



CITY COUNCIL MEETING AGENDA

June 06, 2022

City Hall Council Chambers – 227 S. Center Street, Statesville, NC
Pre-Agenda Meeting – 6:00 p.m. / Regular Meeting – 7:00 p.m.

- I. **Call to Order**
- II. **Invocation** (Only at Council Meeting)
- III. **Pledge of Allegiance** (Only at Council Meeting)
- IV. **Adoption of the Agenda** (Only at Council Meeting)
- V. **Code of Ethics** Pg. 4
- VI. **Presentations & Recognitions** (Only at Council Meeting) Pg. 7
 - 1. Proclamation – Waste & Recycling Workers Week – June 17, 2022
 - 2. Proclamation – Juneteenth 2022
- 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.
 - A. **Consider approving the 04/04/2022 Special Council meeting minutes and the 05/02/2022 Council meeting minutes. (Fugett) Pg. 9 and 14**
 - B. **Consider approving Budget Amendment #2022-39 to increase the overall American Rescue Plan Act Fund. (Roberts) Pg. 25**
 - C. **Consider approving a transfer of funds from the American Rescue Plan Fund to the General Fund in the amount of \$24,372 for reimbursement of the Fiscal Year 2022 Grants Manager salary and benefit expenditures and approve Budget Amendment #2022-40. (Roberts) Pg. 27**
 - D. **Consider approving Budget Amendment #2022-41 to increase the overall budget of the Water and Sewer Capital Fund. (Roberts) Pg. 29**
 - E. **Consider approving Agricultural Lease Agreements for the property located at the 3rd Creek and 4th Creek Wastewater Treatment Plants. (Vaughan) Pg. 31**

- F. 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 June 20, 2022 for a Public Hearing for the Petition for Annexation of case #AX22-09 SL Statesville, LLC (Wall Street); PIN #'s 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007, 4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651. *(Ashley) Pg. 57*
- G. Consider approving 2nd reading of Rezoning Request ZC22-02 for property located on Buffalo Shoals Road, Park Drive and Johnson Drive; Iredell County Tax Parcel Identification #'s 4734-11-0248, 4723-89-7998, 4734-10-0436, 4734-20-1073, 4734-20-4406 & 4733-09-8888; from R-A (Residential-Agricultural) District, R-15M (Urban Fringe Low Density Residential/Manufactured Housing) District and HI (Heavy Industrial) District to R-8 MF CZ (Medium Density Multi-Family Residential Conditional Zoning Cluster & Architecturally Integrated Subdivision) District. *(Ashley) Pg. 72*
- H. Consider approving 2nd reading of Rezoning Request ZC22-06 for a property located on Victory Lane; Iredell County Tax Parcel Identification # 4755-25-2950; from RA (Residential Agricultural) District to LI (Light Industrial) District. *(Ashley) Pg. 78*
- I. Consider approving 2nd reading of Rezoning Request ZC22-08 for properties located on Wall Street; Iredell County Tax Parcel Identification #4743-78-1262, 4743-64-4008, 4743-73-5651 and 4743-66-3318 (portion); from B-5 (General Business), R-A (Residential Agricultural), R-15M (Urban Fringe Low Density Residential/Manufactured Housing) and Iredell County RA (Residential Agricultural) districts to LI (Light Industrial) District. *(Ashley) Pg. 80*
- J. Consider approving 2nd reading of TA22-01: Text Amendments to the Unified Development Code filed by the City of Statesville to amend Article 3 Zoning, Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix and Section S. B-5 – General Business District. *(Ashley) Pg. 83*
- K. Consider accepting a grant in the amount of \$86,346.00 from NCDOT Aviation for the Runway 28 Clearway study, and approving Budget Amendment #2022-38. *(Ferguson) Pg. 85*
- L. Consider approving an increase of \$300,000 to the existing Line Crew Labor Contract with Sumter Utilities. *(Maclaga) Pg. 102*

REGULAR AGENDA

- VIII. Conduct a public hearing and consider approving an economic incentive for an industrial development known as Project Barkley. *(IEDC-Bosser/Thomas) Pg. 103*
- IX. Consider adopting the 2045 Land Development Plan. *(Ashley) Pg. 104*
- X. Conduct a public hearing and consider approving a *Resolution of Closure* and *Declaration of Withdrawal* to permanently close a portion of an unopened,

dedicated right-of way known as Solstice Drive. *(Ashley) Pg. 125*

- XI. **Conduct a public hearing and consider approving first reading of an ordinance to annex properties located on Cambridge Place – Annexation Request AX22-07 for PIN #'s 4765-32-6724, 4765-32-5716 & 4765-32-3788 Helmsman Homes LLC Properties. *(Ashley) Pg. 139***
- XII. **Staff is requesting that the change of the Rate Schedule for taxi cabs be included in the annual rate review by City Council. *(Pierce) Pg. 147***
- XIII. **Consider approving two appointments to the Statesville Regional Airport Commission. *(Ferguson) Pg. 150***
- XIV. **Consider authorizing a waiver to § 23-251 of the City Ordinance to allow installation of a septic system. *(Vaughan) Pg. 160***
- XV. **Consider appointing two members to the Statesville Convention & Visitors Bureau to fill unexpired terms. *(SCVB-Sutton) Pg. 163***
- XVI. **Consider Approval of Budget Ordinance #2023-1. *Pg. 168***
- XVII. **City Manager's Report *(Smith)***
- XVIII. **Boards and Commission Updates**
 - 05/11/2022 Airport Commission Meeting Minutes Pg. 168
 - 05/12/2022 Design Review Committee Meeting Minutes Pg. 170
 - 04/27/2022 Historic Preservation Commission Called Meeting Minutes Pg. 173
 - 05/18/2022 Technical Review Committee Meeting Minutes Pg. 179
- XIX. **Other Business**
- XX. **Closed Session** (After Pre-Agenda if needed)
 - Economic Incentive - N.C.G.S. 143-318.11(a)(4)
 - Prevent the disclosure of privileged information - N.C.G.S. 143.318.11(a)(1)
- 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.

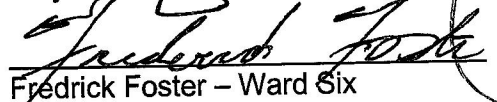
I affirm that I have read and understand the City of Statesville Code of Ethics

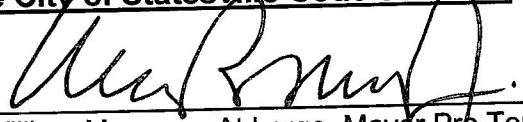

Constantine H. Kutteh, Mayor

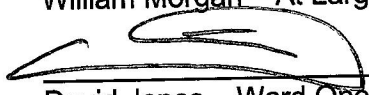

Steve Johnson – At Large


C.O. Jay Johnson – Ward Two


Amy Lawton – 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

City of Statesville

North Carolina

Office of the Mayor

Proclamation

Waste & Recycling Workers Week – June 17, 2022

WHEREAS, the nation celebrates the Week of June 17 as Waste & Recycling Workers Week; and

WHEREAS, sanitation workers perform their jobs daily with excellence and in all weather conditions; and

WHEREAS, waste and recycling collection services are the foundation of keeping our community clean, and it is important to acknowledge the enormous environmental impacts of recycling programs and how our local sanitation workers are positively impacting the world's environment; and

WHEREAS, the City of Statesville values and celebrates the waste and recycling workers, and appreciates all others employed in the solid waste industry who serve residents and local businesses.

NOW, THEREFORE I, CONSTANTINE H. KUTTEH, by virtue of the authority vested in me as Mayor of Statesville, do hereby proclaim the Week of June 17, 2022 as *Waste & Recycling Workers Week* in Statesville and encourage all citizens and local businesses to participate in opportunities to thank the men and women in the solid waste industry, especially those who are part of the impressive Statesville Sanitation Division.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Statesville on this 6th day of June, 2022.

Constantine H. Kutteh, Mayor

City of Statesville

North Carolina

Office of the Mayor

Proclamation

JUNETEENTH 2022

Whereas, President Abraham Lincoln’s executive order to free all slaves became law on January 1, 1863; however, slavery in Texas did not end until more than two years later, on June 19, 1865. On this date, troops commanded by General Gordon Granger of the United States Army landed in Galveston, Texas, with the express purpose of freeing the slaves and enforcing Lincoln’s order; and

Whereas, the anniversary of this day of emancipation is celebrated each year as Juneteenth, and this we gratefully do in commemoration of the historic moment in our nation’s history in which the shackles of slavery were finally and forever cast off - the day the Emancipation Proclamation was fully manifest throughout the land; and

Whereas, Juneteenth is an occasion to reflect on the unimaginable struggles of those who lived under slavery and to commemorate the sacrifices of those who fought to end it. Let us also take this opportunity to celebrate the heritage of our city’s African-American population and their extraordinary contributions to the City of Statesville’s vitality and diversity; and

Whereas, today we join with all free men and women in the City of Statesville and beyond to memorialize Juneteenth as the day when the promise of the pursuit of happiness and the heritage of liberty became the lawful inheritance of all Americans.

NOW, THEREFORE, I, CONSTANTINE H. KUTTEH, Mayor of Statesville, NC, do hereby proclaim June 19, 2022, as “**Juneteenth**”, and encourage all Statesville residents to participate in the celebration of this historic event.

IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Statesville to be affixed this 6th day of June, 2022.

Constantine H. Kutteh, Mayor

**MINUTE BOOK 29, PAGE
CITY OF STATESVILLE SPECIAL COUNCIL MEETING – APRIL 04, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 5:00 P.M.**

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

Council Absent: 0

Staff Present: Smith, Fugett, Messick, Davis, Harrell, Roberts, Nesbit, Maclaga, Taylor, Bridges, Pierce, Ivarsson, Gregory, Francica,

Call to Order

Mayor Kutteh called the meeting to order.

Provide guidance to staff regarding the potential elimination of the Solid Waste Fee.

Mayor Kutteh stated that at their March 7th Council meeting, Council directed staff to eliminate the solid waste fee and try to do it by 25% a year over 4 years or by 33% a year over 3 years. Since that time, other ideas have come about as well.

Ron Smith stated that staff has developed four options for Council's consideration, all of which include a shift in the funding of streetlights from the General Fund to the Electric Utility.

The options vary between an immediate elimination, to one that would take place over the next four fiscal years. Each option includes funding streetlights from the electric utility, thus freeing up approximately \$500,000 in the street budget. Also shown are the requisite tax increases that were requested to be included as a "hybrid" option. Since this is a loss in revenue, if taxes are not increased there will be correlating cuts to the budget or proposed increases to other revenue sources.

The Electric Utility can absorb this cost in their fund for at least two years without considering a rate increase. It is unlikely that this change will necessitate a significant impact on rates, but it will have to be contemplated as we move forward. John Maclaga plans to do a rate study in the next year or so, which will help us understand the specific impacts.

The Statesville Housing Authority (SHA) currently does not pay the solid waste fee and did not pay anything additional prior to it being implemented. When the SWF was adopted and included on the tax bill, SHA was not affected, as they do not receive a tax bill. This has been the cause of numerous conversations about equity. The potential solution to the omission of SHA would be to charge a tipping fee, as is done with commercial properties that use toters/carts instead of dumpsters. That fee is \$14.95/month and would cost SHA roughly \$95,000 per year. However, if the Council's intention is to eliminate the SWF it may not be worth pursuing the tipping fee option, as prior to its adoption the SHA did not pay anything more for the service.

Smith said that he needs Council's input to move this into the budget. He plans to bring this to the April 4th City Council meeting for discussion and guidance, but asked Council members to give him any comments or questions prior to that meeting. If any Council member needs to meet early with him and Brian, they can certainly do so.

Smith reviewed items in the upcoming budget that are going up in cost or are new expenditures. He reviewed the following four options.

The elimination options are as follows:

Option 1. Eliminate in FY2023 (upcoming budget) - This option would apply \$500,000 from Electric, decrease the SWF to \$0 and raise taxes by \$0.0175 (1.75 cents). If taxes are not raised to cover the \$600,000 net loss of revenue, we would have to “find” those funds somewhere else.

Phaseout Through FY23		
FY23 Sanitation Fee	\$	- \$ -
FY22 Solid Waste Residential	\$	1,100,000
FY23 Electric Reimbursement	\$	500,000
FY23 Budget Revenue	\$	-
FY23 Tax Impact	\$	600,000

Option 2. Eliminate in FY2024 (over two years) - Apply \$500,000 from Electric and cut the fee to \$60/year in the FY2023 budget. The second year (FY2024) would apply the same Electric contribution, eliminate the fee, and either “find” \$600,000 in revenue or raise taxes by \$0.0175 (*this could be lower, as the county reappraisal will be taking place and the value of a penny on the tax rate will likely be higher*).

Phaseout Through FY24		
FY23 Sanitation Fee	\$	60 \$ 600,000
FY24 Sanitation Fee	\$	- \$ -
FY22 Solid Waste Residential	\$	1,100,000
FY23 Electric Reimbursement	\$	500,000
FY23 Budget Revenue	\$	600,000
FY23 Tax Impact	\$	-
SWF Per year	\$	60
FY23 Tax Increase	\$	-
FY22 Solid Waste Residential	\$	1,100,000
FY24 Electric Reimbursement	\$	500,000
FY24 Budget Revenue	\$	-
FY24 Tax Impact	\$	600,000
SWF per year	\$	-
FY24 Tax Increase	\$	0.0175

Option 3. Eliminate in FY2025 (over three years) - Apply \$500,000 from Electric, cut the fee to \$60/year in the FY2023 budget. The second year (FY2024) would apply the same Electric contribution, cut the fee to \$30/year, and either “find” \$300,000 in revenue or raise taxes by \$0.0088 (.88 of a cent). The third year (FY2025) would apply the same Electric contribution, eliminate the fee, and either “find” \$300,000 (or \$600,000 if the tax rate is not raised in FY24) in revenue or raise taxes by \$0.0088. The cumulative tax increase over the two latter years would be \$0.0175.

Phaseout Through FY25			
FY23 Sanitation Fee	\$	60	\$ 600,000
FY24 Sanitation Fee	\$	30	\$ 300,000
FY25 Sanitation Fee	\$	-	\$ -
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FY22 Solid Waste Residential	\$	1,100,000	
FY23 Electric Reimbursement	\$	500,000	
FY23 Budget Revenue	\$	600,000	
FY23 Tax Impact	\$	-	
SWF per year	\$	60	
FY23 Tax Increase	\$	-	
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FY22 Solid Waste Residential	\$	1,100,000	
FY24 Electric Reimbursement	\$	500,000	
FY24 Budget Revenue	\$	300,000	
FY24 Tax Impact	\$	300,000	
SWF per year	\$	30	
FY24 Incremental Tax Increase	\$	0.0088	
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FY22 Solid Waste Residential	\$	1,100,000	
FY25 Electric Reimbursement	\$	500,000	
FY25 Budget Revenue	\$	-	
FY25 Tax Impact	\$	600,000	
SWF per year	\$	-	
FY25 Incremental Tax Increase	\$	0.0088	
Cumulative Tax Increase	\$	0.0175	

Option 4. Eliminate in FY2026 (over four years) - Apply \$500,000 from Electric, cut the fee to \$60/year in the FY2023 budget. The second year (FY2024) would apply the same Electric contribution, cut the fee to \$40/year and either “find” \$200,000 in revenue or raise taxes by \$0.0058 (.58 of a cent). The third year (FY2025) would apply the same Electric contribution, cut the fee to \$20/year, and either “find” \$400,000 in revenue or raise taxes by \$0.0058. The fourth year (FY2026) would apply the same Electric contribution, eliminate the fee, and either “find” \$600,000 in revenue or raise taxes by \$0.0058. The cumulative tax increase over this period is \$0.0175.

Phaseout Through FY26			
FY23 Sanitation Fee	\$	60	\$ 600,000
FY24 Sanitation Fee	\$	40	\$ 400,000
FY25 Sanitation Fee	\$	20	\$ 200,000
FY26 Sanitation Fee	\$	-	\$ -
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FY22 Solid Waste Residential	\$	1,100,000	
FY23 Electric Reimbursement	\$	500,000	
FY23 Budget Revenue from SWF	\$	600,000	
FY23 Tax Impact	\$	-	
SWF per year	\$	60	
FY23 Tax Increase	\$	-	
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FY22 Solid Waste Residential	\$	1,100,000	
FY24 Electric Reimbursement	\$	500,000	
FY24 Budget Revenue from SWF	\$	400,000	
FY24 Tax Impact	\$	200,000	
SWF per year	\$	40	
FY24 Tax Increase	\$	0.0058	
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FY22 Solid Waste Residential	\$	1,100,000	
FY25 Electric Reimbursement	\$	500,000	
FY25 Budget Revenue from SWF	\$	200,000	
FY25 Tax Impact	\$	400,000	
SWF per year	\$	20	
FY25 Incremental Tax Increase	\$	0.0058	
FY25 Cumulative Tax Increase	\$	0.0117	
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FY22 Solid Waste Residential	\$	1,100,000	
FY26 Electric Reimbursement	\$	500,000	
FY26 Budget Revenue from SWF	\$	-	
FY26 Tax Impact	\$	600,000	
SWF per year	\$	-	
FY26 Incremental Tax Increase	\$	0.0058	
Cumulative Tax Increase	\$	0.0175	

The immediate consequence for not acting is that the fee will remain as-is and the FY2023 budget will be built with that in mind. Any subsequent changes to the fee, prior to the adoption of the

FY2023 budget, will complicate the process and burden the Iredell County Tax Office, as they are responsible for including the fee on city resident's tax bills. This means that a final decision should be made as soon as possible. Staff has no recommendation other than that a decision should be made as quickly as possible. The next steps once a decision is made would be to include any decision into the FY2023 budget development process and to notify the Iredell County Tax Office of any changes.

Mayor Kutteh pointed out that if Council is going to eliminate the fee, then it is not as important to go back and make everybody pay the fee such as the Housing Authority.

Council discussed putting the fee on the utility bill. Smith advised that there are 19,000 utility bills. A transfer to that will likely take until August or September. With the current Stormwater Fee there are tenant/owner agreements that must be signed when the owner shifts the cost to the tenant so the same would apply to this. Cleaning up the billing has taken three years. The utility bills have a roughly 90% collection rate versus 99% on the tax bill. There are some basic facility fee customers that have running balances and would most likely not pay this fee either. The city cannot turn off a service in some cases where this would be their only city service.

Council member Morgan made a motion to take \$500,000 from the Electric Fund to fund streetlights in the General Fund cut the fee to \$60/year in the FY2023-2024 budget and then completely eliminate the fee in 2024-2025 fiscal year. Council member Allison seconded the motion. The vote on the motion was as follows:

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

Nays: J. Johnson

Motion carried: 7-1

Council members agreed that they would like for staff to take a look at taking at least part of the \$300,000 out of the existing budget.

Mayor Kutteh asked for a motion to move to Closed Session to discuss an economic incentive and to retain the attorney-client privilege.

Council member Morgan made a motion to move to Closed Session to discuss an economic incentive and to retain the attorney-client privilege, seconded by Council member Allison. The motion carried unanimously.

Upon return from Closed Session, Mayor Kutteh stated that Council discussed an economic incentive, retained the attorney-client privilege 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

Brenda Fugett, City Clerk

**MINUTE BOOK PAGE
CITY OF STATESVILLE COUNCIL MEETING – MAY 02, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.**

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

Council Absent: 0

Staff Present: Ron Smith, Fugett, Messick, Davis, Gregory, Nesbit, Ashley, Ferguson, Vaughan, Harrell, Griggs, Maclaga, Kurfees, Everette, Pierce, Weatherman, Onley

I Call to Order

Mayor Kutteh called the meeting to order.

II Invocation

The City Clerk gave the invocation.

III Pledge of Allegiance

Mayor Kutteh led the pledge of allegiance.

IV Adoption of the Agenda

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

V Code of Ethics

Mayor Kutteh explained that at the beginning of each year, every Council member signs and promises to adhere to the Code of Ethics to the best of their ability and it is included in every Council packet.

Council member Morgan reported that he, Council member Lawton, Council member Foster, Ron Smith and Matthew Pierce attended the NC League of Municipalities annual conference in Wilmington. He said that they learned that just like Statesville, almost all the municipalities in the state are experiencing unprecedented growth and how to deal with it, budgeting issues, things in terms of inflation and cost, other cities are having a lot of successes with public/private partnerships and the cities getting involved in development. It was good to hear that we are not the only ones suffering from these problems.

Council member Lawton said it was good to hear that Statesville is not an island and is experiencing some of the same problems as other cities. She attended an affordable housing seminar, and it was great to hear some innovative ideas and meet some people who may be able to help us push that ball forward.

Council member Foster said he learned that municipalities are working more with their staff and not against them and listening to their expertise.

Ron Smith said there are far fewer managers than there are elected officials at the League meetings, so it was good for him to be able to get a different perspective, to hear how other communities are looking at universal problems and issues. The affordable housing

aspect is not unique to Statesville and is being experienced even beyond North Carolina. Getting some of the takeaways from other communities and how they have dealt with it and making connections with others is invaluable.

Mayor Kutteh stated that Electricities just approved a 13% wholesale price decrease. He advised that does not mean that citizens bills will do down by 13%, but they will eventually go down some.

Mayor Kutteh stated that the city finally reached a resolution with NCDOT to fix the sinkhole at the flats.

Mayor Kutteh said that the city purchased property around the Police Station for the purpose of expanding the Police Department. The city had a private developer approach us to develop it. The City's consultant has reported that there is plenty of room to expand the Police Department even more than we need and for the private developer to do their thing as well. Council member Allison has said that Council should go ahead and start on building the new Police Station now to get the entire department under one roof. So, Council has begun the planning to expand the Police Station and will continue working with the private developer for what will be a very exciting project for the community if it comes to fruition.

The Youth Advisory Committee (comprised of two 8th graders from each of the public middle schools) have decided that their goal is to have a teen center for the city. They are going to hold a "free to the public" talent show at the Civic Center on Thursday, June 2nd. Each of the schools will have four acts in the show. Three of the five schools have already held their talent shows to determine their winning acts for the final show and the others are going to finish up this week. He encouraged the public to come see the show.

VI Presentations & Recognitions

- **Mayor's Cup**
Mayor Kutteh presented the Mayor's Cup Award to Anne Rhyne, Chairman of the Statesville Community Appearance Commission.
- **Proclamation – Arbor Day 2022**
Mayor Kutteh read the 2022 Arbor Day proclamation.
- **Proclamation – Green Street/Garfield Street Locations of Historic Significance**
Mayor Kutteh presented the proclamation to Lisa Mosley.
- **Recognition of Statesville Electric Utilities – Recipient of 5 Public Power Awards of Excellence**
Electric Utilities Director John Maclaga announced that Electricities of North Carolina awarded the department all five of the Public Power Awards in the following areas: Value of Public Power; Wholesale Power Cost; Workforce Planning and Development; Grid Modernization; and Continuous Improvement
- **Proclamation – NAACP Freedom Fund**
Mayor Kutteh presented the proclamation to Todd Scott, President of the Statesville branch of the NAACP.

- **Presentation – Advancing Technology Award – North Carolina League of Municipalities**

Ron Smith explained that this was awarded to the city for its AMI project (Advanced Metering Infrastructure) which is an automated meter reading system. He said this has been a very difficult project and took a group effort to accomplish.

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.

A. Approval of minutes: March 7, 2022 Pre-Agenda and Regular meeting minutes, March 15, 2022 Special Council meeting minutes, March 21, 2022 Pre-Agenda and Regular meeting minutes, April 4, 2022 Pre-Agenda and Regular meeting minutes. (Fugett)

Council member Staford listed some changes to the minutes at the Pre-Agenda meeting.

B. Consider approving Work Authorization #20 for Parrish and Partners in the amount of \$95,916 to update the current Airport Layout Plan to include a published clearway to the end of Runway 28; and consider using future Non-Primary Entitlement Funds which will cover 90% of the cost of the study when funds become available. (Ferguson)

C. Consider correcting a transcription error in the bid award to Padco Excavating and Grading for Water Meter Installation Services (AMI Project). (Vaughan)

Mayor Kutteh stated that this contract will complete installation of AMI water meters.

D. Consider approving a request from Waves Entertainment and All-American Stage, Sound and Lights LLC to host a series of Second Saturday Festivals at Martin Luther King Jr. Park and for the City of Statesville be an official co-sponsor and provide in-kind services. (Griggs)

Mayor Kutteh stated that Waves Entertainment and All-American Stage, Sound and Lights LLC currently hosts a series of Second Friday Festivals in Cornelius, and they would like to expand to Statesville and offer a similar event on the Second Saturday of summer months.

E. Consider appropriating funds for legal services and approving Budget Amendment #2022-34. (Harrell)

F. Consider passing a Resolution of Intent to permanently close a portion of an unopened, dedicated right-of way known as Solstice Drive, and schedule a public hearing for June 6, 2022. (Cole)

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

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

REGULAR AGENDA

VIII Receive a presentation on the Statesville Civic Center Market Analysis.

This presentation was given at the Pre-Agenda meeting.

IX Conduct a public hearing and consider passing first reading of Rezoning Request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification #4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi-Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District. (Ashley)

Planning Director Sherry Ashley stated that D.R. Horton, Inc., the applicant, on behalf of Chelsea L. Sharpe Heirs & Bettye Tull (owners), is requesting to rezone an 87.39-acre parcel of property from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi-Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District. 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 single-family residential development project utilizing the Cluster Subdivision development pattern. The proposed project site is on approximately 87.39 acres and is mainly wooded. The site is located along the north side of East Greenbriar Road, generally between Industrial Drive and South Greenbriar Road. It is in the city's extra-territorial jurisdiction (ETJ). There are the remnants of an existing home and outbuilding on the property that will require demolition permits. The intent of this conditional zoning request is to amend the zoning to accommodate a 244-lot single-family residential development project on the portion of property north of E. Greenbriar Road, leaving the 1.8-acre portion on the south side of the road undeveloped. This is a Conditional Zoning request; if approved, the project will be tied to the concept plan and conditions submitted by the applicant, plus any conditions approved by the City Council. The neighborhood input meeting, required for all conditional zoning proposals per UDC Section 2.07(F), was held by the applicant on March 3, 2022; the meeting had six participants, with concerns generally being about an increase in new residents, additional traffic, buffers between the project's lots and existing residences; and the scope and scale of development during construction. No changes to the concept plan were recommended. The conditions submitted by the applicant are indicated on the Concept Plan and provided in writing below.

Revised Rezoning Conditions

1. Residential Density shall be a maximum of 2.79 units per acre and a maximum of 244 total residential units.
2. Exterior architectural materials will include vinyl siding fiber cement-type siding material and shutters, brick, and stone.
3. Minimum 5' sidewalks will be provided on both sides of all internal streets.
4. Additional Opaque Landscape Buffer of Evergreen Trees and Shrubs will be Provided along East Greenbriar Road to Screen the Backs of lots from Traffic
5. 10' minimum greenway trail and 20' easement dedicated to the city for use by the public and will be open to the public following construction. The trail will meet the

- greenway standards of the City of Statesville.
6. A multi-use trail per the requirements of the City of Statesville Mobility & Development Plan.
 7. 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.
 8. Zoning buffer North of Ora Drive, adjacent to lots 176-183, to be increased from 8' to 15'
 9. Greenway to be constructed as part of Phase One
 10. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code.

The base R-8 District allows for a minimum of 8,000 s.f. lots with a minimum of 70 feet in lot width at the front setback line, minimum 25' front yard, 25' rear yard and 8' side yard setbacks and 35' maximum height. The development must have a minimum of 10% active open space (minimum 8.73 acres for the proposed project).

In addition, the purpose of the Cluster Subdivision development pattern (Section 7.01 of the UDC) is to provide creative and innovative single family developments that minimize land disturbance and maximize the preservation and conservation of sensitive natural areas and open space by grouping dwellings in clusters through variation of lot sizes and use of open space, maintenance and restrictive use of open space, and integration of existing and potential development adjoining the cluster subdivision. The minimum lot size in the R-8 Cluster development can be reduced to 6,000 s.f.; with the difference added to open space; the required amount of cluster open space is 4.25 acres. In cluster subdivisions proposals, lots must conform to the setback requirements for the underlying zoning district except that no minimum lot width is required (other than a required 10-foot separation between buildings).

The project is proposed to be constructed in two phases; with the proposed street connection between E. Greenbriar Road and Ora Drive and 99 lots as part of phase 1, and the remaining 145 lots proposed for phase 2. The proposed concept plan meets or exceeds all minimums; with lots ranging in size between 6,000 s.f. and 16,235 s.f., and a proposed maximum of 2.79 dwelling units per acre., 24.48 acres of common open space has been provided. The project indicates 8.82 acres (10.09%) of active open space.

A pool, cabana, and playground (Open Space Area C) are provided in Phase 1; a landscaped park and swinging benches (Open Space Area A) a dog park and open play space (Open Space Area B) are in Phase 2; and a 10' paved greenway/multi-use path within a 20' easement (for dedication to the City upon completion) and a number of 10' natural surface trails within HOA-maintained natural area are provided throughout the project. The proposed greenway/multi-use path is a recommendation in the 2019 Mobility + Development Plan.

As indicated on the concept plan, the project indicates Type A (8'), Type C (15') and Type E (25') perimeter buffers along the project property boundaries as required.

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. Since the property is on both sides of E. Greenbriar Road, curb, gutter and sidewalk will be provided along both sides, and a minimum of 80' of right-of-way will be dedicated to NCDOT as noted in the Mobility + Development Plan. As noted above, this project will

connect E. Greenbriar Road with Ora Drive to the northwest during Phase 1 of development; phase 2 will provide a ROW stub (and cul-de-sac) to McKinley Avenue. In addition, a stub has been provided for future development to the north of the site. These links will provide required connectivity to the surrounding street network and will provide the required secondary fire access in the event of emergency.

An internal street lighting plan will be submitted for approval with the site plan. City water, sewer, and electric services are available to the project (see attached Utilities Map).

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

NORTH OF THE SITE: R-10 (Urban Low Density Residential) District, undeveloped wooded property between the northern subject parcel boundary and Japul Road and Beauty Street

EAST OF THE SITE: RA (Residential Agricultural) District, single-family residential manufactured and modular homes, and undeveloped residential lots along Stokes Street, Freedom Park Drive and Freedom Drive

SOUTH OF THE SITE: RA (Residential Agricultural) District, the Faith Deliverance Center for Jesus Church, and single-family homes along and south of E. Greenbriar Road; B-4 (Highway Business) District, small abandoned commercial building/homes south of E. Greenbriar Road; R-8 MFM (Medium Density Multi-Family/Manufactured Housing Residential) District, Belmont Cemetery to the southeast of the subject parcel

WEST OF THE SITE: R-8 MFM (Medium Density Multi-Family/ Manufactured Housing Residential) District, platted but undeveloped single-family residential lots and a few single-family homes on McKinley Street, McKinley Avenue, Weaver Street, E. Cloaninger Avenue, and single-family homes along Ora Drive and Brookfield Drive

The applicant has offered the following conditions:

1. Exterior architectural materials will include vinyl siding and shutters, brick, and stone.
2. Minimum 5' sidewalks will be provided on both sides of all internal streets.
3. Additional Opaque Landscape Buffer of Evergreen Trees and Shrubs will be Provided along East Greenbriar Road to Screen the Backs of lots from Traffic
4. 10' minimum greenway trail and 20' easement dedicated to the city for use by the public and will be open to the public following construction. The trail will meet the greenway standards of the City of Statesville.
5. A multi-use trail per the requirements of the City of Statesville Mobility & Development Plan.
6. 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.
7. Zoning buffer North of Ora Drive, adjacent to lots 176-183, to be increased from 8' to 15'

At their regular meeting on March 22, 2022, the Planning Board unanimously recommended approval of the request with the conditions proposed by the applicant and staff with two additional recommendations: 1) that the greenway be constructed as part of Phase 1 of the development project (also now included as noted in Applicant Condition #7 above); and 2) that the City Council request an additional condition of the applicant that fiber cement-type siding material be required instead of vinyl siding material, and contingent upon annexation into the City.

The current total taxable value of the subject parcel is approximately \$460,610. The applicant estimates that the current tax value plus estimated costs of land development construction is \$17.5 million. City water, sewer and electrical service is available. The city will need to provide sanitation, fire, and police services as requested.

The 2005 Land Development Plan suggests that the property subject to the rezoning request is suitable for Medium Density residential with a maximum density not exceeding 6 dwelling units per acre. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 2, which is intended primarily for residential development and recommends many of these features—gridded street network, connectivity between neighborhoods, pedestrian/bicycle facilities and planned open space—proposed in the requested Concept Plan Land Use & Character Map inset and Complete Neighborhood 2 Character Intent sheet). At the proposed gross density of 2.79 dwelling units per acre, the proposed development is significantly less dense than the maximum density of 6 units per acre for Medium Density development by the 2005 LDP.

Additionally, this project fills in a substantial gap between existing neighborhoods and provides beneficial improvements to both sides of E. Greenbriar Road that includes a portion of a multi-use path recommended in the 2019 Mobility + Development Plan. Finally, the concept plan exceeds the required active/additional open space and will provide a substantial amount of constructed greenway that will become part of a designated corridor between Kimbrough Park to the Fourth Creek Greenway and beyond.

This is a conditional zoning request; and if approved the request will be tied to the submitted concept plan and conditions submitted by the applicant, and any additional conditions approved by the Planning Board and City Council. This rezoning request is contingent upon annexation.

