-9517 and a portion of PIN # 4753-27-6245; Case No. AX22-01 Williams Development Group LLC Property.** *(Ashley)*
- I. Consider approving an engineering and design contract with Highfill Infrastructure Engineering for a waterline replacement project.** *(Vaughan)*
 Bill Vaughan stated that Staff solicited proposals for civil engineering and design services 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. This water main was installed in the 1940s and is one of the primary water transmission lines in the City. It scored as the highest priority project in the 2020 water system condition assessment study. The project has been broken into three phases; the estimated cost for all three phases is \$20,000,000. Proposals were received from: Highfill Infrastructure Engineering, P.C (Winston-Salem, NC); McGill Associates, PA (Hickory, NC); Rummel, Klepper & Kahl, LLP (Raleigh, NC). Staff reviewed the submittals and interviewed the firms in November 2021, and selected Highfill Infrastructure Engineering. The scope of this contract is to complete the design for Phase 1 of the replacement project (10,700 LF) and perform the preliminary engineering for Phase 2 (5,600 LF) and Phase 3 (13,200 LF). Highfill's proposal is to perform these services for \$874,400. This project is eligible for infrastructure funds available to the City through ARPA and the state budget, some of which have time constraints for designation and spending. This is the highest priority project identified in the 2020 water system condition assessment, due to the age of the main (1940s) and relative criticality in the City's water distribution system. Delay of design and construction could create limitations for use of available ARPA and state budget funds due to time constraints for spending those funds. Staff recommends Council approve the contract with Highfill Infrastructure Engineering in the amount of \$874,000.
- J. Consider approving the purchase of an automated leaf collection truck and approve Budget Amendment No. 2022-22.** *(Taylor)*
 Mayor Kutteh stated that this vehicle was approved in the current budget for \$195,000. Due to a recent increase in the purchase price, the cost is now \$226,577.00. Budget

Amendment #2022-22 provides the additional funds needed to purchase the truck. If the truck would have fallen within the budgeted amount, no Council action would be needed.

K. Receive an update regarding the Police Department expansion. (Smith)

Ron Smith stated that he has engaged a firm to do a study and see if it is possible to expand on the Police Department site.

Council member Foster said he would like to know if it would be better to put it on the Amity Hill Road property.

Mayor Kutteh said this would not preclude doing that as well.

REGULAR AGENDA

VIII Council requested items of discussion - Fee in lieu waivers for sidewalk and curb & gutter (Staford/Lawton)

Council member Staford said he would like to eliminate the waivers and require all to pay fee in lieu of.

IX Consider approving second reading of an ordinance to demolish the dwelling as unfit for human occupancy located 522 Stockton Street. (Ashley)

X Consider acceptance of Surface Transportation Block Grant Direct Attributable (STBG-DA) shortfall funds in the amount of \$242,000 and approve BA #2022-28 for the purpose of conducting a feasibility study to convert the Jane Sowers Road / I-77 overpass to an Interchange. (Ashley)

Sherry Ashley stated that in 2019 when the city applied for the STBG-DA funds, it was for an interchange justification report for a new interchange at Jane Sowers Road. However, the city was notified by CRTPO that they would award funds for the feasibility study only. On October 21, 2019 City Council approved a professional services agreement to assist the city with applying for STBG-DA shortfall funds and approved the Planning Department to apply for STBG-DA Shortfall funds for the Interchange Justification Report for a new interchange at Jane Sowers Road.

On April 7, 2020 CRTPO awarded the city up to \$242,000 of CRTPO planning funds (80%) with a city match of \$60,500 (20%) for a total of \$302,500 to conduct the feasibility study for the Jane Sowers Road interchange. These funds are to be used within one fiscal year, starting July 1, 2020 and with all reimbursable work completed by June 30, 2021. These are federal direct attributable funds for the CRTPO, and the city must follow the federal procurement process. However, due to the lack of funding and lengthy review of the contract by NCDOT, the city was given an extension for the study to be completed by June 2022. On October 5, 2020 Council accepted the grant and approved BA #2021-5 however it did not get rolled into this year's budget. Therefore, staff is requesting re-approval. This is a reimbursable grant at 80%, so the city must spend the funds up front and then be reimbursed by CRTPO. The total cost of the project will be a maximum of \$302,500. CRTPO will reimburse the city \$242,000 and the city's match will be \$60,500. Previously, the Planning Department included an amount of \$154,365 needed for this project in the 2020/2021 budget and rolled this amount into the 2021/2022 budget. This amount was based on the 20% match for the Interchange Justification Report, which is no longer an option. The required match has dropped to \$60,500. Budget amendment BA #2022-28 is being presented with this action request. The department recommends approving the budget amendment for conducting the

feasibility study.

Council members moved this item to the Consent Agenda.

XI Consider approving changes to the residential, commercial, and industrial roadway sections in the City of Statesville Street Construction Specifications & Details Manual. (Taylor)

XII Consider approving a design services contract with IBI Group for Phases 1 & 2 of the City Warehouse / Operations Center project. (Harrell)

XIII Consider reappointing two members to the Statesville Convention & Visitors Bureau. (Sutton)

Mayor Kutteh said that the Statesville Convention & Visitors Bureau Board consists of nine board members in three categories that are appointed by City Council. The board currently has two vacant seats. Michelle Hepler and Donald Hicks were appointed in August 2021 to fill the remaining term of two vacated seats. They have expressed interest in serving another term.

- Category 2 includes individuals who are currently active in the promotion of travel and tourism in the City of Statesville. Michelle Hepler – Term expired January 1, 2022.
- Category 3 includes individuals who are active in the Statesville community and are residents of the City of Statesville. Donald Hicks – Term expired January 1, 2022.

Council members agreed they wanted to reappoint these two members and moved this item to the Consent Agenda.

XIV City Manager’s Report (Smith)

XV Boards and Commission Updates
November 18, 2021 HPC Meeting minutes
December 16, 2021 HPC Meeting minutes
January 19, 2022 TRC Meeting minutes

XVI Other Business

XVII Closed Session (After Pre-Agenda if needed)
Preserve Attorney-Client Privilege – G.S. 143-318(a)(3)
Economic Development – G.S. 143-318.11(a)(4)
Real Property – G.S. 143-318.11(a)(5)
Personnel – G.S. 143-318.11(a)(6)

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

Council member Jones made a motion to move to Closed Session in accordance with NCGS 143-318.11(a)(3), NCGS 143-318.11(a)(4), NCGS 143-318.11(a)(5) and G.S. 143-318.11(a)(6), seconded by Council member Morgan. The motion carried unanimously.

XVIII 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

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**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE COUNCIL MEETING – FEBRUARY 07, 2022
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

Council Absent: 0

Staff Present: Ron Smith, Fugett, Messick, Addison, Ferguson, Ashley, Nesbit, Harrell, Pierce, Maclaga, Bridges, Taylor, Vaughan, Everette, Weatherman, Roberts, Kurfees, Davis, Gregory

I Call to Order

Mayor Kutteh called the meeting to order.

II Invocation

The Chaplain with American Legion Post 65 gave the invocation.

III Pledge of Allegiance

Mayor Kutteh led the pledge of allegiance.

IV Adoption of the Agenda

Council member J. Johnson made a motion to adopt the amended agenda, seconded by Council member Allison. The motion carried unanimously.

V Code of Ethics

VI Presentations & Recognitions

Proclamation – Four Chaplains Sunday

Proclamation – Black History Month

Mayor Kutteh read, then presented the proclamations.

VII Consent Agenda

Mayor Kutteh stated that all items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.

A. Approval of minutes: December 20, 2021 Pre-Agenda Meeting and Regular Meeting minutes. (Fugett)

B. Consider approving the assumption of a ground lease for G. Lackey's hangar to TMT Aero, LLC a North Carolina Limited Liability Company for the purpose of aircraft storage. (Ferguson)

C. Consider approving (1) a grant from the NCDOT Aviation Division in the amount of \$5,154,400 for the construction of a corporate hangar at the Statesville Regional Airport; (2) Work Authorization #21 in the amount of

\$236,858.00 for engineering, geotechnical, and architectural services for the design of the hangar; and (3) Budget Amendment #2022-27. (Ferguson)

Mayor Kutteh stated that This grant is Phase Two of a \$9,517,000 project grant from the NCDOT Aviation Division Economic Development Fund. This grant involves the construction of a 30,000 square foot hangar. Phase One was for the construction of an aircraft parking apron and vehicle parking lot. No local match is required. Council previously approved the Phase One grant in the amount of \$4,112,600.

D. Consider renewal of a contract with Leah Gaines Messick to continue as the Statesville City Attorney. (Smith)

E. Consider authorizing the City of Statesville Fire Department to apply for the FY21 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. (Weatherman)

Mayor Kutteh stated that the Fire Department is requesting approval to apply for FY21 SAFER grant. This grant will assist the department in meeting national standards regarding the number of personnel being placed on emergency scenes. The acquisition of more personnel would provide a safer working environment for department personnel and the public in which the department has sworn to protect. The addition of personnel would also provide more efficient and effective job tasking, which would increase personnel and departmental performance. The intent of this grant application is to acquire nine additional personnel. The total project cost is \$1,614,681.00. If awarded the grant, the city would receive \$538,227.00 per year for 3-years. After that 3-year period, the City of Statesville will be responsible for all personnel costs thereafter. This grant application is to assist the Statesville Fire Department with providing the highest level of service possible, while easing the financial strain on the City of Statesville. The department recommends applying for the grant to assist the city with a cost reduction method and funding mechanism for the hiring of nine additional fire department personnel, thus, demonstrating good stewardship to the citizens. The City Manager has advised that this grant will allow for the department to potentially grow into a future Fire Station 5, which is a top 5 capital priority for the city. Prior to that construction, the additional personnel will assist as described above. He recommends Council approve this request.

F. Consider approving 2nd 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)

G. Consider approving a resolution directing the City Clerk to investigate a Petition of Annexation for AX21-07, receive the City Clerk's Certificate of Sufficiency, and consider approving a resolution setting the date of February 21, 2022 for a public hearing for the petition for annexation of PIN #4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93- 4062 & 4756-01-8075; Case No. AX21-07 Peppercorn Plantation LTDP, Goforth Family Revocable Trust & Andrew H. Crawford Properties. (Ashley)

Mayor Kutteh stated that the property being considered for annexation has been submitted by Northpoint Development (applicant) on behalf of Peppercorn Plantation LTDP, Goforth Family Revocable Trust and Andrew H. Crawford (owners). There are five parcels being requested for annexation totaling 427.27 acres; and are located on Crawford Road, Odessa Drive and Jane Sowers Road. In the aggregate all five parcels are contiguous to the primary corporate limits of the City of Statesville;

therefore, the applicant requests voluntary annexation in order to utilize City utilities. The current tax value of the parcels is listed as \$5,334,710. The applicant estimates that the value of land plus horizontal site development improvements will be approximately \$200 Million. City of Statesville sewer and water 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.

- H. Consider approving a resolution directing the City Clerk to investigate a Petition of Annexation for AX22-01, receive the City Clerk's Certificate of Sufficiency, and consider approving a resolution setting the date of February 21, 2022 for a public hearing for the petition for annexation of PIN #4753-16-9517 and a portion of PIN #4753-27-6245; Case No. AX22-01 Williams Development Group LLC Property. (Ashley)**

Mayor Kutteh stated that the property being considered for annexation has 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. 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. The parcels are zoned HI - Heavy Industrial District. Both subject 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 in order to utilize City utilities. The current tax value of the two parcels is listed as \$1,125,540. The applicant estimates that the value of land plus horizontal site development improvements will be approximately \$8.7 Million. The property will be served by City of Statesville sewer, water, and electricity. The city will need to provide fire and police services as requested.

- I. Consider approving an engineering and design contract with Highfill Infrastructure Engineering for a waterline replacement project. (Vaughan)**

Mayor Kutteh stated that staff solicited proposals for civil engineering and design services 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.

- J. Consider approving the purchase of an automated leaf collection truck and approve Budget Amendment No. 2022-22. (Taylor)**

Mayor Kutteh said that this vehicle was approved in the current budget for \$195,000. Due to a recent increase in the purchase price, the cost is now \$226,577.00. Budget Amendment #2022-22 provides the additional funds needed to purchase the truck. If the truck would have fallen within the budgeted amount, no Council action would be needed.

- K. Receive an update regarding the Police Department expansion. (Smith)**

Ron Smith stated that he has engaged a firm to do a space needs study to determine if it is possible to expand at the current Police Department site versus building a new facility on city property at Amity Hill Road.

- L. Consider approving a Memorandum of Understanding for the settlement of a System Development Fee. (Added at Council Meeting)
- X Consider acceptance of Surface Transportation Block Grant Direct Attributable (STBG-DA) shortfall funds in the amount of \$242,000 and approve BA #2022-28 for the purpose of conducting a feasibility study to convert the Jane Sowers Road / I-77 overpass to an Interchange. (Ashley)

Council members moved this item to the Consent Agenda at the Pre-Agenda meeting.

- XII Consider approving a design services contract with IBI Group for Phases 1 & 2 of the City Warehouse / Operations Center project. (Harrell)

Mayor Kutteh stated that as directed by City Council and in accordance with State statutes, staff issued a request for Qualifications (RFQ) for Phases 1 & 2 design of the City Warehouse/Operations Center project. Phase 1 consists of land acquisition, demo/clearing of the fire training facility, installation of stormwater control measures and other prep work for subsequent phases of the project. Phase 2 includes construction of new facilities for Electric Utilities and Fleet Maintenance. Staff received and reviewed four responses and recommends awarding the contract to IBI Group of Raleigh, NC. September 20, 2021: Council directed staff to move forward with design and construction of Phase 1 and design of Phase 2. Council allocated \$1.7M from the Electric fund for this portion of the project.

IBI Group Proposal:

Phase 1 Design, Permitting & Bidding	\$136,160
Phase 1 Construction Admin Services	<u>\$ 19,800</u>
Total Phase 1 Services	\$155,960
Phase 2 Design & Permitting	\$739,604
Phase 2 Bidding & Construction Admin Services*	<u>\$261,053</u>
Total Phase 2 Services	\$1,000,657
Total IBI Proposal:	\$1,156,617

*Not to be utilized until Council authorizes construction of Phase 2.

The estimated construction cost for Phase 1 is \$600,000, which includes funds to repave and fence the existing employee parking lot adjacent to the warehouse complex. Staff recommends approving the design services contract with IBI Group for Phase 1 and Phase 2 of the Warehouse / Operations Center project.

Next Steps:

- a. If approved, staff will notify IBI Group to proceed with Phase 1 design.
- b. Upon completion of Phase 1 design, staff will proceed with bidding & construction of Phase 1.
- c. Upon completion of Phase 2 design, staff will provide Council with the construction cost estimate and request authorization to proceed with bidding and construction of Phase 2.

Council members moved this item to the Consent Agenda at the Pre-Agenda meeting.

XIII Consider reappointing two members to the Statesville Convention & Visitors Bureau. (Sutton)

Mayor Kutteh said that the Statesville Convention & Visitors Bureau Board consists of nine board members in three categories that are appointed by City Council. The board currently has two vacant seats. Michelle Hepler and Donald Hicks were appointed in August 2021 to fill the remaining term of two vacated seats. They have expressed interest in serving another term.

Council members agreed at the Pre-Agenda meeting that they wanted to reappoint these two members and moved this item to the Consent Agenda.

REGULAR AGENDA

VIII Council requested items of discussion - Fee in lieu waivers for sidewalk and curb & gutter (Staford/Lawton)

Staff will present a text amendment for this at a future meeting to no longer allow any waivers.

IX Consider approving second reading of an ordinance to demolish the dwelling as unfit for human occupancy located 522 Stockton Street. (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. Council conducted the public hearing and approved first reading on January 10, 2022 and directed staff to pursue enforcement of the minimum housing code with the new owner(s). A courtesy inspection letter to begin enforcement of the minimum housing code was mailed on January 12, 2022 and staff has attempted on several occasions to contact the owner with no response. Staff's recommendation is to postpone second reading of an ordinance to condemn and demolish the dwelling and any accessory buildings located at 522 Stockton Street until March 21, 2022 to see if staff receives a

response from the owner(s). The City Manager concurs with staff's recommendation, with the understanding that there will be an end to the postponements soon. If second reading is approved tonight, the engineering department will bid out the demolition of the dwelling.

Council member Staford asked if the owners would do some clean-up and maintenance before then. Ashley said she spoke to the owners about this, and they have said it was reasonable that they could do some clean-up of the vegetation, the trash and the debris before then.

Council member Lawton said she would like to establish a deadline that some progress must be made by.

Council member Staford made a motion to postpone 2nd reading until the March 21, 2022 Council meeting to see if any progress has been made, seconded by Council member Lawton. The motion carried unanimously.

- X Consider acceptance of Surface Transportation Block Grant Direct Attributable (STBG-DA) shortfall funds in the amount of \$242,000 and approve BA #2022-28 for the purpose of conducting a feasibility study to convert the Jane Sowers Road / I-77 overpass to an Interchange. (Ashley)**

Council members moved this item to the Consent Agenda.

- XI Consider approving changes to the residential, commercial, and industrial roadway sections in the City of Statesville Street Construction Specifications & Details Manual. (Taylor)**

Mark Taylor stated that Public Works staff has updated the City's Street Construction Specifications and Details Manual to require a more robust and structurally sound street design. Changes to the street design standards consist of increased minimum stone base and asphalt thicknesses for residential, commercial, and industrial streets, comparable to those of several neighboring jurisdictions. The proposed changes will result in streets that experience less damage from construction traffic during the build-out phases of developments, increasing the service life of the streets and reducing the cost to maintain these streets once they are added to the City's street maintenance system. There is no immediate impact to the budget, although staff anticipates lower street maintenance costs long term. If not approved the City will incur higher street maintenance and repair costs for roads added to the City's street maintenance system. Staff recommends approving the proposed roadway section. If approved, the City's Street Construction Specifications & Design Manual will be updated to reflect the new standards.

Council member Staford pointed out that if Council does not change this, taxpayers will end up paying to repair these streets eventually.

Council member Morgan said he has a hard time making a residential developer lay down 7" of asphalt. Why would we make them do more than is required by NCDOT? He would like for staff to bring this back with a differentiation between commercial, industrial, and residential streets because changing this adds a huge cost.

Council member Jones said that it's already been established that the base is the problem. He asked why the city must have the lowest required base and the highest asphalt thickness.

Council member Staford asked why the city would not just go with the NCDOT's standards.

Council member Jones made a motion to postpone this item to the March 7, 2022 Council meeting, seconded by Council member Morgan. The motion carried unanimously.

- XII Consider approving a design services contract with IBI Group for Phases 1 & 2 of the City Warehouse / Operations Center project. (Harrell)**

Council members moved this item to the Consent Agenda.

- XIII Consider reappointing two members to the Statesville Convention & Visitors Bureau. (Sutton)**

The Statesville Convention & Visitors Bureau Board consists of nine board members in three categories that are appointed by City Council. The board currently has two vacant seats. Michelle Hepler and Donald Hicks were appointed in August 2021 to fill the remaining term of two vacated seats. Both have expressed interest in serving another term.

Council members agreed they wanted to reappoint these two members and moved this item to the Consent Agenda.

- ADD Valley Curb Discussion**

Council member Staford said that NCDOT will not approve valley curb unless there is a guardrail between the sidewalk and the gutter.

Council member Staford made a motion to remove valley curb from the City's street standards, seconded by Council member J. Johnson. This will apply to any site plans submitted to the Technical Review Committee after March 16, 2022.

The vote on the motion was as follows:

Ayes: Staford, J. Johnson, Jones, Allison, Lawton, Foster, S. Johnson

Nays: Morgan

Motion carried: 7-1

- XIV City Manager's Report**

Ron Smith stated that there will be seven public hearings on the next Council meeting agenda and five more at the meeting following that one. He asked Council to consider holding the Pre-Agenda meeting the week before, maybe on Thursday evening. He asked Council to contact him as soon as possible and let him know.

- XV Boards and Commission Updates**

November 18, 2021 HPC Meeting minutes

December 16, 2021 HPC Meeting minutes

January 19, 2022 TRC Meeting minutes

- XVI Other Business - None**

- XVII Closed Session - None**

XVIII Adjournment

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

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk

**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE PRE-AGENDA MEETING – FEBRUARY 21, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.**

Council Present: Mayor Pro Tem William Morgan presiding, Jap Johnson, John Staford, David Jones, Amy Lawton, Steve Johnson, Doris Allison, Fred Foster

Council Absent: Mayor Kutteh

Staff Present: Ron Smith, Fugett, Messick via Zoom, Ferguson, Ashley, Nesbit, Pierce, Maclaga, Weatherman, Roberts, Kurfees, Davis, Gregory

I Call to Order

Mayor Pro Tem Morgan 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)

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.

Mayor Pro Tem Morgan reviewed the Consent Agenda.

A. Approval of minutes: January 10, 2022, Pre-Agenda and Regular Meeting minutes. (Fugett)

B. Consider adopting a Capital Project Fund ordinance for the Waterline Replacement Project. (Harrell/Roberts)

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

Council member Staford said that the NC School of Government recommends only using the same auditor for no more than four years in a row. This year makes six with Martin Starnes & Associates. He is fine with leaving this on the Consent Agenda for this year, but his vote will be "no" for this item as he feels that the City needs a fresh set of eyes doing the next audit. City Manager Ron Smith said the Finance Director may be able to shed more light on this, but in his opinion, he

would like to proceed with Martin Starnes this year and then put out an RFP next year.

Finance Director Brian Roberts said he would echo some of the same sentiments; however, considering the issues that one of our neighboring city's' to the south is having with an unproven auditor this year and with the demands needed right now, especially with the changes because of the ARPA compliance, he would like to stay with Martin Starnes this year and put out an RFP next year if Council chooses to do so. Considering that information, Council member Staford said he would withdraw his "no" vote on this item.

- D. Consider approving two agricultural leases on property located near the airport. (Ferguson)**
- 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)**
- F. Consider granting permission to the Statesville Police Department 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)**
- 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)**
- 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 #2022-31. (Griggs)**

Richard Griggs, Recreation & Parks Director said that 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. Council has previously accepted restricted donations and payments and allowed the funds to be placed into specific accounts. The City Manager and Staff recommend accepting the payment from CCL and the placement of the funds in the Administration Division account.

REGULAR AGENDA

- IX Receive a report from Darbah Skaf regarding HOME-ARP Funding through the Cabarrus/Iredell/Rowan HOME Consortium. (Pre-Agenda only)**

Darbah Skaf stated that the Consortium will be receiving \$500,000 in American Rescue Plan Funding for the prevention of homelessness in Iredell County. There is no match required for this grant. City Council must approve for the Consortium to accept the grant.

Upon hearing the report at the pre-agenda meeting, Council moved this item to the Consent Agenda.

Mayor Pro Tem Morgan said he would like to move Item XIII to next on the agenda.

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)

Sherry Ashley said she was asked what the maximum height was that is allowed in the R-8 MF district is. Typically, it is 35 ft.; however, staff will allow an applicant to go up to 50 ft. if they increase their side-yard setbacks by 1 ft. for every ft. over 35 ft. that they go. Ashley said she was also asked about the density. R-8 usually plays out to be about 9 units to the acre; however, it never ends up being that high because of infrastructure. The Land Development Plan proposes no more than 6 in this area. Another question she was asked was, if it is rezoned to straight R-5 MF will it come back before Council and the answer is yes, because the way Council left the requirements in the code is that it must come back to Council for Site Plan approval through the quasi-judicial process to get a by-right multi-family approved.

Council member Staford asked who did the initial illegal sub-division. Ashley said she does not know who did it by deed, but staff believes that it happened during a foreclosure or bankruptcy process.

In response to a question from Council member Staford as to what the specific conditions are on the current use, Ashley explained that the owner of the property does not want any conditions on the property because it limits their ability to do anything with it.

Sherry Ashley stated that 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. 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. 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.

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.

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.
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.

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:

<u>NORTH OF THE SITE:</u>	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
<u>EAST OF THE SITE:</u>	Iredell County RA (Residential Agricultural) District with both undeveloped floodplain and residential lots along Greenbriar Road with homes and various outbuildings
<u>SOUTH OF THE SITE:</u>	R-15 (Urban Fringe Low Density Residential) District, undeveloped lots
<u>WEST OF THE SITE:</u>	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. 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. 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. The Planning Board recommended approval of the request for rezoning by a 4-1 vote on January 25, 2022. 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. If approved, the second reading would be on March 7, 2022.

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 (NC Park 4077). (Ashley)

Sherry Ashley stated that 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. The parcels are currently wooded or agricultural use; the applicant proposes to develop the parcels for distribution use. 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. 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. This application is concurrent with Case No. ZC21-12 NC Park 4077 (Peppercorn). 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. The city will need to provide fire and police services as requested. 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. If approved, the second reading will be on March 7, 2022.

Ashley said that staff discovered this afternoon that there could be some slave gravesites on the Goforth sites. If the gravesites are identified, when they come in for site plan approval they will have to be protected and access to them provided.

Council member S. Johnson said that he had talked to NorthPointe Development, and they would like the annexation to be effective April 30, 2022. Ashley said that is in the Staff Report and Council can state it at the 2nd reading.

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)

Sherry Ashley stated that the 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. 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. 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. 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. 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. 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.

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.

At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation.

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

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)

Sherry Ashley stated that 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. 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. The parcels are zoned HI (Heavy Industrial) District. 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. 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. The city will need to provide fire and police services as requested. The City Manager and the Department recommends passing the first reading of the ordinance to annex the subject properties. If approved, the second reading will be on March 7, 2022.

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)

Ashley stated that the 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. 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. 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.

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. 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. 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

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

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)

Sherry Ashley said that 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.

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. 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; 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. 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.

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

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)

Sherry Ashley stated that the 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. 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. 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. 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. 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.

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).

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.

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

SOUTH OF THE SITE:

(Neighborhood Business) District, Iredell County Farm Bureau Insurance agency

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.

At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation. 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. 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. If approved, the second reading would be on March 7, 2022.

Mayor Pro Tem Morgan asked if this alleviated the city from having to bore under I-77. Ron Smith replied that he did not think so. This line is coming from the southeastern side of Highway 21 and up to the other side of the interstate and Highway 21. Scott Harrell said that Iredell County approached the city about extending city sewer up to Jennings Road Park. That extension would serve this site. The city may need to participate in oversizing the line to accommodate this and other development requests, but the design is not far enough along to answer that yet. Morgan said that means the heavy lifting will be done by the county then.

XVII Conduct a public hearing and consider approving an economic incentive for Sherwin Williams, f/k/a Project Artist. (Bossler)

Mayor Pro Tem Morgan said that Jenn Bossler and Chad Thomas with IEDC will be at the Council meeting for this item and Item XVIII.

XVIII Conduct a public hearing and consider approving an economic incentive for the Williams Development Group, f/k/a Project Barkley. (Thomas)

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)

Assistant Police Chief Ivarsson said that this clarifies the fee attached to the fine itself.

XIX City Manager's Report (Smith)

XX Boards and Commission Updates

January 12, 2022 – Airport Commission meeting minutes

February 2, 2022 – Technical Review Committee meeting minutes

February 9, 2022 – Airport Commission meeting minutes

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

Council member Jones made a motion to move to Closed Session in accordance with NCGS 143-318.11(a)(5), to discuss and instruct the staff concerning a property acquisition, seconded by Council member S. Johnson. The motion carried unanimously.

XVI Adjournment

Upon return from Closed Session Mayor Pro Tem Morgan stated that Council discussed the above listed Closed Session item, 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

**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE COUNCIL MEETING – FEBRUARY 21, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.**

Council Present: Mayor Pro Tem William Morgan presiding, Jap Johnson, John Staford, David Jones, Amy Lawton, Steve Johnson, Doris Allison, Fred Foster

Council Absent: Mayor Kutteh

Staff Present: Ron Smith, Fugett, Messick via Zoom, Ferguson, Ashley, Nesbit, Pierce, Maclaga, Weatherman, Roberts, Kurfees, Davis, Gregory

I Call to Order

Mayor Pro Tem Morgan called the meeting to order.

II Invocation

The City Clerk gave the invocation.

III Pledge of Allegiance

Mayor Pro Tem Morgan led the Pledge of Allegiance.

IV Adoption of the Agenda

Mayor Pro Tem Morgan advised that Item IX had been moved to the Consent Agenda at the Pre-Agenda meeting and Item XIII was moved to the first item on the Regular Agenda. He asked for a motion to adopt the amended agenda.

Council member J. Johnson made a motion to adopt the amended agenda, seconded by Council member Allison. The motion carried unanimously.

V Code of Ethics

VI Presentations & Recognitions

Presentation from the Mayor's Youth Advisory Council

Good evening Mayor and Council,

Thank you for allowing us to speak tonight. I am Malachi Daniels from Third Creek Middle School, and I am one of the participants of the Mayor's Youth Advisory Council. There are 10 members representing 5 middle schools that serve Statesville students. Not everyone was able to attend tonight, but present are: Ethan Totherow from American Renaissance Middle School, David Sierra from East Iredell Middle School, Promise Roselyn Lovelace from Oakwood Middle School, Peyton Adams and Malachi Daniels from Third Creek Middle School, and Aidan Clemons from West Iredell Middle School

Participants that could not attend tonight are:

Kalaya Parks - American Renaissance Middle School
Laila Rucker - East Iredell Middle School
Dante Hernandez - Oakwood Middle School

Julia Morrison - West Iredell Middle School

We are here tonight to give you some background on this council and an update on our activities.

Last summer, in response to the shooting death of eight-year-old Ah'Miyahh Howell, a community meeting was held at the Bentley Community Center to give Statesville youth a chance to talk about their concerns and what they believe needs to be done to help local youth. After that meeting, Mayor Kutteh and Third Creek Principal Marlene Scott discussed forming a youth advisory council to continue the conversation with local students. The principals from American Renaissance Middle School, East Iredell Middle School, Oakwood Middle School, Third Creek Middle School and West Iredell Middle School selected 2 students from their schools to participate. We began meeting with the Mayor last fall and spent the first two meetings talking about Statesville and what we like and don't like, and what issues we believe need to be addressed. Most of our discussions centered around recreational activities and having more things for youth to do. Recently, Recreation and Parks Director Richard Griggs joined us to share information about the facilities and programs offered by the city's recreation and parks department. This has been a very interesting discussion. We've learned the difference between public projects and private projects and what it takes to make something happen. We are beginning to understand that our requests for more movie theaters, entertainment centers, and activities for youth may be more difficult for us to impact. So, we've been focusing on the public projects we might can help with – improvements to our parks, more youth programming, and more diverse activities. We are continuing to meet and hope to come back to you in the future with a specific request to benefit the youth of our community. We look forward to sharing more information with you soon.

VII Public Comment

Karen Keaton, 529 W. Bingham, stated that her electric bill has increased over 56% over the last three months and was \$379 this month. She also needs help with the broadband in her area if the city has anything to do with that. She has made attempts in the past to find out what is going on and nothing has been solved.

Adid El-Amin, 2038 Ora Drive, thanked Council for their assistance and co-sponsorship with the Juneteenth Celebration this year. He explained what the celebration is about.

There being no other speakers, Mayor Pro Tem closed the Public Comment period.

VIII Consent Agenda

Mayor Pro Tem Morgan stated that all items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.

- A. Approval of minutes: January 10, 2022, Pre-Agenda and Regular Meeting minutes. (Fugett)**
- B. Consider adopting a Capital Project Fund ordinance for the Waterline Replacement Project. (Harrell/Roberts)**

- C. Consider approving an audit contract for fiscal year ending June 30, 2022 with Martin Starnes & Associates, CPA's, P.A. (Roberts)
- D. Consider approving two agricultural leases on property located near the airport. (Ferguson)
- 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)
- F. Consider granting permission to the Statesville Police Department 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)
- 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)
- 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 #2022-31. (Griggs)
- IX Receive a report from Darbah Skaf regarding HOME-ARP Funding through the Cabarrus/Iredell/Rowan HOME Consortium.

Mayor Pro Tem Morgan 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 Allison made a motion to approve the Consent Agenda, seconded by Council member Jones. The motion carried unanimously.

REGULAR AGENDA

- IX Receive a report from Darbah Skaf regarding HOME-ARP Funding through the Cabarrus/Iredell/Rowan HOME Consortium.
Council members moved this item to the Consent Agenda at the Pre-Agenda meeting.
- 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)
Sherry Ashley stated that 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.

Residential) District. This is a standard rezoning proposal, and not subject to conditions. 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. 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.

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.
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.
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.

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. 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. 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. The Planning Board recommended approval of the request for rezoning by a 4-1 vote on January 25, 2022. 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. If approved, the second reading would be on March 7, 2022.

Sherry Ashley said she was asked what the maximum height was that is allowed in the R-8 MF district is. Typically, it is 35 ft.; however, staff will allow an applicant to go up to 50 ft. if they increase their side-yard setbacks by 1 ft. for every ft. over 35 ft. that they go. Ashley said she was also asked about the density. R-8 usually plays out to be about 9 units to the acre; however, it never ends up being that high because of infrastructure. The Land Development Plan proposes no more than 6 in this area. Another question she was asked was, if it is rezoned to straight R-5 MF will it come back before Council and the answer is yes, because the way Council left the requirements in the code is that it must come back to Council for Site Plan approval through the quasi-judicial process to get a by-right multi-family approved.

Council member Staford asked who did the initial illegal sub-division. Ashley said she does not know who did it by deed, but staff believes that it happened during a foreclosure or bankruptcy process.

In response to a question from Council member Staford as to what the specific conditions are on the current use, Ashley explained that the owner of the property does not want any conditions on the property because it limits their ability to do anything with it.

Mayor Pro Tem declared the public hearing open.

Amy Speaks, 777 Randa Drive, spoke against the rezoning citing concerns about there being only one road in and one road out, stormwater, the impact on wildlife and their neighborhoods. She believes single-family homes should be built, not multi-family.

Brian Jones, 616 Randa Drive, asked why the conditions need to be removed if the land is not buildable. Sherry Ashley explained.

Bernard May 2628 Fines Creek Drive, said he is the owner of the property. He said there is approximately 10 acres off of Sharon Drive that is not in the flood plain. There are no specific plans for the property or a buyer. He believes it adds value to the property to remove the conditional use.

There being no other speakers, Mayor Pro Tem Morgan declared the public hearing closed.

Council member Stafford made a motion to approve 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, no Multi-Family, seconded by Council member Lawton.

Sherry Ashley said she believes this would be a more restrictive zoning. Council member Stafford asked Mr. May if he would be amenable to the R-8 no Multi-Family zoning. Mr. May agreed.

The vote on the motion was unanimous.

Council member Jones read the following Consistency Statement:

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.

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 (NC Park 4077). (Ashley)

Sherry Ashley stated that 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. The parcels are currently wooded or agricultural use; the applicant proposes to develop

the parcels for distribution use. 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. 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. This application is concurrent with Case No. ZC21-12 NC Park 4077 (Peppercorn). 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. The city will need to provide fire and police services as requested. 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. If approved, the second reading will be on March 7, 2022.

Ashley said that staff discovered this afternoon that there could be some slave gravesites on the Goforth sites. If the gravesites are identified, when they come in for site plan approval they will have to be protected and access to them provided.

Council member S. Johnson said that he had talked to NorthPointe Development, and they would like the annexation to be effective April 30, 2022. Ashley said that the applicant may want to push the 2nd reading to a later date to work with the closing date of April 30, 2022.

Mayor Pro Tem Morgan declared the public hearing open.

Mr. Michael Johnston, Project Development Manager, gave a brief history of the company and the project. He said he will do a full work up on the grave site issue and will release a report to the City once it is received.

Lewis Alexander, 116 County Line Road, said he wanted to make sure that this house and grave site does not become another statistic.

Mickee Vacca, 125 N. Elm Street, passed a photo around to Council members of the house. She wanted Council to know that the house is from the 1760's as well as about the grave sites.

Andrew Crawford said the floor is falling in, there are no windows in the house and there haven't been for 20 years. The house has had a story added on to it, it is not original and there have been additions added that are not historical.

There being no other speakers, Mayor Pro Tem declared the public hearing closed.

Council member S. Johnson made a motion to approve 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 (NC Park 4077), seconded by Council member J. Johnson. The motion carried unanimously.

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)

Sherry Ashley stated that the 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. 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. 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. 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. 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. 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.

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.

At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation.

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

Mayor Pro Tem Morgan declared the public hearing open. There being no speakers, he declared the public hearing closed and asked for a motion.

Council member Jones made a motion to approve ZC21-12, seconded by Council member Foster. The motion carried unanimously. Council member Jones read the following Consistency Statement:

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.

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)

Sherry Ashley stated that 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. 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. The parcels are zoned HI (Heavy Industrial) District. 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. 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. The city will need to provide fire and police services as requested. The City Manager and the Department recommends passing the first reading of the ordinance to annex the subject properties. If approved, the second reading will be on March 7, 2022.

Mayor Pro Tem Morgan declared the public hearing open. There being no speakers, he declared the public hearing closed and asked for a motion.

Council member S. Johnson made a motion to approve AX22-01, seconded by Council member Jones. The motion carried unanimously.

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)

Ashley stated that the 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. 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. 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.

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. 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. 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

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

Raj Snider, Developer, reviewed his company and the apartments they build.

Mayor Pro Tem Morgan declared the public hearing open. There being no speakers, he declared the public hearing closed and asked for a motion.

Council member Jones made a motion to approve ZC21-13 with the condition that they will have garages, seconded by Council member J. Johnson. The motion carried unanimously. Council member Jones read the following Consistency Statement:

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.

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)

Sherry Ashley said that 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.

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. 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; 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. 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.

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

Mayor Pro Tem Morgan declared the public hearing open.

Lydia Mayberry, 463 James Farm Road, stated she is concerned about speeding traffic becoming worse and children getting hit. She is also worried about traffic congestion.

Abby Patterson, 390 Turnersburg Highway, said that there are multiple streets coming in and out and wanted to know where they will be located. Sherry Ashley displayed a map showing the streets. Patterson said she is also concerned about foot traffic, people defecating behind her building and leaving needles behind it.

Kay Wright said she is concerned about speeding traffic and getting in and out as well. Traffic lights are needed.

There being no other speakers, Mayor Pro Tem declared the public hearing closed.

Council member Foster said that the Police Department and the Sheriff's office needs to be contacted to get a higher police presence in the area.

Council member Jones made a motion to approve ZC21-14 with garages, seconded by Council member J. Johnson. The motion carried unanimously. Council member Jones read the following Consistency Statement:

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.

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)

Sherry Ashley stated that the 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. 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. 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. 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. 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.

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).

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.

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.

At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation. 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. 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. If approved, the second reading would be on March 7, 2022.

Matt Prince, Developer, briefly described his company and what their plans are for this property. He said they chose this site specifically because of its proximity to I-77 and I-40. He advised that they would be doing a number of traffic enhancements to the interchange.

Mayor Pro Tem Morgan declared the public hearing open.

Wayne White, 504 Whites Farm Road, spoke against the rezoning.

There being no other speakers, Mayor Pro Tem Morgan declared the public hearing closed.

Council member S. Johnson made a motion to approve ZC21-15 seconded by Council member J. Johnson. The motion carried unanimously. Council member S. Johnson read the following Consistency Statement:

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.

XVII Conduct a public hearing and consider approving an economic incentive for Sherwin Williams, f/k/a Project Artist. (Bossler)

Jenn Bossler stated that Sherwin Williams is an existing employer in the City of Statesville with two facilities and a distribution center located near Highway 70. The company is experiencing an increasing demand for its products and considering options for additional manufacturing capacity and for establishing a state-of-the-art distribution facility with automation equipment and technology. The company will construct a rail spur to receive and distribute 600 rail cars annually by 2026, an upgrade in rail capacity with a rail spur is necessary and possibly the modification of public road access, along with adequate capacity for electrical, water and sewer increases due to the enhanced manufacturing and distribution. Sherwin Williams is looking at a 27,000 s.f. expansion at their current facility located at 188 Side Track Drive in Statesville on Highway 70 and will convert the facility to 100% manufacturing. The facility is currently 50% manufacturing and 50% warehouse/distribution. The project is also looking to lease 800,000 s.f. of new space in various locations across Iredell County, including two sites in Statesville – Larkin Commerce Center and 801 Turnersburg Highway (Robertson site for a state-of-the-art distribution/warehouse operations center). This project is also competitive with several locations in Kentucky including Louisville, Bowling Green and Richmond. The State of Kentucky provided the company an incentive last year, and the company has not moved on a decision to date. The incentive grant being considered is up to \$8,610,774, over a seven-year period, based on the company's investment of \$324,064,900 in the City of Statesville. The amount of the appropriation is based upon the ad valorem property tax revenue that the City of Statesville anticipates receiving from the company's new investment, as well as the anticipation that the company will stimulate the local economy, promote business, and create jobs.

Mayor Pro Tem Morgan declared the public hearing open. There being no speakers, he declared the public hearing closed and asked for a motion.

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

XVIII Conduct a public hearing and consider approving an economic incentive for the Williams Development Group, f/k/a Project Barkley. (Thomas)

Chad Thomas stated that the Williams Development Group (WDG) is a privately held multi-division real estate development company based in Winston-Salem, North Carolina. WDG has a proven track record of building quality industrial product in the NC Triad Region. WDG is planning to develop the Statesville Commerce Center, a speculative industrial project featuring two speculative buildings. The first building is a 263,500 s.f. speculative building near the intersection of Barkley Road and Salisbury Highway. The developer purchased the property in Q3 in 2021 and is currently working with the City to annex the remaining portion of the property not in the City limits. The Developer is requesting to relocate an existing pump station (current pump is 43 years old), a 12-inch waterline extension, and a sanitary sewer line, approximately 1,280 linear feet. The

Developer estimates the cost to be \$810,000 with \$400,000 constructing a new pump station. The incentive grant being considered is up to \$298,573, over a three-year period, based on the company's investment of \$22,710,000 in the City of Statesville. The amount of the appropriation is based upon the ad valorem property tax revenue that the City of Statesville anticipates receiving from the company's new investment, as well as the anticipation that the company will stimulate the local economy, promote business, and create jobs.

Mayor Pro Tem Morgan declared the public hearing open. There being no speakers, he declared the public hearing closed and asked for a motion.

Council member J. Johnson made a motion to approved, seconded by Council member Foster. The motion carried unanimously.

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)

Assistant Police Chief Ivarsson said that the City of Statesville issues parking citations for violations which occur across our community and especially in the downtown community. The following sentence would be included in the ordinance. 'The penalty of \$30.00 applies to all fines that have not been paid within fourteen days.' Ordinance #38-21 was approved by Council and went into effect on August 16, 2021. There is no additional cost to the City for this revision. It is clearly stated on our parking tickets and information we have provided.

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

XIX City Manager's Report (Smith)

City Manager Ron Smith thanked Council and said he hopes to have the Police Chief position filled by the time Chief Addison leave at the end of May.

XX Boards and Commission Updates

January 12, 2022 – Airport Commission meeting minutes

February 2, 2022 – Technical Review Committee meeting minutes

February 9, 2022 – Airport Commission meeting minutes

XVI Adjournment

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

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 22, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of an ordinance to annex properties located on US 21/Turnersburg Hwy and Houpe Road – Annexation Request AX21-10 for PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927 Robertson & Harmon Properties.

- 1. Summary of Information:** The property being considered for annexation has been submitted by NC Development Acquisition LLC (TPA Group, as applicant) on behalf of Viola G Robertson et al & Lowell E Harmon (owners). There are three parcels being requested for annexation totaling 185.8 acres; and are located on US 21/Turnersburg Hwy and Houpe Road. Parcel ownership is as follows: 1. 4747-70-2049 (Robertson); 2. 4746-67-6347 and 3. 4746-66-8927 (Harmon) (see *attached Location Map*).

The parcels are currently woodland or agricultural use; the applicant proposes to develop the parcels for light industrial development, including distribution and warehousing use (see *attached GIS Aerial Photo Map, Boundary Survey and Site Photos*). The parcels are currently zoned Iredell County RA (Residential Agricultural) and R-20 (Rural Residential) districts; however, an application is concurrently being processed to rezone all parcels as City of Statesville LI (Light Industrial) District contingent upon annexation (see *attached Current Zoning Map*).

None of the parcels are within the City's ETJ; and this is a non-contiguous annexation request. The applicant requests voluntary annexation in order to utilize City utilities.

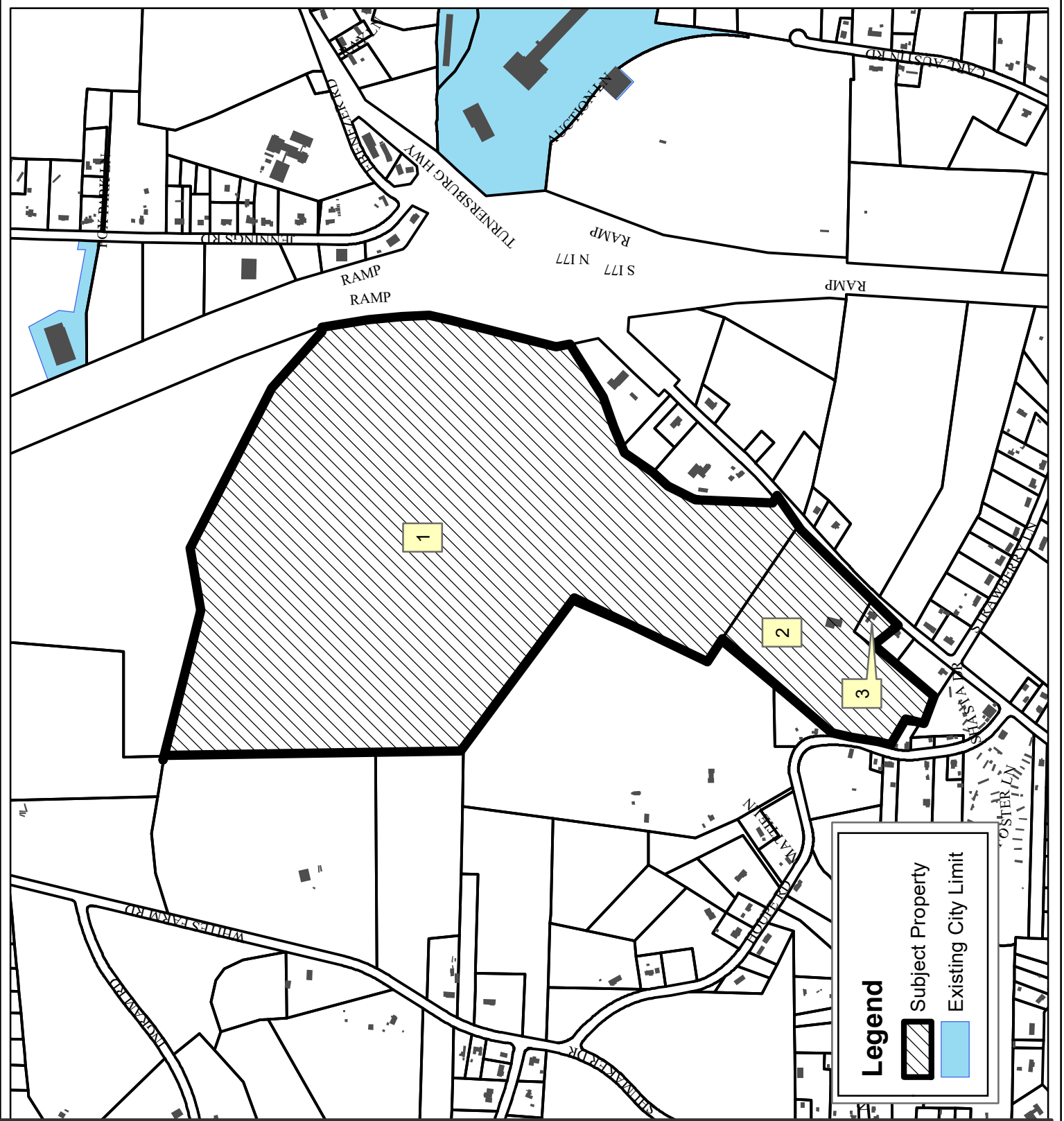
- 2. Previous Council or Relevant Actions:** This application is concurrent with recently approved Case No. ZC21-15 Statesville Logistics Park. The public hearing was held, and the first reading was approved on March 21, 2022. No one from the public spoke at the hearing.
- 3. Budget/Funding Implications:** The current tax value of the parcels is listed as \$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 could 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. (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 second reading of the ordinance to annex the subject properties located on US 21/Turnersburg Hwy and Houpe Road.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, plans can be submitted to TRC and the annexation becomes effective April 30, 2022.

Attachments:

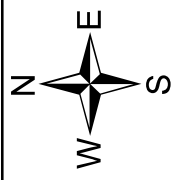
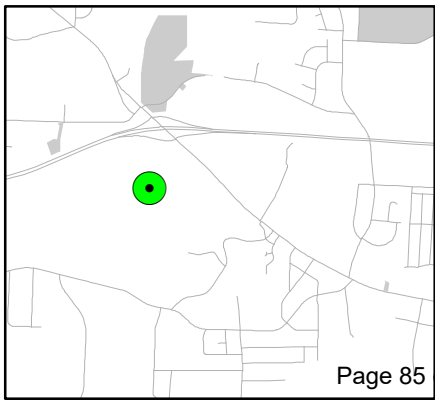
1. Location Map
2. Ordinance

*Other maps provided in previous packet



**City of Statesville
Planning Department**

Robertson & Harmon Properties
AX21-10
PIN # 4747-70-2049, 4746-67-6347
& 4746-66-8927



1 inch = 833.333333 feet



ORDINANCE NO. _____

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

**Robertson et al & Harmon Properties
Case No. AX21-10
PIN #'s 4747-70-2049, 4746-67-6347 & 4746-66-8927**

WHEREAS, the Statesville City Council has petitioned under G.S. 160A-58.1, 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 March 2022 after due notice by publication on the 11th day of March 2022; and

WHEREAS, the Statesville City Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point of the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City;
- c. The area described is so situated that the City will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

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-58.2, the following described noncontiguous territory is hereby annexed and made part of the City of Statesville, as of the 30th day of April 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:

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 and Houpe Road, Statesville, NC

Section 2. Upon and after April 30, 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-58.10.

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 unanimously carried on the 21st day of March 2022.

AYES:

NAYES:

The second and final reading of this ordinance was heard on the 4th day of April 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 30th day of April 2022 at 11:59 p.m.

City of Statesville

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 22, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of an ordinance to annex properties located on Northside Drive between Meachum Road and NC 115/Wilkesboro Hwy – Annexation Request AX22-04 for PIN # 4735-11-3473 (portion) Superior Properties of Iredell LTDP & Joyce Johnson Property.

1. **Summary of Information:** The property being considered for annexation has been submitted by Legacy Pointe Properties LLC (applicant) on behalf of Superior Properties of Iredell LLC & Joyce Johnson (owners). A 3.024-acre portion of a 5.011-acre parcel is requested for annexation; the parcel is located on Northside Drive between Meachum Road and NC 115/Wilkesboro Highway (see attached Location Map).

The parcel is undeveloped and is between the Northside Drive/I-40 corridor and the Martin Marietta Statesville quarry; the applicant proposes to develop the parcel as a Life Storage self-storage facility (see attached GIS Aerial Photo Map, Boundary Survey and Site Photos). The portion of the parcel subject to the annexation request is currently zoned B-4 (Highway Business) District; the portion of the parcel already within the City limit is zoned HI (Heavy Industrial) District; mini-warehouses are a permitted land use in both zoning districts (see attached Current Zoning Map).

The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation in order to utilize City utilities.

2. **Previous Council or Relevant Actions:** N/A. The public hearing was held and the first reading was approved on March 21, 2022. No one from the public spoke at the hearing.
3. **Budget/Funding Implications:** The current tax value of the parcels is listed as \$344,240. The applicant has estimated that the tax value of the land plus development for their proposed project would be approximately \$8.6 Million. City of Statesville water, sewer and electrical services are available (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 be able to collect property taxes.
5. **Department Recommendation:** The department recommends passing the second reading of the ordinance to annex the subject property located on Northside Drive.
6. **Manager Comments:** Concur with the department's recommendation.

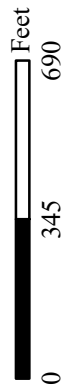
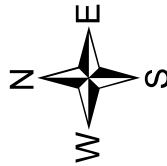
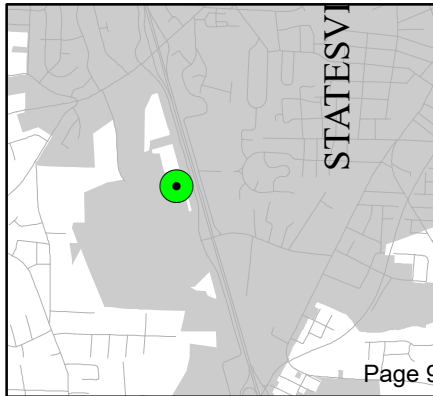
7. **Next Steps:** If approved, plans can be submitted to TRC and the annexation becomes effective April 30, 2022.

Attachments:

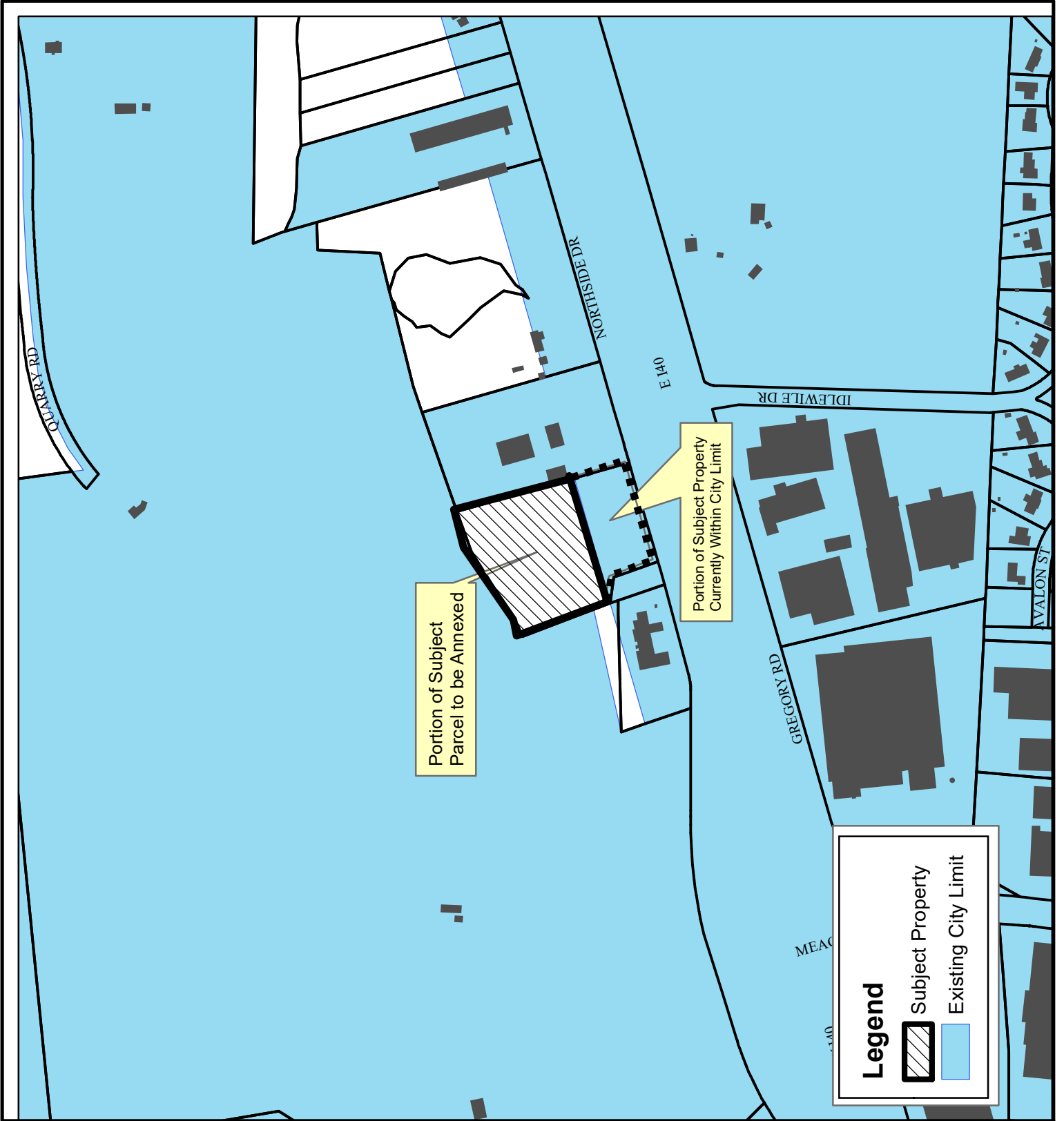
1. Location Map
 2. Ordinance
- *Other maps provided in previous packet

**City of Statesville
Planning Department**

Superior Properties of Iredell &
Joyce Johnson Property
AX22-04
PIN # 4735-11-3473 (portion)



1 inch = 416.666667 feet



ORDINANCE NO. _____

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

Superior Properties of Iredell LTDP & Joyce Johnson Property

AX22-04

PIN # 4735-11-3473 (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 March 2022 after due notice by publication on 11th day of March 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 April 30, 2022, at 11:59 p.m.