Therefore, staff recommends approval contingent upon the following:

1. Annexation of the subject parcel.
2. Lighting plan will be submitted for review and approval at time of site plan submittal.
3. The applicant shall provide evidence of a Homeowners Association (HOA) and any Covenants, Conditions, and Restrictions (CCRs) to the City prior to recordation of the final plat to ensure consistency with commitments and approvals.
4. Conditions offered by the applicant stated above and revised on the Concept Plan
5. Add to conditions, any item(s) not specifically addressed must meet the requirements of the Unified Development Code.
6. Add the residential density shall be a maximum of 2.79 units per acre and a maximum of 244 total residential units to conditions.
7. Amend conditions to remove vinyl and replace with fiber cement-type siding material; and
8. Add to conditions, Greenway to be Constructed as part of Phase One.

If approved, the second reading will be on May 16, 2022.

Council member Stafford asked if the TIA included connectivity. Sherry Ashley replied that the TIA is not complete yet, but staff did ask them to include this. They further discussed access points.

Mayor Kutteh declared the public hearing open.

The Developer came forward and reviewed a slide presentation.

Council member Stafford asked the Developer if he would agree to the condition that each home would have a two-car garage. The Developer replied that yes, he would agree to that request. Stafford asked if he would agree to install a swimming pool. The Developer stated he would agree to the swimming pool as well.

There was a brief discussion regarding flooding and stormwater.

Nathaniel Laverty, 1919 Ora Drive, stated he is concerned about increased traffic from the development.

S. El Amin, Ora Drive, said he is concerned about the overflow of traffic.

Glen Fettes, 461 Brookfield Drive, asked if the developer is prohibited from building anywhere on this property. Sherry Ashley replied that the developer cannot build in the flood plain. Mr. Fettes said he was opposed to the project.

Ed Cochran, Ora Drive, expressed concerns about traffic.

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

Council members agreed that a better ingress/egress must be found before 2nd reading and they need to know what the Traffic Impact Analysis says before then as well. Stafford and S. Johnson both said they will be a no vote on the 2nd reading if this information is not available at the 2nd reading.

Council member Allison made a motion to approve first reading of rezoning request ZC22-03 with the addition of two-Car Garages, a community swimming pool and changing the language from “brick and stone” to “brick or stone” for property located on East Greenbriar Road; Iredell County Tax Parcel Identification #4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi-Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District, seconded by Council member Foster. The motion carried unanimously.

X Consider a request to apply the alternate industrial street standard on US Highway 70 and East Barkley Road. (Taylor)

Mark Taylor stated that 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 apply the alternate industrial street standard to their frontages on US Highway 70 and East

Barkley Road. Staff notes that curb and gutter already exist 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 East Barkley Rd. Attached to this request are map and narrative excerpts from the Mobility Plan. At the April 4, 2022 meeting, Council tabled this request in order for staff to contact NCDOT regarding installation of curb, gutter and sidewalk along US-70 and East Barkley Road. NCDOT responded that there is no issue with the developer installing curb, gutter, and sidewalk as long as it meets NCDOT standards, and the drainage is handled properly. 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 East Barkley Road to be a corridor with sidewalks and curb and gutter. At the April 4, 2022 meeting, Council tabled this request in order for staff to contact NCDOT regarding installation of curb, gutter and sidewalk along US-70 and East Barkley Road. If granted, the cost of future pedestrian and bicycle facilities in this area in accordance with the Mobility + Development Plan will be borne by the city. Based on the adopted Mobility + Development Plan's recommendation for bicycle and pedestrian facilities on US 70 and Barkley Rd., and with input from NCDOT, staff recommends denying this request to apply the alternate industrial street standard. This will require installation of sidewalk along US 70 and sidewalk, curb & gutter, and a bike lane / widened paved shoulder along East Barkley Rd. The City Manager adds that this is a request that he would anticipate becoming fairly common. Because the City is experiencing a high level of industrial growth, and while the ability to ask for a waiver remains, these requests will be used by the development community. 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. Staff will inform Williams Development Group of Council's decision.

Council member Jones said he wants to make very sure that Council is very consistent with this policy if it is approved.

Council member Stafford said that he cannot remember a time when Council approved the Alternate Street Standard when staff has recommended denying the request because it is part of the Mobility Plan.

Council member S. Johnson expressed disbelief that Council is spending this much time worrying about sidewalks when the City finally has somebody that wants to invest money for a client ready site with tax base and create real jobs. Why can't Council just go ahead and approve this, get this project moving and worry about this stuff later.

Mayor Kutteh said that the Developer did not due his due diligence and find out what all he needed to do first. Council member S. Johnson asked if it was incumbent upon the developer to ask or the responsibility of the city to tell him.

Council member Stafford made a motion to deny the request to apply the alternate industrial street standard on US Highway 70 and East Barkley Road but offer them the ability to come back in the future to ask for an incentive to recover the cost of the curb, gutter and sidewalk, seconded by Council member Lawton. The motion carried unanimously.

- XI **Consider approving an amended Master Development Agreement for the Vance Hotel. (Smith)**

Mayor Kutteh advised that a public hearing must be held for this, so Council will set the public hearing date of May 16, 2022.

Council member Stafford made a motion to set the date of May 16, 2022 for a public hearing on the amended Master Development Agreement for the Vance Hotel, seconded by Council member Lawton. The motion carried unanimously.

XII Receive the Fiscal Year 2022-2023 Manager's Recommended Budget from the City Manager and staff, set a public hearing on the budget for May 16, 2022 at 7:00 p.m., and consider setting Board Workshop sessions for May 18, 2022 and May 25, 2022 from 3-6pm. (Smith)

Ron Smith stated that this budget proposes maintaining the tax rate at \$0.5478 and is based on an overall valuation of \$3,483,100,000, with a property tax collection rate of 99%. This reflects an increase of almost \$63,034,000 in valuation from this fiscal year.

FY2022 was influenced by many factors, some positive and some negative. On the positive side the city has seen unprecedented funding from the federal and state governments, with almost \$32,000,000 being allocated through a combination of the federal American Rescue Plan Act (ARPA) and through a direct appropriation in the State of North Carolina's most recent budget. These are once-in-a-generation funds and have been assigned to necessary improvements and actions. The two largest projects where these funds will apply are to complete a \$20,000,000 water line replacement project and to build the new Fire Station 1. Additional money from the state has been allocated to transportation projects that will be identified over time on an as necessary basis.

Maybe the most exciting news over the last year has been the economic growth that is coming to Statesville. Numerous industrial announcements have been made, some located in key parts of the city that have been dormant for many years. Almost 7,000,000 square feet of construction, valuing roughly \$660,000,000 with the creation of 700 jobs, have been announced in both existing and new industries.

In addition to the industrial growth, Statesville is experiencing a housing boom. Most of the physical development has occurred south of the city, but planned development is in the entitlement phase in areas all around Statesville. To date, we have seen 160 new homes and 60 apartments built this year, with over 525 approved subdivision lots and 252 multi-family units on the way. Staff estimates that at present there are close to 2,000 lots and 856 multi-family units in the planning stages. It remains to be seen how long this will continue, but it is certainly a sign of healthy growth.

Conversely, the city is struggling with inflationary costs and supply chain impacts. These impacts are manifesting themselves more in the enterprise funds, as they rely heavily on larger capital purchases. In the last year alone, the Electric Utility has seen transformers rise in cost tenfold, while lead times are not in weeks, but in months. This is a key component for future growth, as all development that uses the city's electric system must have these basic infrastructure needs. One will see that in Electric's budget, this is having a major influence on their spending habits.

Recruitment and retention of employees has also become increasingly difficult. The city has always competed with other local governments for talent, but with the increase in wages in other areas of the workplace, we are now competing with a broader group. The

actions of the Council over the last few years have done much to help us in this, however more than ever we need to continue to make our salaries and benefits competitive.

Because most of our growth is either still in its infancy, and in many cases still on paper, we have not recognized the revenues that will inevitably come. There are demands on our services now, with no real way to pay for them. This budget is more creative in the use of debt and fund balance to bring it into balance, while meeting the fundamental needs of the city.

Two recent actions should help the city in the long term as we grow. The hiring of a Grants Coordinator will give us the capacity to aggressively apply for grant funding, and the engagement of Davenport Financial Services to assist in our capital planning and funding model for the future will allow us to be more strategic in our approach to larger capital needs that will inevitably accompany the growth coming to Statesville.

Statesville is well situated to succeed as it continues to be “discovered”. Jobs, housing, and commercial development are happening, in part because of our location and strong utility and road infrastructure. We are striving to cultivate that growth through this budget, but there are still unmet needs.

Statesville weathered the pandemic much better than expected. We are standing strong based on development, sales tax activity, and developer’s bullish view of the City.

XIII Boards and Commission Updates

- February 2, 2022 Planning Board Meeting Minutes
- March 15, 2022 Historic Preservation Commission Called Meeting Minutes
- March 22, 2022 Planning Board Meeting Minutes
- March 24, 2022 Historic Preservation Commission Meeting Minutes
- April 13, 2022 Airport Commission Meeting Minutes
- April 20, 2022 Technical Review Committee Meeting Minutes

XIV Other Business

XV Closed Session

XVI Adjournment

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

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Finance Director
DATE: May 18, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving Budget Amendment #2022-39 to increase the overall budget of Fund 250 - American Rescue Plan Act Fund.

1. **Summary of Information:** The American Rescue Plan Act delivered over \$8MM to the City of Statesville through the State of North Carolina. These monies present a tremendous opportunity to fund needed projects and salary expenditures.
2. **Previous Council or Relevant Actions:** On June 7, 2021, the City Council voted to accept the American Rescue Plan Act Funds and establish a special revenue fund to separate those funds until future use. At that time, the full amount of the award was unknown, and the fund was established with a budget of \$8MM.

This request will increase the budget to the full allocated amount of \$8,773,104.
3. **Budget/Funding Implications:** Budget impacts upon the Fire Station 1 project and reimbursement for the Grants Manager position.
4. **Consequences for Not Acting:** The City will return funds in excess of \$8MM to the State and Federal Government.
5. **Department Recommendation:** Approve as presented.
6. **Manager Comments:** Concur with the Department's recommendation.
7. **Next Steps:**
8. **Attachments:** Budget Amendment #2022-39

CITY OF STATESVILLE
BUDGET AMENDMENT #2022-39
 June 6, 2022
 FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
American Rescue Plan Fund					
250.0000.340.47.05	Revenue	Federal Funds - ARPA	8,000,000	773,104	8,773,104
Total Revenues			<u>8,000,000</u>	<u>773,104</u>	<u>8,773,104</u>
250.4410	Expenditure	ARPA Expenditures	8,000,000	91,143	8,091,143
Total Expenditures			<u>8,000,000</u>	<u>91,143</u>	<u>8,091,143</u>

DESCRIPTION: To increase special revenue fund revenues and related expenditures for full ARPA allocation.



 Budget Officer

 Finance Director

APPROVED BY CITY COUNCIL:

 City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Finance Director
DATE: May 18, 2022

COUNCIL ACTION REQUESTED:

Consider approving a transfer of funds from the American Rescue Plan Fund to the General Fund in the amount of \$24,372 for reimbursement of the Fiscal Year 2022 Grants Manager salary and benefit expenditures and approve Budget Amendment #2022-40.

1. **Summary of Information:** The American Rescue Plan Act provides the option to reimburse the City for the salary and benefit expenses for a Grants Manager.
2. **Previous Council or Relevant Actions:** The City Council previously agreed to allow the City Manager and Finance Department to hire a Grants Manager and use American Rescue Plan Act funds for salary and benefits. The Grants Manager's first day of employment was March 21, 2022.

This request will allow the transfer of funds to reimburse the General Fund for salary and benefit expenditures for Fiscal Year 2022.
3. **Budget/Funding Implications:** None. The funding for this request is paid for by the American Rescue Plant Act.
4. **Consequences for Not Acting:** The General Fund will not receive the reimbursement for salary and benefit expenditures.
5. **Department Recommendation:** Approve as presented.
6. **Manager Comments:** Concur with Department's recommendation.
7. **Next Steps:**
8. **Attachments:** Budget Amendment #2022-40

CITY OF STATESVILLE
BUDGET AMENDMENT #2022-40
 June 6, 2022
 FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
General Fund					
010.0000.395.55.00	Revenue	Transfers From Other Funds	824,896	24,372	849,268
Total Revenues			<u>50,095,769</u>	<u>24,372</u>	<u>50,120,141</u>
010.4410	Expenditure	Finance - Administration	1,068,193	24,372	1,092,565
Total Expenditures			<u>50,095,769</u>	<u>24,372</u>	<u>50,120,141</u>

DESCRIPTION: To transfer ARPA funds for Grants Manager salary and benefits for FY22.



 Budget Officer

 Finance Director

APPROVED BY CITY COUNCIL:

 City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Finance Director
DATE: May 25, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving Budget Amendment #2022-41 to increase the overall budget of the Fund 550 – Water and Sewer Fund.

1. **Summary of Information:** Staff is pleased to report that the Water and Sewer System Development Fees have exceeded the conservative revenue estimates during the fiscal year. However, the fund now needs appropriation in order to distribute that excess to the Water and Sewer Capital Fund (Fund 554).
2. **Previous Council or Relevant Actions:** N/A
3. **Budget/Funding Implications:** The Water and Sewer Capital Fund will receive a higher than originally expected distribution from the Water and Sewer Fund.
4. **Consequences for Not Acting:** The City cannot distribute monies owed to the Water and Sewer Capital Fund for the amount of fees exceeding the original budget amount.
5. **Department Recommendation:** Approve as presented.
6. **Manager Comments:** Concur with Department's recommendation.
7. **Next Steps:**
8. **Attachments:** Budget Amendment #2022-41

CITY OF STATESVILLE
BUDGET AMENDMENT #2022-41
 June 6, 2022
 FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Water and Sewer Fund					
550.0000.362.06.00	Revenue	Water System Development Fees	145,000	130,000	275,000
550.0000.362.07.00	Revenue	Sewer System Development Fees	250,000	145,000	395,000
Total Revenues			<u>21,822,216</u>	<u>275,000</u>	<u>22,097,216</u>
550.8220	Expenditure	Expenditures	6,198,578	275,000	6,473,578
Total Expenditures			<u>21,822,216</u>	<u>275,000</u>	<u>22,097,216</u>

DESCRIPTION: To increase system development fee collections and appropriate towards corresponding distribution expenditures



 Budget Officer

 Finance Director

APPROVED BY CITY COUNCIL:

 City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: William Vaughan, Public Utilities Director
DATE: May 20, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving Agricultural Lease Agreements for the property located at the 3rd Creek and 4th Creek Wastewater Treatment Plants.

1. **Summary of Information:** The current agricultural lease agreement expired on May 7, 2022. The lease includes 19.2 acres of land at 3rd Creek WWTP and 58.7 acres of land at 4th Creek WWTP. A public notice was posted to the City website on April 1, 2022 and staff received one submittal on April 29, 2022 (from the current contract holder).
2. **Previous Council or Relevant Actions:** The current lease began on May 7, 2012 and expired on May 7, 2022.
3. **Budget/Funding Implications:** This is a no-cost action to the City. The benefit to the City accrues from reduction of grounds maintenance activities (\$7,716/year – \$3,858 per mowing CY 22 cost per RSMMeans).
4. **Consequences for Not Acting:** Treatment facility staff will have to perform the associated grounds maintenance activities (manpower, equipment, fuel resources).
5. **Department Recommendation:** Execute lease agreement as presented.
6. **Manager Comments:**
7. **Next Steps:** Authorize the Mayor to execute the attached lease agreement.
8. **Attachments**
 1. Land Lease Agreement between the City of Statesville and Mr. Bert Bell
 2. NC DEQ Land Application of Class B Residuals
 3. Written interest letter from Mr. Burt Bell
 4. Public Notice – Leased Cropland (April 1, 2022)
 5. Aerial photos of leased land locations
 6. Current Land Lease Agreement (May 2012 – May 2022)

LAND LEASE AGREEMENT

A Land Lease agreement is hereby entered into this 7th day of May 2012 between the City of Statesville (“City”) and Mr. Bert Bell (“Lessee”) as follows:

Purpose. The purpose of this agreement shall be to lease to Mr. Bell certain portions of property owned by the City of Statesville for agricultural purposes. The land is located at the Fourth Creek Wastewater Plant site and the Third Creek Wastewater Treatment Plant site and is not utilized as a regular part of the operation of the Fourth Creek or the Third Creek facilities.

Term. The Agreement shall be in effect for a period of 10 years beginning at 12:01 am on the 7th day of June 2022 and ending at 12:00 am on the 6th day of June 2032 unless terminated or modified under the provisions herein.

Lease Payment. The City agrees to waive all payments for the term of the agreement for rendered unless this agreement is otherwise modified.

Access. The City agrees to provide access at any and all times to the Lessee for the purpose stated herein.

Services.

1. The City shall provide maintenance on existing drainage ditches, roadways, and fences.
2. All other required maintenance including, but not limited to, field erosion control, grubbing, clearing, fertilizing, and mowing in areas under his control shall be the responsibility of the Lessee. On areas used for hay production, Lessee shall cut the property no less than two times per year. Should the Lessee fail to cut the property at least once in eight calendar months the lease shall be abandoned by the Lessee.

Scope. Any land at this site which is owned by the City and designated by the Plant Supervisor as surplus at the beginning of each calendar year shall be available to the Lessee for that year. It is anticipated that some changes will occur from time to time during the term of this Agreement.

Special Conditions. Portions of the surplus property at the facilities are permitted by the State of North Carolina under land application permit number WQ0014543 (Attachment A). This permit is used for emergency land application of wastewater residuals. When necessary, the City may exercise its ability to apply residuals to the permitted property. Every effort will be made to communicate and coordinate activities with the Lessee.

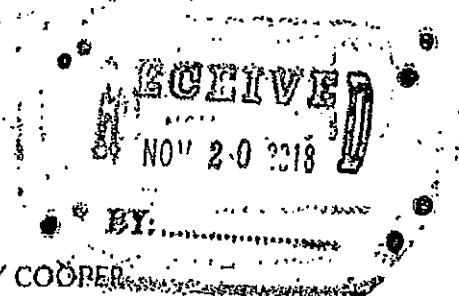
Termination. Termination of this Agreement can be made at any time by mutual consent of both parties and upon 12 months written notice by either party.

Damages. The City agrees to exercise cautions so as not to damage crops planted upon the lands covered by this Agreement; however, should emergency situations arise, and damage occur the City shall not be liable for damages.

All terms and conditions set forth herein are effective upon this 7th day of June 2022.

Constantine H. Kutteh, Mayor

Bert Bell, Lessee



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Interim Director

November 14, 2018

ANDY SMITH – ASSISTANT DIRECTOR OF WATER RESOURCES
CITY OF STATESVILLE
POST OFFICE BOX 1111
STATESVILLE, NORTH CAROLINA 28687-1111

Subject: Permit No. WQ0014543
City of Statesville RLAP
Land Application of
Class B Residuals
Iredell County

Dear Mr. Smith:

In accordance with your permit renewal request received July 25, 2018, and subsequent additional information received November 2, 2018, we are forwarding herewith Permit No. WQ0014543 dated November 14, 2018, to the City of Statesville for the continued operation of the subject residuals management program. Please note that this renewed permit shall become effective on March 1, 2019 (i.e., the day after the expiration date of the existing permit).

This permit shall be effective from March 1, 2019 until February 29, 2024, shall void Permit No. WQ0014543 issued September 17, 2013, and shall be subject to the conditions and limitations as specified therein. Please pay particular attention to the monitoring requirements listed in Attachment A for they may differ from the previous permit issuance. Failure to establish an adequate system for collecting and maintaining the required operational information shall result in future compliance problems.

Please note the following permit conditions have been removed since the last permit issuance dated September 17, 2013:

- Old Condition I.2. – Land application maps have been submitted.
- Old Condition III.11.h. – The soil pH condition is redundant since covered by Old Condition III.11.i. and Condition III.11.k. in this permit.



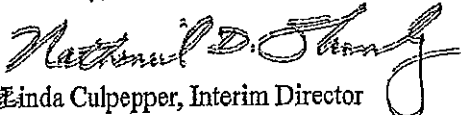
Please note the following permit conditions are new since the last permit issuance dated September 17, 2013:

- Condition I.2. – Before applying residuals to any site, soil testing, new maps, and a site visit shall be performed.
- Condition IV.7.d. – A record of the area (acres) on which residuals are applied must also be kept.

If any parts, requirements or limitations contained in this permit are unacceptable, the Permittee has the right to request an adjudicatory hearing upon written request within 30 days following receipt of this permit. This request shall be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings at 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made, this permit shall be final and binding.

If you need additional information concerning this permit, please contact Troy Doby at (919) 707-3655 or troy.doby@ncdenr.gov.

Sincerely,


Linda Culpepper, Interim Director
Division of Water Resources

cc: Iredell County Health Department (Electronic Copy)
Mooresville Regional Office, Water Quality Regional Operations Section (Electronic Copy)
Beth Buffington – Protection and Enforcement Branch (Electronic Copy)
Laserfiche File (Electronic Copy)
Digital Permit Archive (Electronic Copy)
Central Files

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION
DEPARTMENT OF ENVIRONMENTAL QUALITY
RALEIGH
LAND APPLICATION OF CLASS B RESIDUALS PERMIT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO

City of Statesville
Iredell County

FOR THE

continued operation of a residuals management program for the City of Statesville and consisting of the land application of Class B residuals generated by the approved facilities listed in Attachment A to the approved fields listed in Attachment B with no discharge of wastes to surface waters, pursuant to the application received July 25, 2018, and subsequent additional information received by the Division of Water Resources, and in conformity with other supporting data subsequently filed and approved by the Department of Environmental Quality and considered a part of this permit. The use and disposal of residuals are regulated under Title 40 Code of Federal Regulations Part 503. This permit does not exempt the Permittee from complying with the federal regulations.

This permit shall be effective from March 1, 2019 until February 29, 2024, shall void Permit No. WQ0014543 issued September 17, 2013, and shall be subject to the following specified conditions and limitations:

I. SCHEDULES

1. No later than six months prior to the expiration of this permit, the Permittee shall request renewal of this permit on official Division forms. Upon receipt of the request, the Division will review the adequacy of the facilities described therein, and if warranted, will renew the permit for such period of time and under such conditions and limitations as it may deem appropriate. Please note Rule 15A NCAC 02T .0105(d) requires an updated site map to be submitted with the permit renewal application. [15A NCAC 02T .0108(b)(2), 02T .0105(d), 02T .0109]
2. The Mooresville Regional Office shall be provided with an updated soils report and maps prior to application of residuals on the fields listed in Attachment B of this permit. In addition, sufficient time shall be allowed for site visits to fields in Attachment B on which residuals are to be applied. [15A NCAC 02T .0108(b)(1)]

II. PERFORMANCE STANDARDS

1. The subject residuals management program shall be effectively maintained and operated at all times so there is no discharge to surface waters, nor any contravention of groundwater or surface water standards. In the event the facilities fail to perform satisfactorily, including the creation of prolonged nuisance conditions due to improper operation and maintenance, the Permittee shall immediately cease land applying residuals, contact the Mooresville Regional Office supervisor, and take any immediate corrective actions. [G.S. 143-215.1]
2. This permit shall not relieve the Permittee of responsibility for damages to groundwater or surface water resulting from the operation of this residuals management program. [15A NCAC 02B .0200, 02L .0100]
3. Only residuals generated by the facilities listed in Attachment A are approved for land application in accordance with this permit. [G.S. 143-215.1]
4. Only the fields listed in Attachment B are approved for residuals land application. [G.S. 143-215.1]
5. Pollutant concentrations in residuals applied to land application sites listed in Attachment B shall not exceed the following Ceiling Concentrations (i.e., dry weight basis) or Cumulative Pollutant Loading Rates (CPLRs):

Parameter	Ceiling Concentration (milligrams per kilogram)	CPLR (pounds per acre)
Arsenic	75	36
Cadmium	85	34
Copper	4,300	1,338
Lead	840	267
Mercury	57	15
Molybdenum	75	n/a
Nickel	420	374
Selenium	100	89
Zinc	7,500	2,498

The Permittee shall determine compliance with the CPLRs using one of the following methods:

- a. By calculating the existing cumulative level of pollutants using actual analytical data from all historical land application events of residuals, or
- b. For land where residuals application has not occurred or for which the required data is incomplete, by determining background concentrations through representative soil sampling.

[15A NCAC 02T .1105]

6. Residuals that are land applied shall meet Class B pathogen reduction requirements in 15A NCAC 02T .1106 (a) and (c). Exceptions to this requirement shall be specified in Attachment A. [15A NCAC 02T .1106]
7. Biological residuals (i.e. residuals generated during the treatment of domestic or animal processing wastewater, or the biological treatment of industrial wastewater, and as identified in Attachment A) that are land applied shall meet one of the vector attraction reduction alternatives in 15A NCAC 02T .1107(a). Exceptions to this requirement shall be specified in Attachment A. [15A NCAC 02T .1107]

8. Setbacks for Class B land application sites shall be as follows:

Setback Description	Setback by application type (feet)		
	Vehicular Surface Application	Irrigation Surface Application	Injection / Incorporation
Habitable residence or place of public assembly under separate ownership or not to be maintained as part of the project site	400	400	200
Habitable residence or places of public assembly owned by the Permittee, the owner of the land, or the lessee/operator of the land to be maintained as part of the project site	0	200	0
Property lines	50	150	50
Public right of way	50	50	50
Private or public water supply	100	100	100
Surface waters (streams – intermittent and perennial, perennial waterbodies, and wetlands)	100	100	50
Surface water diversions (ephemeral streams, waterways, ditches)	25	100	25
Groundwater lowering ditches (where the bottom of the ditch intersects the SHWT)	25	100	25
Subsurface groundwater lowering system	0	100	0
Wells with exception to monitoring wells	100	100	100
Bedrock outcrops	25	25	25
Top of slope of embankments or cuts of two feet or more in vertical height	15	15	15
Building foundations or basements	0	15	0
Water lines	0	10	0
Swimming pools	100	100	100
Nitrification fields	0	20	0

[15A NCAC 02T .1108]

9. Land application areas shall be clearly marked on each site prior to and during any residuals application event. [15A NCAC 02T .0108(b)(1)]

10. Bulk residuals and other sources of Plant Available Nitrogen (PAN) shall not be applied in exceedance of agronomic rates. Appropriate agronomic rates shall be calculated using expected nitrogen requirements based on the determined Realistic Yield Expectations (RYE) using any of the following methods:
- a. Division's pre-approved site specific historical data for specific crop or soil types by calculating the mean of the best three yields of the last five consecutive crop harvests for each field.
 - b. North Carolina Historical Data for specific crop and soil types as provided by North Carolina State University Department of Soil Science (<http://nutrients.soil.ncsu.edu/yields/index.php>). A copy shall be kept on file and reprinted every five years in accordance with Condition IV.6.
 - c. If the RYE cannot be determined using methods (a) or (b) above, the Permittee may use the RYE and appropriate nutrient application rates reported in any of the following documents:
 - i. **Crop management plan** as outlined by the local Cooperative Extension Office, the North Carolina Department of Agriculture and Consumer Services, the Natural Resource Conservation Service, or other agronomist.
 - ii. **Waste Utilization Plan** as outlined by the Senate Bill 1217 Interagency Group - Guidance Document: Chapter 1
http://www.ncagr.gov/SWC/tech/documents/9th_Guidance_Doc_100109.pdf.
 - iii. **Certified Nutrient Management Plan** as outlined by the Natural Resources Conservation Services (NRCS). These plans must meet the USDA-NRCS 590 Nutrient Management Standards (<http://ftp-fs.sc.usda.gov/NHQ/practice-standards/standards/590.pdf>).
 - d. If the RYE and appropriate nutrient application rates cannot be determined, the Permittee shall contact the Division to determine necessary action.

[15A NCAC 02T .1109(b)(1)(k)]

11. When residuals are land applied to grazed pasture, hay crop realistic nitrogen rate shall be reduced by 25% in accordance with the USDA-NRCS 590 Nutrient Management Standards. [15A NCAC 02T .0108(b)(1)]
12. If land application sites are to be over-seeded or double-cropped (e.g., bermuda grass in the summer and rye grass in the winter with both crops to receive residuals), then the second crop can receive an application of PAN at a rate not to exceed 50 pounds per acre per year (lbs/ac/yr). This practice may be allowed as long as the second crop is to be harvested or grazed. If the second crop is to be planted for erosion control only and is to be tilled into the soil, then no additional PAN shall be applied. [15A NCAC 02T .0108(b)(1)]
13. Prior to land application of residuals containing a sodium adsorption ratio (SAR) of 10 or higher, the Permittee shall obtain and implement recommendations from at least one of the following: the local Cooperative Extension Office; the Department of Agriculture and Consumer Services; the Natural Resource Conservation Service; a North Carolina Licensed Soil Scientist; or an agronomist. The recommendations shall address the sodium application rate, soil amendments (e.g., gypsum, etc.), or a mechanism for maintaining site integrity and conditions conducive to crop growth. The Permittee shall maintain written records of these recommendations and details of their implementation. [15A NCAC 02T .0108(b)(1)]

14. These residuals land application sites were individually permitted on or after December 30, 1983; therefore, the compliance boundary is established at either 250 feet from the residual land application area, or 50 feet within the property boundary, whichever is closest to the residual land application area. An exceedance of groundwater standards at or beyond the compliance boundary is subject to remediation action according to 15A NCAC 02L .0106(d)(2) as well as enforcement actions in accordance with North Carolina General Statute 143-215.6A through 143-215.6C. Any approved relocation of the COMPLIANCE BOUNDARY will be noted in Attachment B. [15A NCAC 02L .0107(a)].
15. The review boundary shall be established midway between the compliance boundary and the residual land application area. Any exceedance of groundwater standards at the review boundary shall require action in accordance with 15A NCAC 02L .0106. [15A NCAC 02L .0108]

III. OPERATION AND MAINTENANCE REQUIREMENTS

1. The residuals management program shall be properly maintained and operated at all times. The program shall be effectively maintained and operated as a non-discharge system to prevent any contravention of surface water or groundwater standards. [15A NCAC 02T .1110]
2. The Mooresville Regional Office, telephone number (704) 663-1699, and the appropriate local government official (i.e., county manager, city manager, or health director) shall be notified at least 48 hours prior to the initial residuals land application to any new land application site. Notification to the regional supervisor shall be made from 8:00 a.m. until 5:00 p.m. on Monday through Friday, excluding State Holidays. [15A NCAC 02T .0108(b)(1)]
3. The Mooresville Regional Office shall be notified via email or telephone, (704) 663-1699, at least 24 hours prior to conducting any land application activity. Such notification shall indicate, at a minimum, the anticipated application times, field IDs, and location of land application activities. If it becomes necessary to apply to additional fields due to unforeseen events, the Regional Office shall be notified prior to commencing the application to those fields. [15A NCAC 02T .0108(b)(1)]
4. The Permittee shall maintain an approved Operation and Maintenance Plan (O&M Plan) Modifications to the O&M Plan shall be approved by the Division prior to utilization of the new plan. The O&M Plan, at the minimum, shall include:
 - a. Operational functions;
 - b. Maintenance schedules;
 - c. Safety measures;
 - d. Spill response plan;
 - e. Inspection plan including the following information:
 - i. Names and/or titles of personnel responsible for conducting the inspections;
 - ii. Frequency and location of inspections, including those to be conducted by the ORC, and procedures to assure that the selected location(s) and inspection frequency are representative of the residuals management program;
 - iii. Detailed description of inspection procedures including record keeping and actions to be taken by the inspector in the event that noncompliance is observed pursuant to the noncompliance notification requirements under the monitoring and reporting section of the permit;
 - f. Sampling and monitoring plan including the following information:
 - i. Names and/or titles of personnel responsible for conducting the sampling and monitoring;
 - ii. Detailed description of monitoring procedures including parameters to be monitored;

- iii. Sampling frequency and procedures to assure that representative samples are being collected. Fluctuation in temperature, flow, and other operating conditions can affect the quality of the residuals gathered during a particular sampling event. The sampling plan shall account for any foreseen fluctuations in residuals quality and indicate the most limiting times for residuals to meet pathogen and vector attraction reduction requirements (e.g. facilities that land apply multiple times per year but have an annual sampling frequency, may need to sample during winter months when pathogen reduction is most likely to be negatively affected by cold temperatures).