Description

ALL THAT CERTAIN tract or parcel of land situate in Statesville Township, Iredell County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NORTH CAROLINA GEODETIC SURVEY CONTROL MONUMENT "PAPER" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING:750,774.77', EASTING:1,430,096.03' AND FROM SAID MONUMENT RUN THE FOLLOWING THREE COURSES AND DISTANCES: 1)N 71°54'16" E, A GRID DISTANCE OF 1300.99' USING A COMBINED SCALE FACTOR OF:0.9998779513 TO AN EXISTING #4 REBAR ON THE NORTH SIDE OF NORTHSIDE DRIVE FRONTAGE ROAD; THENCE, 2) N 20°05'09" W, A DISTANCE OF 150.28' TO AN EXISTING #4 REBAR; THENCE, 3)N 83°12'12" W, A DISTANCE OF 81.59' TO THE TRUE POINT OF BEGINNING, AND FROM SAID BEGINNING POINT RUN; THENCE, N 17°39'00" W, A DISTANCE OF 255.51' TO AN EXISTING CITY OF STATESVILLE CONCRETE MONUMENT; THENCE, N 68°55'16" E, A DISTANCE OF 39.38' TO AN EXISTING CITY OF STATESVILLE CONCRETE MONUMENT; THENCE, N 55°57'34" E, A DISTANCE OF 265.03' TO AN EXISTING CITY OF STATESVILLE CONCRETE MONUMENT; THENCE, N 68°42'11" E, A DISTANCE OF 133.80' TO AN EXISTING #4 REBAR; THENCE, S 15°52'52" E, A DISTANCE OF 357.53' TO A COMPUTED POINT; THENCE, S 74°34'47" W, A DISTANCE OF 416.37' TO THE POINT AND PLACE OF BEGINNING. SAID ABOVE

DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 131,724.8 SQUARE FEET, 3.024 ACRES MORE OR LESS. BEING A PORTION OF PIN #4735113473 AS SHOWN ON THE TAX MAPS OF IREDELL COUNTY, NORTH CAROLINA.

Section 2. Upon and after April 30, 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 March 2022.

AYES:

NAYES:

The second and final reading of this ordinance was heard on the 4th day of April 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 30th day of April 2022 at 11:59 p.m.

City of Statesville

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 22, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of an ordinance to annex properties located on James Farm Road at Parcel Drive – Annexation Request AX22-05 for PIN # 4745-58-0682 Gulfstream West Investments, Inc. Property.

- 1. Summary of Information:** The property being considered for annexation has been submitted by Preston Contractors Inc. (applicant) on behalf of Gulfstream West Investments Inc. (owner). The 5.807-acre parcel is requested for annexation and is located on James Farm Road at Parcel Drive (see attached *Location Map*).

A portion of the parcel has been cleared and is being prepared for construction; the applicant proposes to develop the parcel as a contractor's office and project storage facility (see attached *GIS Aerial Photo Map, Boundary Survey and Site Photos*). The parcel is currently zoned LI (Light Industrial) District; contractor's offices, including yard maintenance and outside storage, are a permitted land use in this zoning district (see attached *Current Zoning Map*).

The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation in order to utilize City utilities.

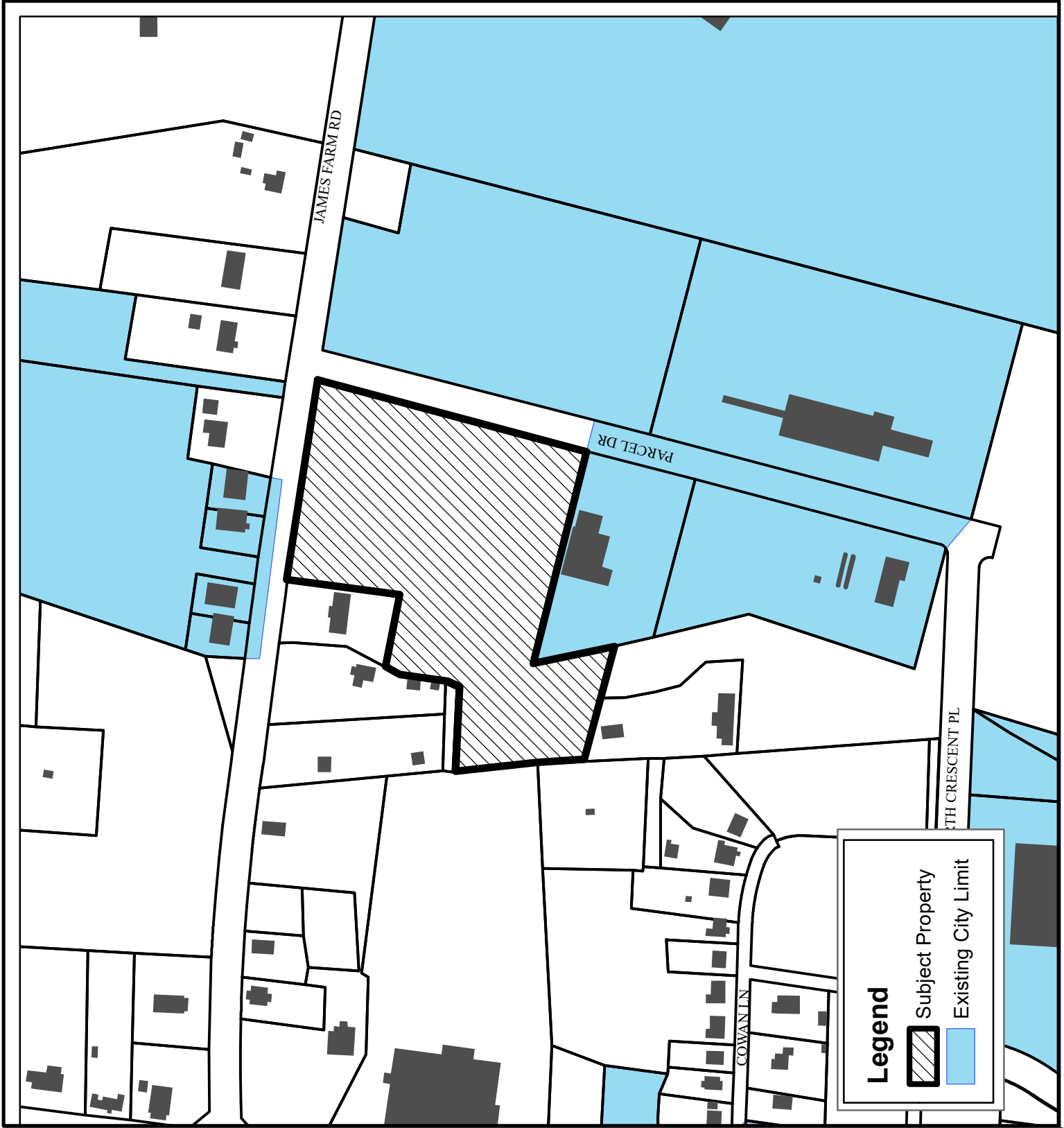
- 2. Previous Council or Relevant Actions:** N/A. The public hearing was held, and the first reading was approved on March 21, 2022. No one from the public spoke at the hearing.
- 3. Budget/Funding Implications:** The current tax value of the parcels is listed as \$137,050. The applicant has estimated that the tax value of the land plus development for their proposed project would be approximately \$503,500. City of Statesville sewer is available; Iredell Water Corporation would provide water service; and electrical services are customer choice between the City and Duke Energy (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 be able to collect property taxes.
- 5. Department Recommendation:** The department recommends passing the second reading of the ordinance to annex the subject property located on Parcel Drive.
- 6. Manager Comments:** Concur with the department's recommendation.

7. **Next Steps:** If approved, the annexation becomes effective on April 30, 2022.

Attachments:

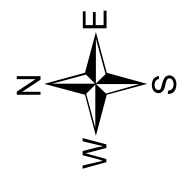
1. Location Map
2. Ordinance

*Other maps provided in previous packet.



**City of Statesville
Planning Department**

Gulfstream West
Investments, Inc. Property
AX22-05
PIN # 4745-58-0682



1 inch = 250 feet



ORDINANCE NO. _____

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

**Gulfstream West Investments Inc. Property
Case No. AX22-05
PIN # 4745-58-0682**

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 March 2022 after due notice by publication on 11th day of March 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 April 30, 2022, at 11:59 p.m.

Description

ALL THAT CERTAIN tract or parcel of land situate in Iredell County in the state of North Carolina. Said parcel being more particularly described as follows:

BEGINNING at an iron pin found the northeast corner of Lot 1 of the James Farm, Inc. subdivision, as recorded October 28, 2006, in Iredell County Registry (ICR) Plat Book 55, Page 87, at the southwest intersection of the right of way lines of James Farm Road, SR 2173, and Parcel Drive, SR 2239, thence running with western right of way line of Parcel Drive S 15-37-03 W 501.70 feet to a concrete monument found, the northeast corner of Richard M. Hinterman Revocable Living Trust as described in Deed Book 2400, Page 2451, ICR, and illustrated in Plat Book 37, Page 99, ICR; thence running with the northern line of Hinterman N 74-24-13 W 428.59 feet to an iron pin found, the northwest corner of Hinterman in the center of a City of Statesville sanitary sewer easement as described in Deed Book 674, Page 992, and Deed Book 683, Page 735, ICR; thence running with the center of the said sanitary sewer easement S 13-48-49 E 173.12 feet to an iron rebar found, the northeast corner of Free Nancy Partnership as described in Deed Book 1206, Page 1608, ICR; thence running with the northern line of Free Nancy Partnership N 74-08-08 W 221.89 feet to an iron rebar found, the northwest corner of Free Nancy Partnership in the eastern line of Iredell Water Corporation as described in Deed Book 495, page 367, ICR; thence running with the eastern line of Iredell Water Corporation and Iredell County as described in Deed Book 834, Page

194, ICR N 01-06-27 W 245.15 feet to an iron pin found, the southwest corner of Nathan R. Rankin as described in Deed Book 750, Page 61, ICR; thence running with the southern line of Rankin S 88-29-52 E 157.38 feet to an iron pin found, the southeast corner of Nathan R. Rankin as described in Deed Book 746, Page 173, ICR; thence running with eastern line of Rankin N 13-28-47 E 120.27 feet to an iron rebar found, a corner of Rankin; thence continuing with the eastern line of Rankin N 27-58-11 E 18.95 feet to an iron pin found, the southwest corner of NC PACE RE, LLC, as described in Deed Book 2763, Page 927, ICR; thence running with the southern line of NC PACE RE, LLC, S 81-27-38 E 130.30 feet to an iron pin found, the southeast corner of NC PACE RE, LLC; thence running with the eastern line of NC PACE RE, LLC, N 07-56-03 E 181.02 feet to an iron pin set in the southern right of way line of James Farm Road; thence running with the southern right of way line of James Farm Road S 81-03-54 E 381.25 feet to the point and place of BEGINNING, containing 252,941.50 square feet, or 5.807 acres, more or less and being the property of Gulfstream West Investments, Inc. as described in Deed Book 2728, Page 974, ICR.

Section 2. Upon and after April 30, 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 March 2022.

AYES:

NAYES:

The second and final reading of this ordinance was heard on the 4th day of April 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 30th day of April 2022 at 11:59 p.m.

City of Statesville

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Finance Director
DATE: March 23, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving sole source vendors for the City of Statesville for apparatus, supplies, materials, or equipment in accordance with NCGS 143-129 (e) (6).

1. Summary of Information: SOLE SOURCE PURCHASES G.S. 143-129 (e)(6)

Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract. On many occasions staff has situations where a purchase is required from only one possible vendor due to warranties, proprietary arrangements or vendor imposed related vendor performance. This creates a situation where the City can only deal with one vendor. This is allowed under the above state law. However, it is only allowed with Council approval. Instead of delaying the purchasing process each time the situation arises staff is asking that Council preapprove the known sole source situations to be in compliance with State law. Attached please find the revised list of sole source vendors. We need your approval to use these vendors as sole source vendors. Vendors removed from the list are shown with a strike through and added vendors are shown in red.

- 2. Previous Council or Relevant Actions:** The list was last updated and approved by Council at the December 6, 2021 Council meeting.
- 3. Budget/Funding Implications:** None
- 4. Consequences for Not Acting:** The city would be out of compliance with state law if a sole source vendor is used that has not been approved by City Council.
- 5. Department Recommendation:** Staff recommends the approval of the sole source vendor list.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** Once approved, the Purchasing Agent will distribute the updated list to staff.

Attachments:

1. Sole Source List
2. Sole Source Letters from New Vendors added to List in RED.

Vendor Name	Description of Item	Reason why sole source	Department
ADB Alnaco	airport lighting supplies	parts for in-pavement approach lights in the runway. Lights were made by ADB ALNACO and replacement parts can only be bought through ADB Alnaco.	Airport
Lektro, Inc	Electrical Parts for electric aircraft tug	Specialized equipment for the movement of aircraft. Lektro is the tug manufacturer.	Airport
Selex ES	replacement parts for landing system	Selex ES is the original equipment manufacturer for model 2100 instrument landing system and all of its respective spare parts	Airport
Eagle Tugs	Replacement parts for electric aircraft tug	We must use authorized parts for this particular electric aircraft tug otherwise warranty will be voided	Airport
Para-Port	Vinyl hangar doors and related systems	This is the manufacturer of the vinyl hangar doors on our largest hangars. We must keep standardization due to the overall door system	Airport
TOTER LLC	Garbage & Recycle Carts	parts are interchangeable between recycle and garbage carts; axles, wheels, wheel retainers, stop bars, and lid hinges. No other company makes parts that fit Toter Carts	Sanitation
Air-Clipping Specialist (ACS)	Plymovent vehicle exhaust extraction systems	exclusive dealer of Plymovent vehicle exhaust extraction systems for NC and SC.	Fire
C.W. Williams	Amkus rescue vehicles	C.W. Williams is responsible for this territory to provide sale and service for Amkus hydraulic rescue tools	Fire
Newton's Fire & Safety	MSA air packs (SCBA)	sole authorized distributor of MSA SCBA. Thermal imaging cameras, SCBA accessories & TIC accessories for Iredell County, NC	Fire
Federal Resources	Propane emergency response equipment (A & B Kit)	Only vendor that manufactures and sells this equipment	Fire
Emergency Apparatus	Rescue Stabilization Equipment	Only vendor that we can purchase Res-Q-Jack from.	Fire
Sonetix	Fire-Cam	Only manufacturer of wireless communications headsets used in our fire apparatus	Fire
PuAqua Products, Inc	Accu-Rab blue tablets	to avoid voiding warranty PuAqua is our sole source for accu-rab tablets	Parks and Rec
Sheehy/Border-States	Iron meters/Distributor/Various	see letter. This company is the only one licensed to sell these meters in NC and SC. Approximately 366 individual companies and their subsidiaries	Electric
Aitec	repairs/modifications	repairs/modifications to Aitec Bucket and Line trucks under warranty should be made by Aitec to preserve the warranty	Electric
Charlotte Crane	75 ton rated capacity crane/Make & Model Grov-TMS 875C	This is the only local crane that has the capacity to lift and reach the heavy equipment we need moved.	Electric
RW Chapman Company	Manufacturer Representative/Various	See Letter. Approximately 26 individual companies and their subsidiaries	Electric
NTS (National Transformer Sales)	Manufacturer Representative/Various	See letter. Approximately 23 individual companies and their subsidiaries	Electric
Anixter	Distributor/Various	See letter and Line Card. Approximately 70 individual companies and their subsidiaries	Electric
Wesco	Distributor/Various	See letter. Approximately 241 individual companies and their subsidiaries	Electric
Atlantic Power Sales, LLC	Distributor/Various	See letter. Approximately 10 individual companies and their subsidiaries	Electric
Mimmax Technologies	Substation Asset Management System	See letter. Proprietary Software	Electric
Miscoft	IVR system (PORCHE)	See letter. Proprietary Software	Electric
Power Tech, LLC	Manufacturer Representative/Various	See Letter. Approximately 28 individual companies and their subsidiaries	Electric
Wilson Bohannon	Custom Brass padlocks	This company produces brass locks matched to our key	Electric
Utility Service Agency (USA)	Manufacturer Representative/Various	See Letter. Approximately 24 individual companies	Electric
Lekson & Associates	Manufacturer Representative/Various	See Letter. Approximately 31 individual companies	Electric
Siemens	Instrumentation products in North and South Carolina	Beck Sales & Engineering Co is the representative for Siemens process instrumentation product in NC and SC	Electric
Ditch Witch	Directional Boring Machine	See letter. This company provides proprietary parts and service to the generator transfer switch at the Warehouse Complex.	Electric
Asco	Generator Transfer Switch at Warehouse Complex	See letter. This company provides all the electric meters that we will use on the AMI system. Purchasing from them so that they will come with the radios installed will save the City money and will also help with lead times.	Electric
Sensus	Sensus & Honeywell Electric meters		
Consolidated Pipe	Master Meter	Consolidated Pipe is the only authorized distributor of Master Meter products in NC, SC, and Georgia	Water/Sewer
Rodgers & Jets Supply Co	parts for sewer camera & accessories	see letter. Sole factory authorized distributor & supplier of Arnes equipment in NC & SC.	Water/Sewer
Rodgers & Jets Supply Co	Vacall truck-sell equipment on truck	see letter. Sole source provider of the Vacall product lines in NC & SC.	Water/Sewer
Dukes Root Control	Jet-Power II is a unique grease-neutralizing product that works in combination with high-pressure sewer cleaners.	this is one of the top performing degreasers for our sewer lines	Water/Sewer
Fortrip	Kamstrup meters	see letter. Sole source provider of Kamstrup meters in NC	Water/Sewer
PHM-50 (new tack product)		new tack product for new patch truck- requires no heating & doesn't clog lines. Made by Professional Coating Tech and sole source vendor is Public Works Equipment & Supply	Street
Public Works Equipment & Supply			
NITV Co	is the sole source for CVSA and its training programs	CVSA computer voice (street analyzer) no other distributors in the US.	Police
Laser Int. Technology	sole manufacturer & distributor	Tu-Pulse 200X. Tu-speed SXB. Tu-Angle, and Tu-point products	Police
Axon	Taser Conducted Electrical Weapons	see letter. Goods and services required to satisfy the agency's needs are only manufactured and available for purchase from Axon	Police
Idexx Laboratories	Bacteriological Testing Supplies	Sole US Manufacturer and Supplier of Colliert® Reagent, Quanti-Tray, Idexx Vessels and Comparators	Water Resources
Perkison Company	Auma Actuators	Perkison Company is NC Manufacturer Rep. for Auma.	Water Resources
Orvivo	EIMCO-Vacs for Sludge Removal	Manufacturer and Sales of Trac-Vac system Parts can only be purchased through Orvivo.	Water Resources
Jack Moore & Associates	Ross Valve	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources
Heyward Inc	Blue-White Chemical Pumps	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources
Heyward Inc	Evoqua-Envirex-Travel Screens and Sludge Collection Scraper	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources
Alfa Laval Ashbrook Simon-Hartley	Sludge Belt Press	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources & 3rd and 4th Creek
Parkson	Barscreen system	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Pentair	Fairbanks Morse	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Cleanwater	Telehyne Isco. Lighnin hydromatic. Them	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Andritz	barscreen replacement/ rebuild parts	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Tencava	ITT Gould Pumps	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Heyward Inc	Seepex, Evoqua, Hack	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
K.L. Shiane	Swaby Lobeline Pumps	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Xylem	Flygt Pumps	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Orvivo	Wilo Mixers, EWT Clarifiers	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
Envirodyne	Motors/Pumps for OEM Grit Equipment	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources Lab
ERA	PT and QC Test Supplies	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources Lab
Getinge	Autoclave	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources Lab
Perkin Elmer	Atomic Absorption Analyzer	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources Lab
Evoqua	Deionized Water System *Lab deals directly w/Evoqua	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources Lab
Pace Analytical	EPA Required UCMR 4 Sampling & Analysis	See letter. Pace is the only commercial environmental laboratory located in FL & the Southeastern US approved by EPA...	Water Resources Lab
Rexel	Allen Bradley controllers and electrical components	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek
VALVE & PUMP SPECIALTIES	Hellan Strainer Company	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources
Interstate Utility Sales, Inc	Ebara Pumps	Sole authorized provider of new and replacement pumps as well as repair parts for N.C and S.C.	Water Resources 3rd & 4th Creek
EW2 Environmental, Inc.	water technology parts for both water treatment & wastewater	sole source rep for Milton Roy Americas	Water Resources 3rd & 4th Creek
Carolina Seals Inc	Flow- Serve Pumps Seals Lookout	Authorized NC Manufacturer Rep. for Sales, Parts, and Service	Water Resources 3rd & 4th Creek



March 11, 2022

John M. Ferguson, A.A.E., NCAP
Airport Director
Statesville Regional Airport
238 Airport Road
Statesville, NC 28677

To whom it may concern,

Para-Port® is the inventor, designer, engineer, and manufacturer of the components of the Para-Port® door systems. As such, any components purchased as replacement parts must be purchased from Para-Port® Doors LLC to ensure the wind load certification of the door system. Para-Port® Doors LLC is the sole provider of custom manufactured components of the Para-Port® door systems.

Para-Port® Doors LLC prides itself in offering an ASCE wind rated product of higher quality than other door systems deployed on airport grounds while being very competitive in the market for both the new door system and the replacement components.

If there are any questions at all, please do not hesitate to contact me personally.

Best regards,

Christopher M Eastman

President
Para-Port® Doors LLC

March 9, 2022

City of Statesville, NC

To Whom It May Concern:

Sensus, a Xylem brand is the sole manufacturer and provider of Sensus' products including Electric Meters, Meter Reading Systems, Testing Equipment, Software, System Support Programs and Repair Parts.

Thank you for your business, and we look forward to continuing to provide you with quality products and superior customer service.

Please feel free to contact me regarding this or any other matter.

Sincerely,

Trena Simmons

Trena Simmons
trena.simmons@xylem.com
Sensus, a Xylem Brand
Partner Success Specialist, Sales Enablement

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: William Vaughan, PE, Public Utilities Director
DATE: March 23, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider adopting a resolution authoring staff to apply for a grant from the NC Division of Water Infrastructure to conduct an Inflow and Infiltration analysis of the City's sewage collection system.

- 1. Summary of Information:** The NC Division of Water Infrastructure administers a grant and loan program to assist municipalities with several types of water and sewer infrastructure projects. One such grant is the Asset Inventory and Assessment (AIA) grant, the purpose of which is to help communities assess the condition of their existing infrastructure and to identify and prioritize maintenance and replacement projects.

As part of a multi-pronged effort to maximize and extend the treatment capacity of the Fourth Creek Wastewater Treatment Plant, staff proposes to apply for an AIA grant to conduct an Inflow and Infiltration (I&I) assessment of the City's sewage collection system. The objective is to identify and prioritize maintenance projects to reduce the volume of stormwater runoff (inflow) and groundwater (infiltration) entering the sewage collection system. I&I increases the flow received at the wastewater plant, which in turn increases treatment costs and, in large rainfall events, potentially overloading the plant and resulting in costly permit violations. Reducing I&I also preserves plant capacity for additional development in the Fourth Creek basin.

The grant application deadline is May 2, 2022 and requires the enclosed Resolution as part of the application package.

Additional staff efforts to manage and extend treatment capacity at Fourth Creek include: (1) applying to NC DEQ for a reduction in the flow allocation required for new development, and (2) including an equalization basin in the capital improvement plan for Fourth Creek. The equalization basin will provide temporary storage during high inflow events, enabling the plant to treat the inflow at a manageable rate.

- 2. Previous Council or Relevant Actions:** N/A
- 3. Budget/Funding Implications:** The maximum value of the grant is \$150,000. A 10% match and 1.5% grant fee are required, for a total cost to the City of \$17,250.
- 4. Consequences for Not Acting:** Continuing operational requirements and recent permit excursions at the 4th Creek WWTP necessitate an I&I study. Failure to garner grant funds will necessitate City programmatic funds utilization.
- 5. Department Recommendation:** Adopt the enclosed resolution to facilitate the grant application process.

6. Manager Comments: Recommend for approval.

7. Next Steps: If approved, staff will prepare application package. Upon receipt of grant, staff will initiate engineering consultant procurement process.

Attachments:

1. Resolution of Support

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE REQUEST OF STATE GRANT ASSISTANCE

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, other “green” project, drinking water treatment works, and/or drinking water distribution system), and

WHEREAS, the City of Statesville has need for and intends to conduct a study of Inflow and Infiltration into its sewerage system, and

WHEREAS, the City of Statesville intends to request State grant assistance for the project,

NOW, THEREFORE, BE IT RESOLVED, that the City of Statesville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That Ron Smith, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the study of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 4th day of April, 2021 in Statesville, North Carolina.

CITY OF STATESVILLE

S - E - A - L

By: _____

Mayor

ATTEST:

City Clerk

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Statesville, North Carolina, does hereby certify:

That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of Statesville, North Carolina duly held on the 4th day of April, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 4th day of April, 2022.

S-E-A-L

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Jenn Bosser, Iredell County EDC
DATE: March 22, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving an economic incentive for speculative industrial development NC Park 40/77.

- 1. Summary of Information:** Northpoint Development Group has assembled 400 acres at the northeast quadrant of Interstate 77 and Interstate 40, off Crawford Road. The developer has plans to build industrial development, named NC Park 40/77, representing an investment of up to \$215,000,000 and up to 3.2 million square feet by December 31, 2029. The project is requesting an economic development incentive to make enhanced investments to public infrastructure to the site. The estimated public infrastructure cost is \$9,300,000 million.
- 2. Previous Council or Relevant Actions:**
- 3. Budget/Funding Implications:**
Incentive Request:
 - 80% based on \$215,000,000 investment
 - Up to \$4,700,000 (\$940,000 over 5 years)
- 4. Consequences for Not Acting:**
- 5. Department Recommendation:**
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:**

Attachments: N/A

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Jenn Bosser, Iredell County EDC
DATE: March 18, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving an economic incentive for Project Rider.

1. **Summary of Information:** Project Rider is an existing employer in Iredell County that is looking to expand its facility. In order for the company to request payment of the incentive the company will need to make a request to annex into the City of Statesville. The project plans to make a capital investment of \$3,000,000 by December 31, 2022 and the creation of a minimum of 15 jobs, up to 40 jobs, with average wages of \$35,633.
2. **Previous Council or Relevant Actions:**
3. **Budget/Funding Implications:**
Incentive Request:
 - 80% based on \$3,000,000 investment.
 - Total Incentive Grant - \$58,201 (\$11,640 over 5 years)
4. **Consequences for Not Acting:**
5. **Department Recommendation:**
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:**

Attachments: N/A

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Chad Thomas, Iredell County EDC
DATE: March 22, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving an economic incentive for speculative industrial development known as Statesville Logistics Center.