[15A NCAC 02T .1100]

5. Upon the Water Pollution Control System Operators Certification Commission's (WPCSOCC) classification of the facility, the Permittee shall designate and employ a certified operator in responsible charge (ORC) and one or more certified operators as back-up ORCs in accordance with 15A NCAC 08G .0201. The ORC or his back-up shall visit the facilities in accordance with 15A NCAC 08G. 0204, or as specified in the most recently approved O&M plan (i.e., see Condition III.4.), and shall comply with all other conditions of 15A NCAC 08G. 0204. For more information regarding classification and designation requirements, please contact the Division of Water Resources' Protection and Enforcement Branch at (919) 707-9105. [15A NCAC 02T .0117]
6. When the Permittee land applies bulk residuals, a copy of this permit and a copy of O&M Plan shall be maintained at the land application sites during land application activities. [15A NCAC 02T .0108(b)(1)]
7. When the Permittee transports or land applies bulk residuals, the spill control provisions shall be maintained in all residuals transport and application vehicles. [15A NCAC 02T .1110]
8. Residuals shall not be stored at any land application site, unless written approval has been requested and received from the Division. [G.S. 143-215.1]
9. When the Permittee land applies bulk residuals, adequate measures shall be taken to prevent wind erosion and surface runoff from conveying residuals from the land application sites onto adjacent properties or into surface waters. [G.S. 143-215.1]
10. When the Permittee land applies bulk residuals, a suitable vegetative cover shall be maintained on land application sites onto which residuals are applied, or application shall be in accordance with the crop management plan outlined by the local Cooperative Extension Office, the Department of Agriculture and Consumer Services, the Natural Resource Conservation Service, or an agronomist and as approved by the Division. [15A NCAC 02T .1109(b)(1)]

11. Bulk residuals shall not be land applied under the following conditions:

- a. If the residuals are likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat;
- b. If the application causes prolonged nuisance conditions;
- c. If the land fails to assimilate the bulk residuals or the application causes the contravention of surface water or groundwater standards;
- d. If the land is flooded, frozen or snow-covered, or is otherwise in a condition such that runoff of the residuals would occur;
- e. Within the 100-year flood elevation, unless the bulk residuals are injected or incorporated within a 24-hour period following a residuals land application event;
- f. During a measurable precipitation event (i.e., greater than 0.01 inch per hour), or within 24 hours following a rainfall event of 0.5 inches or greater in a 24-hour period;
- g. If the slope is greater than 10% for surface applied liquid residuals, or if the slope is greater than 18% for injected or incorporated bulk liquid residuals;
- h. If the land does not have an established vegetative cover unless the residuals are incorporated or injected within a 24-hour period following a residuals land application event. Any field that is in a federal, state or county no-till program shall be exempted from meeting this vegetative cover requirement;
- i. If the vertical separation between the seasonal high water table and the depth of residuals application is less than one foot;
- j. If the vertical separation of bedrock and the depth of residuals application is less than one foot;
- k. Application exceeds agronomic rates.

[15A NCAC 02T .1109]

12. The following public access restrictions apply to residual land application sites:

- a. Public access to public contact sites (e.g., golf courses, parks, ball fields, etc.) shall be restricted for 365 days after a residuals land application event;
- b. Public access to non-public contact sites shall be restricted for 30 days after a residuals land application event.

[15A NCAC 02T .1109(b)(2)]

13. Public access controls shall include the posting of signs with a minimum area of 3 square feet (e.g., 1.5' x 2'). Each sign shall indicate the activities conducted at each site, permit number, and name and contact information, including the Permittee or applicator's telephone number. Signs shall be posted in a clearly visible and conspicuous manner at the entrance to each land application site during a land application event, and for as long as the public access restrictions required under Condition III.12. apply. [15A NCAC 02T .0108(b)(1)]

14. The following harvesting and grazing restrictions apply to residual land application sites after each land application event:

Harvesting and Grazing Description	Restricted Duration
Animals shall not be allowed to graze during land application activities and restricted period. Sites that are to be used for grazing shall have fencing to prevent access after each land application event.	30 days
Food crops, feed crops and fiber crops shall not be harvested for:	30 days
Turf grown on land where residuals have been applied shall not be harvested for:	12 months
Food crops with harvested parts that touch the residual/soil mixture and are totally above the land surface (e.g., tobacco, melons, cucumbers, squash, etc.) shall not be harvested for:	14 months
When the residuals remain on the land surface for four months or longer prior to incorporation into the soil, food crops with harvested parts below the land surface (e.g., root crops such as potatoes, carrots, radishes, etc.) shall not be harvested for:	20 months
When the residuals remain on the land surface for less than four months prior to incorporation into the soil, food crops with harvested parts below the land surface shall not be harvested for:	38 months

[15A NCAC 02T .1109(b)(3)]

15. The Permittee shall acquire from each landowner or lessee/operator a statement detailing the volume of other nutrient sources (i.e., manufactured fertilizers, manures, or other animal waste products) that have been applied to the site, and a copy of the most recent Nutrient Management Plan (NMP) for those operations where a NMP is required by the US Department of Agriculture – National Resources Conservation Service (NRCS) or other State Agencies. The Permittee shall calculate allowable nutrient loading rates based on the provided information and use appropriate reductions.

For the purpose of this permit condition, a Crop Management Plan (CMP), Waste Utilization Plan (WUP) or Certified Nutrient Management Plan (CNMP) shall also be considered a Nutrient Management Plan. [15A NCAC 02T .0108(b)(1), 02T .1104(c)(3)]

16. No residuals shall be land applied unless the submitted Land Owner Agreement between the Permittee and landowners or lessees/operators of the land application site is in full force and effect. These agreements shall be considered expired concurrent with the permit expiration date, and shall be renewed during the permit renewal process. [15A NCAC 02T .1104(c)(4)]

IV. MONITORING AND REPORTING REQUIREMENTS

1. Any Division-required monitoring (including groundwater, plant tissue, soil and surface water analyses) necessary to ensure groundwater and surface water protection shall be established, and an acceptable sample reporting schedule shall be followed. [15A NCAC 02T .0108(e)]
2. Residuals shall be analyzed to demonstrate they are non-hazardous under the Resource Conservation and Recovery Act (RCRA). Residuals that tests or is classified as a hazardous or toxic waste under 40 CFR Part 261 shall not be used or disposed under this permit. The analyses [corrosivity, ignitability, reactivity, and toxicity characteristic leaching procedure (TCLP)] shall be performed at the frequency specified in Attachment A, and the Permittee shall maintain these results for a minimum of five years. Any exceptions from the requirements in this condition shall be specified in Attachment A.

The TCLP analysis shall include the following parameters (the regulatory level in milligrams per liter is in parentheses):

Arsenic (5.0)	1,4-Dichlorobenzene (7.5)	Nitrobenzene (2.0)
Barium (100.0)	1,2-Dichloroethane (0.5)	Pentachlorophenol (100.0)
Benzene (0.5)	1,1-Dichloroethylene (0.7)	Pyridine (5.0)
Cadmium (1.0)	2,4-Dinitrotoluene (0.13)	Selenium (1.0)
Carbon tetrachloride (0.5)	Endrin (0.02)	Silver (5.0)
Chlordane (0.03)	Hexachlorobenzene (0.13)	Tetrachloroethylene (0.7)
Chlorobenzene (100.0)	Heptachlor (and its hydroxide) (0.008)	Toxaphene (0.5)
Chloroform (6.0)	Hexachloro-1,3-butadiene (0.5)	Trichloroethylene (0.5)
Chromium (5.0)	Hexachloroethane (3.0)	2,4,5-Trichlorophenol (400.0)
m-Cresol (200.0)	Lead (5.0)	2,4,6-Trichlorophenol (2.0)
o-Cresol (200.0)	Lindane (0.4)	2,4,5-TP (Silvex) (1.0)
p-Cresol (200.0)	Mercury (0.2)	Vinyl chloride (0.2)
Cresol (200.0)	Methoxychlor (10.0)	
2,4-D (10.0)	Methyl ethyl ketone (200.0)	

Once the residuals have been monitored for two years at the frequency specified in Attachment A, the Permittee may submit a permit modification request to reduce the frequency of this monitoring requirement. In no case shall the monitoring frequency be less than once per permit cycle.

[15A NCAC 13A .0102(b), 02T .1101, 02T .1105]

3. An analysis shall be conducted on residuals from each source generating facility at the frequency specified in Attachment A, and the Permittee shall maintain the results for a minimum of five years. The analysis shall include the following parameters:

Aluminum	Mercury	Potassium
Ammonia-Nitrogen	Molybdenum	Selenium
Arsenic	Nickel	Sodium
Cadmium	Nitrate-Nitrite Nitrogen	Sodium Adsorption Ratio (SAR)
Calcium	Percent Total Solids	TKN
Copper	pH	Zinc
Lead	Phosphorus	
Magnesium	Plant Available Nitrogen (by calculation)	

[15A NCAC 02T .1101]

4. Residuals shall be monitored for compliance with pathogen and vector attraction reduction requirements at the frequency specified in Attachment A, and at the time indicated in the sampling and monitoring sections of the approved O&M plan. The required data shall be specific to the stabilization process utilized, and sufficient to demonstrate compliance with the Class B pathogen reduction requirements in 15A NCAC 02T .1106 (a) and (c), and one vector attraction reduction requirement in 15A NCAC 02T .1107 (a) shall be met. Any exceptions from the requirements in this condition shall be specified in Attachment A. [15A NCAC 02T .1106, 02T .1107, 02T .1111(c)]
5. An annual representative soils analysis (i.e., Standard Soil Fertility Analysis) shall be conducted on each land application site listed in Attachment B on which a residuals land application event will occur in the respective calendar year. This analysis shall be in accordance with the "Guidance on Soil Sampling" located in the Sampling Instructions section of the NC Department of Agriculture & Consumer Services' website (<http://www.ncagr.gov/agronomi/pubs.htm>). The Permittee shall maintain these results and a description of the sampling methodologies used to determine soil fertility for a period of no less than five years, and shall be made available to the Division upon request. At a minimum, the Standard Soil Fertility Analysis shall include the following parameters:

Acidity	Exchangeable Sodium Percentage	Phosphorus
Base Saturation (by calculation)	Magnesium	Potassium
Calcium	Manganese	Sodium
Cation Exchange Capacity	Percent Humic Matter	Zinc
Copper	pH	

[15A NCAC 02T .0108(c), 15A NCAC 02T .1111(d)]

6. Laboratory parameter analyses shall be performed on the residuals as they are land applied, and shall be in accordance with the monitoring requirements in 15A NCAC 02B .0505. [15A NCAC 02B .0505]

7. The Permittee shall maintain records tracking all residual land application events. At a minimum, these records shall include the following:
 - a. Source of residuals;
 - b. Date of land application;
 - c. Location of land application (i.e., site, field, or zone number as listed in Attachment B);
 - d. Approximate areas applied to (acres);
 - e. Method of land application;
 - f. Weather conditions (e.g., sunny, cloudy, raining, etc.);
 - g. Predominant Soil Mapping Unit (e.g., CbB2);
 - h. Soil conditions (e.g., dry, wet, frozen, etc.);
 - i. Type of crop or crops to be grown on field;
 - j. Nitrogen Application Rate based on RYEs (if using data obtained from the North Carolina State University Department of Soil Science Website, the printout page shall be kept on file and reprinted every five years);
 - k. Volume of residuals land applied in gallons per acre, cubic yard per acre, dry tons per acre, or wet ton per acre;
 - l. Volume of animal waste or other nutrient source applied in gallons per acre, dry ton per acre, or wet tons per acre;
 - m. Volume of soil amendments (e.g., lime, gypsum, etc.) applied in gallons per acre, dry ton per acre, or wet tons per acre; and
 - n. Annual and cumulative totals in dry tons per acre of residuals as well as animal waste and other sources of nutrients (e.g., if applicable), annual and cumulative pounds per acre of each heavy metal (e.g., shall include, but shall not be limited to, arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc), annual pounds per acre of PAN, and annual pounds per acre of phosphorus applied to each field.

[15A NCAC 02T .0109(a)]

8. Three copies of an annual report shall be submitted on or before March 1st. The annual report shall meet the requirements described in the Instructions for Residuals Application Annual Reporting Forms. Instructions for reporting and annual report forms are available at <http://daq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/non-discharge-permitting-unit/reporting-forms>, or can be obtained by contacting the Non-Discharge Permitting Unit directly. The annual report shall be submitted to the following address:

Division of Water Resources
Information Processing Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

[15A NCAC 02T .1111(a)]

9. Noncompliance Notification

The Permittee shall report by telephone to the Mooresville Regional Office, telephone number (704) 663-1699, as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of any of the following:

- a. Land application of residuals abnormal in quantity or characteristic.
- b. Any failure of the land application program resulting in a release of material to surface waters.
- c. Any time self-monitoring indicates the facility has gone out of compliance with its permit limitations.
- d. Any process unit failure, due to known or unknown reasons, rendering the facility incapable of adequate residual treatment.
- e. Any spill or discharge from a vehicle or piping system during residuals transportation.

Any emergency requiring immediate reporting (e.g., discharges to surface waters, imminent failure of a storage structure, etc.) outside normal business hours shall be reported to the Division's Emergency Response personnel at telephone number (800) 662-7956, (800) 858-0368, or (919) 733-3300. Persons reporting such occurrences by telephone shall also file a written report in letter form within five days following first knowledge of the occurrence. This report shall outline the actions taken or proposed to be taken to ensure that the problem does not recur. [15A NCAC 02T .0105(l), 02T .0108(b)(1)]

V. INSPECTIONS

1. The Permittee shall provide adequate inspection and maintenance to ensure proper operation of the subject facilities and shall be in accordance with the approved O&M Plan. [15A NCAC 02T .0108(b)]
2. Prior to each bulk residuals land application event, the Permittee or his designee shall inspect the residuals processing, storage, transport and application facilities to identify malfunctions, facility deterioration and operator errors that could result in discharges to the environment, a threat to human health or a public nuisance. The Permittee shall maintain an inspection log that includes, at a minimum, the date and time of inspection, observations made, and any maintenance, repairs, or corrective actions taken. The Permittee shall maintain this inspection log for a period of five years from the date of inspection, and this log shall be made available to the Division upon request. [15A NCAC 02T .0108(b)]
3. Any duly authorized Division representative may, upon presentation of credentials, enter and inspect any property, premises or place on or related to the land application sites or facilities permitted herein at any reasonable time for the purpose of determining compliance with this permit; may inspect or copy any records required to be maintained under the terms and conditions of this permit; and may collect groundwater, surface water or leachate samples. [G.S. 143-215.3(a)(2)]

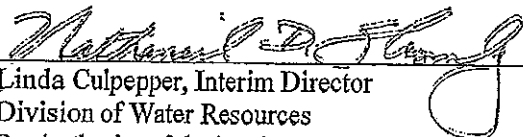
VI. GENERAL CONDITIONS

1. Failure to comply with the conditions and limitations contained herein may subject the Permittee to an enforcement action by the Division in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C. [G.S. 143-215.6A to 143-215.6C]
2. This permit shall become voidable if the residuals land application events are not carried out in accordance with the conditions of this permit. [15A NCAC 02T .0110]
3. This permit is effective only with respect to the nature and volume of residuals described in the permit application and other supporting documentation. [G.S. 143-215.1]

4. The issuance of this permit does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other jurisdictional government agencies (e.g., local, state, and federal). Of particular concern to the Division are applicable river buffer rules in 15A NCAC 02B .0200; erosion and sedimentation control requirements in 15A NCAC Chapter 4 and under the Division's General Permit NCG010000; any requirements pertaining to wetlands under 15A NCAC 02B .0200 and 02H .0500; and documentation of compliance with Article 21 Part 6 of Chapter 143 of the General Statutes. [15A NCAC 02T .0105(c)(6)]
5. In the event the residuals program changes ownership or the Permittee changes his name, a formal permit modification request shall be submitted to the Division. This request shall be made on official Division forms, and shall include appropriate documentation from the parties involved and other supporting documentation as necessary. The Permittee of record shall remain fully responsible for maintaining and operating the residuals program permitted herein until a permit is issued to the new owner. [15A NCAC 02T .0104]
6. This permit is subject to revocation or unilateral modification upon 60-day notice from the Division Director, in whole or part for the requirements listed in 15A NCAC 02T .0110. [15A NCAC 02T .0110]
7. Unless the Division Director grants a variance, expansion of the permitted residuals program contained herein shall not be granted if the Permittee exemplifies any of the criteria in 15A NCAC 02T .0120(b). [15A NCAC 02T .0120]
8. The Permittee shall pay the annual fee within 30 days after being billed by the Division. Failure to pay the annual fee accordingly shall be cause for the Division to revoke this permit. [15A NCAC 02T .0105(e)(3)]

Permit issued this the 14th day of November 2018

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION


Linda Culpepper, Interim Director
Division of Water Resources
By Authority of the Environmental Management Commission

Permit Number WQ0014543

ATTACHMENT A - Approved Residual Sources

City of Statesville

Certification Date: November 14, 2018

Permit Number: WQ0014543

Version: 4.0

Owner	Facility Name	County	Permit Number	Biological Residuals	Maximum Dry Tons Per Year ¹	Monitoring Frequency for Non-hazardous Characteristics ²	Monitoring Frequency for Metals and Nutrients ^{3,5}	Monitoring Frequency for Pathogen & Vector Attractions ^{4,5}	Approved Mineralization Rate
City of Statesville	Third Creek WWTP	Iredell	NC0020591	Yes	975	Annually	See Note 5	See Note 5	0.3
City of Statesville	Fourth Creek WWTP	Iredell	NC0031836	Yes	1,057	Annually	See Note 5	See Note 5	0.3
Total					2,032				

1. Maximum Dry Tons per Year is the amount of residuals approved for land application from each permitted facility.
2. Analyses to demonstrate that residuals are non-hazardous (i.e., TCLP, ignitability, reactivity, and corrosivity) as stipulated under permit Condition IV.2.
3. Testing of metals and nutrients as stipulated under permit Condition IV.3.
4. Analyses of pathogen and vector attraction reductions as stipulated under permit Condition IV.4.
5. Monitoring frequencies are based on the actual dry tons applied per year using the table below, unless specified above.

Dry Tons Applied (short tons per year)	Monitoring Frequency (Established in 40 CFR.503 and 15A NCAC 02T .111)
<319	1/Year
=>319 - <1,650	1/Quarter (4 times per year)
=>1,650 - <16,500	1/60 Days (6 times per year)
=>16,500	1/month (12 times per year)

If no land application events occur during a required sampling period (e.g. no land application occur during an entire year when annual monitoring is required), then no sampling data is required during the period of inactivity. The annual report shall include an explanation for missing sampling data. Those required to submit the annual report to EPA may be required to make up the missed sampling, contact the EPA for additional information and clarification.

ATTACHMENT B - Approved Land Application Sites

City of Statesville

Certification Date: November 14, 2018

Permit Number: WQ0014543 Version: 4.0

Field	Owner	Lessee	County	Latitude	Longitude	Net Acreage	Dominant Soil Series	Footnotes
1	City of Statesville		Iredell	35.770461°	-80.785589°	15.30	Lloyd	1,3
2	City of Statesville		Iredell	35.752408°	-80.842111°	14.10	Cecil	2,3
Total						29.40		

1. See Figure 1.
2. See Figure 2.

3. The total net acreage associated with these land application sites is not sufficient to land apply the total maximum volume of residuals approved in the Attachment A at agronomic rates. Should the Permittee require additional back-up sites, a permit modification application package shall be submitted no later than 180 calendar days prior to land application of residuals on the new sites.

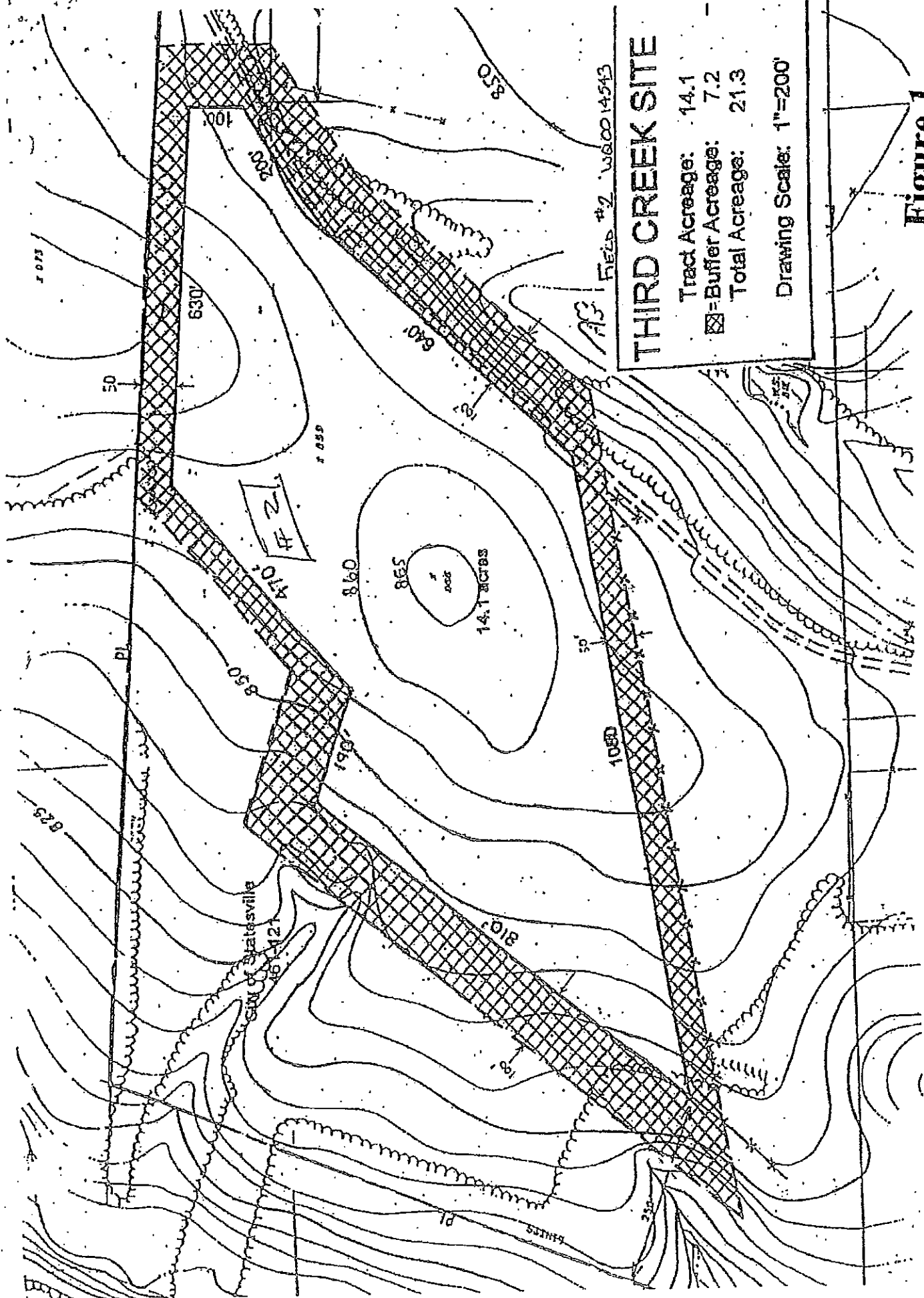


Figure 1

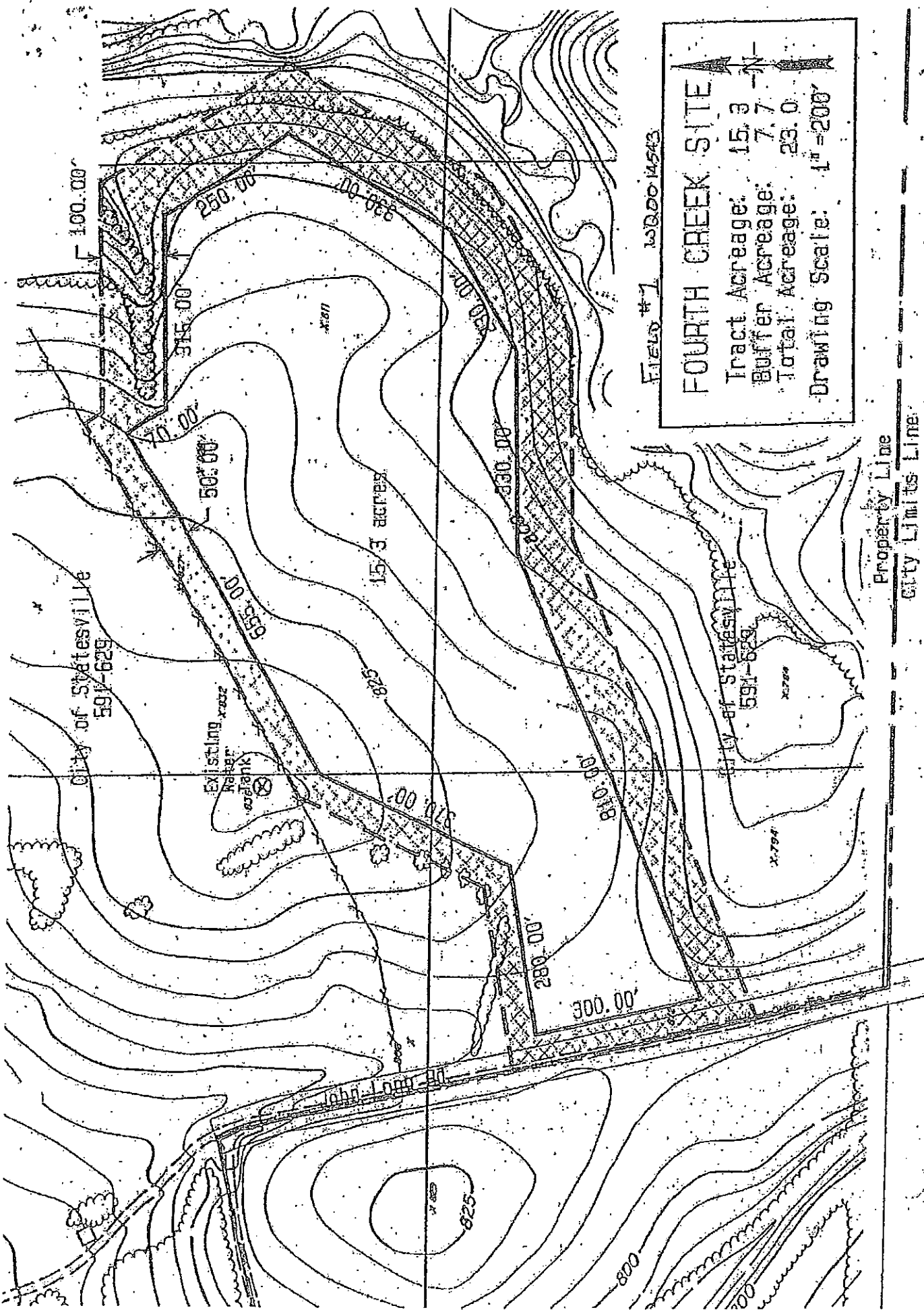


Figure 2

LAND LEASE AGREEMENT

A Land Lease agreement is hereby entered into this date, May 07, 2012 between the City of Statesville ("City") and Mr. Bert Bell ("Lessee") as follows:

Purpose: The purpose of this agreement shall be to lease to Mr. Bell certain portions of property owned by the City of Statesville for agriculture purposes. The land is located at the Fourth Creek Plant site and the Third Creek Plant site, and is not utilized as a regular part of the operation of the Fourth Creek Facility or the Third Creek Facility.

Term: The Agreement shall be in effect for a period of 10 years beginning at 12:01 a.m. on the 7th of May, 2012 and ending at 12:00 a.m. on the 7th of May, 2022 unless terminated or modified under the provisions herein.

Lease Payment: The City agrees to waive all payments for the term of the agreement for rendered unless this agreement is otherwise modified.

Access: The City agrees to provide access at any and all times to the Lessee for the purpose stated herein.

Services:

1. The City shall provide maintenance on existing drainage ditches, roadways, and fences.
2. All other required maintenance including, but not limited to, field erosion control, grubbing, clearing, fertilizing, and mowing in areas under his control shall be the responsibility of the Lessee. On areas used for hay production, Lessee shall cut the property no less than two times per year. Should the lessee fail to cut the property at least once in eight calendar months the lease shall be deemed to be abandoned by the lessee.

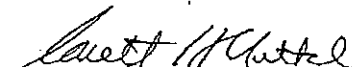
Scope: Any land at this site which is owned by the City and designated by the Plant Supervisor as surplus at the beginning of each calendar year shall be available to Lessee for that year. It is anticipated that some changes will occur from time to time during the term of this Agreement.

Special Conditions: Portions of the surplus property at the facilities are permitted by the State of North Carolina under land application permit number WQ00014543 (Attachment A). This permit is used for emergency land application of wastewater residuals. When necessary, the City may exercise its ability to land apply residuals to this permitted property. Every effort will be made to communicate and coordinate activities with the Lessee.

Termination: Termination of this Agreement can be made at any time by mutual consent of both parties or upon 12 months written notice by either party.

Damages: The City agrees to exercise cautions so as not to damage crops planted upon the lands covered by this Agreement; however, should emergency situations arise and damage occur the City shall not be liable for damages.

All terms and conditions set forth herein are effective upon this the 7th day of May, 2012.


Constantine H. Kutteh, Mayor


Bert Bell, Lessee

4-29-2022

Burt Bell agrees to continue
with the contract as stated
on the existing contract.

Burt A. Bell
115 Farwood Dr.
Statesville, N.C.

28625

704-450-3339

D. J. Matheson Rec. 4/29/22 - 1:20 pm

Public Notice - Leased Cropland

City Of Statesville, NC ▶ News ▶ What's New ▶ Public Notice - Leased Cropland

Public Notice - Leased Cropland

Posted on 04/01/2022



The City of Statesville intends to enter into a ten (10) year lease of approximately 78 acres of cropland located at the Fourth Creek and Third Creek Wastewater Treatment Plant sites in Statesville, NC.

The City intends to lease the property to an interested citizen for a term of ten (10) years beginning May 7, 2022, through May 6, 2032. In consideration of the lease, the interested party will pay zero dollars to the City of Statesville.

The successful offeror will be chosen by lot and ratified no earlier than the regularly scheduled City Council meeting scheduled for May 2, 2022.

The lease will be for the entire 78 acres for the use of cropland. Partial offers will not be considered. Future City operational requirements may require a unilateral withdrawal of acreage at the Third Creek Wastewater Treatment Plant (up to 20 acres).

All other persons interested in leasing the land are invited to submit written interest offers to the City of Statesville Public Utility Director, Bill Vaughan, 301 S Center St, Statesville, NC 28677 no later than April 30, 2022 by 4:00 PM. Offers shall include at a minimum: Date of offer, name, address, phone number.

William E. Vaughan, PE
Public Utilities Director



Public Notice - Leased Cropland

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William E. Vaughan, PE
Public Utilities Director





City of Statesville
WWTP Agricultural Leases

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 24, 2022

ACTION NEEDED ON: June 06, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

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 June 20, 2022 for a Public Hearing for the Petition for Annexation of Case #AX22-09 SL Statesville, LLC (Wall Street); PIN #'s 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007, 4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651.

1. Summary of Information: The property being considered for annexation has been submitted by SL Statesville LLC (applicant) on behalf of multiple property owners, as designated on the location map: 1) John D. Goforth; 2-3) Skeets Auto Body Repair, Inc.; 4) Evelyn C. Sherrill; 5) William R Pardue; 6) JN Sherrill Heirs; 7) OCB Properties LLP; and 8) George E. Barkley, et al. The total acreage of the property proposed for annexation is approximately 306.32 acres. Approximately 18.89 acres of Parcel 4 (Goforth) are already within the City limit; the remaining appx. 38.46 acres are subject of this request. The parcels are located along Wall Street; and further south along the west side of I-77 to Third Creek (see attached Location Map).d

The parcels are currently in a combination of wooded and agricultural use. All parcels currently have access from Wall Street, which is paved to 1234 Wall Street then is unpaved throughout the subject parcels and does not extend to the southernmost parcels that are part of the request (see attached GIS Aerial Photo Map, Boundary Survey and Site Photos). Access would have to be upgraded with future development. The parcels are currently zoned B-5 (General Business), LI (Light Industrial), RA (Residential Agricultural) and Iredell County RA (Residential Agricultural) districts; and five of the subject parcels are subject of rezoning request ZC22-08, contingent upon this annexation petition (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: Rezoning case ZC22-08 (North 77) was presented to the Planning Board on April 26th, and to the City Council for first reading on May 16th where it passed unanimously. The second reading of that case will also be heard at the

June 6, 2022 meeting.

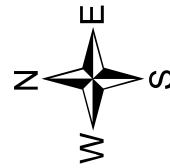
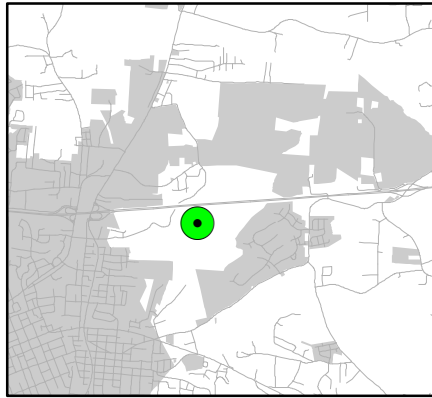
- 3. Budget/Funding Implications:** The current tax value of the parcels is listed as \$3,357,510. Although a project has not been submitted at this time, the applicant estimates that the tax value of the land plus infrastructure improvements plus capital expenditures on buildings would be approximately \$150 Million. City water and sewer service are available to serve the property, although water service will require extension by the developer; electrical service is customer choice between the City and Duke Energy (see attached Utilities Location Map). The city will provide fire and police services as requested.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes.
- 5. Department Recommendation:** The department recommends passing the resolution to set a date of June 20, 2022, for a public hearing on this annexation request.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** Advertise for the public hearing.
- 8. Attachments:**
 1. Location Map
 2. GIS Aerial Photo Map
 3. Boundary Survey
 4. Site Photos
 5. Current Zoning Map
 6. Utilities Location Map
 7. Resolution Directing the Clerk to Investigate a Petition of Annexation
 8. Certificate of Sufficiency
 9. Resolution to Set Public Hearing

**City of Statesville
Planning Department**

SL Statesville LLC Project
(Wall Street Vicinity)



AX22-09

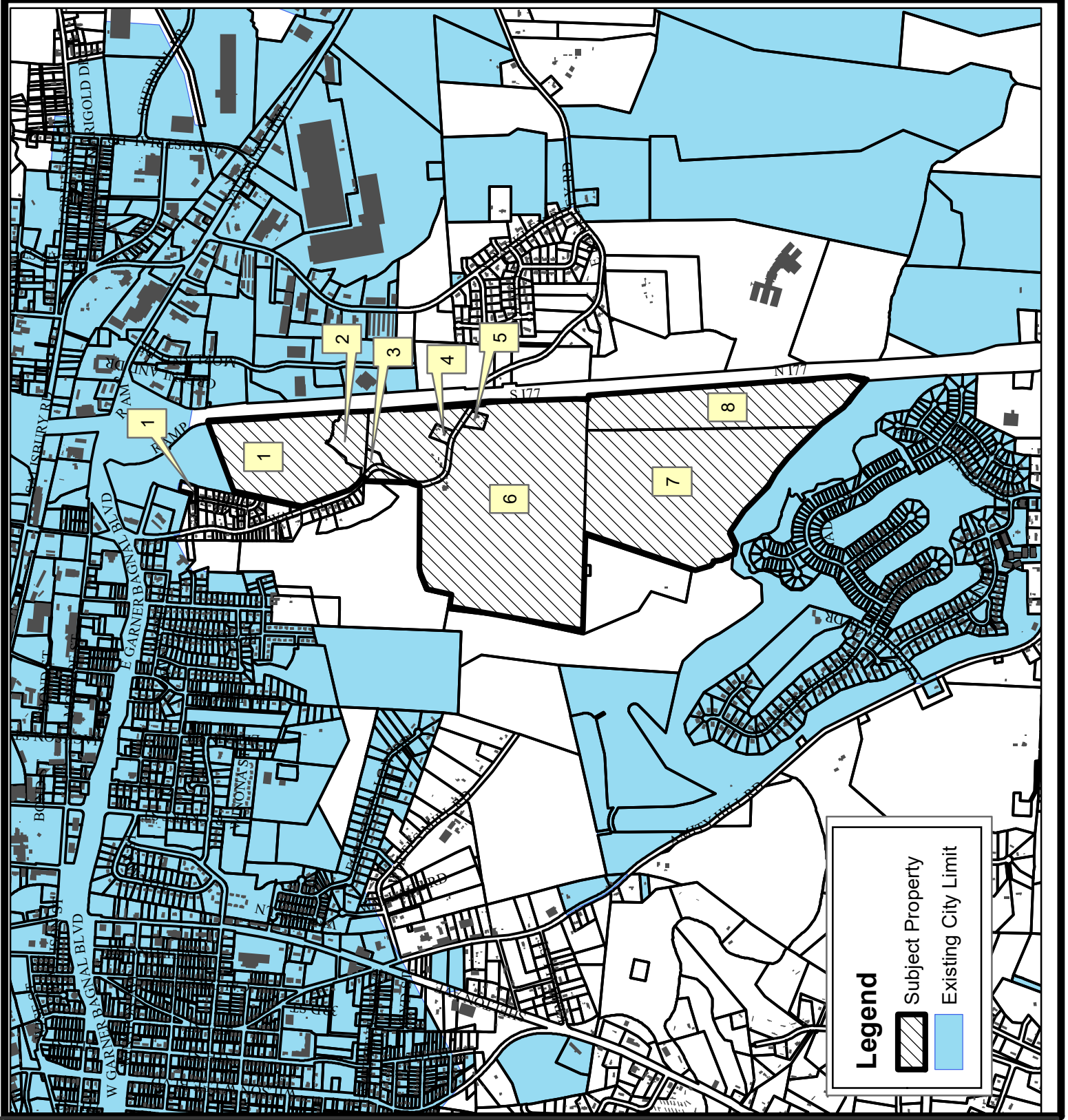
PIN # 4743-69-8546 (portion),
4743-78-1262, 4743-67-9906,
4743-77-2007, 4743-76-3697,
4743-66-3318, 4743-64-4008
& 4743-73-5651

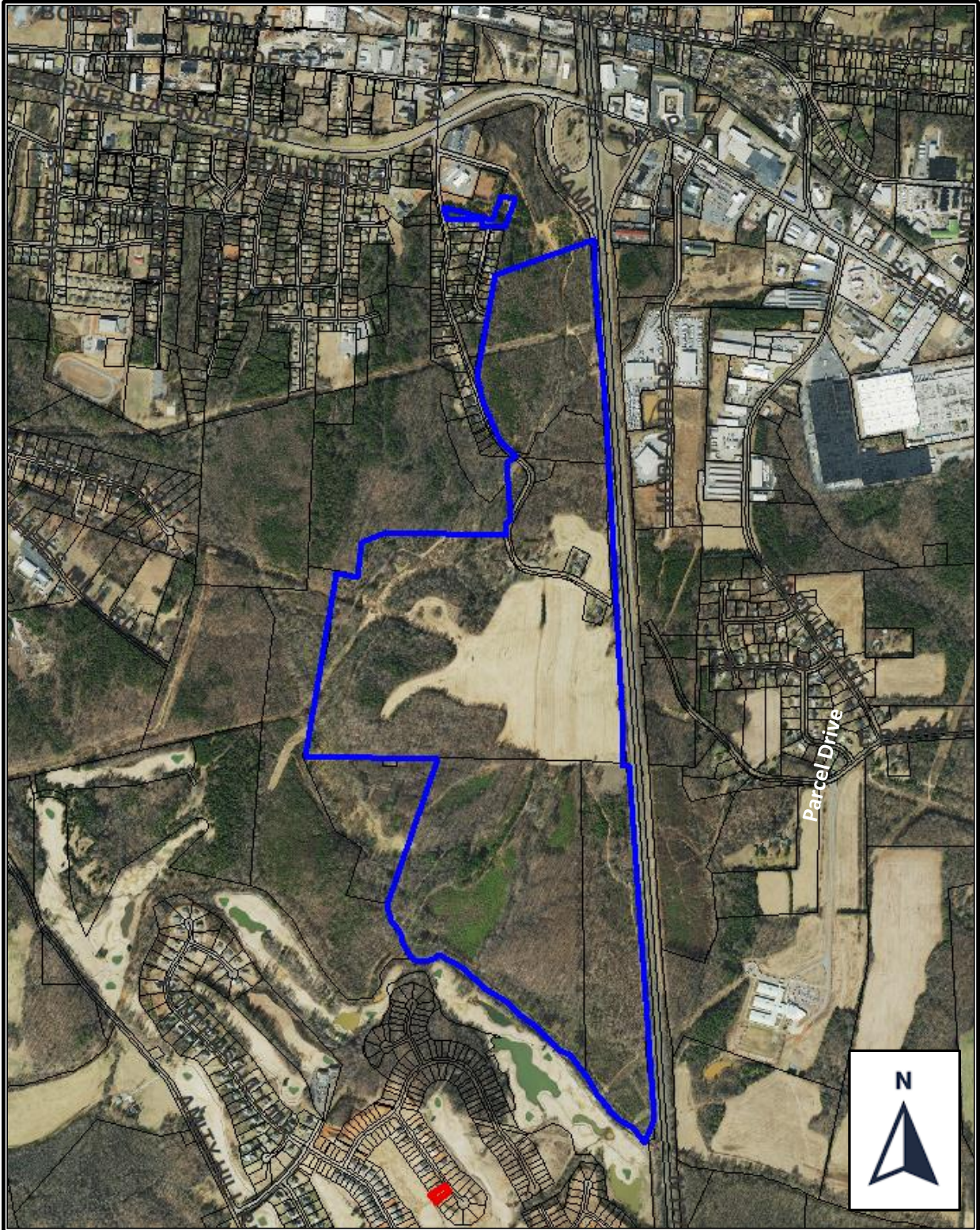


1 inch = 1,666.666667 feet

Legend

-  Subject Property
-  Existing City Limit



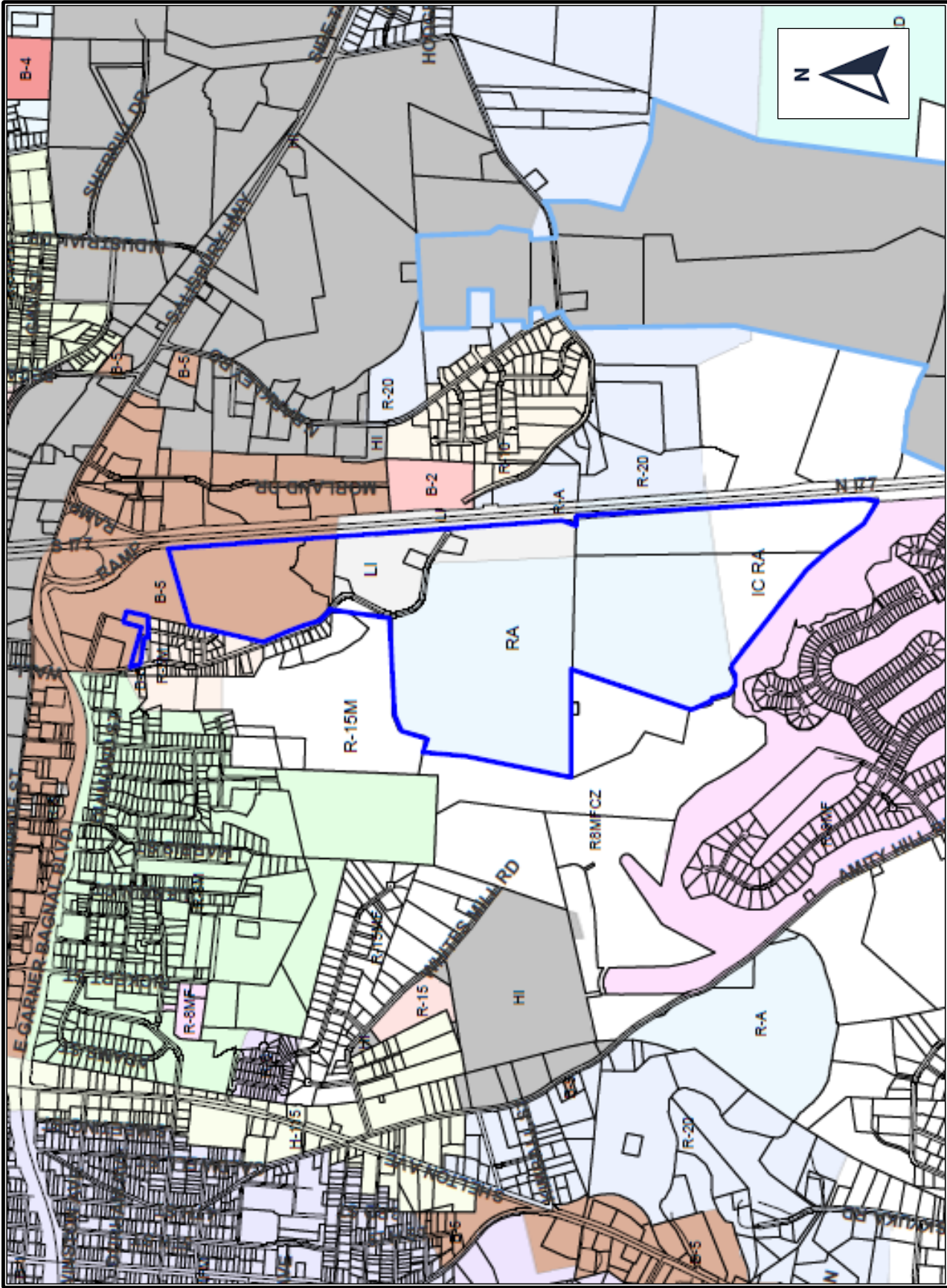


Case No. AX22-09 SL Statesville LLC (Wall Street)
Aerial Photo Map – PIN # 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007,
4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651

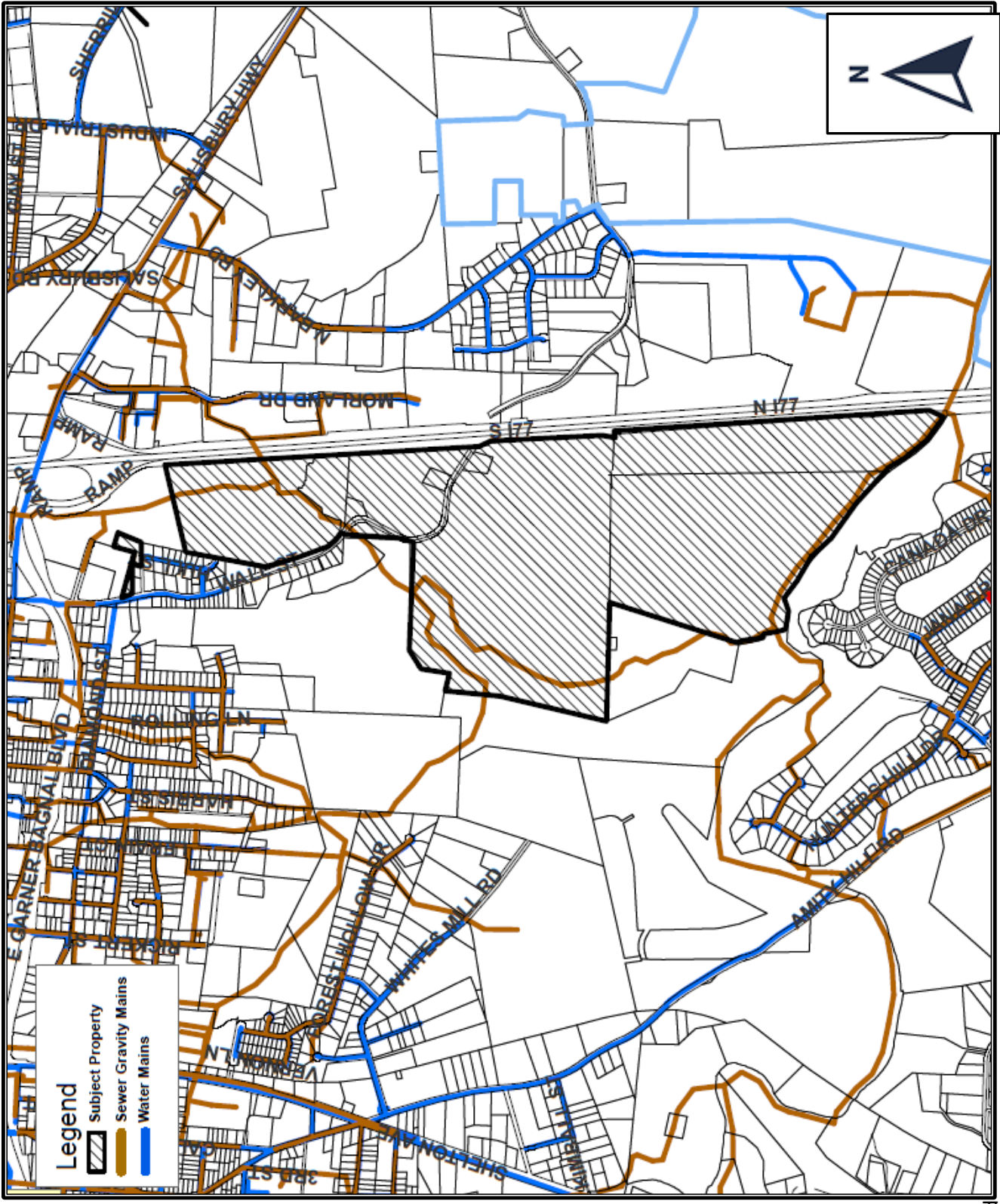
Site Photos – AX22-09 SL Statesville LLC
(PIN # 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007, 4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651) Wall Street vicinity



Two Views from Wall Street looking south onto PIN # 4743-66-3318 (portion)



Case No. AX22-09 SL Statesville LLC (Wall Street)
 Current Zoning Map – PIN # 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007, 4743-76-3697, 4743-66-3318,
 4743-64-4008 & 4743-73-5651



Utilities Location Map – AX22-09 SL Statesville LLC Project
 Tax Parcel Map # 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007, 4743-76-3697, 4743-66-3318,
 4743-64-4008 & 4743-73-5651

RESOLUTION _____

**A RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31**

CASE NO. AX22-09

Parcels #'s 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007, 4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651

John D. Goforth, Skeets Auto Body Repair, Inc., Evelyn C. Sherrill, William R. Pardue, JN Sherrill Heirs, OCB Properties LLP, & George E. Barkley et al Properties

WHEREAS, a petition requesting annexation of the area described in said petition has been received on June 6, 2022, by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Statesville deems it advisable to proceed and respond to the request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the results of her investigation.

Adopted this 6th day of June 2022.

S - E - A - L

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

CERTIFICATE OF SUFFICIENCY

Case No. AX22-09

**John D. Goforth, Skeets Auto Body Repair, Inc., Evelyn C. Sherrill,
William R. Pardue, JN Sherrill Heirs, OCB Properties LLP,
& George E. Barkley et al Properties**

**Parcel # 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007,
4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651**

TO THE CITY COUNCIL OF THE CITY OF STATESVILLE, NORTH
CAROLINA:

I, Brenda Fugett, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 6th day of June 2022.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

RESOLUTION SETTING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. 160-31

CASE NO. AX22-09

Parcel #'s 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007,
4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651

John D. Goforth, Skeets Auto Body Repair, Inc., Evelyn C. Sherrill, William R. Pardue, JN Sherrill Heirs, OCB Properties LLP, & George E. Barkley et al Properties

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

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

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville, North Carolina

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 7:00 o'clock p.m. on the 20th day of June 2022.

Section 2. The area proposed for annexation is described as follows:

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

Legal Descriptions for Annexation Case AX22-09; Tax Parcels 4743-69-8546 (portion), 4743-78-1262, 4743-67-9906, 4743-77-2007, 4743-76-3697, 4743-66-3318, 4743-64-4008 & 4743-73-5651

Parcel: 4743-69-8546 (portions)

Southern Portion

Lying and being located in Iredell County, North Carolina, and being described as follows:

Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 18° 21' 46" W, 1078.48' (ground) to a right-of-way disc on the right of way of I-77 and Garner Bagnal Blvd. (US Hwy 70). Thence with the right-of-way of I-77 the following courses and distances, S 38° 22' 43" E, 96.23' to a concrete monument; S 10° 32' 34" W, 33.19' to a concrete monument; S 20° 39' 49" W, 162.53' to a concrete monument; S 13° 03' 06" E, 52.63' to a concrete monument; with a curve to the left having a radius of 801.20', an arc length of 379.17' and a chord bearing and distance of S 13° 30' 54" E, 375.64' to a point; S 28° 07' 01" E, 48.00' to a point; S 34° 58' 55" E, 136.97' to a concrete monument; N 52° 32' 49" E, 24.66' to a concrete monument; S 40° 46' 49" E, 141.41' to a point; S 37° 00' 54" E, 153.19' to a point; S 36° 46' 30" E, 55.83' to a concrete monument; S 50° 02' 58" W, 24.09' to a concrete monument; S 18° 15' 06" E, 177.95' to a point; S 16° 55' 14" E, approximately 47.55' to the POINT OF BEGINNING, Thence, continuing with the right-of-way of I-77 the following courses and distances, S 16° 55' 14" E, 18.95' to a point; S 05° 10' 14" E, 156.25' to a point; S 03° 58' 03" E,

749.40' to a concrete monument N 86° 52' 51" E, 23.10' to a concrete monument; S 04° 02' 16" E, 757.34' to a point Thence leaving the right-of-way of I-77, N 62° 39' 53" W, 21.25' to a point within an unnamed stream, Thence with the unnamed stream the following courses and distances, N 51° 19' 42" W, 27.04' to a point; N 66° 13' 18" W, 26.90' to a point; S 72° 33' 15" W, 11.00' to a point; N 55° 16' 22" W, 26.23' to a point; N 26° 42' 24" E, 12.92' to a point; N 01° 27' 47" W, 18.83' to a point; N 49° 12' 11" W, 24.94' to a point; N 24° 00' 22" W, 15.51' to a point; S 67° 40' 00" W, 7.98' to a point; N 82° 20' 38" W, 18.63' to a point; S 70° 10' 36" W, 13.70' to a point; N 55° 10' 08" W, 11.35' to a point; N 88° 09' 51" W, 19.33' to a point; S 62° 27' 08" W, 13.04' to a point; N 75° 56' 44" W, 33.77' to a point; S 79° 10' 12" W, 15.78' to a point; N 81° 52' 15" W, 13.68' to a point; S 66° 01' 24" W, 10.30' to a point; N 15° 04' 16" W, 14.02' to a point; N 76° 30' 19" W, 53.27' to a point; N 18° 27' 48" W, 9.31' to a point; N 59° 25' 01" W, 21.77' to a point; S 68° 23' 07" W, 9.00' to a point; N 21° 36' 53" W, 9.00' to a point; N 23° 23' 07" E, 12.73' to a point; N 19° 57' 24" E, 15.17' to a point; N 69° 33' 26" W, 29.37' to a point; S 26° 34' 57" W, 23.20' to a point; S 34° 48' 44" W, 53.02' to a point; S 35° 59' 39" W, 37.16' to a point; S 37° 17' 40" W, 94.02' to a point; S 39° 55' 58" W, 41.41' to a point; S 34° 28' 37" W, 50.83' to a point; S 43° 03' 55" W, 15.44' to a point; S 84° 36' 46" W, 56.89' to a point; S 39° 49' 07" W, 9.89' to a point; S 18° 56' 31" W, 57.03' to a point; S 22° 58' 16" W, 95.24' to a point; S 07° 30' 45" W, 45.01' to a point; Thence leaving the unnamed stream, N 87° 27' 20" W, 136.53' to a railroad spike in the eastern right-of-way of Wall St, Thence, N 87° 26' 52" W, 42.92' to a point in Wall St.; Thence, N 54° 37' 15" W, 73.64' to a point in Wall St.; Thence, N 33° 28' 51" W, 253.00' to a point in Wall St.; Thence, N 19° 03' 08" W, 446.17' to a point in Wall St.; Thence leaving Wall St., N 11° 33' 05" E, approximately 942.75' to a point; Thence, with the city limits of Statesville N 69° 28' 47" E a distance of 929.55' to the POINT AND PLACE OF BEGINNING, containing 37.16 acres more or less.

The properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Western Portion

Lying and being located in Iredell County, North Carolina, and being described as follows. Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 18° 21' 46" W, 1078.48' (ground) to a right-of-way disc on the right of way of I-77 and Garner Bagnal Blvd. (US Hwy 70). Thence, with the right-of-way of Garner Bagnal Blvd the following courses and distances, S 68° 41' 11" W, 397.67' to a set #4 rebar; S 79° 25' 19" W, 78.37' to a set #4 rebar; Thence, leaving the right of way of Garner Bagnal Blvd S 16° 27' 55" W, 382.07' to a right-of-way disc on the right-of-way of Landson Drive. Thence, with the right-of-way of Landson Drive the following courses and distances, S 73° 33' 31" E, 257.59' to a #4 rebar; Thence with a curve the right, having a radius of 307.50', an arc length of 89.33' and a chord bearing and distance of S 65° 15' 44" E, 89.02' to a right-of-way disc; S 33° 13' 53" W, 64.98' to right-of-way disc; Thence, leaving the right-of-way of Landson Drive S 17° 15' 13" W, 269.02' to a point, Thence, with the city limits of Statesville the following courses and distances, S 80° 10' 20" E, 101.89' to a point; S 00° 59' 41" E, 16.28' to a point; S 13° 19' 24" W, 192.23' to a point Thence, S 87° 33' 48" W, 225.00' to a point. Thence, N 13° 59' 18" E, 90.00' to a point. Thence, S 88° 04' 48" W, 346.98' to a ½" pipe on the eastern right-of-way of Wall St. Thence, N 13° 33' 09" W, 125.30' to a mag nail within the right-of-way of Wall St. Thence, S 75° 12' 41" E, 490.02' to a concrete monument. Thence, N 17° 15' 13" E, 165.29' to the POINT AND PLACE OF BEGINNING, containing 1.30 acres more or less.

The Properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Parcel: 4743-78-1262

Lying and being located in Iredell County, North Carolina, and being described as follows.

Being all of Tract 1 as shown on a plat recorded in Plat Book 65, Page 128, at the Iredell County Register of Deeds. Containing 6.06 acres, more or less.

The Properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Parcel: 4743-67-9906

Lying and being located in Iredell County, North Carolina, and being described as follows.

Being all of Tract 1 as shown on a plat recorded in Plat Book 66, Page 40, at the Iredell County Register of Deeds. Containing 0.91 acres, more or less.

The Properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Parcel: 4743-77-2007

Lying and being located Iredell County, North Carolina, and being described as follows.

Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 03° 53' 24" E, 4872.29' (ground) to a concrete monument on the right-of-way of 1-77, thence, S 44° 07' 59" W, 418.14' the POINT OF BEGINNING.

Thence, S 61° 15' 00" E, 175.00' to a point; Thence, S 21° 15' 00" W, 260.00' to a point within Wall St.; Thence, N 61° 15' 00" W, 175.00' to a point within Wall St.; Thence, N 21° 15' 00" E 260.00' to the POINT AND PLACE OF BEGINNING. Containing 1.04 acres, more or less.

The Properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Parcel: 4743-76-3697

Lying and being located Iredell County, North Carolina, and being described as follows.

Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 03° 55' 21" E, 5872.21' (ground) to a concrete monument on the right-of-way of 1-77, thence, S 68° 03' 16" W, 88.87' the POINT OF BEGINNING. Thence, N 74° 05' 00" W, 177.50' to a point; Thence, N 06° 05' 00" E, 293.80' to a point within Wall St.; Thence, S 59° 30' 00" E, 232.00' to a point within Wall St.; Thence, S 15° 08' 08" E 231.09' to the POINT AND PLACE OF BEGINNING. Containing 1.18 acres, more or less.

The Properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Parcel: 4743-73-5651

Lying and being located Iredell County, North Carolina, and being described as follows.

Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 00° 23' 30" W, 7161.67' (ground) to a #4 Rebar, the POINT OF BEGINNING. Thence, S 87° 31' 44" E, 457.39' to a concrete monument on right-of-way of 1-77 Thence with the right-of-way of 1-77 the following courses and distances, S 89° 14' 19" E, 12.72' to a concrete monument; S 04° 03' 09" E, 370.80' to a point; S 00° 16' 09" E, 501.09' to a point; S 04° 04' 59" E, 500.04' to a concrete monument; S 13° 21' 59" E, 202.63' to a point; S 04° 03' 09" E, 1001.13' to a concrete monument; S 89° 25' 01" W, 12.48' to a concrete monument; S 04° 00' 57" E, 298.63' to a concrete monument; 85° 06' 51" E, 13.21' to a concrete monument; S 04° 03' 09" E, 385.65' to a point. Thence, leaving the right-of-way of 1-77, S 18° 24' 19" W, 186.43' to a point in Third Creek. Thence with Third Creek the following courses and distances N 58° 02' 32" W, 72.61' to a point; N 53° 56' 27" W, 225.40' to a point; N 40° 38' 36" W, 187.90' to a point. N 35° 35' 49" W, 356.02' to a point. N 43° 52' 23" W, 74.95' to a point. Thence leaving Third Creek, N 00° 19' 47" W, 2786.70', passing a broken concrete monument at 146.49', to the POINT AND PLACE OF BEGINNING. Containing 40.88 acres, more or less.

The Properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Parcel 4743-66-3318

Lying and being located in Iredell County, North Carolina, and being described as follows: Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 07° 35' 21" W, 4357.17' (ground) to a concrete monument, the POINT OF BEGINNING. From the POINT OF BEGINNING Thence, S 87° 36' 03" E, 120.37' to a #4 rebar on the eastern right of way of Wall Street. Thence, with the right-of-way of Wall Street S 53° 00' 07" E, 27.86' to a point, Thence, with a curve to the right having a radius of 194.85', an arc length of 251.05' and a chord bearing and distance of S 19° 54' 49" E, 234.04' to a #4 rebar, Thence leaving the Wall St. right-of-way, N 70° 01' 22" E, 166.23' to a point, Thence, N 17° 38' 33" W, 174.56' to a point in the line of Skeet's Auto Body Repair, Inc., as recorded in deed book 2463 page 1618, Thence N 87° 29' 01" W, 465.59' to a 1" pipe on the right-of-way of 1-77 Thence with the right-of-way of 1-77 the following courses and distances, S 04° 02' 16" E, 42.61' to a concrete monument; S 04° 05' 32" E, 460.22' to a concrete monument; S 83° 20' 13" W, 22.92' to a concrete monument; S 04° 04' 00" E, 999.10' to a concrete monument; N 85° 42' 37" E, 22.41' to a concrete monument; S 04° 22' 28" E, 699.89' to a point; S 83° 20' 13" W, 13.00' to a point; S 04° 02' 09" E, 407.80' to a point, a common corner with Samuel G. Hubbard, et al, recorded in deed book 230 page 608 Thence leaving the right-of-way of 1-77 and with the common line of Hubbard, S 01° 30' 00" W, 217.83' to a point in the line of George E. Barkley, et al, recorded in deed book 1392 page 740, Thence with a common line of Barkley N 87° 31' 44" W, 436.24' to a #4 rebar, a common corner with Barkley and OCB Properties, LLP, recorded in deed book 2356 page 245, Thence with a common line of OCB Properties, N 87° 23' 31" W, 1275.56' to a "A" pipe, a common corner with HPT Investment Holding, LLC., as recorded in deed book 2900 page 1477, Thence with a common line with HPT Investment, N 87° 55' 20" W, 504.20' to a bent "A" pipe, a common corner with HPT Investments and James C. Walker, as recorded in deed book 2622 page 2341 all so known as the Rose Walker Cemetery, Thence, N 88° 31' 36" W, 741.32' to a bent #3 rebar, a common corner with HPT Investment, Thence, N 09° 42' 42" E, 1735.58' to a 1" bar, a common corner with HPT Investment and Iredell Partners, LLC, as recorded in deed book 2822 page 679, Thence with a common line of Iredell Partners line the following courses and distances S 79° 13' 59" E, 174.67' to a point; N 14° 52' 50" E, 320.24' to a point; N 68° 29' 00" E, 200.05' to a 1 1/2" pipe; S 89° 34' 56" E, 1145.49' to a point Thence, N 01° 02' 55" E, 695.16' to the POINT AND PLACE OF BEGINNING. Containing 147.29 acres more or less.

Less than Except

Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 03° 53' 24" E, 4872.29' (ground) to a concrete monument on the right-of-way of 1-77, thence, S 44° 07' 59" W, 418.14' the POINT OF BEGINNING. Thence, S 61° 15' 00" E, 175.00' to a point; Thence, S 21° 15' 00" W, 260.00' to a point within Wall St. Thence, N 61° 15' 00" W, 175.00' to a point within Wall St.; Thence, N 21° 15' 00" E 260.00' to the POINT AND PLACE OF BEGINNING. Containing 1.04 acres, more or less.

Less than Except

Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 03° 55' 21" E, 5872.21' (ground) to a concrete monument on the right-of-way of 1-77, thence, S 68° 03' 16" W, 88.87' the POINT OF BEGINNING. Thence, N 74° 05' 00" W, 177.50' to a point; Thence, N 06° 05' 00" E, 293.80' to a point within Wall St. Thence, S 59° 30' 00" E, 232.00' to a point within Wall St.; Thence, S 15° 08' 08" E 231.09' to the POINT AND PLACE OF BEGINNING. Containing 1.18 acres, more or less.

The Properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Parcel: 4743-64-4008

Lying and being located in Iredell County, North Carolina, and being described as follows. Commencing from NCGS Ramada, having Grid Coordinates, Northing=742,379.98 Easting=1,447,173.67, thence S 00° 23' 30" W, 7161.67' (ground) to a #4 rebar, the POINT OF BEGINNING. Thence, S 00° 19' 47" E, 2786.70' passing a broken concrete monument at 2640.21', to a point in the centerline of Third Creek. Thence with Third Creek the following courses and distances, N 43° 52' 23" W, 196.68' to a point. Thence, N 49° 13' 07" W, 477.68' to a point. Thence, N 58° 58' 08" W, 171.18' to a point. Thence, N 49° 02' 19" W, 327.58' to a point. Thence, N 51° 09' 37" W, 178.06' to a point. Thence, N 58° 43' 33" W, 207.64' to a point. Thence, N 47° 29' 44" W, 90.66' to a point. Thence, S 64° 41' 15" W, 173.30' to a point. Thence, N 82° 57' 55" W, 117.67' to a point. Thence, leaving Third Creek, N 46° 53' 12" W, 97.52' to a point in an unnamed stream Thence, with an unnamed stream, a common line with HPT Investment Holding, LLC., as recorded in deed book 2900 page 1477, N 13° 42' 12" W, 219.73' to a point; S 63° 51' 21" W, 35.00' to a point; 24° 29' 39" W, 50.00' to a point; N 09° 41' 44" W, 167.92' to a point; N 13° 36' 20" W, 53.54' to a point; N 20° 57' 05" E, 165.52' to a point, a common corner with HPT Investment Holding, LLC. And Thence, leaving the unnamed stream and continuing with the HPT line, N 19° 19' 18" E, 1255.24' to a Y2" pipe. Thence S 87° 23' 31" E, 1275.56' to the POINT AND PLACE OF BEGINNING. Containing 78.51 acres, more or less.