- 1. Summary of Information:** NC Development Acquisition, LLC, an affiliate of the TPA-Group, has assembled 185 acres at the northwest intersection (Exit 54) of Interstate 77 and US Highway 21/Turnersburg Highway. The developer plans to build industrial development, named Statesville Logistics Center, representing a \$75,000,000 investment and 1,000,000 to 1,400,000 million square feet by December 31, 2027. The project is requesting an economic development incentive to provide public infrastructure to the site. The estimated public infrastructure costs are between \$3,000,000 to \$5,000,000.
- 2. Previous Council or Relevant Actions:**
- 3. Budget/Funding Implications:**
Incentive Request:
 - 80% based on \$75,000,000 investment
 - Up to \$986,040 (\$328,680 over 3 years)
- 4. Consequences for Not Acting:**
- 5. Department Recommendation:** Recommend for approval.
- 6. Manager Comments:**
- 7. Next Steps:**

Attachments: N/A

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Matthew L. Pierce, Assistant to the City Manager
DATE: March 24, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a contract with JRN Development, LLC to sell three (3) parcels for the purpose of building three (3) Single Family Detached dwellings to be sold as affordable housing, and approve Budget Amendment No. 2022-32.

1. Summary of Information: JRN Development, LLC (hereafter, "JRN") approached the City about purchasing several parcels in order to build affordable housing within the City of Statesville. Staff recommended a pilot partnership with JRN to build three Single Family Detached dwellings /homes to be sold to households making 80% or below of Iredell County's Area Median Income (AMI). North Carolina law allows the sale of municipal property without a competitive bidding process when sold for the purposes of building affordable housing.

JRN has agreed to pay \$3,000 for each of the three parcels described herein; the City of Statesville has agreed to pay for the cost of water/sewer tap and system development fees (\$7,207 per parcel, thus up to \$21,621).

The parcels in question are:

- a. Parcel Number 1: .17 acres located along Harris Street; Tax Parcel Identification Number 4744-40-0230; and more particularly described in Book 663, Page 259 of the Iredell County Register of Deeds.
- b. Parcel Number 2: .17 acres located along Harris Street; Tax Parcel Identification Number 4744-40-0135; and more particularly described in Book 663, Page 259 of the Iredell County Register of Deeds.
- c. Parcel Number 3: .26 acres located at 1111 Old Charlotte, Road; Tax Parcel Identification Number 4734-90-9361; and more particularly described in Book 1860, Page 2476 of the Iredell County Register of Deeds.

2. Previous Council or Relevant Actions: Approval in closed session on February 7, 2022 to prepare contracts with JRN for the sale of properties.

3. Budget/Funding Implications: JRN has agreed to pay \$3,000 for each of the five parcels described herein; the City of Statesville has agreed to pay for the cost of water/sewer tap and system development fees (\$7,207 per parcel, thus \$21,621).

4. Consequences for Not Acting: Parcels will remain within the City's portfolio, thus not yielding any taxes. Three (03) fewer homes within the community that will be available to households of moderate or low income.

5. **Department Recommendation:** Approve the contract with JRN Development, LLC for a) the purchase of the above named parcels for \$3,000 per parcel b) for the purposes of developing affordable housing units and c) approve the “waiving” of tap and system development fees for water and sewer (\$7,207 per parcel, thus up to \$21,621).
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Budget amendment and signing of contract.

Attachments:

1. JRN contract
2. Property cards for above named parcels
3. Budget Amendment No. 2022-32

DEVELOPMENT AGREEMENT

This Development Agreement (the “Agreement”), entered into this the ____ day of April, 2022, by and between the City of Statesville, a North Carolina municipal corporation having a mailing address of 301 South Center Street, Statesville, North Carolina (the “City”) and JRN Development, LLC a North Carolina limited liability company having a mailing address of 7224 Statesville Road, Suite A, Charlotte, N.C. 28269 (the “Developer”).

WITNESSETH:

WHEREAS, the City recognizes the need for affordable housing and desires to provide such housing in accordance with N.C.Gen.Stat. § 160D-1316; and

WHEREAS, the City owns three (3) parcels in the City of Statesville, with two parcels on Harris Street and one parcel with Old Charlotte Highway, and are more particularly described in Exhibit A attached and fully incorporated herein (the “Property”); and

WHEREAS, the City desires to partner with Developer to construct affordable single-family homes on the Property (the “Project”); and

WHEREAS, the City and Developer intend for the Property to be conveyed to Developer in furtherance of the Project; and

WHEREAS, the consideration to be paid by Developer to the City for the Property to be conveyed to the Developer has been found to be reasonable based on the affordability restrictions placed on the homes; and

WHEREAS, the Project will serve a public purpose by providing necessary affordable housing for low to moderate income persons; and

WHEREAS, it is the desire of the City and Developer that the Project be carried out in coordinated and efficient manner; and

NOW, THEREFORE, in consideration of the foregoing premises, this Agreement and undertakings hereinafter set forth, the City and Developer hereby agree as follows:

Article I. City’s Obligation’s

1. The City and Developer shall enter into a Purchase Agreement for the sale of the Property. Pursuant to N.C.Gen.Stat. § 160D-1316, the City agrees to sell and convey fee simple title to the Property at a price of \$3,000.00 per parcel, subject to certain covenants and restrictions, to the Developer in consideration of Developer constructing and selling three (3) single family residences in accordance with the terms of this Agreement.

2. The City shall provide water, sewer, and electric utility extensions and connections to each parcel at its expense. The cost of utility connection shall not be passed on by the developer to the future owner of the property. The City shall not be responsible for any other utility extensions or connections.

Article II. Developer's Obligations. The Developer's obligations shall survive closing and consist of the following:

1. Developer shall design, construct and sell three (3) single family detached homes as described herein.
2. Developer shall begin construction of one single family home per parcel for a total of three (3) single family residences on the Property according to the following timeline:
 - a. Within 30 days of acquiring title to the property, Developer shall submit floorplans, including exterior elevations and other items listed in the Agreement for City approval.
 - b. Within 30 days of receipt of the City's approval of the floorplans, Developer shall apply for a Building Permit.
 - c. Within 30 days of receipt of the Building Permit, Developer shall begin construction of the home.
3. Developers anticipated and general timeline for development and construction completion of the Project is twelve (12) months from the recordation of the deed conveying the Property. If performance of the Project is delayed at any time by an act or neglect of the City, or by changes in the Project, or by abnormal weather conditions, unusual delay in deliveries, unavoidable casualties, or other causes beyond the control of the Developer, then the time for completion of the Project may be extended for such time as may be reasonable.
4. In the event that the Developer fails to timely commence construction of the homes or complete construction of the Project, subject to force majeure and any agreed upon Project extensions, then the Property and any improvements shall revert to the City. The right of reversion will be set forth in the deed of conveyance from City to Developer or similar instrument of record, to run with the land until the conditions that would trigger the same are satisfied. If Developer has not commenced construction of the Phase I Improvements within six (6) months after the date of this Agreement, Developer shall provide evidence satisfactory to the City in its sole discretion, that Developer has sufficient financial ability, including loan commitments, to go forward with the construction of the Phase I Improvements. If Developer fails to do so, at the option of the City, the Purchase Agreement and all rights under this Development Agreement shall be

terminated, and the Property with all rights thereto will revert to the full control of the City. Thereafter the City and Developer shall have no further obligation from one to the other pursuant to the terms of this Agreement.

5. Developer shall sell all homes to households earning less than eighty (80) percent of the area median income as defined by the US Department of Housing and Urban Development. Sale prices may be based on appraised values but must be affordable to households meeting the income restriction with third party down payment assistance. Developer agrees to use a third party to verify incomes of homebuyers. Developer shall allow the City and its agents reasonable access to audit records and ensure compliance with deed restrictions.
6. Developer shall sell homes in the price range of \$150,000.00 to \$160,000.00. Homes shall be 3 bedrooms, 2 bath with a size of at least 1,100 square feet.
7. Developer shall manage all home sales utilizing financial institutions, community housing, and realtor partners.
8. Developer shall manage all marketing of the homes, although joint efforts with the City are open for discussion.
9. Developer to retain all revenues from site development and home sales within the Property.
10. The Developer shall present final plans along with the cost estimate for said improvements to the City and receive input from the City prior to beginning construction. Developer shall work with the City to ensure the Project plans are in conformity with all developmental standards and ordinances prior to the issuance of building permits for the Project. Developer shall provide exterior designs and floor plans for review and approval by City prior to commencing construction.
11. Developer shall provide evidence reasonably satisfactory to the City that the Property and the intended uses of the Property are or will be at all appropriate times in compliance with all applicable laws, regulations, and ordinances. The laws, regulations, and ordinances with which the Property must comply include, without limitation, the following: health and environmental protection laws, erosion control ordinances, storm drainage control laws, business and licensing laws, zoning laws (the evidence submitted as to zoning should include the zoning designation and zoning requirements as to parking, lot size, ingress, egress and building setbacks).
12. The Restrictions attached hereto as Exhibit B will be duly recorded in the office of the Register of Deeds of Iredell County upon transfer of title to the properties.

13. Developer shall provide documentation that all funds necessary to complete the Project have been received by Developer or an approved disbursing agent or Developer has receiving binding commitments from such funding sources.
14. In the event Developer defaults on any Project loan and the bank or other financial institution acquires the Property and any improvements through foreclosure, the bank's disposition of the Property and improvements is subject to the Restrictions in Exhibit B. Said restrictions shall not be waived without the City's express written consent.
15. Throughout the duration of construction, and for so long as homes remain unsold, Developer shall maintain, at its expense, the following types of insurance:
 - a. Broad form comprehensive general public liability insurance, which shall include coverage for personal liability, contractual liability, Developer's legal liability, bodily injury (including death) and property damage all on an occurrence basis in an amount not less than one million dollars (\$1,000,000.00) per occurrence and three million dollars (\$3,000,000.00) in the aggregate; and
 - b. Automobile Liability: \$1,000,000.00 including hired and non-owned auto liability; and
 - c. All-risk, fire and extended coverage insurance on Developer's property in the Property covering the full replacement cost of all such property, insured against loss or damage caused by: (1) fire, windstorm and other hazards and perils generally included under extended coverage and (2) vandalism and malicious mischief; and
 - d. Worker's compensation insurance as required by law; and
 - e. Prior to the commencement of and during the construction activity, builders' risk insurance in accordance with the requirements of this subsection.
16. Developer shall not exclude, on the basis of race, color, religion, sex, national origin or handicap, any person from purchasing any of the home in the Project.
17. Developer shall abstain from and will not permit the commission of waste in or about the Project and shall maintain the Project, or cause the Project to be maintained, in good condition and repair, reasonable wear and tear, casualty and acts of God, expected.

Article III. Assignment

1. This Assignment shall extend to and be binding upon the parties hereto and their respective successors and assigns; provided, however, that this Agreement nor any rights,

interests, or obligations under this Agreement shall not be assigned by the Developer without the prior written consent of the City.

Article IV. Miscellaneous

1. E-Verify. Developer shall (i) comply with the E-Verify requirements set forth in Article 2 of Chapter 64 of the North Carolina General Statutes (the “E-Verify Requirements”), and (ii) cause its Contractor and any subcontractor performing work on the Project to comply with such E-Verify Requirements. Borrower will indemnify and save harmless the City from all losses, damages, costs and expenses (including reasonable attorneys’ fees), obligations, duties, fines, penalties, interest charges and other liabilities (including settlement amounts) incurred on account of any failure by Developer, its Contractor or any subcontractor performing work on the Project to comply with the E-Verify Requirements.
2. Confidentiality. It is further agreed that there could be information provided by the Developer pursuant to this Agreement, which may contain Developer trade secrets. When information provided by Developer to the City pursuant to this Agreement is marked as “confidential” or as a “trade secret” as defined by N.C.Gen.Stat. § 66-152(3), then such information will be maintained in confidence by City, unless its release is consented to in writing by Developer, or unless such release is required to be disclosed by the City pursuant to a court order, subpoena, governmental or regulatory agency or law (provided the City will provide Developer written notice of such requirement).
3. Notices. All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed given or served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, registered or certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, or (iii) sent by email transmission with evidence of successful transmission retained, properly addressed as follows:
 - a. If to the City: The City of Statesville
 P.O. Box 1111
 Statesville, N.C. 28687
 Attn: Ron Smith, City Manager
 Email: rsmith@statesvillenc.net
 - b. If to Developer: JRN Development, LLC
 7224 Statesville Road, Suite A
 Charlotte, N.C. 28269
 Attn: Rick Admani, Managing Director / CEO
 Email: ricka@jrndevt.com

c. With a copy to: Younger Consulting, LLC
516 River Highway, Suite D #301
 Mooresville, N.C. 29117
Attn: Chris Younger, Director of Land Acquisitions and
Development
Email: chris.younger@younger.consulting

4. Amendments. Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified, altered or assigned, except by written agreement of the parties.
5. Binding Effect. This Agreement shall inure to the benefit of and is binding upon City and Developer and their respective successors and assigns.
6. Enforceability. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
7. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully executed counterpart.
8. Jurisdiction. This Agreement is governed by and shall be construed in accordance with the laws of the State of North Carolina. Venue is proper in Iredell County, North Carolina.
9. Mutual Negotiation. Both Developer and City acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

In Witness Whereof, the parties have executed this Agreement the day and year above first written.

ATTEST:

CITY OF STATESVILLE,
A North Carolina Municipal Corporation

By: _____
Constantine H. Kutteh, Mayor

By: _____
Brenda Fugett, Clerk of the City of Statesville

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Brian Roberts, Finance Officer
City of Statesville

Approved as to form on behalf of the City of Statesville.

Leah Gaines Messick, City Attorney

ATTEST: (SEAL)

JRN DEVELOPMENT, LLC
A North Carolina Limited Liability Corporation

Secretary

By: _____
Richard Admani, Member-Manager

NORTH CAROLINA
COUNTY OF IREDELL

I, _____, a Notary Public in and for the City and State aforesaid, do certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the Company, in his capacity as _____ of JRN Development, LLC a limited liability company.

WITNESS my hand and official stamp or seal, this _____ day of April, 2022.

Notary Public

My Commission Expires:
(SEAL)

EXHIBIT A
PROPERTY DESCRIPTION

The Property is described as follows:

1. Parcel Number 1: .17 acres located along Harris Street; Tax Parcel Identification Number 4744-40-0230; and more particularly described in Book 663, Page 259 of the Iredell County Register of Deeds.
2. Parcel Number 2: .17 acres located along Harris Street; Tax Parcel Identification Number 4744-40-0135; and more particularly described in Book 663, Page 259 of the Iredell County Register of Deeds.
3. Parcel Number 3: .26 acres located at 1111 Old Charlotte, Road; Tax Parcel Identification Number 4734-90-9361; and more particularly described in Book 1860, Page 2476 of the Iredell County Register of Deeds.

EXHIBIT B
DECLARATION OF DEED RESTRICTIONS

THIS DECLARATION OF DEED RESTRICTIONS (the “Declaration”), made and entered into as of April, _____, 2022 by JRN Development, LLC (the “Developer”) for the benefit of and enforceable by the City of Statesville (the “City”).

WHEREAS, City conveyed a fee simple interest in a certain tract of real property, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the “Property”) to Developer; and

WHEREAS, as a condition of conveying the Property to Developer, City has required and Developer has agreed to restrict its interest in the Property as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and understandings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Developer hereby represents, covenants, warrants and agrees:

1. Restrictions. Upon completion of construction and, thereafter, for the remainder of the term of this Declaration, a total of three single family residential housing units shall be located on the Property (the “Units”; collectively, such Units, together with the Property, may hereinafter be referred to as the “Project”). All three of the Units shall be sold subject to the following restrictions:
 - a. The Units must be owned and occupied by households earning eighty percent (80%) or less of the Statesville area median income as reported from time to time by the Department of Housing and Urban Development (“HUD”), or other reasonably equivalent data in the event such reports are no longer issued and shall be subject to compliance with the Program and the Program Guidelines. Developer shall allow reasonable access applicable records by the City or its agents to audit compliance with income restrictions.
 - b. The Units may also not be used for advertising or conducting a business that requires a home occupation permit or a business that is otherwise expressly prohibited by the home occupation provisions of the Unified Development Code of the City of Statesville.
 - c. The Unit must also be owner occupied and may not be used for the purpose of generating rental income.
 - d. All owners and subsequent owners of each Unit must maintain the Premises on the Unit in good repair and in a neat, clean and orderly condition and in accordance with all applicable laws and regulations of all federal, state, county, municipal, and other governmental agencies. The owner and all subsequent owner of each Unit shall not permit any condition to exist on the Premises that is defined

as a nuisance, nor shall the Owner permit the Premises to be used for the commission of any misdemeanor or felony.

2. Term. This Declaration shall remain in full force and effect for a period of fifteen (15) years beginning on the date of the issuance of a Certificate of Occupancy for the Project or any Unit therein, but no later than _____, 2023 (the “Affordability Period”). This Declaration shall be automatically suspended in the event of transfer of title of the Property by foreclosure or by deed in lieu of foreclosure, subject to automatic revival if, at any time during the remainder of the Affordability Period, the Borrower of record prior to the suspension event, or any “related person” (as defined in Regulation Section 1.103-10(e) of the Internal Revenue Code) to Developer, obtains an ownership or leasehold interest in the Property. It is understood and agreed that the Term of this Declaration may extend beyond the term of the Loan.
3. Covenants to Run with the Land. The covenants, reservations and restrictions set forth herein (i) shall be deemed covenants running with the Property, and, subject to Section 2 shall pass to and be binding upon Developer, Developer’s heirs, successors and assigns in title to the Property and all subsequent Borrowers, owners or operators of the Project and (ii) are not merely personal covenants of Developer. The benefits shall inure to the City during the term of this Agreement. Developer hereby agrees. That any and all requirements of the laws of the State of North Carolina to be satisfied in order for the provisions of this Declaration to constitute deed restrictions and covenants running with the Property and which touch and concern the Property shall be deemed to be satisfied in full, and that any requirements of privity of estate are intended to be satisfied, and that an equitable servitude in the form of a negative easement, has been created to insure that these restrictions run with the Property. Subject to Section 2, each and every contract, deed or other instrument hereafter executed covering or conveying the Property or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations, and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instruments. If a portion or portions of the Property are conveyed, all of such covenants, reservations and restrictions shall, subject to Section 2, run to each parcel of the Property. Provided nothing herein shall be deemed to constitute City’s consent for the transfer, sale or conveyance of the Property or any portion thereof.
4. Compliance Monitoring. Developer agrees to permit, during normal business hours and upon reasonable notice, any duly authorized representative of the City to inspect any books and records of Borrower regarding the Property, which pertain to compliance with this Agreement. Borrower shall submit any other information, documents or certifications requested by City, which the City shall deem reasonably necessary to substantiate Borrower’s continuing compliance with the Program, if any, and this Declaration.
5. Remedies Enforceability.
 - a. Developer and City acknowledge that the primary purpose for requiring compliance by Developer with the restrictions provided in this Declaration is to

assure compliance of the Property and Developer with the Project and any additional City restrictions. AND BY REASON THEREOF, DEVELOPER IN CONSIDERATION FOR RECEIVING THE PROPERTY FOR THIS PROJECT HEREBY AGREES AND CONSENTS THAT THE CITY SHALL BE ENTITLED, FOR ANY BREACH OF THE PROVISIONS HEREOF, AND IN ADDITION TO ALL OTHER REMEDIES PROVIDED BY LAW OR IN EQUITY, TO OBTAIN SPECIFIC PERFORMANCE BY BORROWER OF ITS OBLIGATIONS UNDER THIS DECLARATION IN ANY COURT OF COMPETENT JURISDICTION.

- b. The provisions hereof are imposed upon and made applicable to the Property and, subject to Section 2, shall run with the land and shall be unenforceable against Developer or any other person or entity that has or had an ownership interest in the Property at the time of such violation or attempted violation. No delay in enforcing the provisions hereof as to any breach or violation shall impair, damage or waive the right of any party entitled to enforce the provisions hereof or to obtain relief against or recover for the continuation or repletion of such breach or violation or any similar breach of violation hereof at any later time or times.
6. Amendment. This Declaration shall not be amended or, except as otherwise provided herein, terminated except by a written instrument, executed by the City and Borrower, or their successors or assigns, which amendment or termination shall be duly recorded in the Office of the Register of Deeds for the county in which the Property is located.
7. Severability. If any portion of this Declaration shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.
8. Construction. Unless the context clearly requires otherwise, as used in this Declaration words of the masculine, feminine or neutral gender shall be construed to include any other gender when appropriate and words of the singular number shall be construed to include the plural number, and vice versa, when appropriate. This Declaration and all the terms and provisions hereof shall be construed to effectuate the purposes set forth and to sustain the validity hereof.
9. Successors and Assigns. This Declaration shall be binding on Borrower, its successors and assigns and shall inure to the benefit of City, its successors and assigns and may be enforced by City or any other persons specifically given enforcement rights herein.
10. Headings. The titles and headings of the sections of this Declaration have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof, nor be considered or given any effect in construing this Declaration or any provisions hereof, or in ascertaining intent if any questions or intent shall arise.

11. Governing Law. This Declaration shall be governed by the laws of the State of North Carolina.

IN WITNESS WHEREOF, Developer has executed this Declaration by its duly authorized representative, all on the date first written above.

ATTEST: (SEAL)

JRN DEVELOPMENT, LLC
A North Carolina Limited Liability Corporation

Secretary

By: _____
Richard Admani, Member-Manager

NORTH CAROLINA
COUNTY OF IREDELL

I, _____, a Notary Public in and for the City and State aforesaid, do certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the Company, in his capacity as _____ of JRN Development, LLC a limited liability company.

WITNESS my hand and official stamp or seal, this _____ day of April, 2022.

Notary Public

My Commission Expires:
(SEAL)

NORTH CAROLINA
IREDELL COUNTY

PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT (the "Agreement"), made and entered into as of the _____ day of April, 2022, which date is the date of last execution as between Buyer and Seller as each is defined below (the "Effective Date"), by and between CITY OF STATESVILLE (hereinafter referred to as "Seller"), and JRN DEVELOPMENT, LLC (hereinafter referred to as "Buyer"); (Buyer and Seller, together with their successors, heirs, and assigns are hereinafter collectively referred to as the "Parties").

WITNESSETH

WHEREAS, Seller is the owner of certain real property located within the City limits of the City of Statesville and in Iredell County, North Carolina, and as further identified with PIN Number's shown in Exhibit A to this Agreement and made a part hereof by this reference, with said tracts or parcels, together with (1) all improvements (if any) located thereon, and (2) all right, title and interest of Seller (if any) in: (a) any after-acquired title or reversion, in and to roads, streets, avenues and alleys adjoining thereto, (b) any and all oil, gas, water, mineral and subsurface rights and appurtenances belonging or appearing thereto, (c) easements and rights-of-way affecting the Property, (d) all rights of ingress and egress to and from the Property, (e) any and all roads, streets and rights-of-way affecting or bounding the Property, (f) any and all development rights, including the present or future use thereof, relating to the Property, including sanitary sewer capacity, drainage, water and other utility facilities to the extent they pertain to or benefit the Property, including, without limitation, all reservations of or commitments, letters or agreements relating to any such use currently or in the future, (g) to the extent assignable, all permits, licenses and approvals relating to the Property and (h) any and all applicable agricultural allotments, being hereinafter referred to as the "Property"; and

WHEREAS, pursuant to a Development Agreement (attached hereto as Exhibit B and made a part of this Agreement by this reference), the Buyer desires to purchase from Seller and Seller desires to sell to Buyer the Property; and

WHEREAS, the City Council did on _____, 2022, approve entering into this Purchase Agreement with Buyer as an inducement for Buyer to proceed with the proposed residential redevelopment and development, as described in Exhibit B; and

WHEREAS, upon the Buyer's satisfactory execution of this Agreement, and payment to the City of \$3,000.00 per parcel for all three (3) parcels at a total price of \$9,000.00 and other good and valuable consideration, the City shall convey the properties described within the City of Statesville city limits, and more particularly described in Exhibit A, as an upfront inducement

to perform and complete the Improvements as described in Exhibit B of this Purchase Agreement.

NOW, THEREFORE, for an in consideration of the mutual covenants and promises as hereinafter expressed and other good and valuable consideration, the receipts and sufficiency of which are hereby acknowledged, the Parties promise, covenant and agree as follows:

I. AGREEMENT: PROPERTY.

- 1.1 Seller hereby agrees to sell, transfer and convey to Buyer, and Buyer hereby agrees to purchase from Seller, subject to and upon the terms and conditions set forth in this agreement, the Property, the description of which is contained in Exhibit A, attached.

II. EARNEST MONEY, ESCROW AGENT, FURTHER AGREEMENT CONSIDERATION AND PRELIMINARY INFORMATION.

- 2.1 Buyer shall, within five (5) business days following the Buyer's receipt of the Agreement duly executed by the Seller: (i) deliver unto _____ (hereinafter referred to as "Escrow Agent"), the amount of One Thousand Dollars and No/100 Dollars (\$1,000.00) (the "Earnest Money"), which shall be held in escrow by the Escrow Agent pursuant to the terms and conditions hereof in an interest bearing account and any and all interest earned thereon shall in all events be treated as Earnest Money.

The Earnest Money shall guarantee Buyer's performance and shall serve as consideration for this Agreement. In the event Buyer has not terminated this Agreement within the Feasibility Study Period (hereinafter defined), except as stated herein to the contrary, then the Earnest Money shall become nonrefundable in the event Buyer thereafter terminates this Agreement but shall remain applicable to the purchase price at Closing in the event Buyer does not terminate this Agreement.

III. PURCHASE PRICE.

- 3.1 The Purchase Price to be paid by Buyer to Seller for and in consideration of the conveyance of the Property and the execution and delivery of the instruments and other items set forth in Section V hereof shall be the sum of **Nine Thousand No/100 Dollars (\$9,000.00)**. The Purchase Price shall be inclusive of the Earnest Money deposit issued to Seller after the Feasibility Study Period.

IV. FEASIBILITY STUDY PERIOD.

- 4.1 The Buyer shall be granted a period of thirty (30) days from the Effective Date in which to conduct studies, including environmental studies, title, survey and other

matters to determine whether or not the Property is suitable for the purposes and intended use of the Buyer (the "Feasibility Study Period"). The Buyer may terminate this Agreement, in its sole and absolute discretion, anytime during the Feasibility Study Period and the Earnest Money shall be forthwith returned to the Buyer and the parties shall thereafter have no liabilities, other than Section 9.1, each to the other. If Buyer fails to terminate during the Feasibility Study Period, the right to terminate is thereafter waived, except as otherwise provided herein, and the Earnest Money shall be delivered to Seller and be applicable to the Purchase Price in the event Buyer closes on the purchase of the Property.

Within ten (10) days after the Effective Date, Seller shall deliver to Buyer the following items (if any and if not previously delivered to Buyer) in Seller's possession (or reasonably obtainable by it):

- (a) A copy of all environmental reports, soil tests, topography studies, and/or archaeological tests,
- (b) A copy of all engineering reports, maintenance records, marketing studies, maintenance reports, appraisals, zoning reports, zoning stipulations, and similar records,
- (c) A copy of the most recent real estate tax and assessment bills for the property,
- (d) A copy of all other inspection reports and letters or other relevant information related to the Property, and
- (e) Copies of any and all surveys and title insurance policies and/or documents related to the Property.

V. CLOSING SCHEDULE AND ACTION AT CLOSING.

5.1 Unless such date is modified in a manner provided for herein, the closing pursuant to this Agreement (the "Closing") shall be held on the date which is ten (10) days after the expiration of the Feasibility Study Period. Closing shall take place at such location as may be mutually agreed upon by the parties.