The properties described hereon is subject to all easements, rights-of-way and restrictions of record.

Properties Address: Wall Street and I-77 Vicinity, Statesville NC

Section 3. Notice of said public hearing shall be published in the Statesville Record and Landmark, a newspaper having general circulation in the City of Statesville, at least 10 days prior to the date of the public hearing.
Adopted this 6th day of June 2022.

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 5, 2022

ACTION NEEDED ON: June 06, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of rezoning request ZC22-02 for the property located on Buffalo Shoals Road, Park Drive and Johnson Drive; Iredell County Tax Parcel Identification #'s 4734-11-0248, 4723-89-7998, 4734-10-0436, 4734-20-1073, 4734-20-4406 & 4733-09-8888; from R-A (Residential-Agricultural) District, R-15M (Urban Fringe Low Density Residential/Manufactured Housing) District and HI (Heavy Industrial) District to R-8 MF CZ (Medium Density Multi-Family Residential Conditional Zoning Cluster & Architecturally Integrated Subdivision) District.

1. Summary of Information:

Rezoning Request: BRD Land & Investment LP (applicant), on behalf of Dorothy Bell Davis and Davis Buffalo Properties RLLP (owners), is requesting to rezone six parcels of property from R-A (Residential-Agricultural) District, R-15M (Urban Fringe Low Density Residential/Manufactured Housing) District and HI (Heavy Industrial) District to R-8 MF CZ (Medium Density Multi-Family Residential Conditional Zoning Cluster & Architecturally Integrated Subdivision) District. This is a Conditional Zoning request, thus if approved, the project will be tied to the concept plan and conditions submitted by the applicant, plus any conditions recommended by the Planning Board and approved by the City Council; and is contingent upon annexation.

Evaluation: This is a rezoning request to permit the property to be used for a proposed single-family detached and townhome residential development project utilizing the Cluster Subdivision and the Architecturally-Integrated Cluster Subdivision development types. The proposed project site is on approximately 209.54 acres currently woodland and agricultural use, located along the north side of Buffalo Shoals Road, south of the terminus of Park Drive, and east of the terminus of Johnson Drive in southwest Statesville. There is an existing home and outbuildings on the property that will require demolition permits. The subject parcels are in the city's extra-territorial jurisdiction (ETJ). Individual parcel numbers are indicated on the location map; individual parcels 1-5 are owned by Dorothy Bell Davis, while parcel 6 is owned by Davis Buffalo Properties RLLP (see *attached Location Map, GIS Aerial Photo Map, Site Photos and Current Zoning Map*).

The intent of this conditional zoning request is to amend the zoning to accommodate a 499-lot residential development project comprised of 316 single-family residential lots utilizing the Cluster Subdivision development type, and 183 townhome lots utilizing the Architecturally Integrated Cluster Subdivision development type. However, the applicant requests a range in the total number of lots—between a minimum of 420 lots (2 units/acre) and a maximum of 510 lots (2.43 units/acre). This is a Conditional Zoning request; if approved, the project will be tied to the concept plan and conditions submitted by the applicant, plus any conditions approved by the City Council.

The neighborhood input meeting, required for all conditional zoning proposals per UDC Section 2.07(F), was held by the applicant on February 9, 2022; the meeting had five participants, with concerns of increase in new

residents in the area, and whether residential use would fit into an area where no specific development pattern has yet been established; specific issues centered around the original concept plan's proximity to the existing Maymead Materials asphalt refining operation and access to that operation, as well as the proximity to the Statesville Regional Airport. Subsequent meetings between the applicant and both Maymead representatives and a noise engineer resulted in a reconfiguration of the proposed lot layout that relocated both single-family and townhome lots further away from the Maymead operation (and potential future operation), and location of both stormwater and residential open space amenities between the industrial property and residential lots. The conditions submitted by the applicant are indicated on the Concept Plan and provided in writing below (*see attached Concept Plan, ppgs. 1-4*).

R-8 Zoning District: The R-8 District allows for a minimum of 8,000 s.f. lots; with a minimum of 70 feet in lot width at the front setback line, minimum 25' front yard, 25' rear yard and 8' side yard setbacks and 35' maximum height. The development must have a minimum of 10% active open space (minimum 21 acres for the proposed project on 209.54 total gross acres); the applicant has provided approximately 22.4 acres of active open space.

Cluster Subdivision (single-family lot) section: The purpose of the Cluster Subdivision development type (see attached UDC Sections 7.01 and 7.02) is to provide creative and innovative single family developments that minimize land disturbance and maximize the preservation and conservation of sensitive natural areas and open space by grouping dwellings in clusters through variation of lot sizes, maintenance and restrictive use of open space, and integration of existing and potential development adjoining the cluster subdivision. The minimum lot size in the R-8 Cluster development may be reduced to 6,000 s.f.; with the difference added to open space. The applicant has chosen to calculate more open space than technically required—simply using a standard of '316 lots x 2,000 s.f.'—resulting in the required amount of cluster open space is approximately 14.5 acres, which is part of the total of approximately 109.7 acres of common open space. Further—in cluster subdivisions proposals, lots must conform to the setback requirements for the underlying zoning district except that no minimum lot width is required (other than a required 10-foot separation between buildings). The proposed concept plan indicates that all single-family lots range in size between 6,120 s.f. and 16,395 s.f., meeting the Cluster Subdivision lot size requirement.

Architecturally Integrated Cluster Subdivision (townhouse lot) section: The purpose of the Architecturally Integrated Cluster Subdivision (*AI Cluster*) development type (UDC Section 7.02) is requested for this project to permit single-family attached (townhouse) lots to be sold as individual lots. The townhome project layout, as shown on page 3-4 of the Concept Plan, meets the standards set forth in the UDC with exceptions requested in the proposed conditions below.

The purpose of the AI Cluster development type is to provide flexibility for creative, higher quality architectural residential developments with open space in R-5, R-5MF, R-8 and R-8MF zoning districts; along with flexibility consistent with public health and safety without increasing overall densities permitted within any residential zoning district. Lots may be created, and structures constructed, without regard to minimum lot size, lot width, or setback requirements except that: minimum side and rear yard setbacks apply to lots abutting adjoining property; a five-foot reduction in the rear yard setback is permitted provided that opaque screening is installed along the rear yard boundary; and lots must be of sufficient size and dimension to support the structures to be located on it, consistent with all other applicable regulations of this ordinance including off-street parking, accessory structures, and utility easements.

The minimum lot size in the R-8 AI Cluster may be reduced to any size, with the difference below the zoning district's base minimum added to open space. The applicant proposes 111 lots (interior units) at 1,974 s.f. (requiring 6,026 s.f. of open space per lot) and 72 lots (end units) at 2,914 s.f. (requiring 5,086 s.f. of open space)—resulting in the required amount of cluster open space being approximately 23.7 acres, also part of the approximately 109.7 acres of total common open space. As noted above, in the AI Cluster development type, no side setbacks are required, so the townhouse type of construction is permitted. As with the single-family detached lots, there is a minimum 10-foot separation between buildings.

Parking for these proposed lots meet the requirements of the UDC, with two 9'x18' off-street spaces provided per lot—one in the driveway and one in the garage—totaling 366 required spaces. As shown on the

conceptual elevations (Concept Plan page 4) this arrangement generally provides useable space for landscaping to be provided in the front yard of each lot. Forty additional on-street guest/mail kiosk spaces are provided in this section of the project.

Three dumpster locations are labeled on the concept plan in order to provide them if needed; the applicant proposes roll-out trash receptacles if possible.

Section 7.02.G of the UDC provides elevation design guidelines for homes proposed using the AI Cluster development type. Of these, a number refer to issues related to single-family detached homes; and strive to provide for high quality construction materials and design quality. However, Section 7.02.G.7 specifically permits exemptions to be requested for attached dwelling unit projects (the townhome portion of this project): *“[p]rojects incorporating attached units or a centralized architectural theme may request an exemption from section G. Elevation Design Guidelines. These projects will be reviewed by the staff, planning board, and City Council. The merits of the elevations shall be judged on integrity and quality.”* The applicant requests a number of exemptions that are outlined as proposed conditions. They consist of:

1. Provision of not less than 25% brick, stone or stucco exterior surface area on the front façade only (rather than the entirety of the whole exterior surface) (exception from Sec. 7.02.G.1);
2. Provision of not less than 25% of a minimum of two (2) (rather than three (3)) brick, stone or stucco exterior surface area of the reverse gable and/or covered porch or veranda of the front façade (exception from Sec. 7.02.G.2);
3. Provision that all garages be permitted to protrude no more than five (5) feet from the front façade *(rather than substantially varying garage protrusions up to ten (10) feet)* (exception from Sec. 7.02.G.5); and
4. Provision that exterior house plans be consistent throughout the townhome community *(rather than prohibiting similar elevations from being placed next to each other and required to disburse house plans throughout the neighborhood)* (exception from Sec. 7.02.G.6).

The applicant's proposed condition #6 also refers to the townhomes portion of the project but is not related to the requirements of Section 7.02; the applicant proposes that the townhomes will have front facades with multiple planes to create visual interest and to distinguish between homes.

Other provisions:

Active open space amenities are provided throughout the project: a tot lot, common green area and seating area with benches is proposed for Area 'A'; neighborhood trails are provided throughout the project as designated as Area 'B'; Area 'C' is the townhome recreation play area which indicates a seating area with benches and open play space; and landscaped areas are designated Area 'D.'

A 4,790 linear foot section of 10' paved greenway within a 20' easement (for dedication to the City upon completion) is proposed to be constructed; and a number of 10' natural surface trails within HOA-maintained natural area are provided throughout the project. The proposed greenway is a recommendation in the 2019 Mobility + Development Plan.

As indicated on the concept plan, the project indicates Type C (15') and Type E (25') perimeter buffers along the project property boundaries as required. Street yards are indicated along all streets as required. Additional noise mitigation to buffer the residential use from industrial activities on neighboring properties, including berms and/or additional vegetation, are being considered as a condition of the project.

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; and 40' of right-of-way for Buffalo Shoals Road will be dedicated to NCDOT. In addition to construction of street connections to Buffalo Shoals Road, Park Drive and Johnson Drive, the project provides connections to Lyndon Drive to the west and Younger Avenue to the north, ensuring multiple connections to the surrounding street network and ample fire access. Bostian Bridge Drive is an existing private driveway that provides access to Maymead Materials; it will remain in place. A Dominion Energy natural gas riser enclosure is also within a pipeline easement adjacent to Bostian Bridge Drive; it too will remain in place.

An internal street lighting plan will be submitted for approval with the site plan. City water, sewer, and electric services are available to the project (see *attached Utilities Map*).

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

NORTH OF THE SITE: R-5M (High Density Single-Family/Manufactured Housing Residential District), single-family homes and undeveloped wooded properties along Lakeview Drive, a manufactured housing park accessed by Park Drive, a Statesville Housing Authority-owned residential community along Park Drive, Williams Road and Knox Avenue; B-1 (Neighborhood Service) District, a recently-rezoned parcel that previously housed a child development center but is likely to be converted into a barber shop

EAST OF THE SITE: HI (Heavy Industrial) District, the Concrete Supply Company operation, Ultimate Towing & Recovery and other light industrial/service industry facilities along Johnson Drive, the Storage Sense self-storage facility, and House of Deals operation along the west side of Buffalo Shoals Road

SOUTH OF THE SITE: R-15 M (Urban Fringe Low Density Residential/ Manufactured Housing) District, bulk materials storage/undeveloped property; HI (Heavy Industrial) District, the Maymead Materials Inc. asphalt refining plant along Bostian Bridge Road; R-20 (Suburban Residential) District, floodplain of Third Creek and undeveloped agricultural properties

WEST OF THE SITE: R-5M District, undeveloped acreage accessed by Williams Road, Kennedy Drive and Lyndon Drive single-family homes and platted but undeveloped single-family residential lots; LI (Light Industrial) District, large undeveloped parcels accessed by Newton Drive/US 70; Iredell County RA CUD and RA, undeveloped acreage and large-lot manufactured home neighborhood along Freeland Drive and Deerfield Lane

The applicant has requested the following conditions be attached to the project (*highlighted underlines/strikeouts below reflect staff recommendations that have also been recommended by the Planning Board*):

1. Phasing will be determined at time of site plan submittal. It is not currently anticipated that the project will have more than one phase for construction;
2. Development range shall be minimum of 420 homes (2 units/acre) and maximum of 510 homes (2.43 units/acre). In any case, the number The percentage of townhomes versus single-family detached homes may change up to a maximum of 10% at time of site plan submittal;
3. Driveway and offsite road improvements required by and agreed to by the City of Statesville and NCDOT per the Traffic Impact Analysis will be required by the developer at time of site plan approval;
4. All required road improvements whether on- or off-site shall be in accordance with City of Statesville and/or NCDOT standards as applicable;
5. 40-FT from centerline of Buffalo Shoals Road to be dedicated to NCDOT at time of construction;
6. Townhomes will have front facades with multiple planes to create visual interest and distinguish between homes;
7. Townhomes will be provided with dumpster and recycling locations only if needed. It is anticipated that these homes will be served by a private refuse collection company using rollout trash receptacles;
8. Potential dumpster locations are indicated on the plan as 'Potential Dumpster Locations';
9. 10-ft minimum greenway trail and 20-ft easement shall be dedicated to the City for use by the public and will be open for use by the public following construction. The trail location will generally follow the existing sanitary sewer easement. The trail will meet the greenway standards of the City of Statesville and the City of Statesville Mobility and Development Plan;
10. Amenities for the neighborhood shall include, but are limited to, the following examples: tot lot, common green area, recreation play area, seating area(s) with benches, landscaped area(s) and neighborhood trails. Final amenity program to be determined at time of Technical Review

Committee;

11. Mitigation strategies for noise emanating from adjacent and nearby industrial land off-site uses will be considered at time of site plan submittal and may will include architectural improvements and one or more of the following but are not limited to: architectural improvements, landscaping, berms, walls or a similar industry standard mitigation practice;
12. Lighting plan will be submitted for review and approval at time of site plan submittal;
13. Exemptions requested from Sec. 7.02 (G) for the Architecturally Integrated Cluster Subdivision townhomes:
 - a. No structure shall be built with less than twenty-five percent (25%) of its exterior surface area on the front façade only covered by brick, stone or stucco
 - b. For homes with less than twenty-five percent (25%) of its exterior surface area on the front façade only covered by brick, stone or stucco, a minimum of two (2) architectural features listed below shall be included on the front façade:
 - i. Reverse gable two (2);
 - ii. Covered porch or veranda;
 - c. Front-loaded garages shall protrude no more than five (5) feet from the front façade;
 - d. Exterior house plans shall be consistent throughout the townhouse community.

2. **Previous Council/Relevant Actions:** At their regular meeting on April 26, 2022, the Planning Board unanimously recommended approval of the request with the conditions proposed by the applicant and with the addition of recommendations by staff (including changes to a number of applicant-proposed conditions), and contingent on annexation. The public hearing was held, and the first reading was approved with a 30 ft. buffer at the May 16, 2022 Council meeting.
3. **Budget/Funding Implications:** The current total taxable value of the subject parcels is approximately \$990,740. The applicant estimates that the current tax value plus estimated costs of land development construction is approximately \$27,195,000. City water, sewer and electrical service is available. The City will need to provide sanitation, fire and police services as requested.
4. **Consequences for Not Acting:** The subject parcels could remain undeveloped or be developed under the current zoning districts. The City would not receive property taxes without annexation.
5. **Department Recommendation:** The 2005 Land Development Plan suggests that the property is suitable for a combination of Medium Density residential development—with a maximum density not exceeding 6 dwelling units per acre—and Industrial development, which permits a spectrum of non-residential uses. This proposal, if approved, requires an amendment to the 2005 Land Development Plan (see attached 2005 LDP inset). Similarly, the draft 2045 Land Development Plan projects the large subject area as suitable for a combination of Complete Neighborhood 2, which is intended primarily for residential development and recommends many of the features—gridded street network, connectivity between neighborhoods, pedestrian and bicycle facilities and planned open space as proposed in the requested Concept Plan—and Employment Center/Industrial Flex (see attached (DRAFT) 2045 LDP Land Use & Character Map inset). However, no single development pattern has been established along the Buffalo Shoals corridor; and this residential proposal would provide additional new housing opportunities in the area and provides connectivity between the Buffalo Shoals Road corridor and the existing street grid and urbanized area of the southwest quadrant of Statesville. Though it is nearby to existing industrial operations, mitigation measures have been added to buffer the residential lots from potential negative impacts—including relocating of residential lots from area proximate to the airport flight path. At the proposed gross density of 2.38 units per acre and with a requested range of 2.0 (minimum) to 2.43 (maximum) dwelling units per acre, the proposed development is significantly less dense than the maximum 6 dwellings per acre defined for Medium Density development by the 2005 LDP. Additionally, this project includes a portion of the Third Creek Greenway recommended in the Mobility + Development Plan. Finally, the concept plan exceeds the required active additional open space; and all public utilities are available.

This is a conditional zoning request; and if approved the request will be tied to the submitted concept plan and conditions submitted by the applicant, change time of dedication at construction to first final plat and any

additional conditions approved by the Planning Board and City Council. This rezoning request is contingent upon annexation.

Therefore, staff recommends **approval** based on the conditions offered by the applicant in addition to the following:

1. Annexation of the subject parcel;
2. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code;
3. The residential density shall be 2.38 units per acre/499 units as proposed, within a range of 2.0-2.43 units per acre and with a maximum of 510 total residential units;
4. Removal of applicant condition #1 regarding phasing (*see highlighted ~~strikeout~~ above*);
5. Removal of applicant conditions #7-8 regarding sanitation provision and dumpster locations (*see highlighted ~~strikeout~~ above*);
6. Revision of second sentence of applicant Condition #2 to read: "~~In any case, the~~ The percentage number of townhomes versus single-family detached homes may change up to a maximum of 10% at time of site plan submittal" (*see highlighted ~~underline/strikeout~~ above*);
7. Revision of applicant Condition #11 to read: "Mitigation strategies for noise emanating from adjacent and nearby industrial land ~~off-site~~ uses will be considered at time of site plan submittal and will ~~may~~ include architectural improvements and one or more of the following; ~~but are not limited to: architectural improvements, landscaping, berms, walls or a similar industry standard mitigation practice~~ (*see highlighted ~~underline/strikeout~~ above*);
8. The applicant shall provide evidence of a Homeowners Association (HOA) and any Covenants, Conditions, and Restrictions (CCRs) to the City prior to recordation of the final plat to ensure consistency with commitments and approvals.

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

7. Next Steps:

8. Attachments:

1. Revised Rezoning Conditions
2. Location Map
3. Aerial Photo Map
4. Site Photos
5. Current Zoning Map
6. Concept Plan (4 pages)
7. UDC Sections 7.01 & 7.02
8. Utilities Map
9. 2005 LDP Future Land Use Map inset
10. (draft) 2045 LDP Land Use & Character Map inset
11. Council Consistency Statement
12. Planning Board Consistency Statement
13. Rezoning Ordinance
14. Certification of Mailed Notices
15. 2019 Mobility + Development Plan Map

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 19, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving second reading of Rezoning Request ZC22-06 for a property located on Victory Lane; Iredell County Tax Parcel Identification # 4755-25-2950; from RA (Residential Agricultural) District to LI (Light Industrial) District.

1. Summary of Information:

Rezoning Request: The Reverend JH Pressly Farm Partnership (applicant and owner) requests rezoning for the subject parcels from RA (Residential Agricultural) District to LI (Light Industrial) District. This is a standard rezoning proposal, and not subject to conditions. This property is located within the City's Extra-territorial Jurisdiction (ETJ).

Evaluation: No specific project is proposed at this time; Although annexation into the city would be required for future public utilities (see attached Location Map, Boundary Survey and GIS Aerial Photo Map). The parcel is currently in a combination of woodland and agricultural use. The lot currently has access from Victory Lane (see attached Site Photos).

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 property is sufficient to accommodate development meeting the required minimum 30' front and 20' rear setbacks. There is no required minimum side yard setback; and the maximum building height in the district is 80'. The City's stormwater regulations would also apply to development on this property.

When a future development project is submitted for review and approval by the Technical Review Committee (TRC), the developer will be required to provide appropriate street connection(s) to adjoining properties, driveway access improvements and/or other street infrastructure improvements as necessary; and dedication of right-of-way will be required. The adopted 2019 Mobility + Development Plan indicates a grade-separated crossing of I-77 north of this property; although the exact location has not been determined, this property may benefit from access and participation in any future discussion.

The 2005 Land Development Plan projects the property as appropriate for Commercial development, noting that zoning will be used to establish the appropriate scale of development. The (draft) 2045 Land Development Plan projects the property as suitable Employment Center/Industrial Flex, which projects primary uses to be heavy and light industrial, office, office-corporate campus, heavy commercial and/or entrepreneurial incubator space, with secondary uses being retail. This property is also the southernmost

end of the 'Jane Sowers North' New Development Strategic Focus Area with a concept adopted as part of the Mobility + Development Plan indicating retail/commercial center, employment center and multi-family residential. However, that concept has been honed more recently with rezonings and project submittals to the north and west that are being (or are soon to be) developed as distribution and logistics use (see attached 2005 Future Land Use Map inset, 2045 (DRAFT) Land Use & Character Map inset, and Jane Sowers North background and recommendations section of the (draft) 2045 Land Development Plan).

City water and sewer service is available to the property; electrical service is customer choice between the City of Statesville and Energy United (see attached Utilities Map).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: LI (Light Industrial) District currently undeveloped acreage that will become the NorthPoint project, and various light industrial businesses along Christopher Lane

EAST OF THE SITE: LI (Light Industrial) and B-5 (General Business) districts, the Crawford Road Business Park which includes various light industrial and business services operations, and a vacant commercial parcel

SOUTH OF THE SITE: ROW for Interstate 40 immediately south of the subject parcel; B-5 (General Business) District south of I-40 with undeveloped property, a heavy truck dealer, bowling alley and motel along International Drive

WEST OF THE SITE: ROW for the Interstate 40/77 interchange immediately west of the subject parcel; LI (Light Industrial) District, property owned by ITAC 469 LLC currently being prepared for a large distribution/logistics project; and the Doosan/Bobcat manufacturing operation immediately across I-77

2. **Previous Council/Relevant Actions:** At their regular meeting on April 26, 2022, the Planning Board unanimously recommended approval of the request for rezoning. The public hearing was held, and first reading passed unanimously on May 16, 2022.
3. **Budget/Funding Implications:** The current total taxable value of the parcel is approximately \$1,018,720. No additional City services will be provided at this time.
4. **Consequences for Not Acting:** The property would remain in the current RA (Residential-Agricultural) zoning district within the existing ETJ.
5. **Department Recommendation:** Staff recommends approval of second reading.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading becomes effective June 6, 2022. Before site plan approval, annexation will need to be requested in order to receive city utilities.
8. **Attachments:** In previous packet, no changes.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 18, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving second reading of rezoning request ZC22-08 for the properties located on Wall Street; Iredell County Tax Parcel Identification #4743-78-1262, 4743-64-4008, 4743-73-5651 and 4743-66-3318 (portion); from B-5 (General Business), R-A (Residential Agricultural), R-15M (Urban Fringe Low Density Residential/Manufactured Housing) and Iredell County RA (Residential Agricultural) districts to LI (Light Industrial) District.

1. Summary of Information:

Rezoning Request: SL Statesville LLC (applicant) requests rezoning on behalf of Skeets Auto Body Repair, Inc., J N Sherrill Heirs, OCB Properties LLP and George E Barkley, et al (owners) for the three full subject parcels (see 1, 3, and 4 on location map) and a portion of parcel 2 (see 2 on location map) from B-5 (General Business), R-A (Residential Agricultural), R-15M (Urban Fringe Low Density Residential/Manufactured Housing) and Iredell County RA (Residential Agricultural) districts to LI (Light Industrial) District. This is a standard rezoning proposal, and not subject to conditions. Two parcels are completely within the City's Extra-territorial Jurisdiction (ETJ); two others are partially within the ETJ and partially in Iredell County's jurisdiction.

Evaluation: The applicant requests rezoning of the three full subject parcels and a portion of one parcel, totaling approximately 234.95 acres, from the B-5 (General Business), R-A (Residential Agricultural), R-15M (Urban Fringe Low Density Residential/Manufactured Housing) and Iredell County RA (Residential Agricultural) districts to the LI (Light Industrial) district, to place all parcels under the same zoning district, positioning them for a future light industrial (logistics, distribution and/or warehousing) project (see attached Current Zoning Map). This is a standard rezoning proposal, and not subject to conditions.

The parcels are currently in a combination of wooded and agricultural use. All parcels currently have access from Wall Street, which is paved to 1234 Wall Street then is unpaved throughout the subject parcels and does not extend to the southernmost parcels that are part of the request (see attached GIS Aerial Photo Map and Site Photos). Access would have to be upgraded with future development.

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. The applicant has indicated that they intend to position the properties (along with additional parcels they have under contract) for distribution, logistics and potentially other light industrial use.

There are no minimum lot size or lot width requirements for the LI district; there are required minimum 30' front and 20' rear setbacks. There is no required minimum side yard setback; and the maximum building

height in the district is 80'. The City's stormwater regulations would apply to development on this property.

As part of a future project the developer has indicated that the southern end of Wall Street will be relocated to address project needs; any development will be required to provide appropriate driveway access improvements and/or other street infrastructure improvements as necessary; and dedication of right-of-way will be required. A TIA would likely be required for a significant development project so close to the interchange/interstate; and the 2019 Mobility + Development Plan indicates that Wall Street or other public roadway must facilitate a grade separation over I-77 to extend to Barkley Road.

The 2005 Land Development Plan projects the property as appropriate for Industrial development on the northern parcel, and Medium Density Residential development for the southern parcels. Approval of the proposal requires an amendment to the 2005 LDP. The (draft) 2045 Land Development Plan projects the northern parcel as suitable for Activity Corridor, and the southern parcels as Complete Neighborhood 2. However, the presentation to the City Council at their March 21, 2022 meeting indicated a recommended change to the Land Use & Character Map for this area, changing all parcels to the Employment Center/Industrial Flex category (see attached 2005 Future Land Use Map inset and 2045 (DRAFT) Land Use & Character Map inset).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: B-5 (General Commercial) District currently undeveloped acreage that will likely be included in a project by the current applicant; R-15M (Urban Fringe Low Density Residential/Manufactured Housing) District, undeveloped wooded acreage, and single-family residential homes along the paved portion of Wall Street

EAST OF THE SITE: ROW for I-77; across the interstate: B-5 (General Business) District, Gander RV Sales, and Tilley Harley Davidson distributorship along Morland Drive; CU 36-B-2 (Conditional Use Neighborhood Business) undeveloped; R-20 (Suburban Residential) District, undeveloped acreage; and Iredell County R-A (Residential-Agricultural) District, Third Creek Middle School

SOUTH OF THE SITE: R-8 MF (Medium Density Multi-Family Residential) District, the Larkin golf course and residential neighborhood on the south side of Third Creek

WEST OF THE SITE: R-15 M (Urban Fringe Low Density Residential / Manufactured Housing) District, undeveloped acreage; R-8 MF CZ (Medium Density Multi-Family Residential Conditional Zoning) District, the approved Larkin Front 9 residential project

2. **Previous Council/Relevant Actions:** At their regular meeting on April 26, 2022, the Planning Board unanimously recommended approval of the request for rezoning. The original request presented to the Planning Board had an additional parcel—PIN # 4743-71-9801—for consideration; but the parcel has not yet been placed under contract by the applicant and has been withdrawn from consideration at this time. The Planning Board was made aware of this change at the meeting and deleted this parcel from their consideration. The public hearing was held and first reading was passed unanimously on May 16, 2022.
3. **Budget/Funding Implications:** The current total taxable value of the subject parcels is approximately \$1,656,510. 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 \$150 Million. City water and sewer service are available to serve the property, although water service will require extension by the developer; electrical service is customer choice between the City and Duke Energy (see attached Utilities Map). Per City Council policy, annexation of the parcels not already within the City will require voluntary annexation prior to receiving services. At that time, the city would provide fire and police services as requested.
4. **Consequences for Not Acting:** The properties could remain undeveloped or be developed per the

existing zoning districts. The City would not receive property taxes without annexation.

5. **Department Recommendation:** Staff recommends approval of the second reading contingent upon annexation.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If second reading is approved, it becomes effective on June 6, 2022. Before site plan approval, annexation will need to be requested in order to receive city utilities.
8. **Attachments:** In previous packet, no changes.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 18, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of Text Amendment TA22-01 of the Unified Development Code filed by the City of Statesville to amend Article 3 - Zoning, Section 3.04 - Zoning District Regulations, Table 3-1: Use Matrix for mini warehouses.

1. Summary of Information: At the March 7, 2022 meeting, Council requested a text amendment to remove mini warehouses from the city's B-4 (Highway Business) and B-5 (General Business) zoning districts to protect the city's commercial corridors for retail goods and services (See zoning district descriptions attached).

This would require Table 3-1: Use Matrix and Section S. B-5 – General Business District to be amended (See Table 3-1 attached). Staff has provided draft ordinance Option 1 as per council's request.

Following subsequent discussion and research, staff is also providing a second option, draft ordinance Option 2, which excludes mini warehouses from the B-4 district but continues to allow them as a permitted use in the B-5 District. General warehousing is a permitted use in the B-5 district; and as a 'subset' of warehousing, mini warehouses fit into the mix of permitted uses within this district which includes retail, warehousing and light manufacturing.

Both ordinances, are attached. Changes are highlighted, new language is underlined and language to be removed is shown as strike-through.

Staff has also provided a list of existing and proposed mini warehouses in the City of Statesville (see attached list). If draft Option 1 is approved, the existing mini warehouses in B-4 and B-5 will become non-conforming and will not be allowed to expand. The Beretta Self Storage is scheduled to expire in May of 2022; however due to the COVID-19 pandemic, the North Carolina General Assembly has approved legislation providing extensions of existing approvals for up to 150 days from when the Governor's Executive Order 16 is rescinded. At this time, the Executive Order currently remains in place.

2. Previous Council or Relevant Actions: On April 26, 2022, the Planning Board voted unanimously to recommend approval of TA22-01—ordinance Option 2—which prohibits mini warehouses in the B-4 (Highway Business) zoning district but maintains them as a permitted use in the B-5 (General Business) zoning district. The public hearing was held and first reading for Option 2 was approved on May 16, 2022.

3. Budget/Funding Implications: There are no budget implications based on this request other than the newspaper notice.

4. **Consequences for Not Acting:** The current UDC language remains as-is and mini-warehouses would continue to be allowed in the B-4 district.
5. **Department Recommendation:** The department recommends approving 2nd reading of Option 2.
6. **Manager Comments:** Concur with department recommendation.
7. **Next Steps:** If 2nd reading is approved, it will be effective June 6, 2022.
8. **Attachments:**
 1. Proposed Ordinance, Option 2

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Ferguson, Airport Manager
DATE: May 11, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider accepting a grant in the amount of \$86,346.00 from NCDOT Aviation for the Runway 28 Clearway study, and approving Budget Amendment #2022-38.

1. **Summary of Information:** This is to establish a runway 28 Clearway which will allow larger aircraft to use the full length of the runway for departure. This will allow the larger aircraft to add more fuel and passengers for departures.
2. **Previous Council or Relevant Actions:** Council approved the study at the May 9, 2022, Council meeting.
3. **Budget/Funding Implications:** The City and County share will \$4,797.00 each.
4. **Consequences for Not Acting:** Runway restrictions would require less useable runway.
5. **Department Recommendation:** Staff recommends approval.
6. **Manager Comments:** Proposed Ordinance, Option 2
7. **Next Steps:** Submit final documents to NCDOT Aviation to include the clearway on the Airport Layout Plan.
8. **Attachments:**
 1. NCDOT Grant offer
 2. FAA approval to transfer funds from another airport to Statesville
 3. BA #2022-38

GRANT AGREEMENT

STATE AID TO AIRPORTS BLOCK GRANT

AIRPORT: STATESVILLE REGIONAL

BETWEEN

THE N. C. DEPARTMENT OF TRANSPORTATION,
AN AGENCY OF THE STATE OF NORTH CAROLINA

AND

PROJECT NO: 36237.46.19.2

CITY OF STATESVILLE

This Agreement is hereby made and entered into by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department") and **CITY OF STATESVILLE**, the public agency owning the **STATESVILLE REGIONAL AIRPORT** (hereinafter referred to as "Sponsor").

This agreement shall be effective on _____ and shall terminate on **MAY 30, 2022** with the option to extend, if mutually agreed upon, through a written modification. Pre-award costs included on the Code and Category of Expenditure Section of the AV-501/AV-504 of the project's Request for Aid (RFA) Application are authorized.

WITNESSETH

WHEREAS, the Department has received the approval of the Federal Aviation Administration to administer certain Airport Improvement Program Funds in North Carolina under the provisions of the *FAA Modernization and Reform Act of 2012*;

WHEREAS, the Department has approved a grant of funds to the Sponsor under the State Block Grant Program Non-Primary Entitlement funds.

WHEREAS, the Sponsor has made a formal application dated **MARCH 9, 2022** to the Department for Non-Primary Entitlement funds for the **STATESVILLE REGIONAL AIRPORT**; and

WHEREAS, a grant in the amount of **\$86,346** not to exceed **90 percent** of the federal share of the final, eligible project costs of **\$95,941** has been approved subject to the conditions and limitations herein; and

WHEREAS, the Non-Primary Entitlement funds will be used for the following approved project:

RWY 28 DEPARTURE CLEARWAY – PLANNING/ENVIRONMENTAL

NOW THEREFORE, the Sponsor and the Division of Aviation ("Division") do mutually hereby agree as follows:

1) Work performed under this Agreement shall conform to the approved project description. Any amendments to or modification of the scope and terms of this Agreement shall be in the form of a modified grant mutually executed by the Sponsor and the Division, except that an extension of time and/or a reallocation of funds within the approved budget may be granted by the Division by written notice to the Sponsor. Any changes to the scope, amount, or fees with this grant agreement without first consulting your Airport Project Manager could be found ineligible.

2) The Sponsor certifies that it has adhered to all applicable laws, regulations, and procedures in the application for and Sponsor's approval of the Agreement.

3) The Sponsor agrees to comply with the "Sponsor's Assurances" contained as a part of this Agreement. The Sponsor shall be liable to the Department for the return of all grant monies received in the event of a material breach of the Sponsor's Assurances or this Agreement.

4) The Sponsor agrees to adhere to the standards and procedures contained in the *North Carolina Airports Program Guidance Handbook* and the *Federal Assurances and Certifications*.

APPENDIX A6.4.1

TITLE VI CLAUSES FOR COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX A6.4.2
TITLE VI CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of the Airport Improvement Program grant assurances.

NOW, THEREFORE, the Federal Aviation Administration as authorized by law and upon the condition that the *North Carolina Department of Transportation (NCDOT)* will accept title to the lands and maintain the project constructed thereon in accordance with the *North Carolina General Assembly*, for the (Airport Improvement Program or other program for which land is transferred), and the policies and procedures prescribed by the Federal Aviation Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *NCDOT* all the right, title and interest of the U.S. Department of Transportation/Federal Aviation Administration in and to said lands described in **(Exhibit A attached hereto or other exhibit describing the transferred property)** and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the *North Carolina Department of Transportation (NCDOT)* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *NCDOT*, its successors and assigns.

The *NCDOT*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *NCDOT* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX A6.4.3

TITLE VI CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE
ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of the Airport Improvement Program grant assurances:

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Nondiscrimination Acts and Regulations listed in the Pertinent List of Nondiscrimination Authorities (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX A6.4.4

TITLE VI CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE
ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of the Airport Improvement Program grant assurances.

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the List of Discrimination Acts and Authorities.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above nondiscrimination covenants, the *NCDOT* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above nondiscrimination covenants, the *NCDOT* will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX A6.4.5

TITLE VI LIST OF PERTINENT NONDISCRIMINATION ACTS AND AUTHORITIES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

THE PARTIES BY LEGALLY BINDING SIGNATURE BELOW HEREBY EXECUTE THIS GRANT AGREEMENT
THE DAY AND YEAR FIRST WRITTEN BELOW:


NORTH CAROLINA DEPARTMENT OF TRANSPORTATION:

BY: _____
Deputy Secretary for Multi-Modal Transportation or Designee

DATE: _____

AUTHORIZED SIGNATURE FOR SPONSOR

(Approving Authority Board Member or Local Governing Official):

SIGNED:  _____

TITLE: Mayor _____

DATE: _____

AUTHORIZED SIGNATURE FOR CO-SPONSOR (if required)

(Approving Authority Board Member or Local Governing Official):

SIGNED: _____

TITLE: _____

DATE: _____

SECTION A: SPONSOR'S ASSURANCES: GENERAL CONDITIONS

A-1. The Sponsor certifies that it holds fee simple title to the property on which this project is to be constructed. In the event any work is proposed on property which has an easement or lease in the Sponsor's name, the Sponsor agrees that it will comply with the Department's conditions and receive written approval from the Department prior to any construction on such lease or easements. This condition does not apply to planning projects.

A-2. The Sponsor agrees to operate the Airport for the use and benefit of the general public and shall not deny reasonable access to public facilities by the general public.

A-3. The Sponsor agrees to operate, maintain, and control the Airport in a safe and serviceable condition for a minimum of twenty (20) years following the date of this Agreement and shall immediately undertake, or cause to be undertaken, such action to correct safety deficiencies as may be brought to its attention by the Department.

A-4. The Sponsor agrees that any land purchased, facilities constructed, or equipment acquired under this Agreement shall not be sold, swapped, leased, or otherwise transferred from the control of the Sponsor without written approval of the Department.

A-5. The Sponsor agrees that the state share of any land purchased, facilities constructed, or equipment acquired under this Agreement shall be credited to the Department in a manner acceptable to the Department in the event such land, facilities, or equipment are subsequently disposed of through sale or lease.

A-6. Insofar as it is within its power and reasonable, the Sponsor shall, either by the acquisition and retention of property interest, in fee or easement, or by appropriate local zoning action, prevent the construction of any object which may constitute an obstruction to air navigation under the appropriate category of Federal Air Regulation Part 77, 14 CFR 77.

A-7. Insofar as it is within its power and reasonable, the Sponsor shall restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and taking off of aircraft, and the noise produced by such operations by adoption of zoning laws, by acquisition and the retention of property interest, in fee or easement.

A-8. Terminal building spaces constructed under this Agreement shall be for the use of the general public. The Sponsor agrees that it will not use any space so constructed for private use, or charge fees for the use of such space, without the written approval of the Department.

A-9. The Sponsor is responsible for maintaining an active System for Award Management (SAM) Registration and Data Universal Numbering System (DUNS) Number and ensuring that all SAM/DUNS information is current throughout the lifecycle of this Agreement, in accordance with 2 CFR 25.200(a)(2). If SAM/DUNS information becomes inactive, expired, or incorrect, the Sponsor shall not be able to do any grant related business with the FAA, including the obligation and/or

payment of Federal grant funds, and FAA may take appropriate action to terminate this Agreement, in accordance with the terms of this Agreement.

A-10. The Sponsor is encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies that bar text messaging while driving company-owned or company-rented vehicles, or government owned, leased, or rented vehicles, or privately-owned vehicles when on official government business or when performing any work for or on behalf of the Government. See Executive Order 13513 “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009, as implemented by Financial Assistance Policy Letter (No. FAP-2010-01, February 2, 2010). This includes, but is not limited to, the Sponsor: (1) considering new rules and programs or re-evaluating existing programs to prohibit text messaging while driving; (2) conducting education, awareness, and other outreach for employees about the safety risks associated with texting while driving; and (3) encouraging voluntary compliance with the agency’s text messaging policy while off duty. The Sponsor is encouraged to insert the substance of this clause in all contracts.

SECTION B: SPONSOR'S ASSURANCES: PROJECT ADMINISTRATION

B-1. The Sponsor shall submit draft plans and specifications, or approved alternate, for the project for review by the Division prior to advertising for bids on the Project. Should bids not be required on the project, the Sponsor shall submit a detailed scope of work and estimated costs prior to requesting "Grant Execution and Notice to Proceed" for undertaking the project. All plans (and alternate) shall be supported by the engineer's report. A list of deliverables from the Sponsor to the Division will be communicated with the Airport Project Manager.

B-2. Bids will be taken in accordance with G.S. § 143-129 and all applicable NCDOT policies. The Department will approve or reject the Sponsor's request to employ a specific contractor. Sponsor will be directly notified of approval. All contractor(s) who bid or submit proposals for contracts in connection with this project must submit a statement of non-collusion to the Sponsor.

B-3. Unless otherwise approved by the Division, the Sponsor shall not commence construction or award construction contracts on the project until a "Grant Execution and Notice to Proceed" is provided by the Division.

B-4. The Sponsor shall submit to the Division quarterly status reports (AV-502) according to the following schedule for periods ending: March 31, June 30, September 30, and December 31.

B-5. The Sponsor shall notify the Division of any significant issues, meetings, audits, or inspections concerning this project involving the Sponsor, contractor(s), consultant(s), and/or any interested parties.

SECTION C: SPONSOR'S ASSURANCES: PROJECT ACCOUNTING AND PAYMENT

C-1. The Sponsor shall record all funds received under this Agreement and shall keep the same in an identifiable project account. The Sponsor, and his contractor(s) and/or consultant(s), shall maintain adequate records and documentation to support all project costs incurred under this Agreement. All records and documentation in support of the project costs must be identifiable as relating to the project and must be allowable costs only. Allowable costs are defined as those costs which are allowable under "Federal Acquisition Regulations 1-31.6, 48 CFR, 2 CFR 200.333, and OMB Circular A-87 and also referenced in the *North Carolina Airports - Program Guidance Handbook* and the *Airport Improvement Program Handbook*.

C-2. In accordance with the Compliance Supplement based on the requirements of the 1996 Amendments and 2 CFR Part 200, Subpart F, which provide for the issuance of a compliance supplement to assist auditors in performing the required audits, the Sponsor shall arrange for an independent financial and compliance audit of its fiscal operations. The Sponsor shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion, but not later than nine (9) months after the Sponsor's fiscal year ends.

C-3. Payment of the funds obligated under this Agreement shall be made in accordance with the following schedule, unless otherwise authorized by the Department:

A. Payments from the Department to the Sponsor are made on an advance or a reimbursement basis.

B. If an advance payment is received, the Sponsor must pay all contractors/vendors prior to or within 3 business days of receipt of the Department's advance payment and provide proof of payment (payment verification).



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-110, Request for FAA Approval of Agreement for Transfer of Entitlements

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Federal Aviation Administration at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ASP-110.

Request for FAA Approval of Agreement for Transfer of Entitlements

In accordance with 49 USC § 47117(c)(2),

Name of Transferring Sponsor: NCDOT, Division of Aviation

hereby waives receipt of the following amount of funds apportioned to it under 49 USC § 47117(c) for the:

Name of Transferring Airport (and LOCID): First Flight (FFA)

for each fiscal year listed below:

Entitlement Type (Passenger, Cargo or Nonprimary)	Fiscal Year	Amount
NPE	2018	\$ 86,346.00
Total		\$ 86,346.00

The Federal Aviation Administration has determined that the waived amount will be made available to:

Name of Airport (and LOCID) Receiving Transferred Entitlements:

Statesville Regional (SVH)

Name of Receiving Airport's Sponsor: City of Statesville

a public use airport in the same state or geographical areas as the transferring airport for eligible projects under 49 USC § 47104(a).

The waiver expires on the earlier of 07/30/2022 (date) or when the availability of apportioned funds lapses under 49 USC § 47117(b).

For the United States of America, Federal Aviation Administration:

DocuSigned by:
Signature: Rachel Bingham
91F18080534D428...
Name: Rachel Bingham
Title: Deputy Director, serving as ADO for NCSBG
Date: 05/06/2022

Certification of Transferring Sponsor

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this day of 05/09/2022 ,

Name of Sponsor: NCDOT, DoA (First Flight)

Name of Sponsor's Authorized Official: Bobby Walston

Title of Sponsor's Authorized Official: Director, NCDOT, Division of Aviation

Signature of Sponsor's Authorized Official: DocuSigned by:
Bobby Walston
59C6E3EBB04E410...

Certificate of Transferring Sponsor's Attorney

I, Scott Slusser , acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of North Carolina . Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Dated at Raleigh, NC (City, State),
this day of 05/10/2022 ,

Signature of Sponsor's Attorney: DocuSigned by:
scott Slusser
06A61E7CD374498...

CITY OF STATESVILLE
BUDGET AMENDMENT #2022-38
 June 6, 2022
 FISCAL YEAR 2021-2022

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Airport Improvement Fund					
505.0000.340.86.68	Revenue	NCDOT Grant 36237.46.19.2 (new)	-	86,346	86,346
505.0000.340.86.69	Revenue	IC Grant 36237.46.19.2 (new)	-	4,797	4,797
Total Revenues			<u>8,097,183</u>	<u>91,143</u>	<u>8,188,326</u>
505.6510	Expenditure	Airport Improvement	8,097,183	91,143	8,188,326
Total Expenditures			<u>8,097,183</u>	<u>91,143</u>	<u>8,188,326</u>

DESCRIPTION: To accept grant revenues and appropriate related expenditures.



 Budget Officer

 Finance Director

APPROVED BY CITY COUNCIL:

 City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Maclaga, Electric Utilities Director
DATE: May 11th, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

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

1. **Summary of Information:** Significant workload related to key projects around Statesville - like the NCDOT project along I-77 and the Larkin Development - as well as other projects continue. Our engineering consultant advises the City to add additional monies to the Sumter Utilities contract to avoid delays in construction on key overhead and underground projects. This will be the last additional monies request for Sumter for their existing contract period (ending June 30, 2022) and will be used to close out all their existing invoices for work completed up to the contract end date. We are in the process of bidding for a new line construction and maintenance contract.
2. **Previous Council or Relevant Actions:** Council approved the Sumter contract with an initial contract amount of \$300,000 on May 18, 2020 with the plan that, from time to time, additional monies would be approved to spend on Electric projects using Sumter Utilities in \$300,000 increments. Other increases of \$300,000 were approved by Council on August 17, 2020, February 1, 2021, July 19, 2021 and January 10, 2022.
3. **Budget/Funding Implications:** There are sufficient monies in this year's budget to pay for this contract increase.
4. **Consequences for Not Acting:** The City would no longer have contract line crews to assist it, resulting in unavoidable delays to key projects, including with NCDOT and into developments such as Larkin. Sumter Utilities has some equipment the City lacks, such as pulling and tensioning rigs and staff that has recent experience with these tools.
5. **Department Recommendation:** Staff recommends Council approve adding \$300,000 to the contract amount with Sumter Utilities, Inc.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Upon approval, staff will coordinate making changes to the contract amount.
8. **Attachments:** N/A

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Chad Thomas, Iredell County EDC
DATE: May 15, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving an economic incentive for industrial development known as Project Barkley.

1. **Summary of Information:** Williams Development Group has plans to develop the Statesville Commerce Center an industrial development featuring two buildings with the first building representing 263,500 sf near the intersection of Barkley Road and Salisbury Highway. The project represents a \$22,710,000 investment and approximately 263,000 square feet with a completion date by December 31, 2026. The project is requesting an economic development incentive for public infrastructure to the site.
2. **Previous Council or Relevant Actions:** None
3. **Budget/Funding Implications:**
Incentive Request:
 - 80% based on \$22,710,000 investment
 - Up to \$497,622 (\$99,524 a year over 5 years)
4. **Consequences for Not Acting:**
5. **Department Recommendation:**
6. **Manager Comments:**
7. **Next Steps:**
8. **Attachments:** N/A

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 25, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

Consider adopting the 2045 Land Development Plan.

- 1. Summary of Information:** The update of the current 2005 Land Development Plan began in February of 2020, with the establishment of a Land Development Team consisting of various stakeholders from the community as an advisory committee, over 30 interviews with various other stakeholders, 2 public workshops held at the civic center and surveys available on the city's website. In August of 2021 a DRAFT Land Development Plan was compiled.
- 2. Previous Council or Relevant Actions:** The DRAFT 2045 Land Development Plan was presented to the public, Planning Board and City Council on October 4, 2021. The Planning Board held a public hearing on October 26, 2021 and delayed the plan for the following additional information:
 - Supporting evidence for quality of life
 - Extend Hwy 70 corridor and airport concern, and
 - Investigate which is more easily administered regarding the purple areas on Hwy. 115

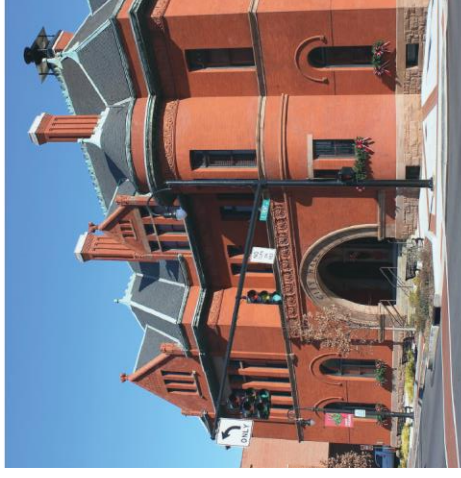
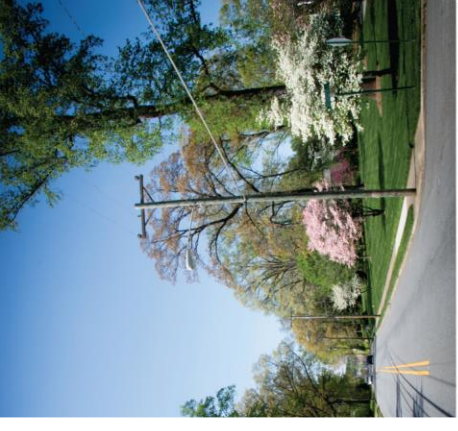
These items were addressed and brought back to the Planning Board on February 22, 2021 for consideration. In addition, the Planning Board re-opened the public hearing and allowed further public comment. The Planning Board recommended approval of the plan with the following changes:

- Elevate and rename the "Stamey Farm Long Term Focus Area" to the "Airport/ I-40 Strategic Focus Area" and reduce the "Barium Springs Strategic Focus Area" to Long Term Focus Area
- Confirmed various changes from both the public and staff input to the Land Development Plan
- Confirmed Land Use and Character Map designations for areas A. through E. (see attached Clarion Memo)

At council's March 21, 2022 meeting, changes recommended by the Planning Board were presented. City Council requested that staff revisit US 21 North for additional commercial land uses instead of residential land uses, that the Airport Commission weigh in on proposed land uses near the Airport and language be added to clarify in Complete Neighborhood 2 that single-family, multi-family and a diversity of housing types would be allowed in areas to build the demand for basic retail goods and services where it is lacking. The Airport Commission met on April 13, 2022 and their recommendations along with the others referenced above have been included in both the attached PowerPoint presentation and replacement pages.

3. **Budget/Funding Implications:** The approved budget for Land Development Plan update was originally \$150,270. However, with two delays regarding adoption of the plan and various updates the cost increased to \$164,270 (\$14,000).
4. **Consequences for Not Acting:** The city would continue to use the 2005 Land Development Plan that is 15+ years old.
5. **Department Recommendation:** The department recommends approving the 2045 Land Development plan with the changes presented. However, staff would like some direction from Council regarding the Candy Lane area and the existing residential neighborhood to the south of the Airport known as Brittan Hills. The Planning Department is receiving numerous requests for residential development in the area of Candy Lane/Westminster Drive.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If the plan is approved, it will replace the 2005 Land Development Plan. In addition, the consultant will move forward with text amendments to the Unified Development Code to implement the goals and policies of the new plan. \
8. **Attachments:**
 1. Revised PowerPoint Presentation
 2. Revised Replacement Pages

Note to Council: The Planning Department has requested that you bring your copy of the 2045 Land Development Plan from the October meeting.



Statesville City Council Meeting

Statesville Land Development Plan Presentation

June 8, 2022



Agenda

1. Summary of Instructions
2. Plan adjustments
3. Next Steps

Summary of Instructions

Summary of Instructions

- **Airport / I - 40 strategic focus area**
 - Review by Airport Commission for consistency and best practices
- **Protect US-21 corridor frontage for commercial**
 - Make changes to the land use and character map to protect this key corridor as others have been
- **Improved opportunities for housing options and neighborhood services**
 - Ensure lack of services is not a barrier to bringing benefits to Shelton Avenue/ southern neighborhoods and complete neighborhood 2 character area

Plan Adjustments

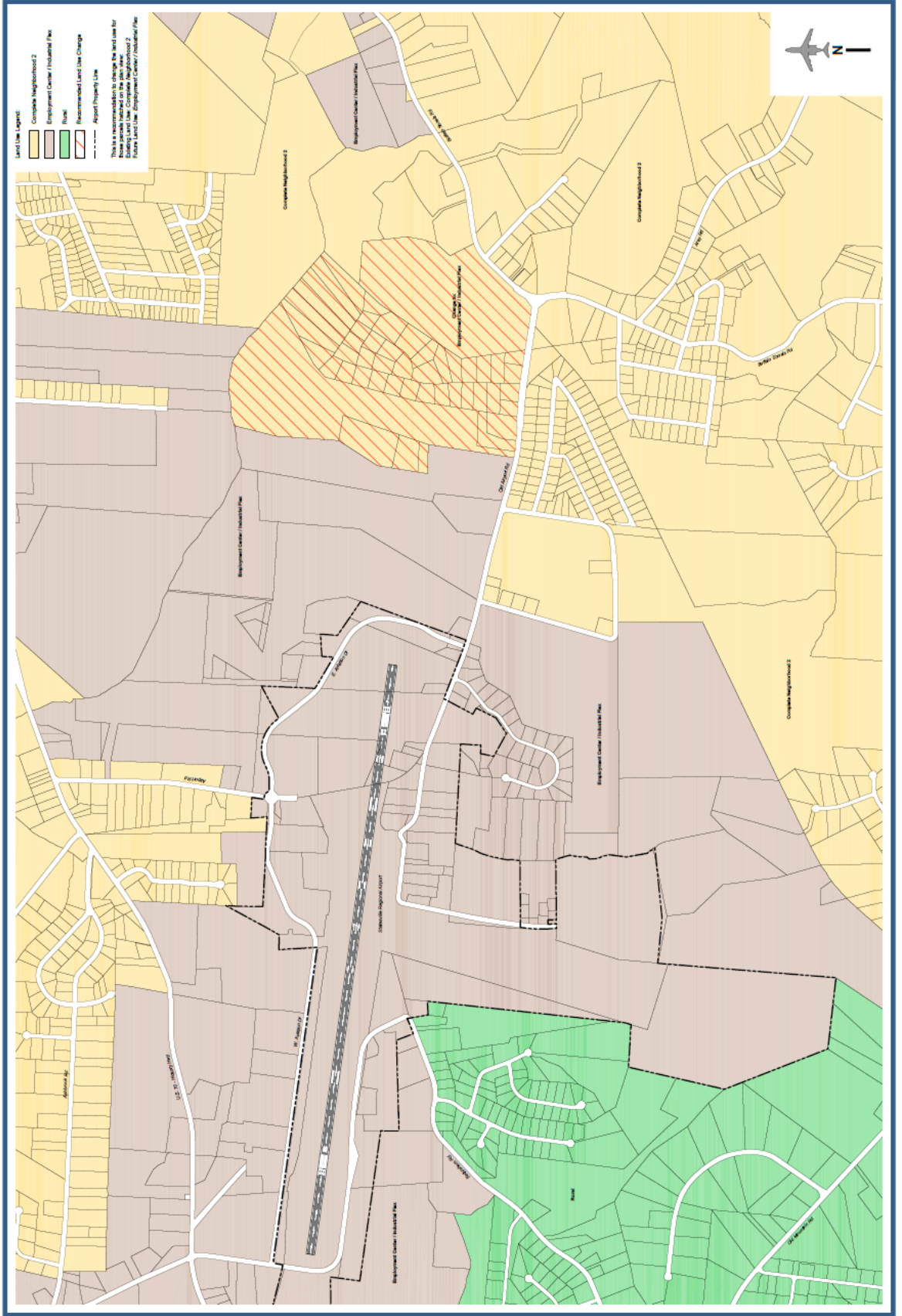
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Airport / I-40 Strategic Focus Area

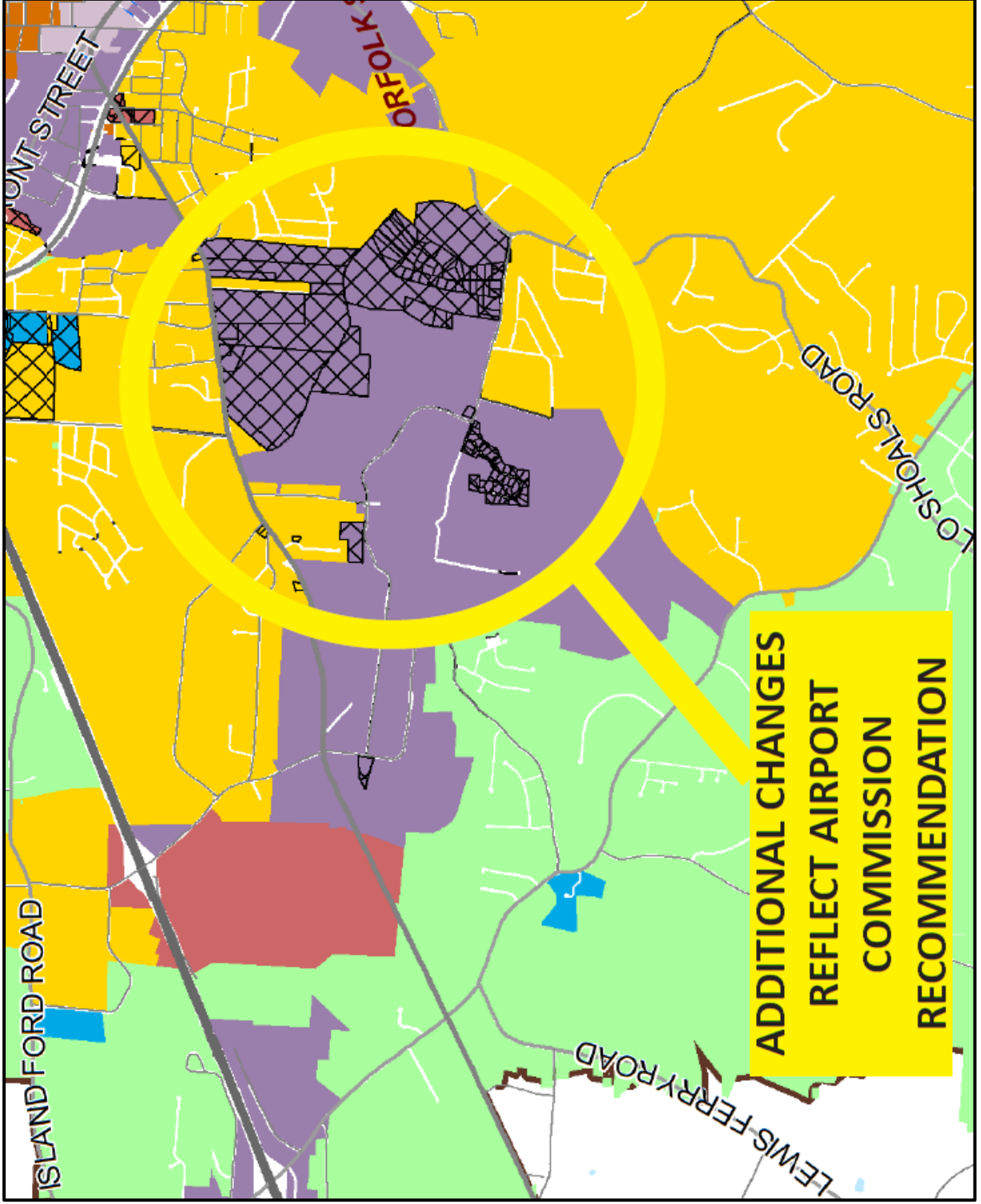
Airport Commission Discussion

- Change land use of property to support future runway extension
- Support recommendations from Mobility and Development Plan carried forward in Land Development Plan
- Support road layouts from Mobility and Development Plan carried forward in Land Development Plan

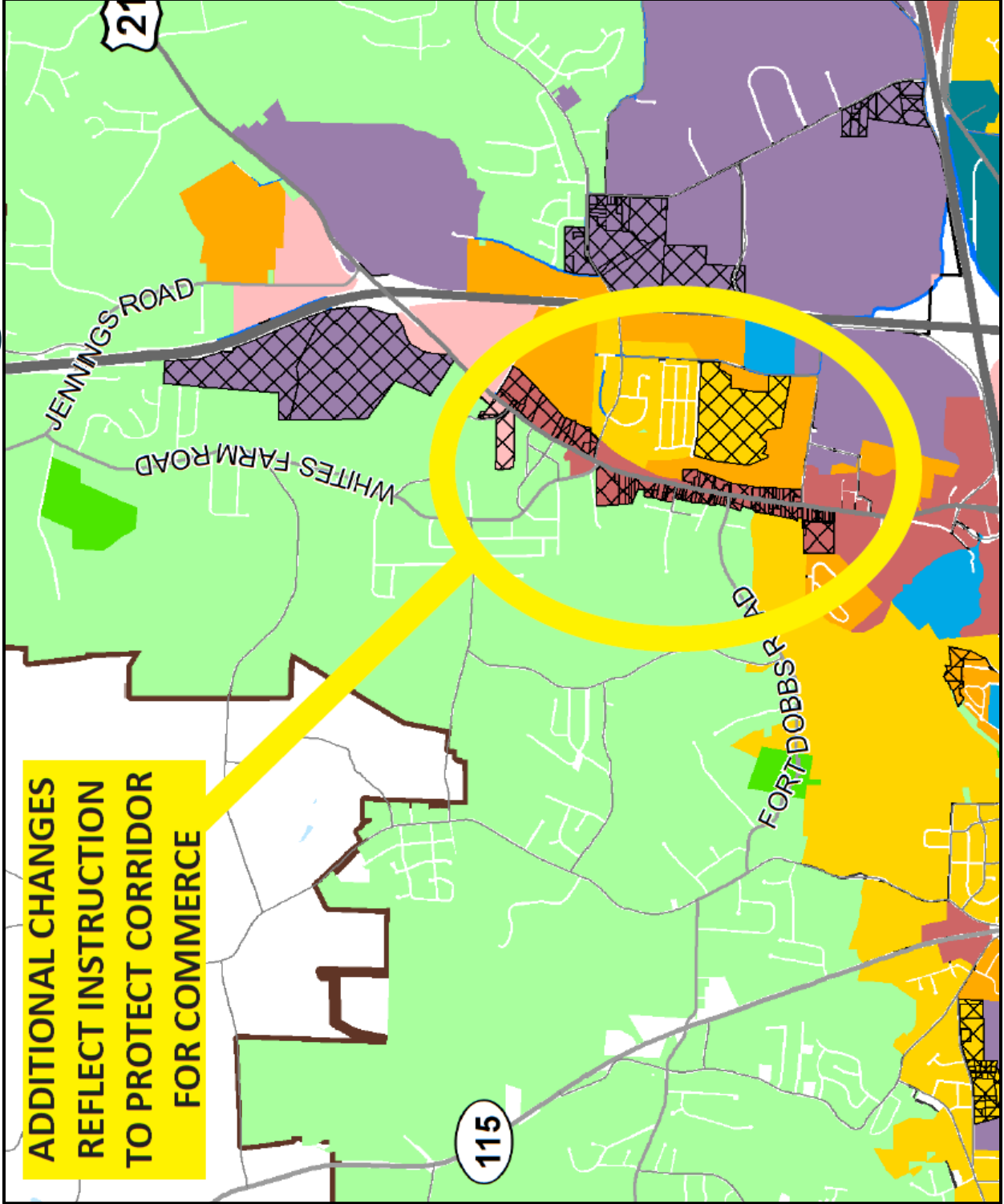
Airport / I-40 Strategic Focus Area



Airport / I-40 Strategic Focus Area



Protect US-21 corridor frontage for commercial



Improved opportunities for housing options and neighborhood services

Complete Neighborhood 2

Character Intent

Complete Neighborhoods 2 are opportunities for new neighborhoods built using traditional neighborhood designs that provide a mix of residential uses. These neighborhoods are best designed as master planned neighborhoods that use a traditional grid or modified grid network, shorter block lengths, and pedestrian pathways connecting residences to internal and external destinations. Typically, a larger portion of neighborhoods will be dedicated to single-family detached homes. Predominantly single family neighborhoods may be supplemented with a variety of housing type choices (see page 36) and multifamily development, provided that sites are adjacent to commercial centers or nodes that can adequately provide basic retail goods and services, and/or along central thoroughfares that can accommodate the significant traffic impacts associated with the higher density residential development. Supplemental housing type choices and multifamily development may also be appropriate when part of a live-work or mixed-use cluster within a larger planned neighborhood or community, or as a part of a planned effort to build the demand that can bring basic retail goods and services to an area or neighborhood that lacks them where increased services and some multifamily is the goal. Sidewalks, multi-use paths, on-street parking, and narrow street designs prioritize walking and biking through neighborhoods and accommodate connections to adjacent uses. These neighborhoods should also include parks and community open spaces accessible to neighborhood residents and preferably to the public. Pockets of community-serving institutional uses like schools, community centers and churches are also appropriate. Limited use of neighborhood-scale, multistory commercial and office centers is appropriate in this character area when clustered along major thoroughfares and street corners.

Improved opportunities for housing options and neighborhood services

Action 19

Develop a small area plan for Shelton Avenue and the Southern Neighborhoods focus area.

Develop a small area plan of the Shelton Avenue / Southern Neighborhoods focus area. The two key intersections on either end of Shelton Avenue in this area should be included in the small area plan: The connection to downtown at Garner Bagnal Boulevard, and the southern gateway to the city at the intersection with Amity Hill Road / Fayetteville Avenue / Old Charlotte Road, which sits at a crucial junction of expected commercial, industrial, and residential development, and planned greenways. The small area plan should identify an appropriate detailed vision for land uses, public amenities, connectivity within the area, and opportunities for investment, including opportunities to bring in additional businesses that improve access to goods and services to the existing residents of the neighborhood and support for additional multifamily uses to provide needed housing in the area. It should encourage continued maintenance of Wilson W. Lee Boulevard as growth further south potentially increases traffic, and it should consider and reinforce the recommendations of the Downtown & NC 115 Streetscape/Land Use Master Plan and ongoing Housing Authority planning efforts within this area.