5.2 At the closing of the purchase and sale of the Property hereunder:

A. Seller shall:

- i. Execute and deliver to Buyer a General Warranty Deed to the Property, in form and content satisfactory to Buyer in Buyer's reasonable discretion, conveying good, insurable and indefeasible title in fee simple, free and clear of any liens, encumbrances, tenancies, covenants, conditions and

restrictions, and containing the covenant described in Section 10.3, and based upon legal description of the Property from surveys prepared for Buyer, except the following:

- (a) Zoning Ordinances in effect; and
 - (b) Taxes for the year in which the closing takes place (which shall be prorated on a calendar basis); and
 - (c) Such other exceptions as contained in the Commitment as approved or deemed approved by Buyer as provided in Section 11.1.
- ii. Pay Seller's closing costs as hereinafter specified; and
 - iii. Deliver to Buyer and Buyer's title insurer an affidavit and indemnity agreement in standard form regarding contractor's and materialmen's liens on the Property acceptable to Buyer's title insurer; and
 - iv. If Seller is a corporation, limited liability company, or partnership, deliver a resolution reasonably satisfactory to Buyer, the transaction contemplated herein; and
 - v. Satisfy and discharge of record any mortgage, deed of trust, and other liens encumbering the Property; and
 - vi. Seller has done nothing to impair the title to the Property as received by Seller.
- B. Buyer shall:
- a. Pay the Purchase Price as defined in Article III; and
 - b. Pay Buyer's closing costs as hereinafter specified.

5.3 Closing Costs at the Closing shall be paid as hereinafter specified:

- A. By Seller:
- a. Pay all taxes for years prior to the year of the Closing on the Property; and
 - b. Seller's portion on the prorated ad valorem real property taxes for the year of the Closing (as provided below) on the Property; and
 - c. Seller's own attorneys' fees; and

- d. The cost of deed preparation, revenue stamps required by law, any assessments due and the cost to clear any lien, encumbrance or other title exception on the Property required to be cleared by Seller pursuant to Article XII hereof; and
- e. All late payment penalties, in any, and ad valorem personal property taxes on the Property for the entire year in which the Closing occurs; and
- f. Such other incidental costs and fees customarily paid by sellers in Iredell County, North Carolina, land transactions of this nature.

B. By Buyer:

- a. Buyer's own attorney's fees; and
- b. Buyer's portion of the ad valorem real property prorated taxes for the year of the Closing (as provided below) on the Property; and
- c. The cost of recording the Municipal Warranty Deed to the Property; and
- d. Cost of the surveys and fees and premiums for the Commitment for title insurance, and fees and premiums for the policies of title insurance for the Property, if any; and
- e. Such other incidental costs and fees customarily paid by Buyers in Iredell County, North Carolina, land transactions of this nature.

5.4 Ad valorem real property taxes, on the latest year for which taxes were assessed, for the Property shall be prorated on a calendar year basis between Seller and Buyer as of the date of Closing.

5.5 After the closing, Seller agrees that it will take such actions and properly execute and deliver to Buyer such further instruments of assignment, conveyance and transfer as, in the reasonable opinion of Buyer, may be necessary to assure the full and effective transfer and conveyance of the Property.

VI. **CONDITIONS PRECEDENT TO CLOSING**

6.1 Conveyer agrees to remove the Conveyer's property located in or on the Property on or before the date of Closing.

VII. **REPRESENTATIONS AND WARRANTIES AND AGREEMENTS OF SELLER.**

Seller hereby makes the following representations and warranties, which shall also be true as of the date of Closing of the Property and which shall survive the Closing.

- 7.1 Seller has good and marketable fee simple title to the Property; and
- 7.2 There are no parties, other than Seller in possession of any portion of the Property as lessees, and there are no leases applicable to or affecting the Property.
- 7.3 Seller has received no notice of and Seller has no knowledge of any pending or threatened condemnation or similar proceeding or special assessment affecting the Property, or any part thereof, nor is any such proceeding or assessment contemplated by any Governmental Authority. As used herein, the term "Governmental Authority" shall mean the United States, the State of North Carolina, the County of Iredell and any agency, department, commission, board, bureau, or instrumentality of any of them. If such notice is received by Seller during the term of this Agreement, Seller shall immediately notify Buyer in writing.
- 7.4 There are no unpaid charges, debts, liabilities, claims or obligations arising from the construction, occupancy, ownership, use or operation of the Property, which could give rise to any mechanics or materialmen's or other statutory lien against the Property, or any part thereof, or for which Buyer will be responsible.
- 7.5 To Seller's knowledge: (1) the Property does not contain any hazardous wastes, hazardous substances, hazardous materials, toxic substances, hazardous air pollutants or toxic pollutants (including without limitation asbestos, mold, radon, pesticides, or polychlorinated biphenyls ("PCBs") and petroleum) ("Hazardous Materials"), as those terms are used in any federal, state or local law, regulation or ordinances related to regulation of such substances or protection of human health and the environment, including without limitation the Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6901 et seq.), the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C.A. §§ 9601 et seq.), the Hazardous Materials Transportation Act (49 U.S.C.A. §§ 9601 et seq.), the Hazardous Materials Transportation Act (49 U.S.C.A. §§ 1801 et seq.), the Toxic Substances Control Act (15 U.S.C.A. §§2601 et seq.), the Clean Air Act (42 U.S.C.A. §§ 7401 et seq.), and the Clean Water Act (33 U.S.C.A. §§ 1251 et seq.), or in any amendments thereto ("Environmental Laws"); (2) the Property is not subject to federal, state, or local regulations or liability because of the presence of stored, leaked, spilled or disposed petroleum products, waste materials or debris, PCBs or PCB items (as defined in 40 C.F.R. § 763.63) or the past or present accumulation, treatment, storage, disposal, spillage or leakage of any dangerous, hazardous or toxic substances as defined in or regulated by any Environmental Laws; (3) no portion of the Property is filled land; (4) Seller has not received any written or oral notice from any governmental authority or other person related to any actual or potential liability arising under any Environmental Law or relating to any actual or potential

liability arising under any Environmental Law or relating to any release of Hazardous Materials into the environment; and (5) no condition exists which is or may be characterized by any federal, state or local government or agency as an actual or potential threat or danger to public health or the environment. Seller represents and warrants to Buyer that the Property shall be maintained through the Closing Date in the condition represented and warranted above. Seller further represents and warrants to Buyer that its use of the Property has been and will continue to be in compliance with all applicable Environmental Laws.

VIII. **INSPECTIONS.**

8.1 Prior to the Closing, Buyer shall have unlimited access to the Property to inspect the Property subject to Section 9.1 hereof to ensure that the Property has not been disturbed or changed in any way (other than by normal development of water, sewer, or streets) from its condition as of the date of execution of this Agreement. Buyer reserves the right to delay the Closing at no charge to Buyer where the condition of the subject Property is not in accordance with the standards contained herein.

IX. **ACCESS RIGHTS.**

9.1 After the date hereof and prior to Closing, the Buyer shall have the right of unlimited access to enter upon the Property with men/women, equipment and materials for the purpose of making such tests, inspections and surveys as Buyer shall desire, including, but not limited to, the right to conduct soil borings, test pit excavations, soil surface water and groundwater sampling and such other environmental tests as Buyer shall deem appropriate. In the event Buyer shall disturb the Property in the course of making such tests, inspections or surveys, Buyer, at its own expenses, shall restore the Property, with exception to any development activities outlined in Exhibit B. Buyer will indemnify and hold Seller harmless from all loss, damage, claims, suits or costs, which shall arise out of any contract, agreement, or injury to any person or property as a result of any activities of Buyer, its agents and contractors relating to the Property and not caused by third parties unrelated to Buyer or the negligent or willful acts or omissions of Seller or its employees or agents. This indemnity shall survive this Agreement and any termination hereof.

Notwithstanding anything to the contrary, Buyer shall have the right to terminate this Agreement for any reason (or no reason). If the Buyer terminates this Agreement during the Feasibility Study Period, then the Deposit shall be returned to the Buyer. If Buyer terminates this Agreement after the Feasibility Study Period has ended for any reason other than Seller's own default, then the Deposit shall be remitted to Seller.

X. **COVENANTS AND AGREEMENTS.**

Seller hereby covenants and agrees to do and perform each of the following:

- 10.1 Immediately upon obtaining knowledge of the institution of foreclosure or any proceedings for the condemnation of the Property, or any portion thereof, or any other proceedings arising out of injury or damage to the Property, or any portion thereof, Seller will notify Buyer of the pendency of such proceedings.
- 10.2 Between the date of the full execution of this Agreement and Closing, Seller shall not further encumber the title to the Property, without Buyer's consent.
- 10.3 To strictly comply with all Conditions, Responsibilities, and Terms set forth in the Development Agreement.

XI. **TITLE COMMITMENT.**

- 11.1 During the Feasibility Study Period Buyer may obtain a commitment for title insurance (hereinafter referred to as the "Commitment"). If Buyer shall fail to give any notice in writing to Seller prior to the expiration of the Feasibility Study Period, Buyer shall be deemed to have approved the exceptions to title set forth in the Commitment and shall have waived any objection it may have to the exceptions to title set forth in the Commitment. If Buyer finds any such exceptions to title set forth in the Commitment to be unacceptable, then Buyer shall notify Seller in writing of such fact prior to the expiration of the Feasibility Study Period. Seller may but shall not have any obligation to, then undertake to eliminate or modify such unacceptable exceptions to the reasonable satisfaction of Buyer within thirty (30) days of notice of such defect. In the event Seller delivers written notice to Buyer they are unwilling or unable to eliminate or modify such unacceptable exceptions to the reasonable satisfaction of Buyer prior to Closing, Buyer may, at any time prior to the Closing, at its option, terminate this Agreement by notice in writing to Seller, in which event the Escrow Agent shall return the Earnest Money to Buyer, or, if not terminated, Buyer will be deemed to have approved title to the Property in the condition set forth in the Commitment, with the elimination of any unacceptable matters that Seller agrees to correct, provided that no adjustment shall be made to the Purchase Price. If Buyer proceeds to close this Agreement, then all matters that are shown as exceptions to Seller's title in the commitment (other than ones that have been objected to by Buyer and have been cured by Seller) shall be "Permitted Exceptions." Notwithstanding the foregoing, items not readily discoverable by Buyer (such as unrecorded easements or mis-indexed items) shall not be considered Permitted Exceptions, nor shall encumbrances created by or consented to by Seller between the Effective Date and the date of Closing.

XII. **REMEDIES / TERMINATION.**

- 12.1 If Buyer defaults in performing its obligations hereunder, obligations from Exhibit B for any reason other than Seller's default, Seller shall be entitled to receive the Earnest Deposit then on deposit with the Escrow Agent, in addition to any claims or remedies available at law or in equity or set forth in Exhibit B.
- 12.2 If Seller defaults in performing its obligations hereunder for any reason other than Buyer's default, the Buyer shall have as their sole remedy to any dispute that arises against the Seller the right to compel mediation between the parties to determine if the issues can be resolved amicably. In the event that the parties did not agree at a mediation, the parties agree to a binding Arbitration in Iredell County, North Carolina before a single arbitrator pursuant to the American Arbitration Association Rules or upon such other rules and procedures as may be agreed to, in writing, by Seller and Buyer. This arbitration provision shall be pled in bar to any suit against Seller.
- 12.3 No failure or default by Buyer or Seller with regard to any act required by it shall result in the termination or limitation of any right of such Party hereunder, unless and until such Party shall have failed to remedy such failure or cure such default within ten (10) days after the receipt of written notice from the other Party. Specifying such failure or default.

XIII. **REAL ESTATE COMMISSION AND BROKER.**

- 13.1 The Parties hereby represent and warrant to each other that there are no real estate commissions or finder's fees occasioned, due, or payable to any person or agency as a result of the execution and/or consummation of this Agreement. Further, each party agrees to hold the other harmless and to indemnify the other from any and all claims for real estate commissions and/or finders fees asserted by any other broker purporting to act through such party.

XIV. **NOTICES.**

- 14.1 Any written notices given pursuant to this Agreement shall be deemed delivered (i) three days after deposit in the United States Mail, registered or certified mail, return receipt requested, postage prepaid; or (ii) the day after deposit with an overnight courier service such as Federal Express; or (iii) the day notice is sent by email and received before 5:00 PM to the email address(es) indicated below; or (iv) upon delivery and receipt if hand delivered, to the Parties at the addresses shown below:

- a. If to the City: The City of Statesville
 P.O. Box 1111
 Statesville, N.C. 28687
 Attn: Ron Smith, City Manager
 Email: rsmith@statesvillenc.net

- b. If to Developer: JRN Development, LLC
7224 Statesville Road, Suite A
Charlotte, N.C. 28269
Attn: Rick Admani, Managing Director / CEO
Email: ricka@jrndevt.com
- c. With a copy to: Younger Consulting, LLC
516 River Highway, Suite D #301
 Mooresville, N.C. 29117
Attn: Chris Younger, Director of Land Acquisitions and
Development
Email: chris.younger@younger.consulting

The above-listed addresses may be changed by written notice sent in accordance with this paragraph.

XV. **MISCELLANEOUS.**

- 15.1 The covenants herein shall not be deemed to be merged or waived by the instruments of the Closing but shall expressly survive such Closing and be binding upon the Parties obligated thereby.
- 15.2 The terms, provisions, warranties, representations, covenants, and agreements contained in this Agreement shall apply to, be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors, and assigns. Notwithstanding anything contained herein to the contrary, the parties agree that at any time prior to Closing, the Buyer may not assign its interests in this Agreement without the consent of Seller.
- 15.3 This Agreement shall be governed and interpreted under the laws of the State of North Carolina.
- 15.4 Each and every representation, warranty and agreement by either Party to the other shall be considered material and any breach thereof in any material respect shall be an event of default and shall entitle the damaged party to utilize any and all remedies available to it and specified in this Agreement.
- 15.5 If the time period by which any acts or payments required hereunder must be performed or paid expires on a Saturday, Sunday or legal holiday, then such time period shall automatically extend to the close of business on the next business day.
- 15.6 If, prior to Closing, all or any part of the Property is taken by any government authority, by means of eminent domain, condemnation, deed or agreement in lieu

thereof or similar circumstance, Buyer may at its election either proceed to closing without an abatement of the Purchase Price, in which event Seller shall assign to Buyer its interest in any award applicable to the Property, or terminate this Agreement by delivery of written notice to Seller, in which event the Deposit shall be returned to Buyer and this Agreement shall be deemed null and void, except for those rights and obligations which are expressly stated herein to survive any termination of this Agreement.

15.7 If, prior to Closing, all or any part of the Property is damaged by fire or other casualty, Buyer may, at its election, either terminate this Agreement by delivery of written notice to Seller, in which event the Deposit shall be returned to Buyer and this Agreement shall be deemed null and void, or proceed to closing with a reduction of the Purchase Price equal to (i) all insurance proceeds awarded to Seller and not expended for restoration of the Property and (ii) all deductible amounts. In the event any casualty insurance proceeds have not been awarded to Seller by Closing, Seller shall assign to Buyer its interest in such proceeds at Closing.

15.8 All risk of loss or damage to the Property shall be borne by the Seller until Closing is final and complete.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement under seal on the dates set forth under their signatures below.

ATTEST:

CITY OF STATESVILLE,
A North Carolina Municipal Corporation

By: _____
Constantine H. Kutteh, Mayor

By: _____
Brenda Fugett, Clerk of the City of Statesville

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Brian Roberts, Finance Officer
City of Statesville

Approved as to form on behalf of the City of Statesville.

Leah Gaines Messick, City Attorney

ATTEST: (SEAL)

JRN DEVELOPMENT, LLC
A North Carolina Limited Liability Corporation

Secretary

By: _____
Richard Admani, Member-Manager

NORTH CAROLINA
COUNTY OF IREDELL

I, _____, a Notary Public in and for the City and State aforesaid, do certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the Company, in his capacity as _____ of JRN Development, LLC a limited liability company.

WITNESS my hand and official stamp or seal, this _____ day of April, 2022.

Notary Public

My Commission Expires:
(SEAL)

EXHIBIT A
PROPERTY DESCRIPTION

The Property is described as follows:

1. Parcel Number 1: .17 acres located along Harris Street; Tax Parcel Identification Number 4744-40-0230; and more particularly described in Book 663, Page 259 of the Iredell County Register of Deeds.
2. Parcel Number 2: .17 acres located along Harris Street; Tax Parcel Identification Number 4744-40-0135; and more particularly described in Book 663, Page 259 of the Iredell County Register of Deeds.
3. Parcel Number 3: .26 acres located at 1111 Old Charlotte, Road; Tax Parcel Identification Number 4734-90-9361; and more particularly described in Book 1860, Page 2476 of the Iredell County Register of Deeds.

EXHIBIT B
DECLARATION OF DEED RESTRICTIONS

THIS DECLARATION OF DEED RESTRICTIONS (the “Declaration”), made and entered into as of April, _____, 2022 by JRN Development, LLC (the “Developer”) for the benefit of and enforceable by the City of Statesville (the “City”).

WHEREAS, City conveyed a fee simple interest in a certain tract of real property, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the “Property”) to Developer; and

WHEREAS, as a condition of conveying the Property to Developer, City has required and Developer has agreed to restrict its interest in the Property as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and understandings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Developer hereby represents, covenants, warrants and agrees:

12. Restrictions. Upon completion of construction and, thereafter, for the remainder of the term of this Declaration, a total of three single family residential housing units shall be located on the Property (the “Units”; collectively, such Units, together with the Property, may hereinafter be referred to as the “Project”). All three of the Units shall be sold to and occupied by households earning eighty percent (80%) or less of the Statesville area median income as reported from time to time by the Department of Housing and Urban Development (“HUD”), or other reasonably equivalent data in the event such reports are no longer issued and shall be subject to compliance with the Program and the Program Guidelines. Developer shall allow reasonable access applicable records by the City or its agents to audit compliance with income restrictions.
13. Term. This Declaration shall remain in full force and effect for a period of fifteen (15) years beginning on the date of the issuance of a Certificate of Occupancy for the Project or any Unit therein, but no later than _____, 2023 (the “Affordability Period”). This Declaration shall be automatically suspended in the event of transfer of title of the Property by foreclosure or by deed in lieu of foreclosure, subject to automatic revival if, at any time during the remainder of the Affordability Period, the Borrower of record prior to the suspension event, or any “related person” (as defined in Regulation Section 1.103-10(e) of the Internal Revenue Code) to Developer, obtains an ownership or leasehold interest in the Property. It is understood and agreed that the Term of this Declaration may extend beyond the term of the Loan.
14. Covenants to Run with the Land. The covenants, reservations and restrictions set forth herein (i) shall be deemed covenants running with the Property, and, subject to Section 2 shall pass to and be binding upon Developer, Developer’s heirs, successors and assigns in title to the Property and all subsequent Borrowers, owners or operators of the Project and (ii) are not merely personal covenants of Developer. The benefits shall inure to the City

during the term of this Agreement. Developer hereby agrees. That any and all requirements of the laws of the State of North Carolina to be satisfied in order for the provisions of this Declaration to constitute deed restrictions and covenants running with the Property and which touch and concern the Property shall be deemed to be satisfied in full, and that any requirements of privity of estate are intended to be satisfied, and that an equitable servitude in the form of a negative easement, has been created to insure that these restrictions run with the Property. Subject to Section 2, each and every contract, deed or other instrument hereafter executed covering or conveying the Property or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations, and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instruments. If a portion or portions of the Property are conveyed, all of such covenants, reservations and restrictions shall, subject to Section 2, run to each parcel of the Property. Provided nothing herein shall be deemed to constitute City's consent for the transfer, sale or conveyance of the Property or any portion thereof.

15. Compliance Monitoring. Developer agrees to permit, during normal business hours and upon reasonable notice, any duly authorized representative of the City to inspect any books and records of Borrower regarding the Property, which pertain to compliance with this Agreement. Borrower shall submit any other information, documents or certifications requested by City, which the City shall deem reasonably necessary to substantiate Borrower's continuing compliance with the Program, if any, and this Declaration.

16. Remedies Enforceability.

- a. Developer and City acknowledge that the primary purpose for requiring compliance by Developer with the restrictions provided in this Declaration is to assure compliance of the Property and Developer with the Project and any additional City restrictions. AND BY REASON THEREOF, DEVELOPER IN CONSIDERATION FOR RECEIVING THE PROPERTY FOR THIS PROJECT HEREBY AGREES AND CONSENTS THAT THE CITY SHALL BE ENTITLED, FOR ANY BREACH OF THE PROVISIONS HEREOF, AND IN ADDITION TO ALL OTHER REMEDIES PROVIDED BY LAW OR IN EQUITY, TO OBTAIN SPECIFIC PERFORMANCE BY BORROWER OF IT'S OBLIGATIONS UNDER THIS DECLARATION IN ANY COURT OF COMPETENT JURISDICTION.
- b. The provisions hereof are imposed upon and made applicable to the Property and, subject to Section 2, shall run with the land and shall be unenforceable against Developer or any other person or entity that has or had an ownership interest in the Property at the time of such violation or attempted violation. No delay in enforcing the provisions hereof as to any breach or violation shall impair, damage or waive the right of any party entitled to enforce the provisions hereof or to obtain relief against or recover for the continuation or repletion of such breach or violation or any similar breach of violation hereof at any later time or times.

17. Amendment. This Declaration shall not be amended or, except as otherwise provided herein, terminated except by a written instrument, executed by the City and Borrower, or their successors or assigns, which amendment or termination shall be duly recorded in the Office of the Register of Deeds for the county in which the Property is located.
18. Severability. If any portion of this Declaration shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.
19. Construction. Unless the context clearly requires otherwise, as used in this Declaration words of the masculine, feminine or neutral gender shall be construed to include any other gender when appropriate and words of the singular number shall be construed to include the plural number, and vice versa, when appropriate. This Declaration and all the terms and provisions hereof shall be construed to effectuate the purposes set forth and to sustain the validity hereof.
20. Successors and Assigns. This Declaration shall be binding on Borrower, its successors and assigns and shall inure to the benefit of City, its successors and assigns and may be enforced by City or any other persons specifically given enforcement rights herein.
21. Headings. The titles and headings of the sections of this Declaration have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof, nor be considered or given any effect in construing this Declaration or any provisions hereof, or in ascertaining intent if any questions or intent shall arise.
22. Governing Law. This Declaration shall be governed by the laws of the State of North Carolina.

IN WITNESS WHEREOF, Developer has executed this Declaration by its duly authorized representative, all on the date first written above.

ATTEST: (SEAL)

JRN DEVELOPMENT, LLC
A North Carolina Limited Liability Corporation

Secretary

By: _____
Richard Admani, Member-Manager

NORTH CAROLINA
COUNTY OF IREDELL

I, _____, a Notary Public in and for the City and State aforesaid, do certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the Company, in his capacity as _____ of JRN Development, LLC a limited liability company.

WITNESS my hand and official stamp or seal, this _____day of April, 2022.

Notary Public

My Commission Expires:
(SEAL)

Iredell County

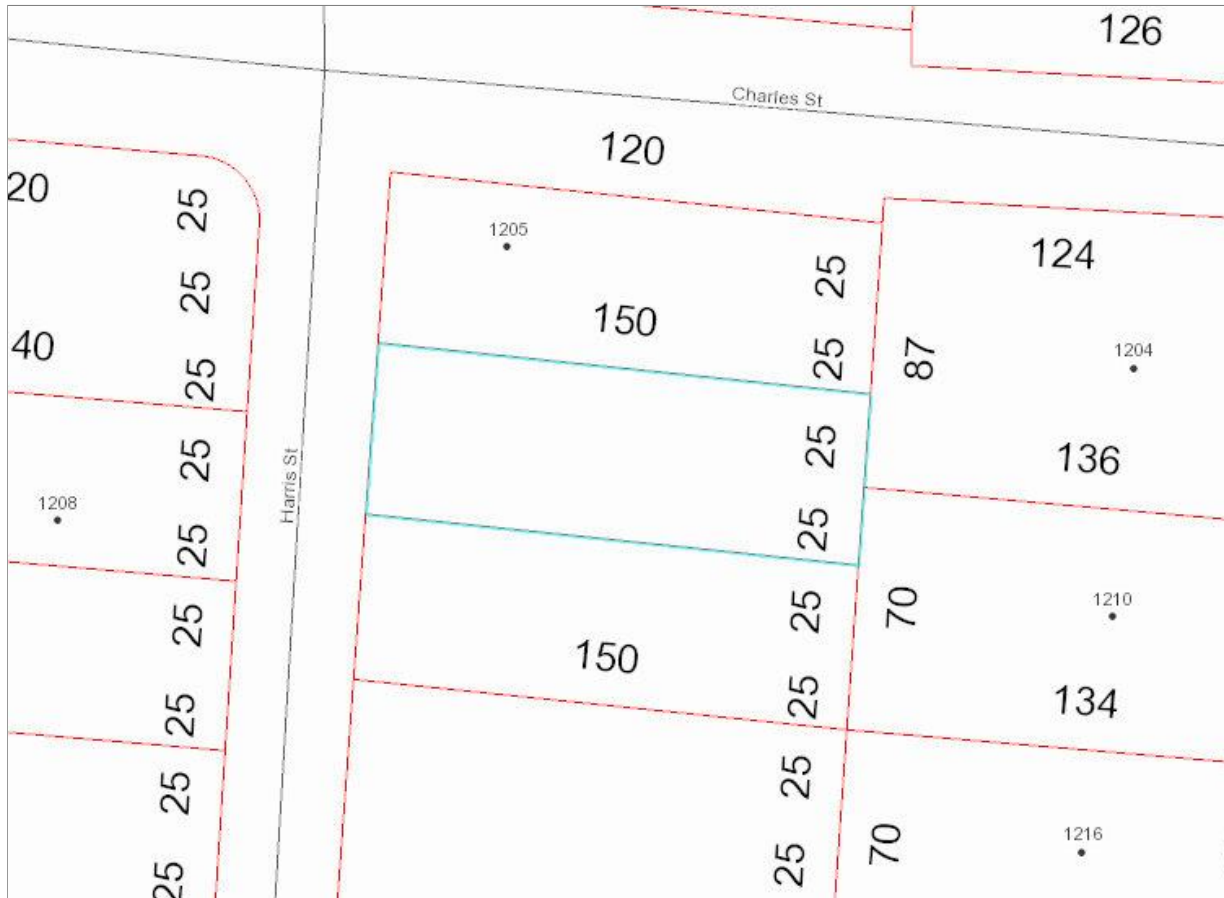
Property Data

Parcel Number: 4744400230.000

Inquiry Date: 3/9/2022

Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, the County does not certify the authenticity or accuracy of such information. No warranties, express or implied, are provided for the records and/or mapping data herein, or for their use or interpretation by the User.

Property Map



Owner/Property Info

Tax Account Number: 12546500

Old Parcel Number: 0106F05000E006

Owner Name: CITY OF STATESVILLE

Mailing Address: PO BOX 1111 STATESVILLE NC 28687

Property Location: HARRIS ST

Lot Number: 83+84

Legal Description: C L CRUSE SHT A PB1-75-75B

Municipal Information

Township Code: 01

City Code: 01

Neighborhood Code: 01021

Value Information - [Current Year Property Record Card \(PRC\)](#)

Building Value: 0

Other Building Features: 0

Land Value: 4950

Tax Assessed Value: 4950

Deferred: Null

Land Information - [Register of Deeds Online Search](#)

Date Recorded	Document Type	Deed Book	Deed Page	Plat Book & Page	Land Area	Land Type	Zoning
19810514	WD	663	260	1-75	0.17	AC	R8M

Tax Information

Exemption	Tax Code 1	Tax Code 2	Tax Code 3	Tax Code 4	Tax Code 5
1	C ADVL TAX	CI01ADVL TAX	Null	Null	Null

Current Zoning Contact Info.

Iredell County	704.878.3118
Harmony	704.878.3118
Love Valley	704.878.3118
City of Statesville	704.878.3575
Town of Troutman	704.528.7600
Town of Mooresville	704.662.7040
Village of Davidson	704.892.7591

Date Recorded	Document Type	Deed Book	Deed Page	Plat Book & Page	Land Area	Land Type	Zoning
19810514	WD	663	260	1-75	0.17	AC	R8M

Tax Information

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Iredell County	704.878.3118
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Town of Troutman	704.528.7600
Town of Mooresville	704.662.7040
Village of Davidson	704.892.7591

Iredell County

Property Data

Parcel Number: 4734909361.000

Inquiry Date: 3/9/2022

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Property Map



Owner/Property Info

Tax Account Number: 12546500

Old Parcel Number: 0107A20000L004

Owner Name: CITY OF STATESVILLE

Mailing Address: PO BOX 1111 STATESVILLE NC 28687

Property Location: OLD CHARLOTTE RD

Lot Number: 91

Legal Description: DAVID J CRAIG PB1-17

Municipal Information

Township Code: 01

City Code: 01

Neighborhood Code: 01023

Value Information - [Current Year Property Record Card \(PRC\)](#)

Building Value: 0

Other Building Features: 0

Land Value: 4500

Tax Assessed Value: 4500

Deferred: Null

Land Information - [Register of Deeds Online Search](#)

Date Recorded	Document Type	Deed Book	Deed Page	Plat Book & Page	Land Area	Land Type	Zoning
20070621	CD	1860	2476	1-17	0.26	AC	R-5MFM

Tax Information

Exemption	Tax Code 1	Tax Code 2	Tax Code 3	Tax Code 4	Tax Code 5
1	C ADVL TAX	CI01ADVL TAX	Null	Null	Null

Current Zoning Contact Info.

Iredell County	704.878.3118
Harmony	704.878.3118
Love Valley	704.878.3118
City of Statesville	704.878.3575
Town of Troutman	704.528.7600
Town of Mooresville	704.662.7040
Village of Davidson	704.892.7591

**CITY OF STATESVILLE
BUDGET AMENDMENT #2022-32**

April 4, 2022

FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
GENERAL FUND					
010.0000.380.12.00	Revenue	Sale of Capital Assets	40,000	9,000	49,000
010.0000.399.00.00	Revenue	Appropriated Fund Balance	4,081,839	12,621	4,094,460
Total Revenues			<u>50,074,148</u>	<u>21,621</u>	<u>50,095,769</u>
010.4800	Expenditure	Planning	1,926,673	21,621	1,948,294
Total Expenditures			<u>50,074,148</u>	<u>21,621</u>	<u>50,095,769</u>

DESCRIPTION: To accept land sale proceeds and appropriate fund balance and increase corresponding expenses.



Budget Officer

Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Mark Taylor, Director of Public Works
DATE: March 22, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request to apply the alternate industrial street standard on US Highway 70 and Barkley Road.

1. Summary of Information: Where use of the alternate industrial street standard is approved, sidewalk and curb & gutter are not required. Use of the standard is an option only in industrial districts (LI and HI). As part of the TRC review the developer requested to staff a request to utilize the alternate industrial street standard to their frontages on US Highway 70 and Barkley Road. Staff notes that curb and gutter already exists on the site's frontage along US Highway 70.

The Statesville Mobility + Development Plan, adopted by Council in 2019, recommends both pedestrian and bicycle facilities on US 70 and Barkley Road. Attached to this request are map and narrative excerpts from the Mobility Plan,

2. Previous Council or Relevant Actions:

- The alternate industrial street standard was adopted by Council in 2014 and has been approved at several locations since that time.
- In 2019, Council adopted the City's Mobility + Development Plan, which identifies Barkley Road to be a corridor with sidewalks and curb and gutter.
- At their February 7, 2022 meeting, Council directed staff to develop an amendment to the Code that would eliminate waivers to the fee-in-lieu policy, which could eliminate the alternate industrial street standard. This amendment has not been presented as of yet. Staff anticipates presenting the revised fee-in-lieu policy at an upcoming Council meeting.

3. Budget/Funding Implications: Potential costs to the city if sidewalk waivers are given. If so, the cost of future sidewalk connections, if necessary or desired, will be borne by the city.

4. Consequences for Not Acting: Contractor will install sidewalk on US Highway 70 and curb and gutter and sidewalk along Barkley Road or pay the fee-in-lieu. Based on a total frontage of approximately 3,825 LF, the sidewalk and curb & gutter fee-in-lieu for this property will be approximately \$170,820.

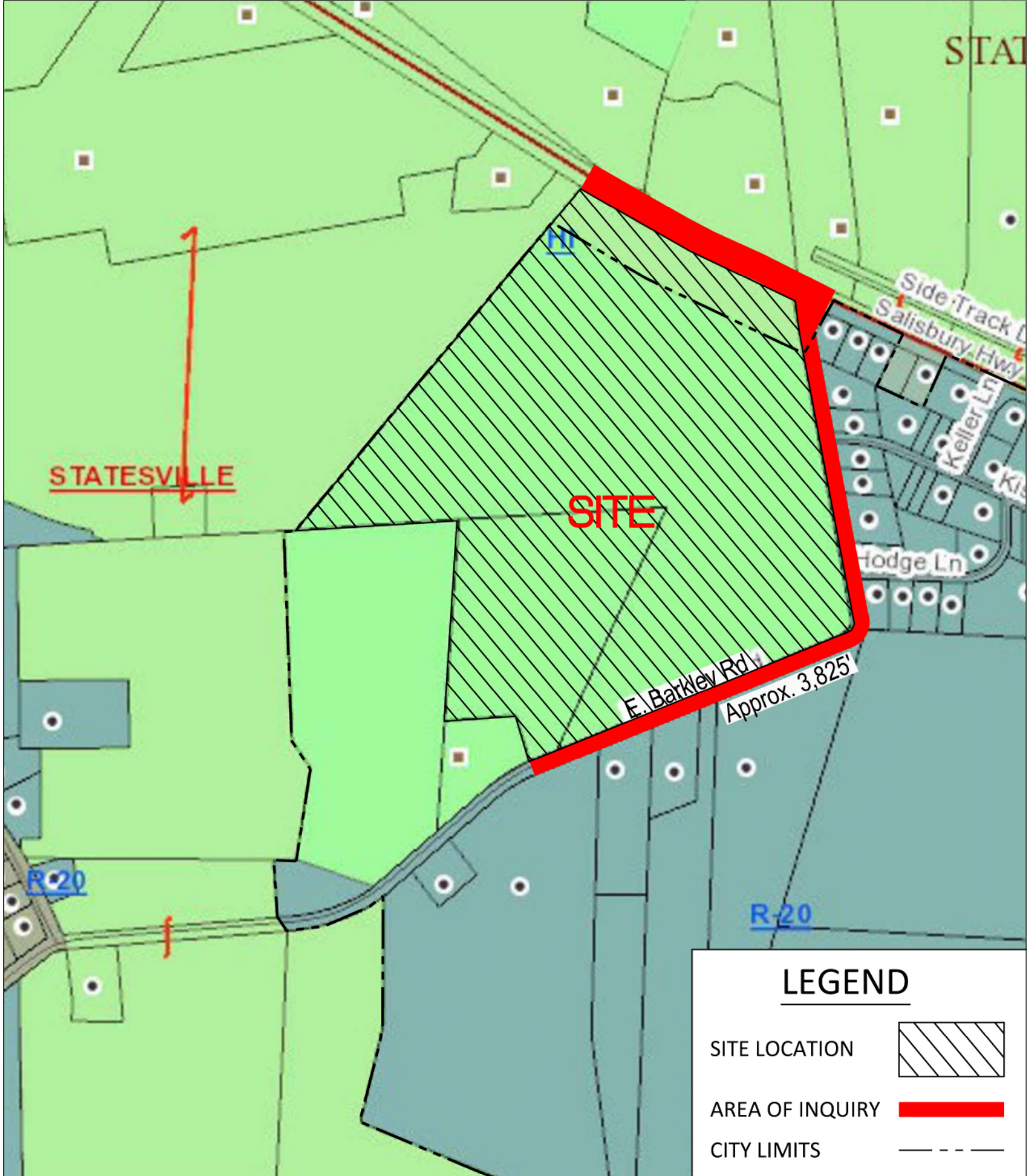
5. Department Recommendation: Based on the adopted Mobility + Development Plan's recommendation for bicycle and pedestrian facilities on US 70 and Barkley Road, staff recommends denying this request to apply the alternate industrial street standard. This will require installation of sidewalk along US 70 and sidewalk and a bike lane / widened paved shoulder along Barkley Road. Installation of curb & gutter along Barkley Road will also be required, subject to approval from NC DOT.

6. Manager Comments: I would anticipate these alternate industrial street standard requests becoming common. Because we are experiencing a high level of industrial growth, and while the ability to ask for a waiver remains, the option will be used by the development community. The Mobility and Development Plan identifies many major thoroughfares as including sidewalks and/or bike lanes. These are the corridors where bigger developments such as this one are likely to happen. It is important to understand and consider the connection between the sidewalk requirements of the Mobility Plan and these developments prior to making your decisions. Based on that review, it will be helpful to the staff to for the Council to determine whether it wants to adhere to the plan moving forward.




7. Next Steps: Staff will inform Williams Development Group of Council's decision.

Attachments:

1. Location Map
2. Mobility Plan Excerpts, Bicycle & Pedestrian Facility Types and Recommendations
3. Mobility Plan Figure 4.1b – Proposed Bicycle Network
4. Mobility Plan Figure 4.2b – Proposed Pedestrian & Greenway Network



LEGEND

- SITE LOCATION 
- AREA OF INQUIRY 
- CITY LIMITS 



CITY OF STATESVILLE

PUBLIC WORKS DEPARTMENT Page 157 of 193

STREET

C.A.R. Map E. Barkley Road Project

DETAIL #	REVISED
-	Mar 2022
SCALE:	SHEET #
N.T.S.	1 OF 1

Types of Facilities

Careful attention must be given to each facility type, particularly how each type and its users fit into the overall system-wide multimodal transportation network.

On-Street

Striped Bike Lane	Wide Outside Lane/ Paved Shoulder	Sharrows	Sidewalk
-------------------	--------------------------------------	----------	----------

<p>Description</p> <ul style="list-style-type: none"> • Exclusive-use area adjacent to the outer most travel lane • Typical width: 4' to 5' (preferred) <p>Target User</p> <ul style="list-style-type: none"> • Basic and Intermediate Cyclists <p>Estimated Cost</p> <ul style="list-style-type: none"> • \$2,000 per mile (striping only) 	<p>Description</p> <ul style="list-style-type: none"> • Extra width in outermost travel lane • Best on roadways with speed limits of 35 mph or higher and moderate to high daily traffic volumes • Typical width: 14' outside lane preferred <p>Target User</p> <ul style="list-style-type: none"> • Advanced Cyclists <p>Estimated Cost</p> <ul style="list-style-type: none"> • \$2,000 per mile (striping only) 	<p>Description</p> <ul style="list-style-type: none"> • Delineate space for bicyclists • Used in lanes shared by bicyclists and motorists without sufficient width for a bicycle lane • Typically placed 4 feet from edge of pavement if no on-street parking is present • Typically placed every 150' <p>Target User</p> <ul style="list-style-type: none"> • All Cyclists <p>Estimated Cost</p> <ul style="list-style-type: none"> • \$300 each 	<p>Description</p> <ul style="list-style-type: none"> • Dedicated space within right-of-way for pedestrians • Should include a landscaped buffer from roadway • Typical width: 5' preferred <p>Target User</p> <ul style="list-style-type: none"> • Pedestrians <p>Estimated Cost</p> <ul style="list-style-type: none"> • \$150,000 per mile
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Off-Street Multiuse Path

<p>Description</p> <ul style="list-style-type: none"> • Separated from traffic and located in open space (greenway) or adjacent to road with more setback and width than sidewalks (sidepath) • Typical width: 10' preferred; 8' in constrained areas • Existing Greenways are 10' – 12' 	<p>Target User</p> <ul style="list-style-type: none"> • All Cyclists; Pedestrians 	<p>Estimated Cost</p> <ul style="list-style-type: none"> • \$220,000 per mile 	
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Recommendations (Figure 4.1)

Bicycling and walking are available to people of all ages and socioeconomic backgrounds. In urban areas such as downtown Statesville, the modes are more efficient and convenient options. Throughout the study area, recreational bicycling is gaining in popularity as expert and novice cyclists take to the scenic rural roads. Regardless of the trip purpose, bicycling and walking provide a high level of independence, flexibility, and freedom of choice relative to where you want to go and when you want to get there. A complete network of bicycle and pedestrian facilities as well as programs that educate and encourage current and future users is necessary for cycling and walking to reach its potential as a transportation alternative in the region. The challenge is overcoming physical and manmade barriers that inhibit the flow of cyclists and pedestrians.

The recommended bicycle and pedestrian facilities will provide additional connections to a variety of destinations:

- Schools
- Commercial nodes, particularly along Broad Street, US 64, US 70 and in the downtown area
- Parks and recreation centers
- Public facilities (e.g. libraries and museums)

Connections to Destinations

Establishing additional connections to existing greenways and filling gaps in the sidewalk network within the city limits are key considerations. These improvements will improve access to key destination points. The recommendations should make biking and walking to activity centers safer and more attractive. As roads become more congested, it is important to identify better ways to move people from place to place. Because roads cannot be expanded infinitely, bikeways and sidewalks are important and critical ways to provide transportation choices. A complete network of bicycle and pedestrian facilities as well as programs that educate and encourage current and future users is necessary for bicycling and walking to reach its potential as a transportation alternative in Statesville and the surrounding area.

Upon completion, the bicycle and pedestrian network in the Statesville area will include approximately 228 miles of sidewalks, 98 miles of multiuse paths, and 49 miles of on-street bicycle facilities (bicycle lanes, sharrows, and wide outside lanes). Nearly 181 miles of paved shoulders (minimum 4 feet wide) are recommended, mostly in rural areas. The majority of the bicycle and pedestrian network likely would be constructed as incidental enhancements associated with larger improvements to the roadways and through development.

Bicycle Network

North Carolina law considers bicycles as vehicles and therefore lawful for cyclists to ride on any public road unless it is designated as a limited or controlled-access highway. However, some roads are more suitable than others for bicyclists. To address overall pedestrian needs for the Statesville area, several prevailing themes emerged.



1. Focus on connectivity between residences and destinations.
2. Create a coordinated network that matches facility types with the anticipated user profile and context of the corridor.
3. Perform regular maintenance of on- and off-street bicycle facilities to maximize safety and encourage the full use of the investment.

The recommended bicycle network for the *Statesville MDP* includes both on- and off-street facilities. The planning process vetted previous plans (e.g. corridor studies and small area plans) with the updated roadway recommendations. This emphasis was necessary given the limited funds available for standalone bicycle and pedestrian projects.

The facility recommendations shown in Figure 4.1 are coordinated with the roadway recommendations that are provided in Chapter 3.

Priority Corridors

Broad Street | Greenbriar Road to Tradd Street

Improved bicycle facilities on Broad Street will provide a critical connection for bicycle mobility to and from the Broad Street Retail and Commercial corridor from Downtown Statesville. Because of the inherent safety issues with crossing I-77, it is necessary to offer a bicycle-friendly environment. Once concrete medians are added to the corridor, the City may need to reevaluate available right-of-way and consider installing sharrows instead of wide outside lanes or paved shoulders on the western portion of the corridor.

Garner Bagnal Boulevard (US 70)

A multi-use path is recommended as a long-term vision along Garner Bagnal Boulevard. As a primary east-west connection from I-40 to I-77, this route offers pedestrians and bicyclists an enhanced means of travel for the larger downtown Statesville area. The Statesville CTP includes roadway widenings for the portions of US-70, where bicycle improvements would occur as incidental projects occurring in tandem with the roadway improvements.

Broad Street



Garner Bagnal Boulevard at Salisbury Road



Pedestrian and Greenway Network (Figure 4.2)

Sidewalks

Walking is a key element to a healthy community's transportation system. Every trip begins and ends as a walking trip; yet walking often remains a lower priority mode. When a proper pedestrian environment exists, walking offers a practical transportation choice with benefits for individuals and their communities. The availability of pedestrian facilities and amenities plays an important role in encouraging the use of alternative modes of travel to the automobile. To address overall pedestrian needs for the Statesville area, several prevailing themes emerged.

1. **Close gaps in the pedestrian network to promote greater use of the existing network.**
2. **Enhance pedestrian access to activity centers from residences or other activity centers.**
3. **Perform regular maintenance of existing and future pedestrian facilities to maximize the effectiveness of the infrastructure.**

In total, approximately 132 miles of new sidewalks are recommended. The recommended network assumes pedestrians will be served by paved shoulders in unincorporated rural areas where construction and maintenance funds are less available.

Priority Corridors

Davie Avenue | Sullivan Road to Mocksville Highway

As a gateway into downtown, improving pedestrian facilities along Davie Ave will help tether the corridor to downtown Statesville. Davie Ave is envisioned by the City to become a medical corridor that transitions into residential uses. Mocksville Road also connects to an existing greenway trail that runs along Fourth Creek. Providing pedestrian investments in this corridor will create alternative mobility choices for residents and visitors to the corridor.

Shelton Avenue | Amity Hill Rd to Garner Bagnal Boulevard

Shelton Avenue is an important gateway to downtown Statesville, and is primed for strategic investments to improve mobility and connectivity. Streetscaping and a future multi-use path is planned between Garner Bagnal Boulevard and Amity Hill Road. These investments, outlined in the city's Downtown and NC-115 Streetscape/Land Use Master Plan, should be a major priority to realize the corridor's potential.

Davie Avenue



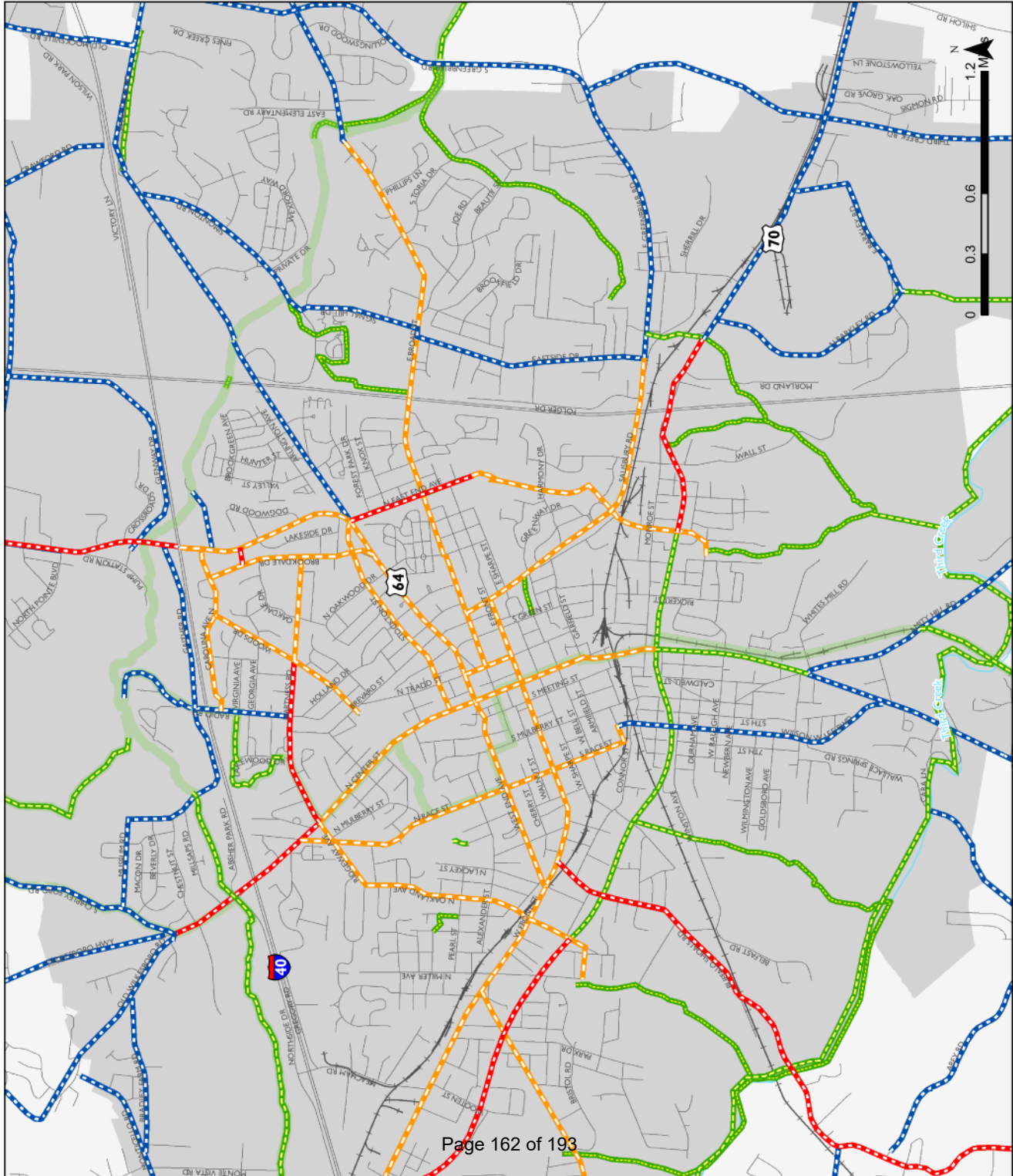
Shelton Avenue



Bicycle Recommendations










Figure 4.1b

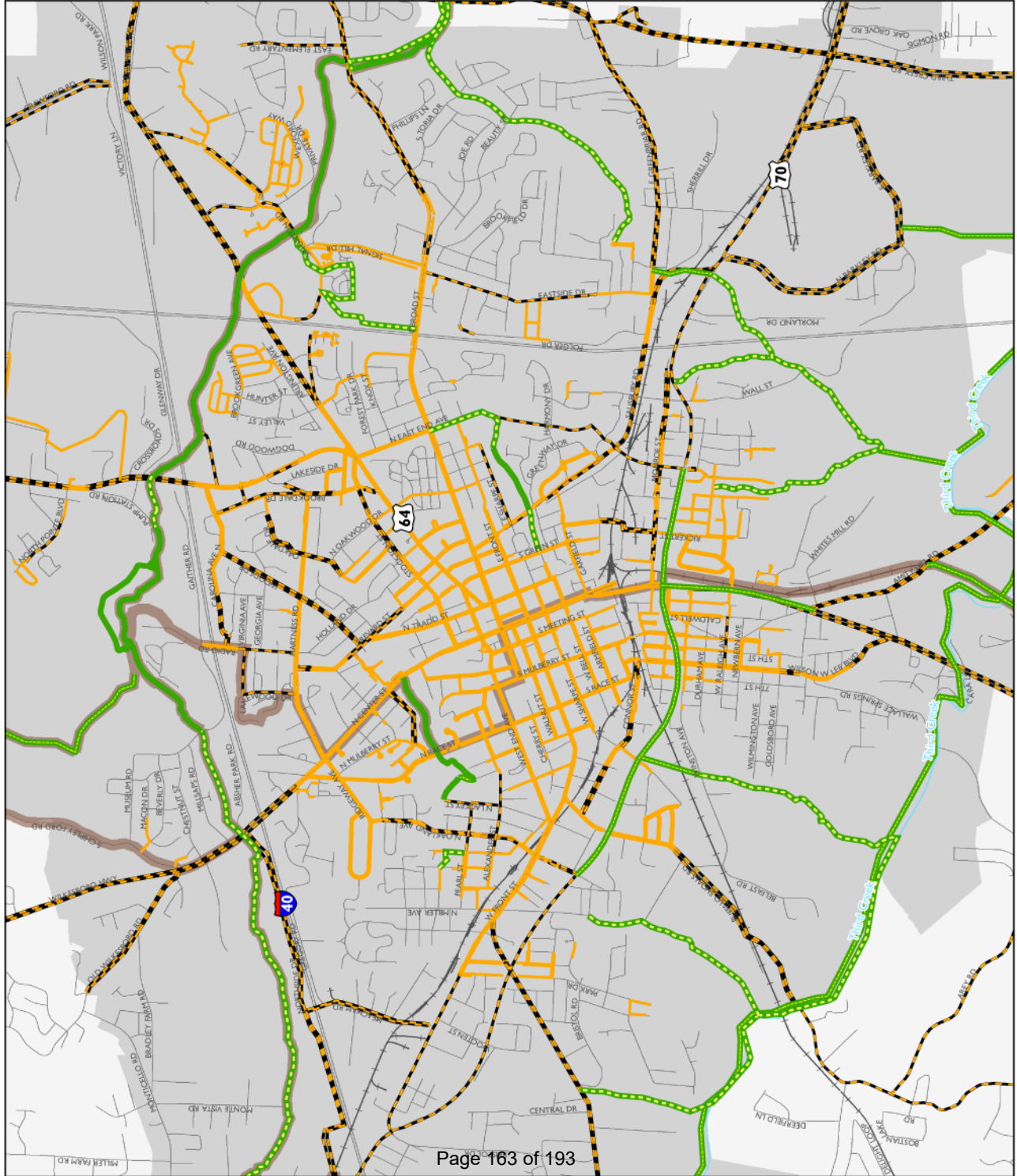
- Proposed Facilities**
- Bike Lane
 - Paved Shoulder
 - Sharrow
 - Multi-Use Path
 - Proposed Carolina Thread Trail
 - Statesville Municipal Airport
 - City of Statesville
 - Study Area
 - County Boundary



Pedestrian & Greenway Recommendation

Figure 4.2b

-  Existing Multi-Use Path
-  Proposed Multi-Use Path
-  Existing Sidewalk
-  Proposed Sidewalk
-  Carolina Thread Trail (Proposed)
-  Statesville Municipal Airport
-  City of Statesville
-  Study Area
-  County Boundary



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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, PE, Assistant City Manager
DATE: March 24, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider including space for Fire Department administrative staff in the Fire Station 1 design.

1. Summary of Information: Staff has been working with Edifice, the design-build contractor for the Fire Station 1 project, to identify opportunities to save both costs and construction time as the project design has progressed. In a discussion regarding the site work necessary to provide a level building pad, it became apparent that a large volume of earth fill is needed to provide a level building pad for the station. This earth fill (approximately 20,000 – 25,000 cubic yards, or more than 1,000 truckloads) will have to be obtained from another site and trucked to the fire station site. The earth fill demand was further exacerbated by a requirement from NC DOT to shift the building 25 ft further away from the Wilson Lee/Charlotte St intersection.

To reduce the volume of off-site earth fill required and to take advantage of the site's topography, staff asked Edifice to evaluate including a lower building level in the new Fire Station 1 that could house the Fire Department's current and future administrative staff. The Fire Department admin staff consists of 9 positions, located in the City Hall basement (Fire Chief, Deputy and Assistant Chiefs, Fire Marshal's office, Office Manager) and in the current Fire Station 1 facility (Accreditation Manager and Logistics Chief). Consolidating these positions in a single location will improve organizational efficiency, provide workspace for the two positions in the current Fire Station 1 facility, and free up much needed office space in the City Hall building.

Edifice has determined that a lower level of 5,000 sf will provide adequate space for the current Fire Department admin personnel plus room for two additional future positions. The current design is for the two levels to function as separate facilities with different access points; there will be no internal stair or elevator.

Without the lower-level admin space, the project estimate (design + construction) is \$7,966,000. Adding the admin space increases the cost by about \$1.25M, or to \$9,213,000.

Staff has identified two options to reduce the initial cost of the station:

- a) Construct the lower level but leave it unfinished. This will reduce the project cost by about \$375,000, to around \$8,838,000. Utilization of the space will require finishing the interior later.
- b) Lower the finished floor elevation of the main level. This will reduce the amount of earth fill required, eliminate the option to include a lower level and reduce the design & construction cost to around \$7,665,000. It will also result in an uphill slope from the fire station bay to Wilson Lee Blvd, which is undesirable for both fire engine departures and site drainage.