Improved opportunities for housing options and neighborhood services

Action-21

Update the Unified Development Code (UDC) consistent with this plan

The Land Development Plan (LDP) and Unified Development Code (UDC) work best to help guide development when they are consistent. As a part of this LDC process a Code Assessment will be produced to identify areas of the UDC that need adjustment to conform to the guidance of the LDP. The City can use the assessment and the goals and policies of this LDP to adopt UDC amendments that are consistent with this plan, including: ...

- Codify design standards for apartment buildings or complexes, mixed use buildings, and accessory dwellings. The standards should be sufficiently detailed to ensure a quality addition to the housing stock without being overly prescriptive. Consider connectivity standards as a part of this.

Next Steps

Adoption Request

- Request consideration of Planning Board endorsement and adopt 2045 Land Development Plan

Complete Neighborhood 2

Character Intent

Complete Neighborhoods 2 are opportunities for new neighborhoods built using traditional neighborhood designs that provide a mix of residential uses. These neighborhoods are best designed as master planned neighborhoods that use a traditional grid or modified grid network, shorter block lengths, and pedestrian pathways connecting residences to internal and external destinations. Typically, a larger portion of the neighborhood will be dedicated to single-family detached homes and a variety of housing type choices (see page 37), with larger footprint multifamily focused in centralized locations near amenities like clubhouses, commercial centers, and institutional buildings. Sidewalks, on-street parking, and narrow street designs prioritize walking and biking throughout the neighborhood and connect to adjacent uses. These neighborhoods should also include parks and community open spaces accessible to neighborhood residents and preferably to the public. These neighborhood areas are adjacent to pockets of institutional and community-serving uses such as schools and medical clinics, and it may be appropriate to convert some of the undeveloped portions of this area to expansions of these uses.

Pattern & Form

Grid or modified grid network with short and medium block lengths.

Primary Uses

Residential

Secondary Uses

Clubhouses and recreation centers, neighborhood scale commercial/offices, institutional, park and open space, daycare.

Opportunities

New master planned developments organized around community gathering spaces (commercial or open space).

Form Characteristics

Building Height	One to three stories
Building Orientation	Residences oriented towards the primary street, 0-30 ft setbacks Single family detached homes, and limited use of a variety of housing type choices (see page 36), multifamily near commercial areas and major roads, neighborhood scale and multistory commercial or office centers, and institutional buildings
Building Types	Local streets with sidewalks on both sides and street trees, off-street pedestrian and bike circulation connections (trails and paths) Alley parking preferred for residential, some on-street parking, neighborhood nonresidential uses share small surface lots
Street Character	
Parking Character	



Complete Neighborhood 2

Character Intent

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Street Character	
Parking Character	



Develop a small area plan for Shelton Avenue and the Southern Neighborhoods focus area.

Policies: 2-1; 2-2; 2-13; 3-28; 3-29; 3-30; 3-33; 3-36	<p>SWOT Weakness: blighted community gateways</p> <p>SWOT Opportunity: strategic development sites (Larkin Industrial Park, I-77 North Corridor, Airport, gateway corridors, others)</p> <p>SWOT Threat: continuing decline of inner ring, older neighborhoods in southern Statesville</p>
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Coordinate Growth and Annexation

Goal 2-A: Maintain a sustainable mix of land uses in and around the city through effective, coordinated growth management.

Priority
Action - 10 Partner with Troutman and Iredell County on a coordinated small area plan and annexation agreement for Barium Springs

Policies: 2-1; 2-2; 2-4; 2-15; 3-1; 3-2; 3-7; 3-8; 3-30	SWOT Opportunity: 2nd wave of Charlotte growth (other communities have shrinking development options)
---	---

Clarify future annexation opportunities through the development of an annexation agreement with Troutman and Iredell County to defining the southern annexation boundary of the City. Jointly pursue a small area plan that encompasses the Barium Springs strategic focus area to create a comprehensive plan for the area, particularly if development will occur across the two municipal jurisdictions. The statutory rules on annexation are not likely to lead to orderly development and coordinated planning of the Barium Springs area will benefit both communities and the County.

Action - 9

Develop a small area plan for Shelton Avenue and the Southern Neighborhoods focus area.

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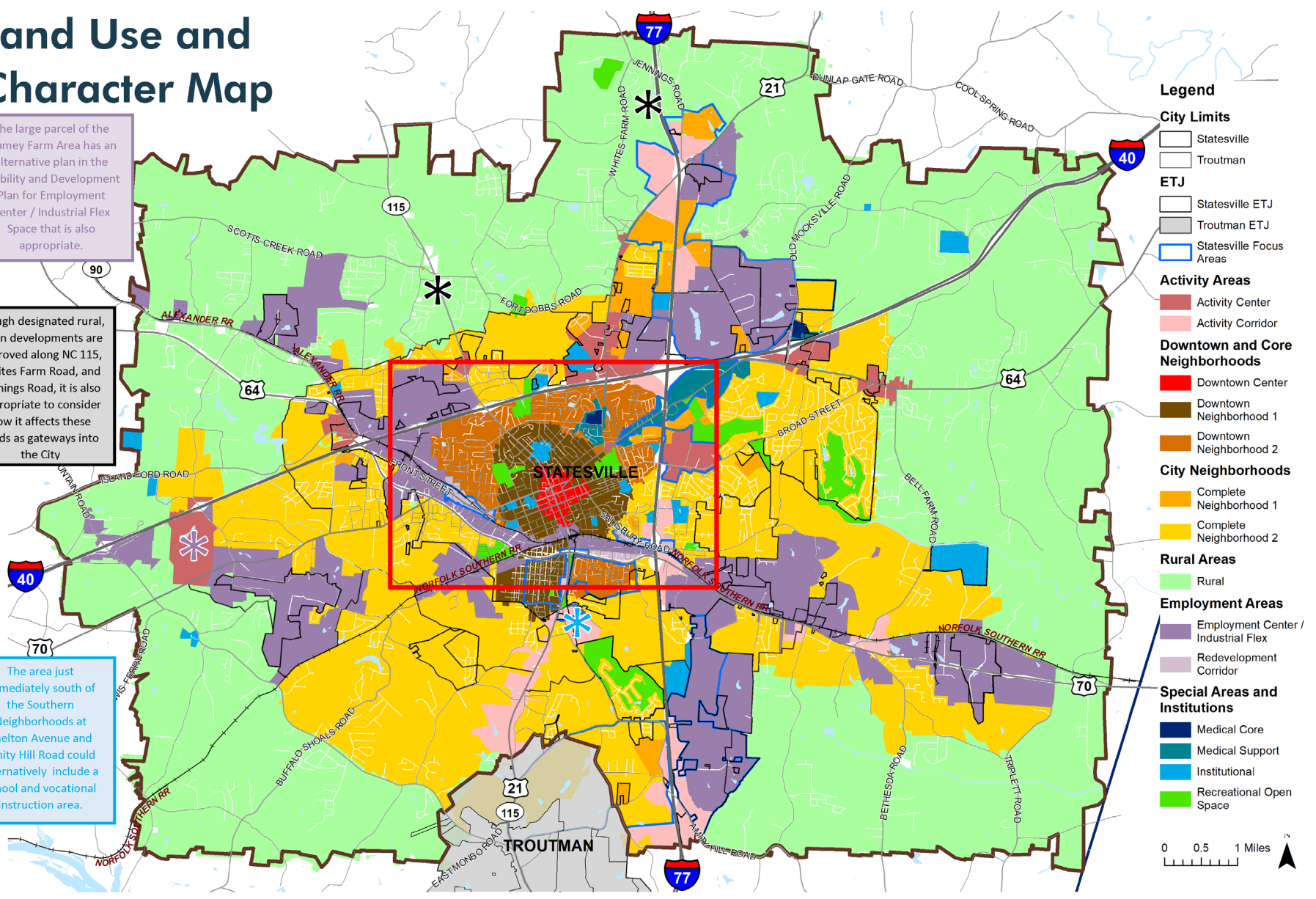
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Land Use and Character Map

* The large parcel of the Stamey Farm Area has an alternative plan in the Mobility and Development Plan for Employment Center / Industrial Flex Space that is also appropriate.

* Though designated rural, when developments are approved along NC 115, Whites Farm Road, and Jennings Road, it is also appropriate to consider how it affects these roads as gateways into the City

* The area just immediately south of the Southern Neighborhoods at Shelton Avenue and Amity Hill Road could alternatively include a school and vocational instruction area.



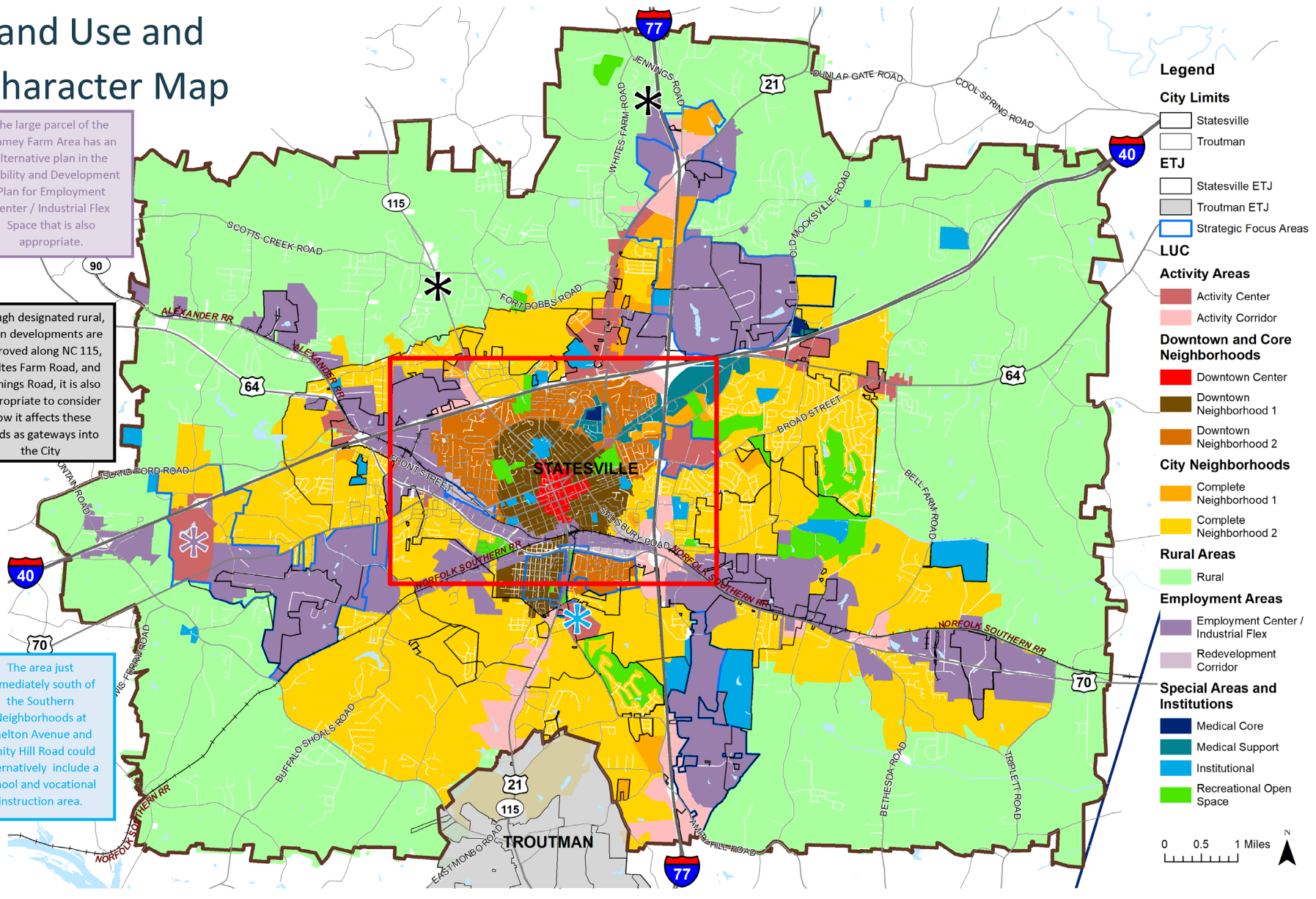
10/18/21 PUBLIC HEARING DRAFT

Land Use and Character Map

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5/23/22 REVISED PUBLIC HEARING DRAFT (NEW)

5/23/22 MAP DATA FROM REVISED PUBLIC HEARING DRAFT (NEW) - THIS MAP HIGHLIGHTS CHANGES IN BLACK HATCHING

ETJ
 Statesville ETJ
 Troutman ETJ

CHANGE
 Change1
 YES

LUC

Activity Areas
 Activity Center
 Activity Corridor

Downtown and Core Neighborhoods
 Downtown Center
 Downtown Neighborhood 1
 Downtown Neighborhood 2

City Neighborhoods
 Complete Neighborhood 1
 Complete Neighborhood 2

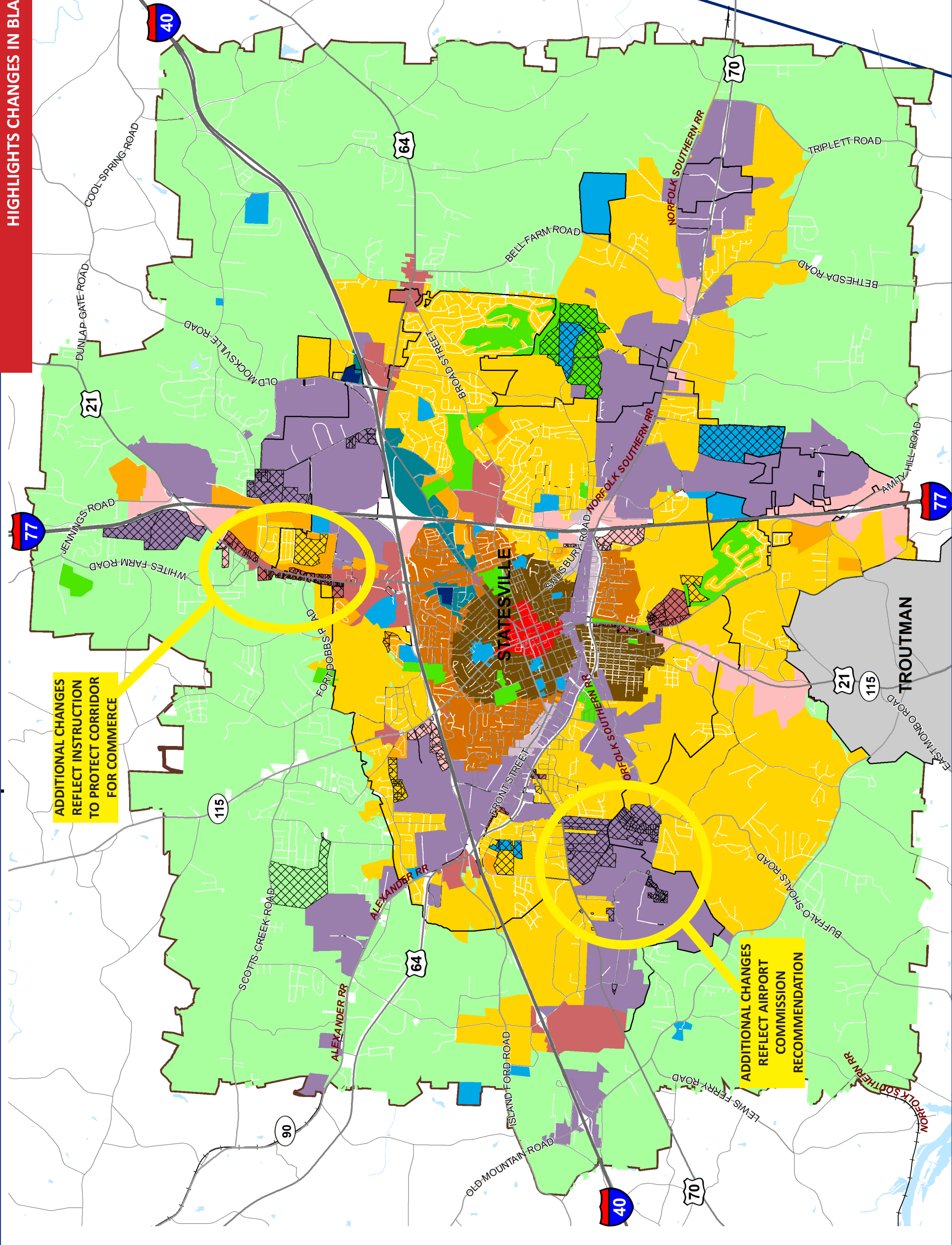
Rural Areas
 Rural

Employment Areas
 Employment Center / Industrial Flex
 Redevelopment Corridor

Special Areas and Institutions
 Medical Core
 Medical Support
 Institutional
 Recreational Open Space

City Limits
 Statesville
 Troutman

0 0.5 1 Miles



ADDITIONAL CHANGES REFLECT INSTRUCTION TO PROTECT CORRIDOR FOR COMMERCE

ADDITIONAL CHANGES REFLECT AIRPORT COMMISSION RECOMMENDATION

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, AICP, Planning Director
DATE: May 24, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving a *Resolution of Closure and Declaration of Withdrawal* to permanently close a portion of an unopened, dedicated right-of way known as Solstice Drive.

1. Summary of Information: More Apartments, LLC is petitioning to close a portion of an unopened, unimproved right of way that was planned to serve as a future extension of Solstice Drive to Wolf Creek Lane (see GIS vicinity map and abandonment plat). More Apartments, LLC intends to develop an 84-unit multifamily building on the adjoining parcel (4745-28-5553) called “the Flats at Statesville.” As part of this project, the applicant intends to abandon the portion of right of way along their property frontage to incorporate it into the project site and eliminate the requirement to construct this portion of roadway to city street standards. The site plan for this project was approved by council in a quasi-judicial hearing on May 16, contingent upon the approval of this petition to close the dedicated right of way.

This portion of right of way was originally dedicated in 2015 by Venture Properties I, LLC as part of the “Retreat at Statesville” multifamily project (see Plat Book 63-17). This right of way was platted to eventually connect Solstice Drive through to Wolf Creek Lane. A stub was also provided to the north for future development of parcel 4736-90-9088. The stub is not improved but is intended to remain.

The abandonment process must follow the procedure from NCGS 160A-299. The statutory public notification requirements leading up to this public hearing (certified mailing, legal notice, R/W postings) have been met. Additionally, the petitioner is requesting the entire portion of R/W be combined with parcel 4745-28-5553 following abandonment, which per NCGS 160A-299 requires the filing of a plat showing this alternative configuration and signed by all adjoining property owners. The petitioner has produced a plat signed by both adjoining property owners, which once recorded, will satisfy this additional statutory requirement.

2. Previous Council or Relevant Actions: On 3/21/2022, Council heard the applicant’s original proposal for closure of this right of way and indicated willingness to close. On 5/2/2022, Council passed the *Resolution of Intent to Close*, which began the public notification process and scheduled this public hearing. On 5/16/2022, Council approved the site plan for the Flats at Statesville in a quasi-judicial hearing, contingent upon the approval of this closure.

3. Budget/Funding Implications: N/A

4. **Consequences for Not Acting:** Solstice Drive would remain dedicated, requiring the development to proceed with constructing a roadway to city standards that connects to Wolf Creek Lane. Additionally, the approved site plan would need to be revised and re-approved to accommodate the portion that remains dedicated.
5. **Department Recommendation:** Staff's recommendation is unfavorable based on Section 8.06 A.5. c. of the UDC which states that "streets should connect with those already dedicated in adjoining or adjacent subdivisions". This right of way was intended to provide a secondary connection between Solstice Drive and Wolf Creek Lane, per the approved plans for the Retreat at Statesville and the City's 1997 Thoroughfare Plan. Abandoning this right of way would limit the possibility for future connectivity between neighborhoods, and the neighborhoods to the proposed collector road to the north per the *Statesville Mobility + Development Plan*.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** If the *Resolution to Close* and *Declaration of Withdrawal* documents are approved, they must be recorded by the applicant along with the fully signed abandonment plat at the Iredell County Register of Deeds.

Attachments:

1. Resolution to Close (with metes and bounds descriptions & survey)
2. Declaration of Withdrawal (with metes and bounds descriptions & survey)
3. GIS Vicinity Map
4. Right of Way Abandonment Plat
5. Right of Way Abandonment Plat (Signed by both adjoining property owners)
6. Flats at Statesville Site Plan
7. Plat Book 63 Page 17
8. Statesville Mobility & Development Plan Figure 3.12b.

RESOLUTION NO. _____

RESOLUTION OF STREET CLOSING

RESOLUTION BY THE CITY COUNCIL OF STATESVILLE, NORTH CAROLINA OFFICIALLY CLOSING A PORTION OF SOLSTICE DRIVE AS MORE FULLY DESCRIBED ON THE ATTACHED EXHIBIT A AND SHOWN ON THE ATTACHED SURVEY PREPARED BY NICHOLAS J. BARNES, PLS OF CONCORD ENGINEERING AND SURVEYING, INC., DATED APRIL 12, 2022.

WHEREAS, the City Council by Resolution No. 2022-16, at its regular meeting on the 2nd day of May, 2022, gave notice of its intention to close a portion of Solstice Drive as more fully described on the attached Exhibit A and shown on the attached survey prepared by Nicholas J. Barnes, PLS of Concord Engineering and Surveying, Inc., dated April 12, 2022, Exhibit B (the "Closed Street Section"), and called for a public hearing thereon. The Closed Street Section is not necessary for the reasonable means of ingress, egress or regress for property owners in the vicinity, and the closing of the Closed Street Section is not contrary to the public interest.

WHEREAS, such Resolution of intention was published in the Statesville Record & Landmark on 5/13/2022, 5/20/2022, 5/27/2022, 6/3/2022; and

WHEREAS, a copy of said Resolution of Intention was delivered by certified mail to the adjoining property owners; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street; and

WHEREAS, the public hearing was held on June 6th, 2022 concerning the closing and no opposition to the closing was heard; and

WHEREAS, abandonment of the Closed Street Section is consistent with the Comprehensive Land Use Plan, Comprehensive Transportation Plan, and other adopted plans and policies of the City; and

WHEREAS, it appears to the satisfaction of the City Council that closing the Closed Street Section is not contrary to the public interest and no individual owning property in the vicinity of the Closed Street Section would thereby be deprived of reasonable means of ingress and egress to their property; and

WHEREAS, this street abandonment does not adversely impact the health, safety, or welfare of the community, nor reduce the quality of public services provided to any parcel of land; and

NOW, THEREFORE, BE IT RESOLVED that the Closed Street Section be closed to the general public use.

This the 6th day of June, 2022.

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF CLOSED STREET SECTION

A PORTION OF THE 60' RIGHT OF WAY TO BE ABANDONED REFERENCED IN MAP BOOK: 63, PAGE: 17, LYING AND BEING IN THE BETHANY TOWNSHIP, IREDELL COUNTY, NORTH CAROLINA, AND LYING AT THE NORTHERN END OF SOLSTICE DRIVE AND THE EASTERN END OF WOLF CREEK LANE; AND ADJOINING THE PROPERTY OF VENTURE PROPERTIES I, LLC DESCRIBED IN DEED BOOK: 1059, PAGE: 635; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF LOCALIZATION (TRAVERSE NAIL #1), HAVING NORTH CAROLINA GRID, NAD83(2011) COORDINATES OF N: 758,567.94' AND E: 1,442,553.61' WITH A COMBINED GRID FACTOR OF 0.999886194, THENCE S37°57'54"E 344.94' GROUND (344.90' GRID DISTANCE) TO A #5 REBAR, HAVING NC GRID NAD83(2011) COORDINATES OF N: 758,296.03' AND E: 1,442,765.78'; THENCE THE FOLLOWING THREE(3) COURSES TO THE TRUE POINT OF BEGINNING:

- 1) S09°05'53"W 156.68' TO AN EXISTING #5 REBAR;
- 2) S47°17'23"W 27.07' TO AN EXISTING #4 REBAR;
- 3) N42°32'24"W 400.17' TO AN EXISTING #4 REBAR AND BEING THE **TRUE POINT OF BEGINNING** ON THE EXISTING RIGHT OF WAY (TO BE ABANDONED);

THENCE FROM THE **TRUE POINT OF BEGINNING**, ADJOINING AND ALONG THE EXISTING SOLSTICE DRIVE RIGHT OF WAY N42°32'24"W 60.14' TO A SET #5 REBAR WITH CAP; THENCE LEAVING THE SOLSTICE DRIVE RIGHT OF WAY N47°20'17"E 45.72' TO AN EXISTING #4 REBAR; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 354.36', A RADIUS OF 150.00' AND A CHORD BEARING AND DISTANCE OF N20°12'45"W 277.52' TO A SET #5 REBAR WITH CAP; THENCE N87°54'45"W 127.09' TO A SET #5 REBAR WITH CAP ON A PORTION OF THE RIGHT OF WAY TO BE RETAINED; THENCE ADJOINING THE RETAINED RIGHT OF WAY N02°03'31"E 60.00' TO AN EXISTING #5 REBAR WITH CAP; THENCE LEAVING THE RETAINED RIGHT OF WAY AND CONTINUING ALONG THE EXISTING RIGHT OF WAY TO BE ABANDONED S87°55'37"E 127.22' TO AN EXISTING #5 REBAR WITH CAP; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 496.61', A RADIUS OF 210.00' AND A CHORD BEARING AND DISTANCE OF S20°13'37"E 388.72' TO AN EXISTING #5 REBAR WITH CAP; THENCE S47°28'23"W 45.81' TO AN EXISTING #4 REBAR AND BEING THE **TRUE POINT OF BEGINNING**, CONTAINING 0.827 ACRES MORE OR LESS AS SHOWN ON A SURVEY TITLED "RIGHT OF WAY ABANDONMENT & BOUNDARY SURVEY FOR: FLATS AT STATESVILLE", BY NICHOLAS J. BARNES, PLS, OF CONCORD ENGINEERING AND SURVEYING, INC., DATED APRIL 12, 2022, JOB NO. 210672.000.

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

DECLARATION OF WITHDRAWAL
SOLSTICE DRIVE

THIS DECLARATION OF WITHDRAWAL was made and entered this sixth day of June, 2022 by the City of Statesville, a municipal corporation duly chartered with its principal office in Statesville, Iredell Couty, North Carolina.

WITNESSETH:

WHEREAS, More Apartments, LLC has requested that portions of Solstice Drive located in the City of Statesville be closed; and

WHEREAS, the street section to be closed is legally described on the attached Exhibit A (the "Closed Street Section"); and

WHEREAS, the Closed Street Section is also depicted on the Right of Way Abandonment & Boundary Survey prepared by Nicholas J. Barnes, PLS of Concord Engineering and Surveying, Inc., dated April 12, 2022, attached hereto as Exhibit B; and

WHEREAS, the Closed Street Section is not necessary for other property owners in the vicinity to have ingress, egress or regress to their property, and the closure is not contrary to the public interest; and

WHEREAS, neither the City of Statesville nor any division of the state or county government will be required to maintain the Closed Street Section for the public use, and the City of Statesville hereby does execute this withdrawal for the sole purpose of withdrawing the Closed Street Section from public dedication.

NOW, THEREFORE, BE IT RESOLVED and in consideration of the premises and for the purpose set forth above and under and by virtue of the provisions of North Carolina General Statute 160A-299, the City of Statesville by this instrument declares the Closed Street Section hereby closed and the same is hereby withdrawn from public use to which it was heretofore dedicated.

IN WITNESS WHEREOF, the City of Statesville has caused this instrument to be executed in its corporate name by its duly authorized officers and its corporate seal to be affixed hereto all by authority duly given on the date and year first above written.

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF CLOSED STREET SECTION

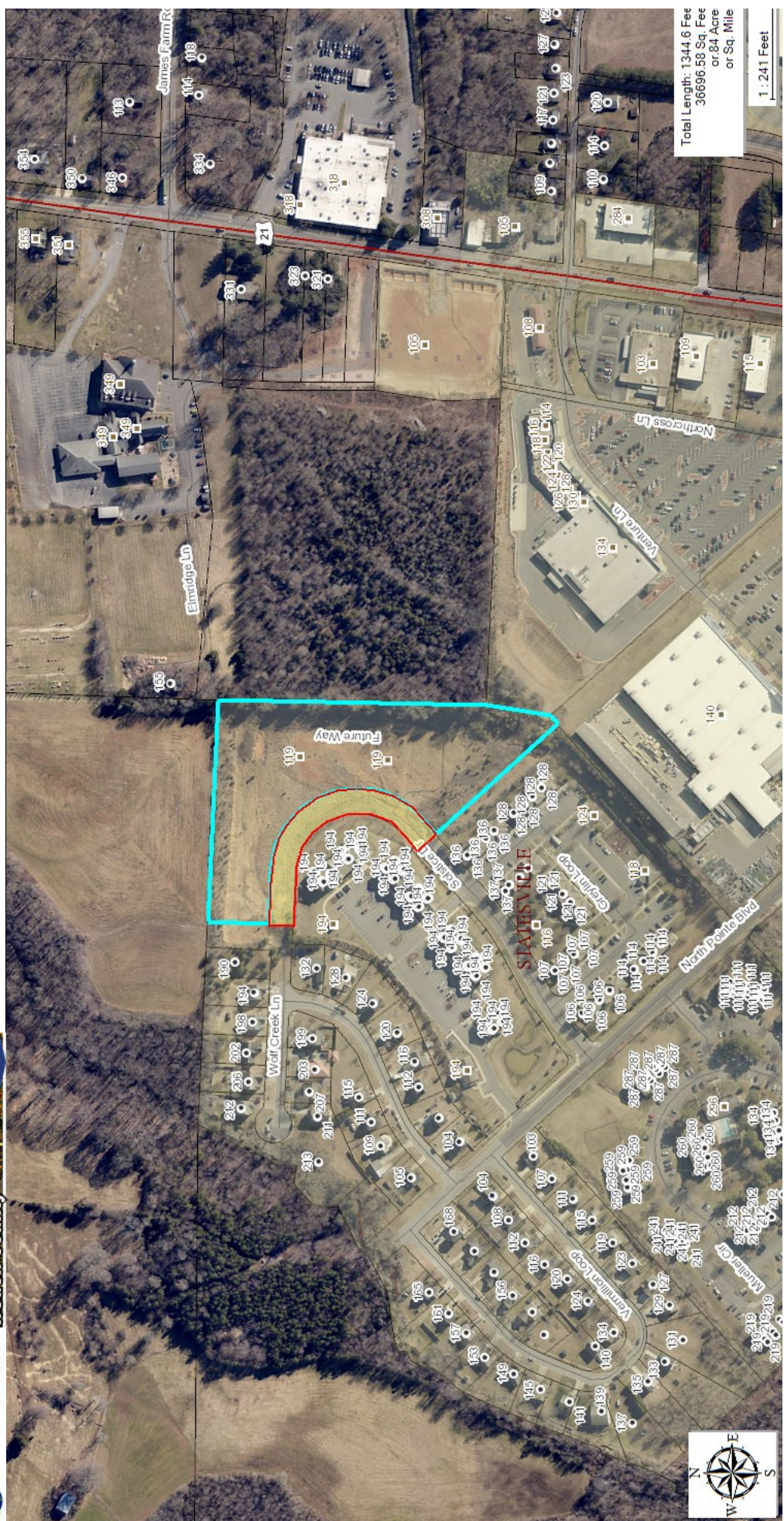
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Printed April 18, 2022
See Below for Disc



The maps prepared for this website are generated from recorded deeds, plats, and other public records. Users of these maps are hereby notified that the information provided herein should be verified. Iredell County assumes no legal responsibilities for any of the information contained on this site. Users are advised that the use of any of this information is at their own risk. All maps on this site were prepared using a "1000ft" Grid based upon the North Carolina State Plane Coordinate System from the 1983 North American Datum. The delinquent real property tax overlay is updated monthly. The information presented is not intended to be used or relied upon as official notice of tax liens. For additional information regarding delinquent tax liens, contact the Iredell County Tax Collector's Office.