2. Previous Council or Relevant Actions:

- January 2021: At the annual planning retreat, Council affirmed the construction of a new Fire Station 1 facility as one of the City's top capital priorities.
- February 1, 2021: Council approved a purchase agreement with ISCEC for the property between 5th Street and Wilson Lee Blvd.
- February 15, 2021: Council authorized staff to proceed with the advertisement and selection of a design-build team for the Fire Station 1 project.
- May 17, 2021: Council awarded the design-build contract for Fire Station 1 to Edifice, LLC.
- October 18, 2021: Council adopted an ordinance establishing the Fire Station 1 Project Fund.
- March 15, 2022: Council directed staff to apply the balance of the City's ARPA funds (about \$7.2M) to the Fire Station 1 project.

3. Budget/Funding Implications:

Including administrative space in the new Fire Station 1 will increase the project cost by about \$1.25M but will provide space for Fire admin personnel and future growth at City Hall. Staff is pursuing a federal special appropriation opportunity with the assistance of Strategics. The project appears to be eligible, but the final eligibility and amount are unknown. We anticipate a request of up to \$2m that could potentially close the gap on the fire station cost.

Another budget consideration is that the Capital Improvement Plan shows a \$500,000 in FY2024 to renovate the existing Fire Station 1 building, with the intention of moving Fire Admin to that location.

4. Consequences for Not Acting:

Fire Station 1 will be designed and constructed without administrative space. As the City's space needs grow, accommodations for Fire Department and other City administrative personnel will become a pressing need.

5. Department Recommendation:

Staff recommends authorizing Edifice to include administrative space in the design for Fire Station 1.

6. Manager Comments:

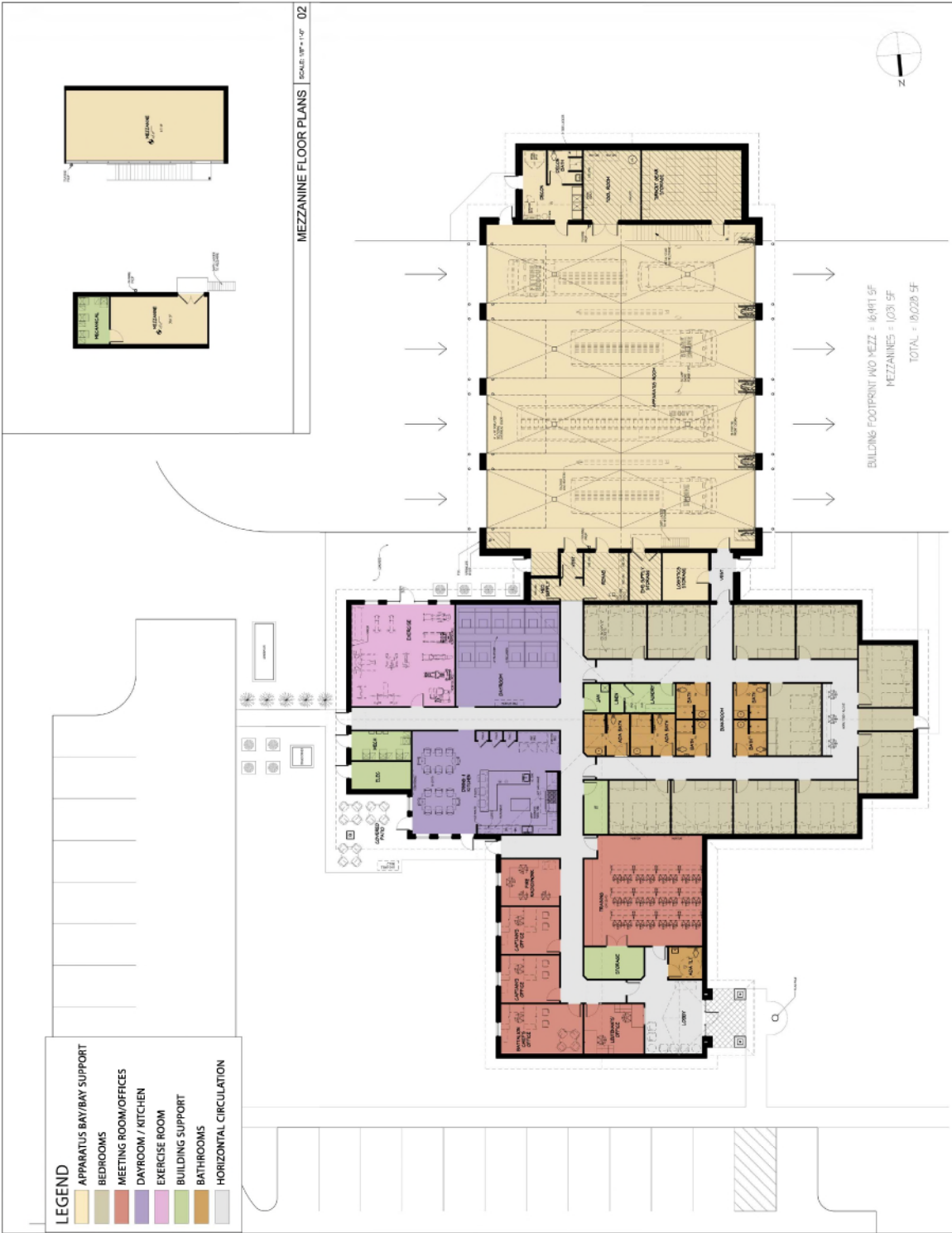
Recommend moving forward with the construction project. The City has identified \$7.2mm in ARPA funds that will go toward the fire station project. We will aggressively pursue more outside funding to hopefully bridge the gap on the overall price.

7. Next Steps:

- a) If approved, staff will direct Edifice to include administrative space in the design for Fire Station 1.
- b) Staff anticipates updating Council on the project schedule and requesting funds for early grading and materials acquisition on or before the June 6 City Council meeting.

Attachments:

1. Current Fire Station 1 building layout (single level)
2. Proposed lower-level administrative space – Conceptual Plan
3. Cost Scenarios – Original, after finished floor and location shifts, and with lower-level admin space





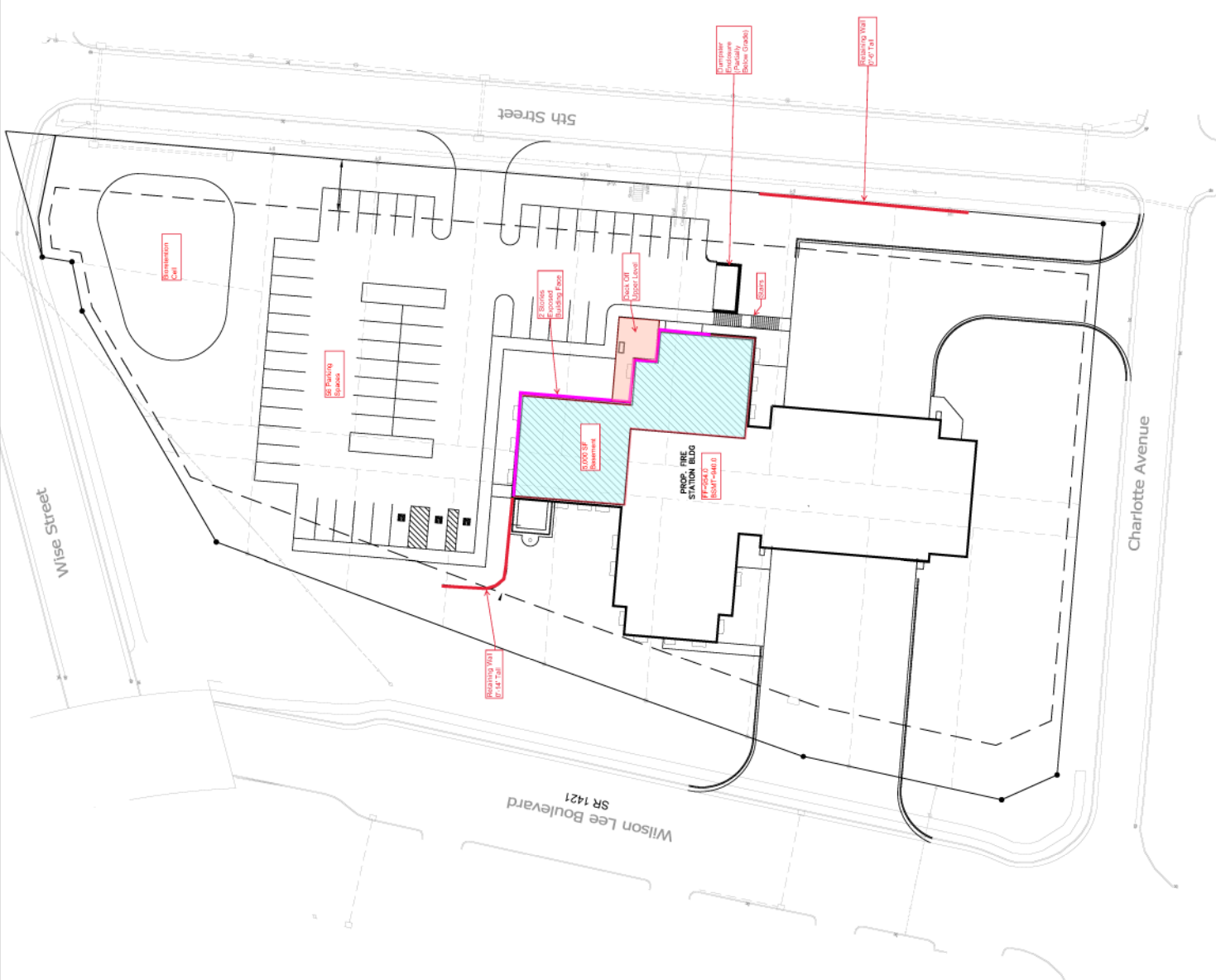
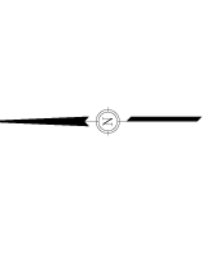
**STATESVILLE
 FIRE STATION
 No. 1**
 STATESVILLE, NC

SITE LAYOUT PLAN

DATE: XX-XX-XXXX
 PROJECT NO: 211029
 REVISIONS:
 NO. DATE DESCRIPTION:

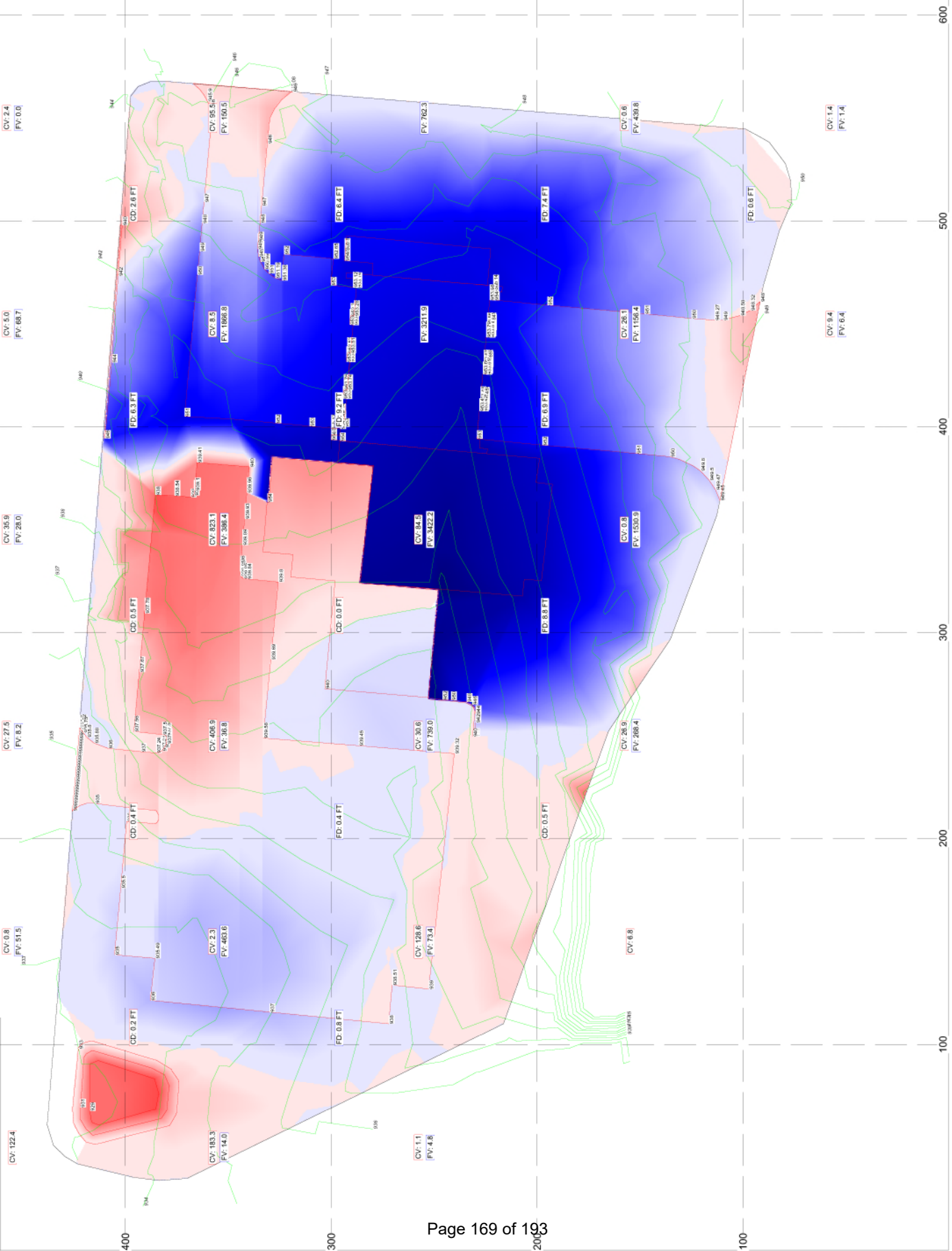
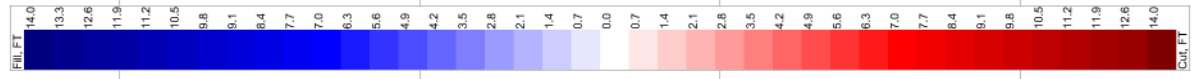
THIS PLAN IS PREPARED BY ADW ARCHITECTS, P.A., A PROFESSIONAL ARCHITECTURAL FIRM. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED BY OTHERS.

mcgill
 1240 19th Street, Level NW
 Atlanta, Georgia 30329
 404.525.3524
 NC Firm License # C-0459
 mgassociates.com



SITE DATA

PARCEL ID NO.:	4734923005	4734942427	4734913508	4734924540	4734914845	4734914845	4734912871	4734914818	4734912871	4734914715	4734912871	4734914817
CITY:	CITY OF STATESVILLE											
CURRENT ZONING:	B-SUPLY (HIGH DENSITY MULTI-FAMILY RESIDENTIAL)											
PROPOSED USE:	CITY FIRE STATION ± 2.6 ACRES											
TRACT ADDRESS:												
SETBACKS:	FRONT:	25 FEET	REAR:	25 FEET	MAX. BLDG. HEIGHT:	35 FEET	PARKING SPACES REQUIRED:	53	STANDARD:	53	ACCESSIBLE:	56
	REAR:	25 FEET	REAR:	25 FEET			RESIDENTIAL:	3.37/1,000 SF	WAREHOUSE:	6,084 SF	BUSINESS/PROF.:	5,000 SF
							WAREHOUSE:	10,788 SF	WAREHOUSE:	10,788 SF	BUSINESS/PROF.:	5,000 SF
							WAREHOUSE:	10,788 SF	WAREHOUSE:	10,788 SF	BUSINESS/PROF.:	5,000 SF
							WAREHOUSE:	10,788 SF	WAREHOUSE:	10,788 SF	BUSINESS/PROF.:	5,000 SF
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							WAREHOUSE:	10,788 SF	WAREHOUSE:	10,788 SF	BUSINESS/PROF.:	5,000 SF
							WAREHOUSE:	10,788 SF	WAREHOUSE:	10,788 SF	BUSINESS/PROF.:	5,000 SF





Schematic Design with Accepted VE and Increased SF

Statesville Fire Station 1

Statesville, NC

	18,799	18,799	23,799
Description	SD Total with VE and Additional SF	25' Shift North and FFE at 951' (3/10/22)	with 5,000 Basement (3/10/22)
Final Cleaning and Construction staking	13,900	13,900	18,400
Sitework	865,921	1,088,969	1,072,146
Fencing	-	48,125	21,500
Landscape and Irrigation	55,094	55,094	55,094
Demolition	Not Included	Not Included	Not Included
Cast-In-Place Concrete	307,993	307,993	588,693
Masonry	634,178	634,178	732,446
Steel	364,648	364,648	375,453
Wood Framing	312,840	312,840	478,268
Millwork	125,750	125,750	143,600
Waterproofing & Sealant	23,889	23,889	75,207
EIFS Cornice	Not Included	Not Included	Not Included
Roofing	179,130	179,130	179,130
Spray Applied Insulation	24,375	24,375	24,375
Insulation	55,565	55,565	79,902
FRP	31,608	31,608	31,608
Doors Frames and Hardware (includes access doors)	128,890	128,890	146,850
Glass	59,839	59,839	113,739
Bi-Parting and Overhead Doors	240,000	240,000	240,000
Drywall	131,358	131,358	172,056
Acoustical Ceilings	52,437	52,437	79,937
Hard Tile	41,178	41,178	48,874
Flooring	49,716	49,716	66,714
Floor Coatings	12,254	12,254	13,254
Paint	61,122	61,122	66,308
Specialties/Install Owner Furnished Appliances/Awnings	63,275	63,275	75,288
Lockers	17,475	17,475	17,475
Signage	22,065	22,065	22,715
Window Treatments	3,545	3,545	4,345
Elevator	Not Included	Not Included	Not Included
Fire Suppression	77,996	77,996	96,746
Plumbing	399,000	399,000	450,000
HVAC	475,230	475,230	577,730
Electrical	528,076	528,076	650,576
Subtotal Direct Cost	5,358,345	5,629,518	6,718,426
Accepted Alternates	-		
	5,358,345	5,629,518	6,718,426
General Conditions	731,294	731,294	731,294
Construction Administration	included below	included below	included below
Estimating/Design Contingency	160,750	168,886	201,553
Contractors Contingency	107,167	112,590	134,369
General Liability Insurance	57,218	59,781	70,071
Builders Risk Insurance	22,251	23,248	27,250
Pollution Insurance	2,679	2,815	3,359
Technology Fee	13,396	14,074	16,796
Payment and Performance Bond	95,688	99,570	115,158
Design & Preconstruction Fee	549,290	549,290	549,290
Designers Construction Administration	123,622	123,622	123,622
Construction Fee	433,302	450,881	521,471
Building Permit, Utility, Development, Review Fees Allowance	-	-	-
Construction Total	7,655,002	7,965,568	9,212,658

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Mark Taylor, PE, Public Works Director
DATE: March 22, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving changes to the residential, commercial, and industrial roadway sections in the City of Statesville Street Construction Specifications & Details Manual.

- 1. Summary of Information:** Public Works staff is proposing updates to the City's Street Construction Specifications and Details Manual to obtain a more robust and structurally sound street design. Changes to the street design standards consist of increased minimum stone base and asphalt thicknesses for residential and commercial/industrial streets.

The proposed changes are in response to staff observations of potholes, cracking, sub-grade failures and other damage from construction traffic during the construction build-out phases of developments. Even when repaired properly, such damage decreases the service life and increases the cost to maintain these streets once they are added to the City's street maintenance system. Also, the previous specification was created when older, more structurally significant asphalt mixes were used (the old "Marshall Mixes"). The newer Superpave mixes do not hold up as well in this area and in our climates.

Staff met with Councilman William Morgan on February 25th to discuss concerns about the previously proposed pavement structure. Mr. Morgan and staff agreed to a modified pavement structure for local and minor streets that will still improve the service life of new streets and allow some flexibility for developers to manage costs.

Mr. Morgan also shared a letter from Mr. Rob Nanfelt with REBIC (Real Estate & Building Industry Coalition, in Charlotte) in which he expressed concern for the proposed pavement structure. Mr. Nanfelt said in the letter that he feels that no change is necessary. Based on the performance of recently constructed roads using the current pavement structure, staff respectfully disagrees.

- 2. Previous Council or Relevant Actions:** Council discussed the proposed changes at the February 7, 2022 meeting and directed staff to return with options that differentiated between residential and commercial/industrial streets. A meeting with staff and Councilman William Morgan was held on February 25th to discuss the latest opportunities for partnering. At the March 7 Council meeting it was decided to delay the discussion until the April 4 meeting.
- 3. Budget/Funding Implications:** No immediate impact, although staff anticipates lower street maintenance costs long term. For developers, the increased cost will be approximately \$2,000 per lot. However, some savings, 20% on average, in patching needed before adding the roads to the city's system would bring that total down to approximately \$1600 per lot.

4. **Consequences for Not Acting:** The city will incur higher street maintenance and repair costs for roads added to the City's street maintenance system in approximately \$4 million. This higher cost will be due to resurfacing of newer roads needed in 7 to 8 years rather than the 20-year life cycle gained by using the newer pavement structure.
5. **Department Recommendation:** Staff recommends approving a more robust pavement structure, as described in the attached narrative, effective May 1, 2022. All current developments under review by the City or under construction were conditional rezoning and the new pavement structure was added as a condition when they were reviewed or approved.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** If approved, the City's Street Construction Specifications & Design Manual will be updated to reflect the new standards, which will be applied to construction drawings submitted to the Technical Review Committee.

Attachments:

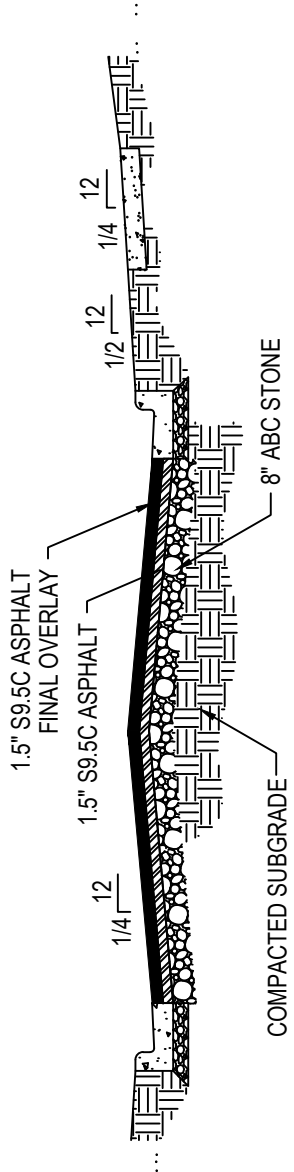
1. Street Section Description
2. Proposed Street Sections

Currently, all residential streets are required to have 8" of ABC compacted stone base and 1½" surface course. A second layer of 1½" surface course is required as the development approaches full build out. This pavement structure is proposed to be modified into two separate classifications:

Minor & Local Streets (serving 24 or fewer lots): 6" of ABC compacted stone base with an additional 2.5" intermediate course and a 1½" layer of surface course. Once the development is built out, a final 1½" of surface course will be placed to cap the roadway surface.

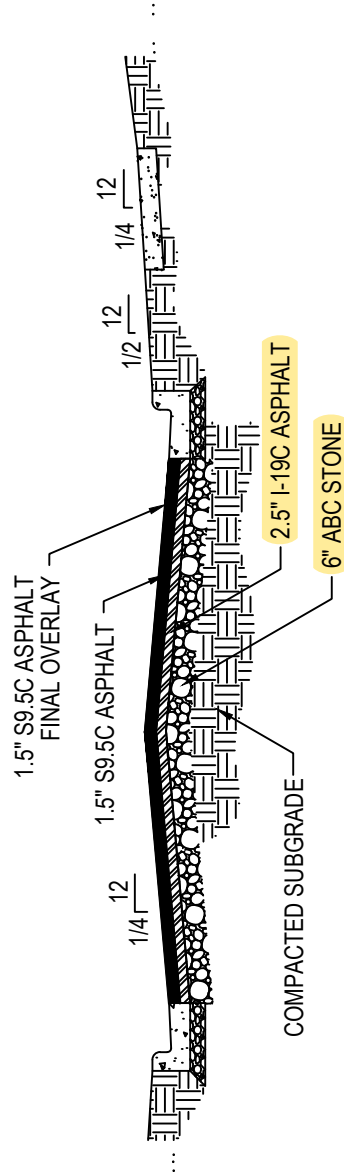
Collector and Sub-Collector Streets (serving 25 or more lots): 8" of ABC compacted stone base with an additional 3" intermediate course and a 1½" layer of surface course. Once the development is built out a final 1½" of surface course will be placed to cap the roadway surface.

CURRENT:

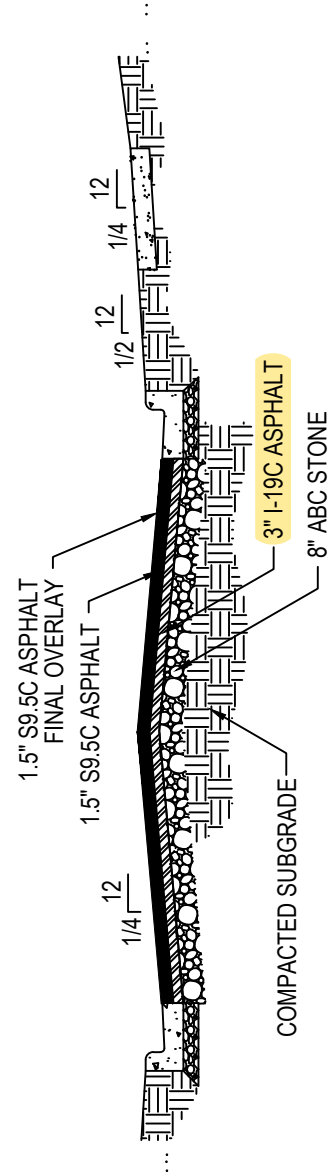


ALL RESIDENTIAL TYPES

PROPOSED:



MINOR & LOCAL



COLLECTOR & SUBCOLLECTOR



CITY OF STATESVILLE

PUBLIC WORKS DEPARTMENT Page 174 of 193

STREET
**RESIDENTIAL ROADWAY
SECTIONS**

DETAIL #	REVISED
ST-1R	MAR 2022
SCALE:	SHEET #
N.T.S.	1 OF 1

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: William Vaughan, PE, Public Utilities Director
DATE: March 10, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider accepting a bid from Vanguard Utility Services, Inc. for Water Meter Installation Services and approve Budget Amendment No. 2022-35.

1. Summary of Information: This contract will complete installation of AMI water meters not completed under the initial AMI contract with Contract Callers Inc. (CCI). Due to contract disputes with CCI, 2,827 water meters from the original scope-of-work remain to be installed. CCI substantially completed on 17 December 2021.

2. Previous Council or Relevant Actions: On December 21, 2020, Council authorized funds in the amount of \$4,210,000 for the water portion of the AMI project.

3. Budget/Funding Implications:

Current expenditures:	Sensus (invoiced):	\$1,809,489.85
	Core and Main:	\$ 663,999.24
	CCI:	\$ 256,488.80
	P-card allocation	\$ 250,000.00
	Miscellaneous:	<u>\$ 3,283.26</u>
	Total:	\$2,983,261.15

Account balance: \$ 1,226,738.85

Requirements:	Sensus meters:	\$ 233,815.63
	Vanguard bid:	<u>\$1,034,628.00</u>
	Total:	\$1,268,443.63

Project shortfall: \$41,704.48

Staff is requesting \$50,000 to cover the remaining project expenses.

4. Consequences for Not Acting:

- o Delay in completion of AMI meter installation project.
- o Additional work for water maintenance resulting in delays for other requirements.
- o Delay in manpower adjustments (meter readers).

5. Department Recommendation: Staff recommends awarding the installation services contract to Vanguard Utility Services, Inc. and approving Budget Amendment No. 2022-35.

6. Manager Comments: I concur with the department recommendation.

7. Next Steps:

- Appropriate additional funds to account 562.8243.45.01.
- Award installation services contract to Vanguard Utility Service, Inc.
- Sensus delivery of remaining project water meters.

Attachments:

1. Budget Amendment No. 2022-35

CITY OF STATESVILLE
BUDGET AMENDMENT #2022-35

April 4, 2022

FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Water and Sewer Fund					
550.0000.399.00.00	Revenue	Appropriated Fund Balance	2,618,339	50,000	2,668,339
Total Revenues			<u>21,522,216</u>	<u>50,000</u>	<u>21,572,216</u>
550.5582	Expenditure	Water Maintenance	5,948,578	50,000	5,998,578
Total Expenditures			<u>21,522,216</u>	<u>50,000</u>	<u>21,572,216</u>
Water AMI Capital Project Fund					
562.0000.395.31.00	Revenue	Transfer From Water and Sewer Fund	1,000,000	50,000	1,050,000
Total Revenues			<u>4,210,000</u>	<u>50,000</u>	<u>4,260,000</u>
562.8243	Expenditure	AMI Project	4,210,000	50,000	4,260,000
Total Expenditures			<u>4,210,000</u>	<u>50,000</u>	<u>4,260,000</u>

DESCRIPTION: To appropriate fund balance for transfer and appropriate expenses in project fund

Budget Officer



Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 21, 2022

ACTION NEEDED ON: April 4, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider appointing one regular member to the Historic Preservation Commission to fill an unexpired term.

- 1. Summary of Information:** Mr. Richard Boyd has resigned his position on the Historic Preservation Commission. Mr. Boyd has served on the commission since 2002, and his current term expires December 31, 2022.

Proposed Applicants:

The following individuals have applied for a position on the Historic Preservation Commission. Their applications are attached for your review, as well as the current roster:

1. William Scott Brown (Mitchell College Historic District)
2. Anna Campbell
3. Barry Edwards (Mitchell College Historic District)
4. Elliot Rothman (Academy Hill Historic District)

The UDC ordinance requires the Historic Preservation Commission to consist of the following:

- The Commission shall be a nine-member commission appointed by the City Council.
- A majority of the members of the commission (e.g., five of the nine members) shall have demonstrated special interest, experience or education in history, architecture, archaeology, or related fields.
- All members shall reside within the territorial jurisdiction of the City of Statesville.
- Members shall be appointed for three-year staggered terms.

- 2. Previous Council or Relevant Actions:** City Council appoints members to the Historic Preservation Commission on an annual basis in December for staggered terms. In the event a current member resigns, City Council appoints a new member to fulfill the unexpired term of the resigning member. All members shall be residents of the city's planning and zoning jurisdiction or city's extra-territorial jurisdiction. The Historic Preservation Commission is comprised of nine members who specialize or have a demonstrated special interest in history, architecture, archaeology, or other preservation-related fields.
- 3. Budget/Funding Implications:** Historic Preservation Commission members are paid \$20 per meeting. These costs are accommodated in the Planning Department's budget.
- 4. Consequences for Not Acting:** One seat would remain vacant.

5. Department Recommendation: Staff will work with appointed member.

6. Manager Comments:

7. Next Steps: If appointed, notify appointee, and provide training materials as necessary.

Attachments:

1. Volunteer Applications – (4)
2. HPC Current Membership Roster

**APPLICATION FOR APPOINTMENT
TO A BOARD, COMMITTEE OR COMMISSION
FOR THE CITY OF STATESVILLE, NC**

The City of Statesville appreciates your interest in serving on a Board, Committee or Commission and requests that you complete the following application. The application will provide general information based on your interest in serving for the Mayor and City Council to consider in making appointments. All members of the City of Statesville Boards, Committees and Commissions are appointed by either the City Council or the Mayor. ***Please print legibly.***

Name: **William Scott Brown** Date of Application: **1/10/2022** Home Address: **421 Walnut St.**

Statesville, NC 28677

WARD:?

Email Address: Contact Phone No: wmscottb93@gmail.com **704-929-0151**

Do you reside in the City of Statesville? **Yes No** Length of Residence: 25 7
Years Months

Occupation: Employer:

Available for Daytime Meetings: **Yes Possibly No** Currently Serving on Another Board: **Yes No**

Education:

City Government policy prohibits discrimination based on race, sex, creed, national origin, age or handicap.

The following questions regarding date of birth, gender and race are voluntary:

Date of Birth: **12/10/1963** Male: Female: Race: **White**

Please provide a brief statement outlining why you wish to serve: **I have a personal interest in history & old buildings from my Family History.**

_ Please list current and previous service to the community, civic clubs, activities, and talents: **Trail Coordinator for Signal Hill Mountain Bike trail in Statesville from 2009 to 2014. Trail Master for the Carolina Thread Trail from 2014 to 2022.**

Please list any areas of expertise, interests, and skills: **Have done waterproofing professionally for a number of years & I also know & understand structure integrity & water intrusion very well. Have always been interested in American Architecture on a personal basis. Currently own a Trail Building Company (with my Partner) where we build trails of various types & bridges for trails as well as other structures. Have a personal interest in & a little experience with archeology.**

The City of Statesville sincerely appreciates the interest of all citizens in serving their City. If you need more information about a board or the responsibilities, please contact the City Manager's Office at 704-878-3583. The application must be returned to the City Manager's Office to be considered for appointment via one of the methods listed below. The volunteer application will remain on file for three (3) years from the date received.

1. Upload via the City website (fillable PDF available online)
2. Email [to anesbit@statesvillenc.net](mailto:anesbit@statesvillenc.net)
3. Mail to April Nesbit, City Manager's Office, PO Box 1111, Statesville, NC 28687

City of Statesville Boards, Committees and Commissions

Please indicate your preferences by number starting with one (1) and choose no more than three (3).

ABC Board

Meets on the 4th Tuesday of each month at 11:00 AM. Members are appointed by City Council for 3-year terms. The board consists of a chairman and two (2) other members, all of whom must be residents of the city and well known for their character, ability, and business acumen.

Airport Commission

Meets on the 2nd Wednesday of each month at 12:00 PM and members are appointed by City Council for 3-year terms. The commission is composed of seven (7) voting members. Five (5) of the members are appointed by the City Council. One (1) member of the City Council will be appointed by the Mayor. One (1) member of the County Commission will be appointed by the County Commissioners. No more than three (3) of the seven (7) appointed members may live out of the city limits.

Board of Adjustment

Meets as needed on the 1st Tuesday at 12:30 PM. Members are appointed by City Council for 3-year terms. The board consists of five (5) members who are citizens and residents of the City who will be appointed by the City Council, and one (1) member who is a citizen of Iredell County and resides outside the City, but within the extraterritorial jurisdiction of the City, and who will be appointed by the Board of Commissioners of Iredell County.

Civil Service Board

Meets as needed, no set day or time. Members are appointed by Senior Resident Judge of the Superior Court for one 3-year term. The civil service board consists of five (5) members.

Convention & Visitors Bureau

Meets on the 3rd Tuesday of each month at 9:00 AM. The board consists of nine (9) members appointed by the City Council for 3-year terms as follows: three (3) individuals who own or operate a hotel or motel in the City of Statesville; four (4) individuals who are currently active in the promotion of travel and tourism in the City of Statesville; two (2) of whom are active in the Statesville community and interested in the promotion of travel and tourism (and is also a resident of the City of Statesville).

Community Appearance Commission

Meets on the 3rd Thursday of each month at 12:00 PM. The commission is composed of eleven (11) members appointed by the Mayor for 3-year terms. All members should be residents of the City's planning and zoning jurisdiction at the time of appointment. Where possible, appointments will be made in such a manner as to maintain on the commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape architecture, horticulture, arboriculture, city planning or a closely related field.

Design Review Committee

Meets on the 2nd Thursday of each month at 2:00 PM. The committee is composed of five (5) members appointed by the City Council for 3-year terms. Four (4) members are residents of the City's planning and zoning jurisdiction or own a business with the same. One (1) member is an active member on the DSDC Board of Directors.

Historic Preservation Commission

Meets on the 4th Thursday of each month at 7:00 PM. It is a nine-member Commission appointed by the City Council for 3-year terms. A majority of the members of the Commission will demonstrated special interest, experience or education in history, architecture, archaeology, or related fields, and all members shall reside within the zoning jurisdiction of the City.

Planning Board

Meets on the 4th Tuesday of each month at 7:00 PM. The Planning Board consists of six (6) members who are citizens and residents of the City who are appointed by the City Council for 3-year terms. One (1) member who is a citizen of Iredell County and resides outside the City, but within the extraterritorial jurisdiction of the City, and is appointed by the Board of Commissioners of Iredell County.

Statesville Housing Authority

Meets on the 4th Tuesday of each month at 5:30 PM. Members are appointed by the Mayor for 5-year terms.

Stormwater Advisory Commission

Meets quarterly on the 3rd Thursday at 12:00 PM. Members are appointed by Council for 3-year terms. The Commission is made up of eight to ten voting members who either live in Statesville or who have significant business interests in the City. All should be subject to paying a stormwater management fee

**APPLICATION FOR APPOINTMENT
TO A BOARD, COMMITTEE OR COMMISSION
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Name: Anna Campbell Date of Application: 1/24/2022 /
Home Address: 130 Park St WARD: 4
Email Address: annacochran95@gmail.com Contact Phone No: 704-437-4792
Do you reside in the City of Statesville? Yes No Length of Residence: 26 1
Years Months
Occupation: Retail Store Manager and Trainer Employer: Starbucks Coffee Company
Available for Daytime Meetings: Yes No Currently Serving on Another Board: Yes No
Education: Mitchell Community College AA C/O 2016

City Government policy prohibits discrimination based on race, sex, creed, national origin, age or handicap. The following questions regarding date of birth, gender and race are voluntary:

Date of Birth: 12/26/1995 / Male: Female: Race: white

Please provide a brief statement outlining why you wish to serve:

I have always had a passion for history and what "once was" in Statesville. I've lived here my entire life and recently have enjoyed learning the history of my home, neighborhood, and church (First Presbyterian). I want to have a part in spreading the joy and knowledge Statesville's history to others.

Please list current and previous service to the community, civic clubs, activities, and talents:

Past: Iredell Museums: Gregory Creek Homestead Volunteer
Current: Sharpe House Historic Players: actress/volunteer

Please list any areas of expertise, interests, and skills:

Interested in preservation and expanding public knowledge of Statesville's rich history. I am currently a retail store manager with flexible scheduling and experience in planning, scheduling, collaboration, training, and leadership.

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Design Review Committee

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X

Historic Preservation Commission

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Statesville Housing Authority

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Stormwater Advisory Commission

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STATESVILLE CITY GOVERNMENT extends an invitation for all interested citizens of Statesville (and those residing in the extraterritorial planning jurisdiction) to volunteer their services to any of a number of boards and commissions which are appointed.

A list of these boards and commissions appears below. From time to time, the mayor also appoints special citizen study committees and tasks force to deal with specific issues. Please fill out this Volunteer Information and Interest Sheet if you're interested in volunteering. If you have questions about any of these boards, please call 704-878-3583. Your opinions are valued, your help is needed and Statesville welcomes your interest!

BOARDS/COMMISSIONS

ABC Board
Civil Service Board
Convention & Visitors Bureau
Statesville Housing Authority

Airport Commission
Community Appearance Commission
Historic Preservation Commission
Stormwater Advisory Commission

Board of Adjustment
Design Review Committee
Planning Board

Names of boards, commission or committee in which you are interested. Please list in order of **priority**:

Historic Commission

Name: Barry Edwards Home Phone: 704 500 8833
Home Address: 219 N Race St. Statesville Zip Code: 28677
Ward: 5

Occupation: Residential / Commercial Interior Design + Renovations

Business Phone: 704 500-8833 Email: roomservicenc@gmail.com

Place of Employment: self-employed Available for Daytime Meeting: Yes No

Race: Caucasian Sex: M Age: 58

Equal Opportunity Information: City government policy prohibits discrimination based on race, sex, creed, national origin, age or handicap. The information requested will in no way affect the interest you have expressed in serving the City of Statesville. Its sole use will be to see how well our appointment efforts are reaching all segments of the population.

Education: Interior Design and Space planning
CAD / CAM - computer aided drafting + design

Business and Civic Experience: New construction + Renovation Design.
Volunteer experience for Habitat for Humanity Events,
Ballonfest, DSDC events and community gardening.

Areas of Expertise, interest, skills: Construction knowledge, architectural
time periods, restoration. Interests include
renovating, wood working and Master Gardening/volunteer.

Why do you want to serve? Historic structures and their architect
need to be preserved and appreciated. My efforts
to help the community + individuals preserve these structures is
foremost!

Date 11/19/21

Signature: Barry L. Edwards

The Statesville City Council sincerely appreciates the interest of all citizens in serving their City. For more information on the responsibilities of various boards, you may contact the City Manager's Office at 704-878-3583. Return form to the Deputy City Clerk, City Manager's Office, City of Statesville, PO Box 1111, Statesville, NC 28687-1111 or at anesbit@statesvillenc.net.

This form will remain active until THREE years after date received.



STATESVILLE CITY GOVERNMENT extends an invitation for all interested citizens of Statesville (and those residing in the extraterritorial planning jurisdiction) to volunteer their services to any of a number of boards and commissions which are appointed.

A list of these boards and commissions appears below. From time to time, the mayor also appoints special citizen study committees and tasks force to deal with specific issues. Please fill out this Volunteer Information and Interest Sheet if you're interested in volunteering. If you have questions about any of these boards, please call 704-878-3583. Your opinions are valued, your help is needed and Statesville welcomes your interest!

BOARDS/COMMISSIONS

ABC Board
Civil Service Board
Convention & Visitors Bureau
Statesville Housing Authority

Airport Commission
Community Appearance Commission
Historic Preservation Commission
Stormwater Advisory Commission

Board of Adjustment
Design Review Committee
Planning Board

Names of boards, commission or committee in which you are interested. Please list in order of **priority**:

HISTORIC PRESERVATION COMMISSION

Name: ELIOT ROTHMAN Home Phone: 704 883 6157

Home Address: 627 S. MULBERRY ST STATESVILLE Zip Code: 28677

Ward: _____

Occupation: RETIRED

Business Phone: _____ Email: ELRS@AOL.COM

Place of Employment: _____ Available for Daytime Meeting: Yes No _____

Race: _____ Sex: m Age 72

Equal Opportunity Information: City government policy prohibits discrimination based on race, sex, creed, national origin, age or handicap. The information requested will in no way affect the interest you have expressed in serving the City of Statesville. Its sole use will be to see how well our appointment efforts are reaching all segments of the population.

Education: HIGH SCHOOL + MILITARY

Business and Civic Experience: FAST FOOD MANAGEMENT - STORE WINDOW INSTALLER
SWIMMING POOL OWNERS - SKI LIFT OPERATOR - DELIVERY DRIVER

Areas of Expertise, interest, skills: SELF TAUGHT - CARPENTRY - AUTO - ROOFING -
PLUMBING

Why do you want to serve? I like Historic Preservation and want to
CONTRIBUTE TO THE COMMUNITY

Date 1/6/22

Signature:

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Historic Preservation Commission

Meets 4th Thursday of each month at City Hall Council Chambers at 7:00PM
3 year terms, City Code: Chapter 22, Section. 65.20
City Council Appointment Only

Member:	Phone:	Since	Term Expires	District
Richard Boyd 635 Walnut Street Statesville, NC 28677 richardboydjr@att.net	(C) 704-252-3611	01/24/2002	12/31/2022	Mitchell College
Don Underhill 121 N. Oakwood Drive Statesville, NC 28677 stones2stars@gmail.com	(C) 704-402-9119	1/1/2020	12/31/2022	Davie/E. Broad (outside)
Dr. Dea Mozingo-Gorman 411 Davie Avenue Statesville, NC 28677 dmozg12@gmail.com	(C) 404-664-1240	02/01/2021	12/31/2023	Davie/E. Broad
Agnes Wanman – Vice Chair 105 N. Oakwood Drive Statesville, NC 28677 awanman@hotmail.com	(C) 919-801-0851 (H) 704-775-4524	10/06/2014	12/31/2021	Davie/E. Broad (outside)
Brittany Marlow 207 Ramsey Ct Statesville, NC 28677 brittanyanmarlow@gmail.com	(C) 704-657-5610 (W) 704-881-3948 Ext. 701	04/13/2015	12/31/2023	Davie/E. Broad
David Richardson - Chair 1207 Valley Stream Rd Statesville, NC 28677 david.richardson@cdw.com	(C) 980-223-8986 (W) 404-259-4436	01/22/2018	12/31/2022	Davie/E. Broad (outside)

<p>Jessica Arnold 621 W. Front Street Statesville, NC 28677 parnoldjm@gmail.com <i>(Filling unexpired term of Jonathan Dearman)</i></p>	(C) 828-201-0958	05/03/2021	12/31/2022	Mitchell College
<p>John MacPhail 639 W. Front Street Statesville, NC 28677 macphail85@gmail.com</p>	(C) 262-308-7800	01/01/2022	12/31/2024	Mitchell College
<p>Glenn Setzer 312 Kelly Street Statesville, NC 28677 glennewardsetzer@gmail.com</p>	(C) 704-906-9371	12/18/2017	12/31/2023	Mitchell College

Citizen Email Agenda Only:

Jane Feller - fellergj@bellsouth.net

Media:

Brittney Johnson - brittney.johnson@wsoc-tv.com
 Statesville Free News – svlfreenews@gmail.com
Statesville Land & Record
 Ben Gibson: bgibson@statesville.com

WSIC

Margaret Beveridge: news@wsicfm.com

Staff:

Marci Sigmon
 704-878-3578
msigmon@statesvillenc.net

Council Liason:

Mr. John Staford
 603 Walnut St
 Statesville, NC 28677
jstaford@statesvillenc.net (C) 704-437-1207



**Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
March 16, 2022 – 9:00am**

City Staff: David Cole – Planning, Regina Hoke – BFCC, Randall Moore – Stormwater, Clyde Fox – W/S Maintenance, Charles Jenkins – Fire, Steve Bridges – Public Works, April Nesbit - CMO

County Staff: None

Others: Matthew Erich and Dan Shabeldeen – Diamond Hill Phase 1; Chris Bridges and Andrea Gendelman – Wallace Springs Amenity; David Monk, John McGhee , +1 – American Renaissance School; Christy Tucker and Andrew Koseck - APS

Media: None

1. Call to order & Introductions

David Cole called the meeting to order and made introductions around the room.

2. Consider approving the March 2, 2022, 2022 TRC meeting minutes.

Cole asked if there were any changes to the minutes or for a motion.

Steve Bridges made a motion to approve the February 16, 2022 TRC meeting minutes, seconded by Regina Hoke. The motion carried unanimously.

Revisions to Approved Plans

3. Diamond Hill Mini Storage Site Plan – Monroe & Wall St – 3rd Submittal (*Revision to plans contingently approved September 16, 2020*)

Regina Hoke – BFCC

- Add note to plans – After the DC BFA is installed, pipes from the water meter to 5' past the BFA pipes will need to be inspected before covering up by the city inspector or the BFCC office at 704-832-3847.
- Add note to plans – For final CO sign off on BFA(s), inspection of pipes from water meter to 5' past BFA(s) must have been completed and a passing test report(s) performed by a certified tester sent to our office.

David Cole – Planning

- Still need to show right of way dedication along Monroe St, regardless of the agency that maintains the roadway. This can happen per the recombination plat which is currently under review by Planning.

- Add note to Sheet C5, Note 7, which re-phrases to: Landscaping Plan exceeds minimum requirement, and may change during construction. Changes to the approved landscaping plan will require pre-approval from the Statesville City Arborist and Planning Department.
- Add a note 8 to Sheet C5, which states that “A Pre-Plant inspection will be scheduled with the City Arborist prior to installation of landscaping.” 3Revise parking requirement to match the square footage of both buildings (24,400 square feet plus enough for employees).
- Recombination plat for all parcels must be approved by City and recorded prior to issuance of zoning clearance for buildings (due to building 2 location on existing lot line).

Clyde Fox made a motion to approve the third submittal for Diamond Hill Mini Storage Site Plan – Monroe and Wall Street – contingent upon the ROW dedication along Monroe Street and notes added to plan for backflow and landscaping. The motion was seconded by Steve Bridges and carries unanimously.

4. American Performance Steel/Kosbuilt Site Plan – 101 Parcel Dr – 1st Submittal (*Revision to plans contingently approved February 2, 2022*)

Randall Moore – Stormwater

- Provide copy of E&SC LOA, NCG01 COC
- Provide flared outlets or end walls on all pipe outlets. Detail and note on plans will suffice.

Charles Jenkins – Fire

- Will need to widen the driveway to 20’.

David Cole – Planning

- Widen the access drives from 16’ to 20’ wide.
- Upon construction, will need to verify that the hammerhead will be long/wide enough for vehicle turnaround by Building C.

Shawn Cox – Electric/Arborist (comments via email)

- A Hedge Maple is shown as the parking lot tree. This is fine, but these can be hard to find. City staff (planning & arborist) will need to be notified if this species type changes when it comes time to plant.
- Staff recommends replacing half of the Sugar Maples along the Parcel Drive and James Farm frontage with the Chinese Pistache. This tree type will add to the aesthetics of the corridor, is a similar price compared to the Sugar Maple, will improve the resiliency of the street yard, and does not have the root problems that Sugar Maple does.

Steve Bridges made a motion to approve the first submittal of American Performance Steel/Kosbuilt Site Plan – 101 Parcel Drive – contingent upon the E&SC LOA and NCG01 Certificate of Coverage, seconded by Randall Moore. The motion carried unanimously.

Cole added that the Planning Department would need a new plan set to stamp with note from Stormwater.

5. Wallace Springs Amenity Center Site Plan – Wallace Springs Rd – 1st Submittal

Regina Hoke – BFCC

- Need to see on the plans the proposed location(s) and size(s) of water meter(s) and Reduced Pressure backflow assembly (RP BFA(s)) to be used for the amenity center’s bathroom, pool area and any proposed irrigation water meter. For the RP BFA(s) that must be installed, please call out the hard copper to be used from water meter to 5’ foot past 2nd riser of the RP BFA(s). City of Statesville’s RP BFA details will need to be added (attached

RP BFA details for ¾" to 1.5") if a larger size is proposed please contact our office for correct details, backflow preventer is to be same size as water meter.

- Add notes to plan:
 - After the BFA is installed, pipes from the water meter to 5' past the BFA pipes will need inspected before covering up and again after pad is in place by the city inspector or the BFCC office at 704-832-3847.
 - For final CO sign off on BFA(s), inspection of pipes from water meter to 5' past BFA(s) must have been completed, an inspection after the pad is in place and a passing test report(s) performed by a certified tester sent to our office.
 - Add attachment for contractors needing water.

Steve Bridges – Public Works

- If using a different curb and gutter inside the amenity center parking lot than in on Old Home Road, be sure to use the appropriate transition inside the entrance.
- Valley curb is not allowed on collector roads.
 - Chris Bridges stated that this was previously approved by Council.
 - Steve Bridges stated that he would need to pull the minutes from 2016.

Clyde Fox – Water/Sewer Maintenance

- Must meet all City and State utility standards.

Randall Moore – Stormwater

- Only provide calcs in calc book for SCM from Wallace Springs SD that handles runoff from amenity area.
- Narrative in calc book should be specific to amenity area.
- Provide details for SCM, show SCM on plans.
- Provide STW application and checklist.
- Place proposed impervious and proposed calculated ERUs on plans.
- Grading & Drainage Plan Notes shall include language: "Call STW Program Manager 72 hours before stormwater pipe to be installed for site inspection. 704-761-2376"
- Place note on plans for who is responsible for maintenance of STW infrastructure (HOA).
- Provide table with pipe diameter, material, length, slope, rim elev, invert elev, grate type, drainage area and flow into structure.
- O&M agreement for Wallace Springs SD has not been submitted.
- Update original SD plans with new storm pipe and inlets from this project on Old Home Road.

David Cole – Planning

- Planning will need to review building elevations for this structure, to verify compliance with UDC Section 6.08.
- The landscaping buffer to the south needs to be adjusted from the 8' Class A to a 15' Class C, to consider the neighboring zoning (County R-A). Single Family to Single Family requires the 15' per the landscaping requirements.

Tabled for revisions

6. American Renaissance School Gymnasium Site Plan – 205 S Tradd St – 2nd Submittal

Clyde Fox – Water/Sewer Maintenance

- Sewer fee submittal – needs to be 26 minimum for the pipe
- Needs SDR 26; currently showing 35.

Randall Moore – Stormwater

- Provide copy of NCG01 Certificate of Coverage
- Installation Bond not submitted.
- Provide copy of recorded O&M agreement
- Show SCM Access & Maintenance Easement on plans, label as such.

Regina Hoke made a motion to approve the second submittal for American Renaissance School Gymnasium Site Plan – 205 S. Tradd Street – contingent upon the Stormwater installation bond and SCM Access & Maintenance easement added and labeled on the plan. The motion was seconded by Randall Moore and carried unanimously.

7. NC Park 40/77 Phase 1 (Building 4) Site Plan (Grading Only) – Jane Sowers/Crawford Rd – 1st Submittal

David Cole stated that this annexation will go into effect April 30, 2022. We will not be approving any plans until this is legally in our jurisdiction. This is informational only to help with the upcoming grading.

Steve Bridges – Public Works

- Please make sure construction entrance stays clean.

Clyde Fox – Water/Sewer Maintenance

- Must meet all City and State utility standards.

Randall Moore – Stormwater

- Iredell County Grading permit is for when you submit four building plans review with Iredell County.
- Calcs should use table from City of Statesville Drainage Design Manual for Rainfall Depth.
2-yr 24-hr = 3.44 10-yr 24-hr =5.08 50-yr 24-hr =6.85
- Submit Stormwater Application and Checklist Form B, 3 pages
- Will SCMs be maintained by property owner or business park HOA (escrow required)?
- Private drive or public road?
- Provide copy of E&SC LOA, NCG01 Certificate of Coverage.
- Need to submit O&M Agreement.
- Installation Bond needs to be submitted.
- Calc package not signed.
- Stormwater Pipe outlets shall not discharge on slopes (in ponds).
- Stormwater Pond Outlets should merge over stream buffer, not intersect perpendicularly.
- Show undisturbed 25 foot from center of stream buffer.
- Show 30-foot setback from top of stream bank for built-upon area.
- Slopes greater than 10 feet in height should be benched.
- Grading plan notes: #1 should say City of Statesville.
- Only use approved pipe material from City of Statesville Drainage Design Manual.
- SCM Access and Maintenance Easements should encapsulate SCMs including outlet structures, show access lanes also.
- Grading and Drainage Plan Notes shall include language: "Call Stormwater Program Manager 72 hours before stormwater pipe is to be installed for site inspection. 704.761.2376"
- Provide table with pipe diameter, material, length, slope, rim elev, invert elev, grate type, drainage area and flow into structure.

- Place proposed impervious and proposed calculated ERUs on plans. (1 ERU=3,050 sf, round up to the next whole number).

David Cole – Planning

- Clarify name of project on plans – team was initially informed that this project is called “NC Park 40/77.”
- According to the current rezoning and annexation schedule, this project will not be in the City’s jurisdiction until April 30. This means that the action is not a TRC approval, but a courtesy review of these plans to verify compliance with City standards. Following this review, the applicant will be able to start grading on the site, provided they secure proper erosion control & grading approval from the county.
- ROW dedication will be required along Jane Sowers Rd, when the plans come back to TRC for the building. This dedication will need to occur via plat, before a permit is issued for the building (110’ total, 55’ from centerline).
- Staff is concerned with the alignment of the new driveway access point and Carl Austen Road.

Final Stamp Only

8. Bell Farm Preliminary Plat/Construction Plans – East Broad Street – Minor RTAP *(Originally Approved Contingent 5/19/2021, RTAP Re-approve 3/2/2022)*
Cole asked that all departments sign plans.

9. Other Business
None

10. Adjournment
Charles Jenkins made a motion to adjourn, seconded by Steve Bridges. The motion carried unanimously.