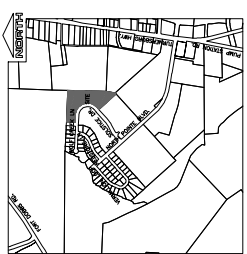
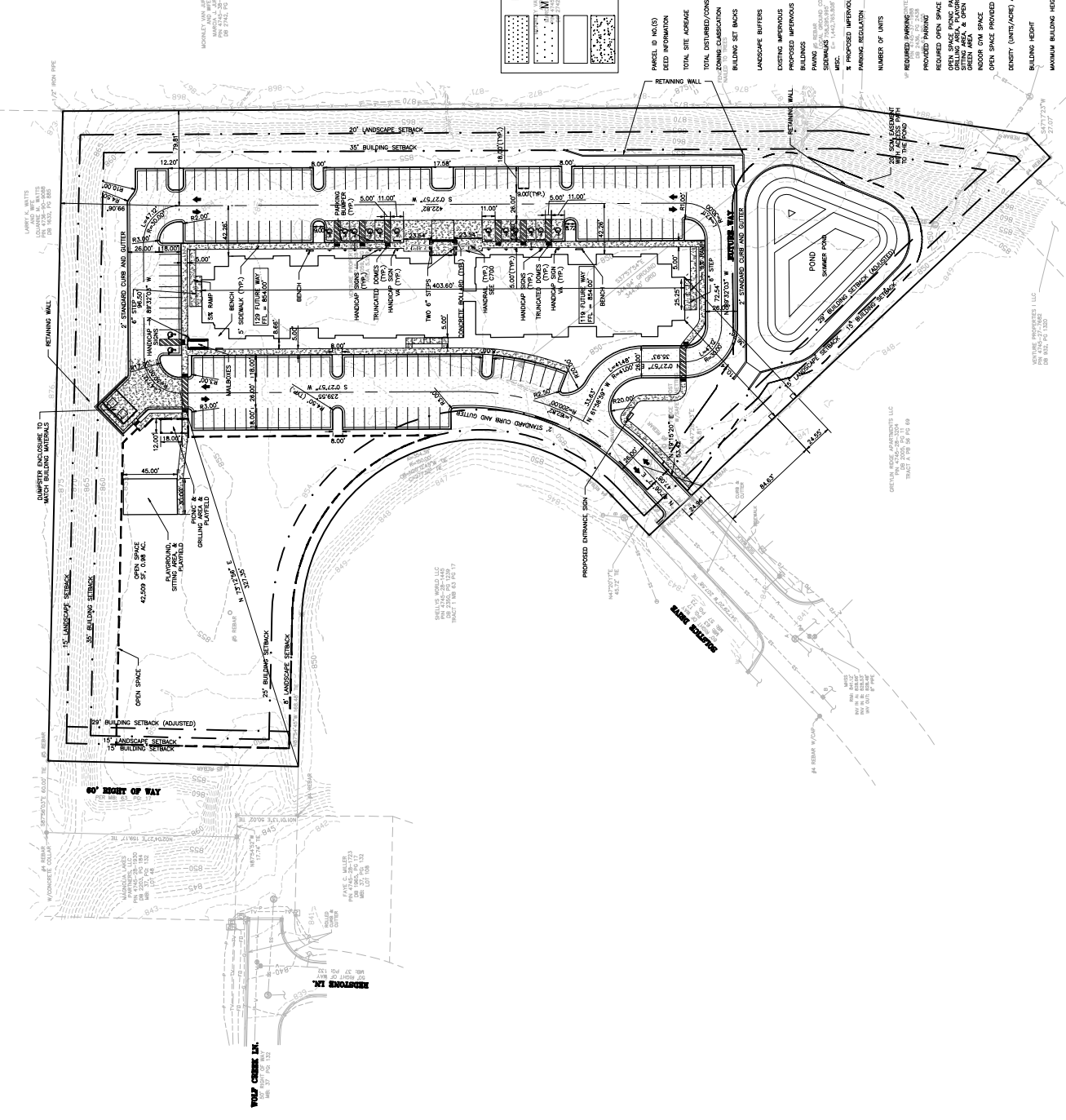
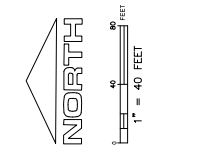
North Carolina One-Call Center
 CALL 1-800-522-4949
 "It's The Low Cost Before You Dig!"
 Check for underground utilities before you dig to avoid damage to underground utilities and personal injury.

REVISION	DATE	DESCRIPTION

THE FLATS AT STATESVILLE
 SITE PLAN
 SOLISTICE DRIVE STATESVILLE, NC 28683
 DESIGNED BY: GPR
 CHECKED BY: GPR
 DRAWN BY: GPR
 PROJECT NO.: 210709.000
 PROJECT NAME: THE FLATS AT STATESVILLE

CES CIVIL GEOTECHNICAL SURVEYING
 87 W. WILKIE BRANTLEY DRIVE
 STATESVILLE, NC 28687
 M 704.657.4888
 M 704.657.4888
 NORTHERN STATE ROAD 100
 CONSPICUIT 200A

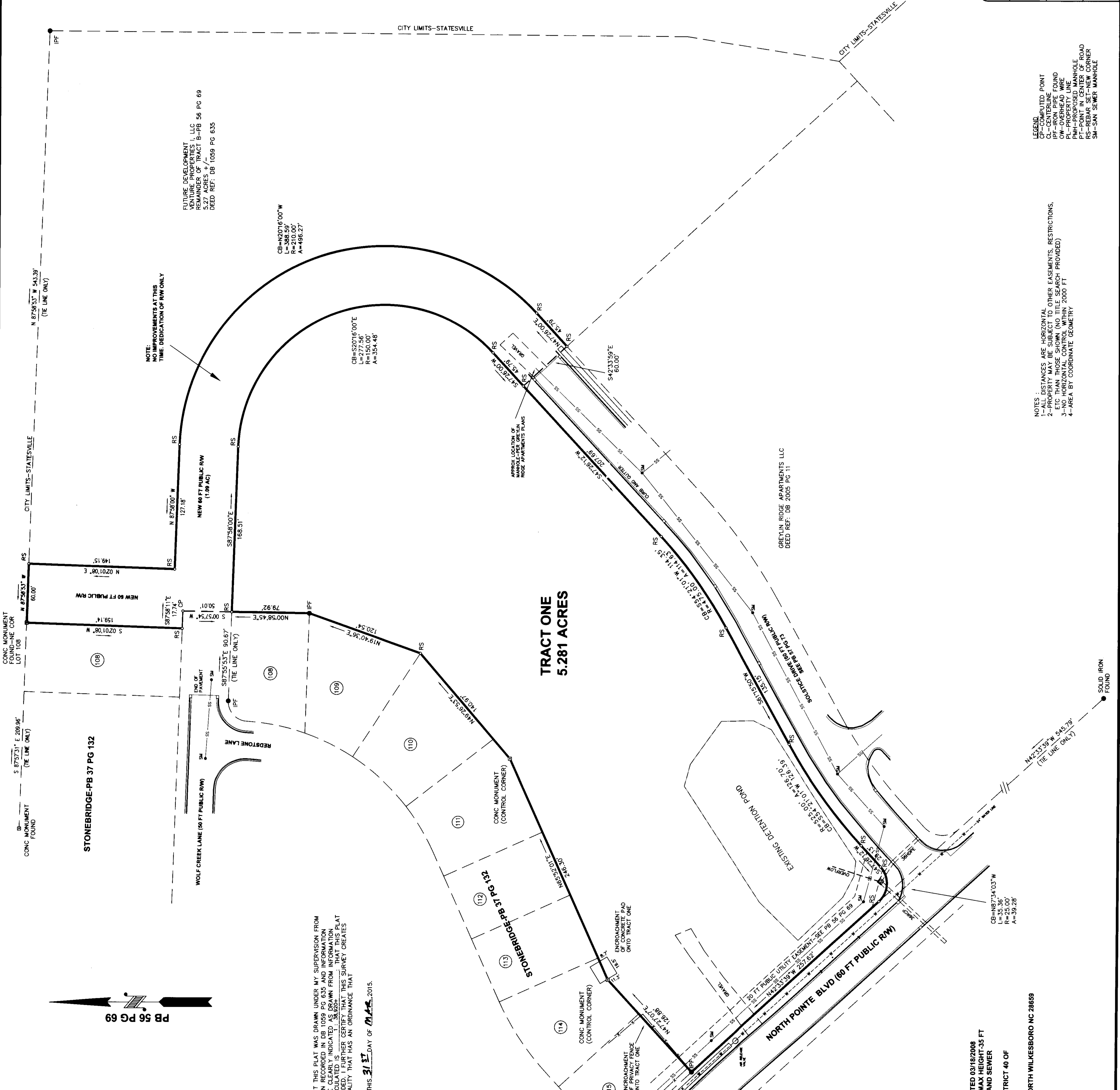
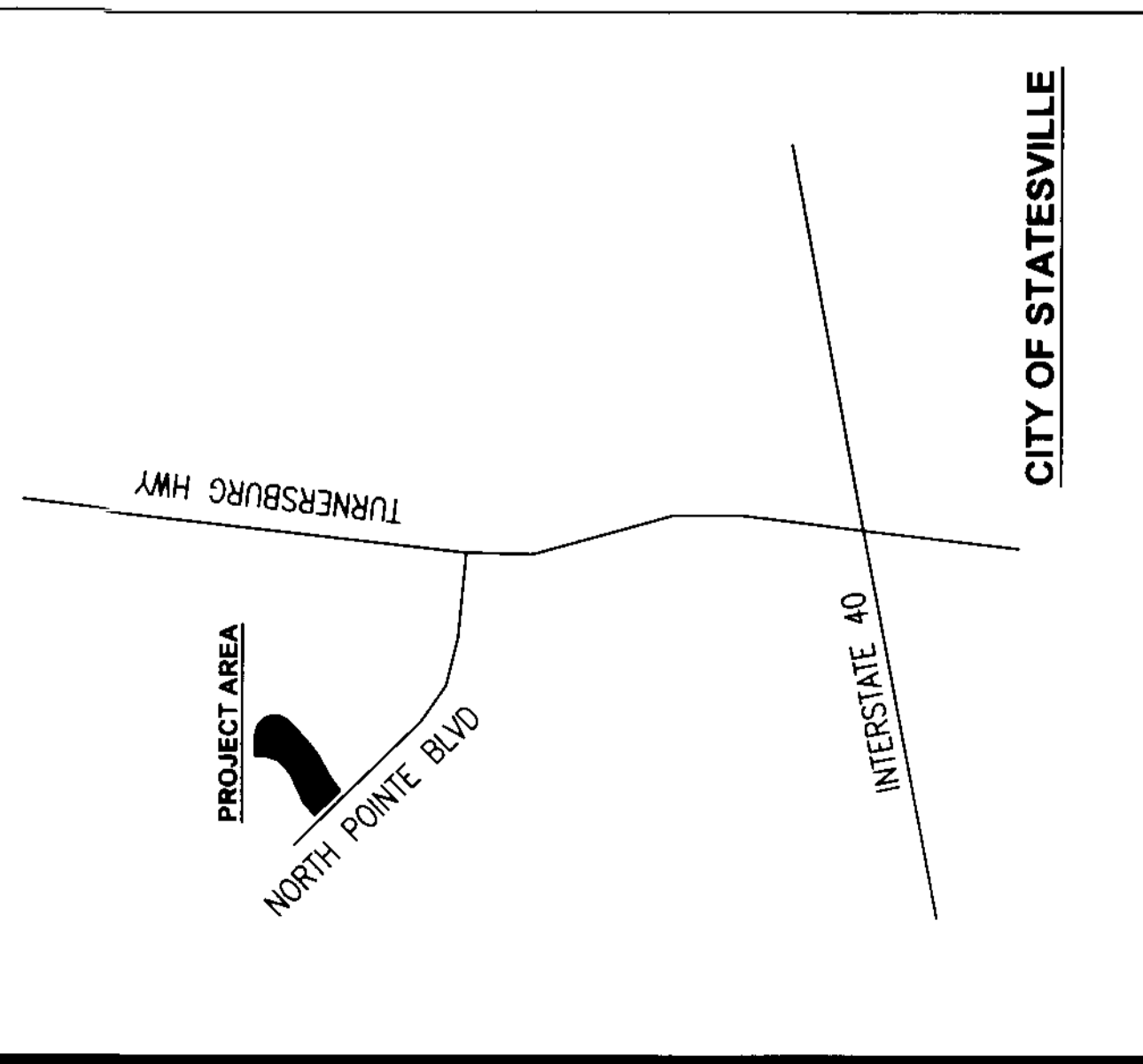
C200
 ENGINEERS SEAL
 STATE OF NORTH CAROLINA
 PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 EXPIRES 12/31/2024



VICINITY MAP
 SCALE 1" = 1,000'

SITE DATA

PARCEL ID (NO.6)	4745-28-5553
DEED INFORMATION	DE 1059 PG 635
TOTAL SITE AREA	(5.27 AC PARCEL PLUS 0.63 AC IN ROW)
TOTAL DISTURBED/CONSTRUCTION	4.51 AC
LANDSCAPE BUFFERS	RSMF 25', REAR 25', SIDE 20'
PROPOSED IMPROVEMENTS	FRONT 8', REAR 30', NORTH SIDE 15', SOUTH SIDE 8'
BUILDING SET BACKS	0 SF
LANDSCAPE IMPROVEMENTS	97,259 SF, 2.24 AC
BUILDINGS	24,591 SF, 0.56 AC
PAVING	63,768 SF, 1.47 AC
SEWERMAINS	7,830.113 SF, 0.18 AC
MISC.	2,470 SF, 0.06 AC
% PROPOSED IMPROVEMENTS	36.2%
PAVING RESOLUTION	MUNICIPALITY / AUA
NUMBER OF UNITS	84(38 - 1 BR, 48 - 2BR)
REQUIRED PARKING (PER UNIT + 0.5 PER BEDROOM)	150 SP
PROVIDED PARKING	150 SP
PROVIDED OPEN SPACE	14 AC
REQUIRED OPEN SPACE (PER 1000 SQ FT OF BUILDING AREA, PLANTING, GREEN AREA, & OPEN RECREATION)	6.10 AC + 10% = 0.61 AC
INDOOR OPEN SPACE	0.98 AC
OPEN SPACE PROVIDED	295 SF
DENSITY (UNITS/ACRE) ALLOW/ACT	0.89 AC DWELLINGS PER ACRE, 84.32 UNITS / 84 UNITS
BUILDING HEIGHT	48'-8" \uparrow INCREASED SIDE SETBACKS PER UCC SECTION 6.02E.2
MAXIMUM BUILDING HEIGHT	48'-8" \uparrow INCREASED SIDE SETBACKS PER UCC SECTION 6.02E.2



1502788001 Type: CRP
 Record#: 01/26/2015
 Fee Amt: \$21.00 Page 1 of 1
 Matthew J. Hecall, Register of Deeds
 BK 63 pg 17

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF STATESVILLE, NORTH CAROLINA AND THAT THE PLAT HAS BEEN APPROVED FOR RECORDING BY THE PLANNING DEPARTMENT IN THE OFFICE OF THE REGISTER OF DEEDS OF IREDELL COUNTY.

Deborah A. Lewis
 PLANNING DIRECTOR
 DATE: 04/06/2015

TO THE BEST OF MY KNOWLEDGE, THE SUBDIVISION SHOWN HEREON DOES NOT LIE WITHIN A WATERSHED AREA AS DESIGNATED BY THE NORTH CAROLINA DIVISION OF ENVIRONMENTAL MANAGEMENT AND AS APPEARS ON THE WATERSHED PROTECTION MAP OF IREDELL COUNTY.

Glenn Anderson
 SUBDIVISION ADMINISTRATOR
 DATE: 04/06/2015

I, *Elsene Anthony*, REVIEW OFFICER OF IREDELL COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

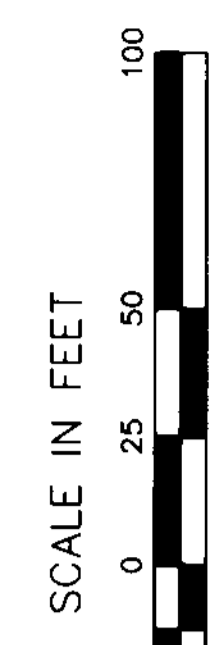
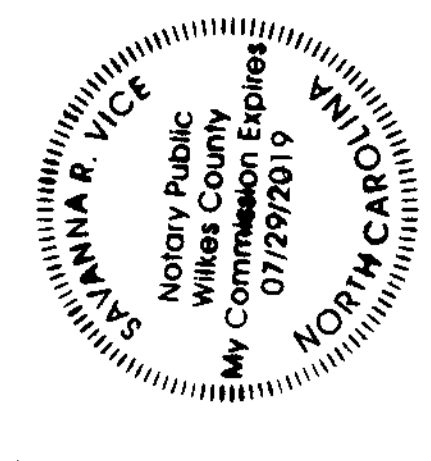
Elsene Anthony
 REVIEW OFFICER
 DATE: 04/06/2015

KNOW ALL MEN BY THESE PRESENTS, THAT I, *MARTIN D. KOON*, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN ON THIS PLAT. I HEREBY ACKNOWLEDGE THIS PLAT AND ALLOTMENT TO BE MY FREE ACT AND DO HEREBY DEDICATE TO PUBLIC USE ALL STREETS, ALLEYS, EASEMENTS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT DOLPHUS E. HARMON SURVEYED AND MADE THIS PLAT AT MY DIRECTION, AND THAT THE ENTIRE SUBDIVISION IS WITHIN THE BOUNDARIES OF A TRACT CONVEYED TO ME BY A DEED RECORDED IN DEEDS PG 635 FILED WITH THE IREDELL COUNTY REGISTER OF DEEDS.

Martin D. Koon
 OWNER
 Member, *Venture Properties, LLC*

Wilkes
 IREDELL COUNTY NORTH CAROLINA
 I, *Savanna R. Vice*, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT I PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND SEAL THIS 31st DAY OF March, 2015.

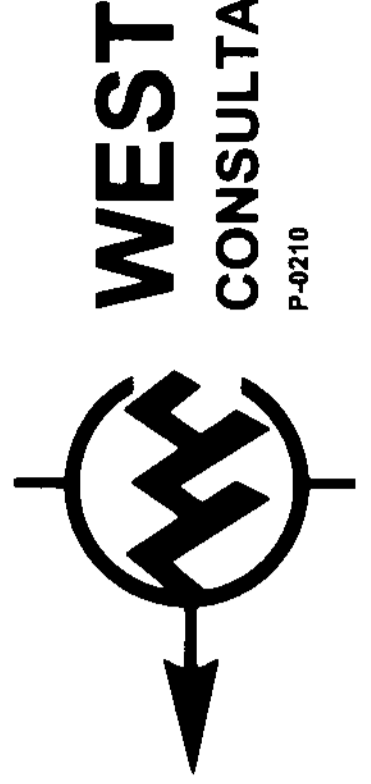
Savanna R. Vice
 NOTARY PUBLIC
 DATE: 03/31/2015



STATESVILLE TWP - IREDELL COUNTY - NORTH CAROLINA

FINAL PLAT-MINOR SUBDIVISION

VENTURE PROPERTIES I, LLC (MINOR SUBDIVISION OF TRACT B-PB 56 PG 69)	
CAD BY: DEH	PROJECT DATE: MAR 27 2015
FILE DATA RETRIEVED: 1" = 50'	SCALE: 1" = 50'
PROJECT NUMBER: 14091	PROJECT MANAGER: BBT

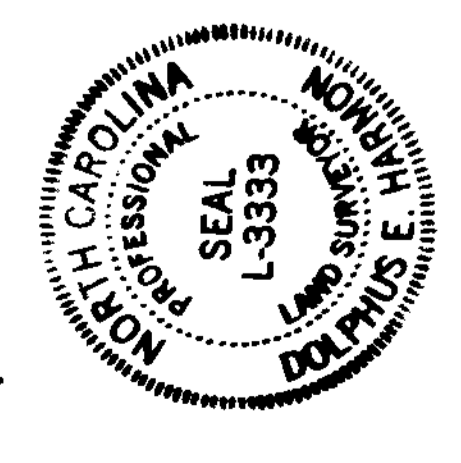


405 SOUTH STERLING STREET
 MORRANTON, NORTH CAROLINA 28655
 828-433-5661 FAX: 828-433-5662

- LEGEND:
- CP--COMPUTED POINT
 - IPF--IRON PIPE FOUND
 - OW--OVERHEAD WIRE
 - SM--SEWER MANHOLE
 - PT--POINT IN CENTER OF ROAD
 - RS--REBAR SET-NEW CORNER
 - SM--SM--SEWER MANHOLE

- NOTES:
- 1--ALL DISTANCES ARE HORIZONTAL
 - 2--PROXYN MARKS BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, ETC. HORIZONTAL CONTROL WITHIN 2000 FT.
 - 3--NO HORIZONTAL CONTROL WITHIN 2000 FT.
 - 4--AREA BY COORDINATE GEOMETRY

PARCEL INFORMATION
 PIN: 4745283985
 ZONING: CITY OF STATESVILLE-RSMF
 FLOOD HAZARD AREA: ZONE X-MAP NUMBER 37/047400J DATED 03/18/2008
 BUILDING SETBACKS: FRONT-25 FT. SIDE-5 FT. REAR-25 FT. MAX HEIGHT-35 FT.
 TRACTS WILL BE SERVED BY CITY OF STATESVILLE WATER AND SEWER
 PROPERTY IS LOCATED WITHIN THE 1/2 MILE BUFFER OF DISTRICT 40 OF THE IREDELL COUNTY FARMLAND PRESERVATION AREA
 OWNER: VENTURE PROPERTIES I, LLC 924 MAIN STREET NORTH WILKESBORO NC 28659









I, DOLPHUS E. HARMON, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB 1059 PG 635 AND INFORMATION FOUND IN DB 58 PG 25); THAT THE RATIO OF PRECISION AS CALCULATED IS INDICATED AS SHOWN FROM THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH NC GEN STAT 47-30 AS AMENDED; I FURTHER CERTIFY THAT THIS SURVEY CREATES REGULATES PARCELS OF LAND.

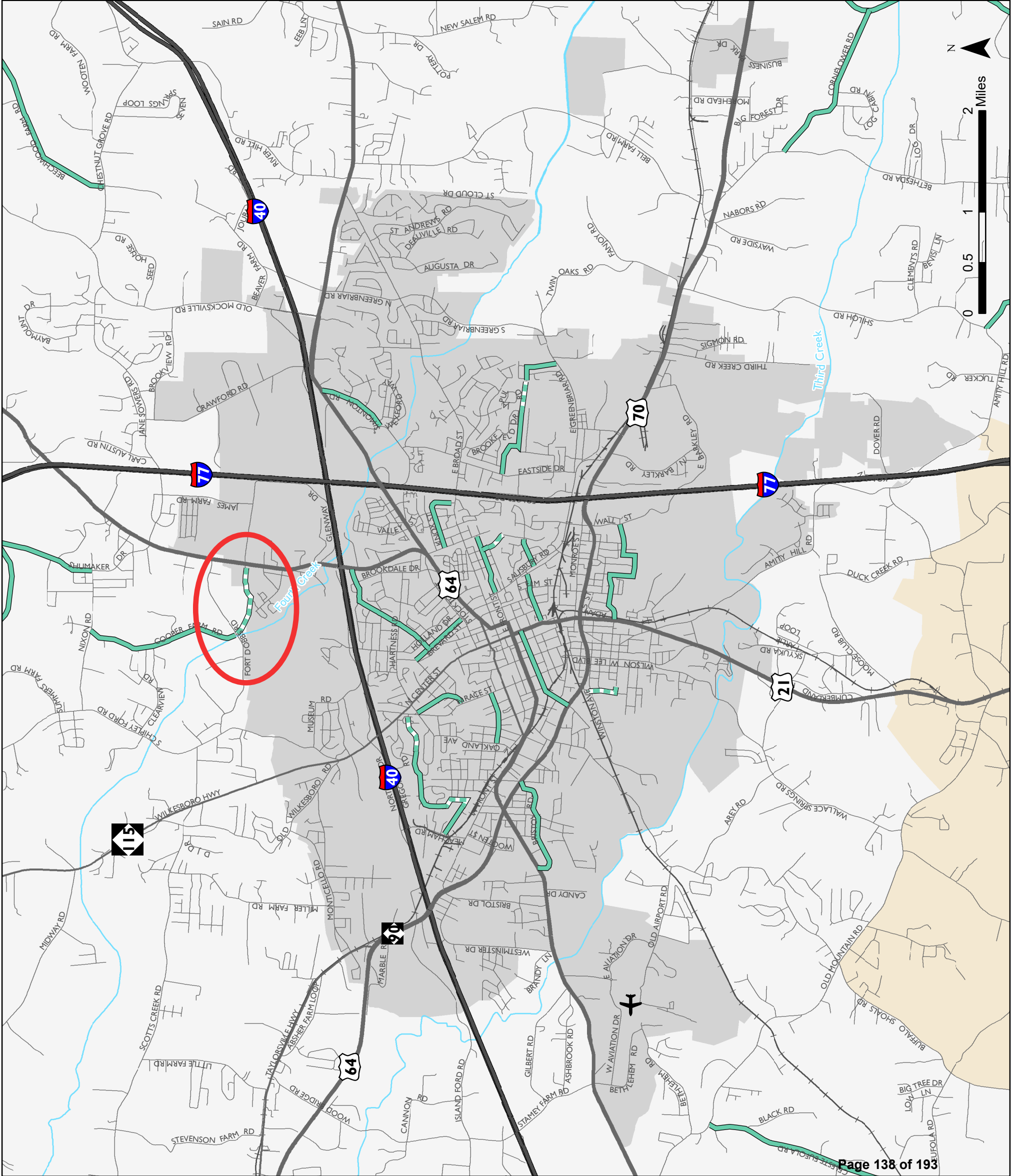
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 31st DAY OF MAR, 2015.

Delores E. Harmon 13333

Collector Street Plan Inset

Figure 3.12b

-  Upgrade to Collector Street
-  Proposed Collector Street
-  Statesville Municipal Airport
-  City of Statesville
-  Study Area
-  County Boundary



CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 25, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving first reading of an ordinance to annex properties located on Cambridge Place – Annexation Request AX22-07 for PIN #'s 4765-32-6724, 4765-32-5716 & 4765-32-3788 Helmsman Homes LLC Properties.

1. Summary of Information: The property being considered for annexation has been submitted by Helmsman Homes LLC (applicant and owner) for three adjoining residential lots that total 1.65 acres located on Cambridge Place (see attached Location Map and Boundary Survey). The parcels are contiguous to the primary corporate limits of the City; and the applicant requests annexation to receive sewer service.

These parcels are currently wooded (see attached GIS Aerial Photo Map and Site Photo); and are part of Section 4 of the Brookmeade residential development project. The parcels are outside the city's jurisdiction and are currently zoned Iredell County R-20 (Rural Residential) District. A City-initiated rezoning request will follow the annexation process; staff and the property owner support a designation of R-15 (Urban Fringe Low Density Residential) District, which mirrors the designation assigned to the portion of the Brookmeade subdivision located inside the City limits (see attached Current Zoning Map).

2. Previous Council or Relevant Actions: As noted above, a City-initiated rezoning action will follow the annexation.

3. Budget/Funding Implications: The current total taxable value of the combined subject parcels is approximately \$27,000. The applicant estimates that the current tax value plus the three homes is \$340,000. The City will provide sewer service; Iredell Water Corporation will provide water service; and Energy United will provide electrical service (see attached Utilities Location Map). The city will need to provide sanitation, fire, and police services as requested.

4. Consequences for Not Acting: Without annexation the city would not collect property taxes.

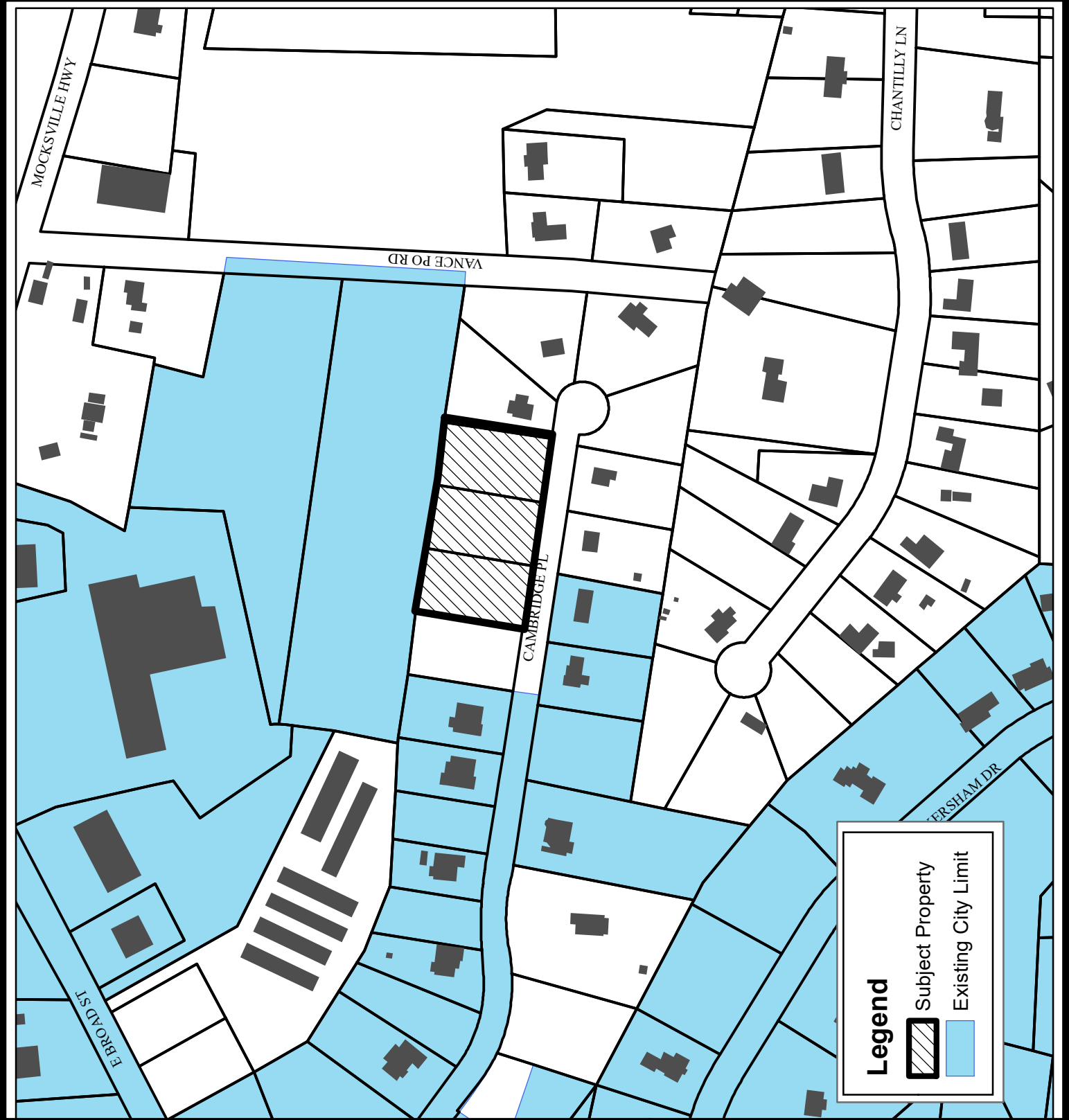
5. Department Recommendation: The department recommends passing the first reading of the ordinance to annex the subject properties located on Cambridge Place.

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

7. Next Steps: If approved, the second reading will be on June 20, 2022.

8. Attachments:

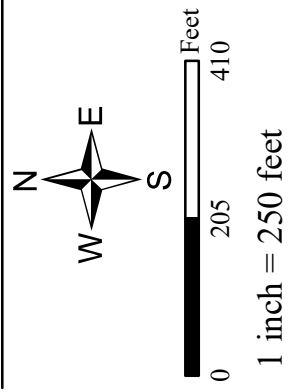
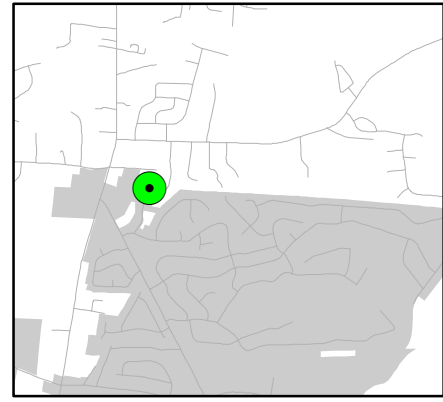
1. Location Map
2. Boundary Survey
3. GIS Aerial Photo Map
4. Site Photos
5. Current Zoning Map
6. Utility Location Map
7. Ordinance

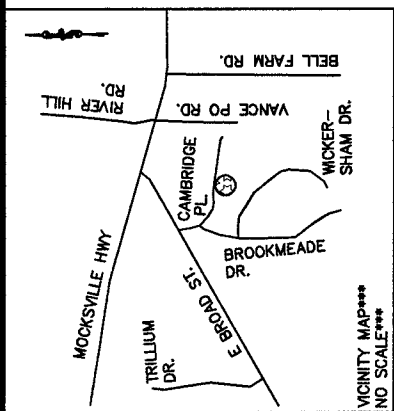


Legend

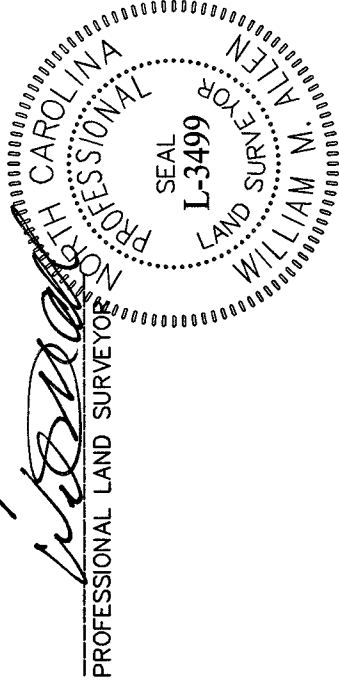
-  Subject Property
-  Existing City Limit

City of Statesville
Planning Department
 Helmsman Homes Property
 AX22-07
 PIN # 4765-32-6724,
 4765-32-5716
 & 4765-32-3788





THE PROVISIONS OF G.S. 47-30 SHALL NOT APPLY TO BOUNDARY PLATS OF AREAS ANNEXED BY MUNICIPALITIES NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED IN NORTH CAROLINA. MADE THIS 13 DAY OF April 2022.



THIS PROPERTY IS AN EXISTING PARCEL OR PARCELS OF LAND
 WILLIAM M. ALLEN L-3499

LOT 13
 ROGER J. SPEAKS
 2598/2183

PARCEL 4765323788
 LOT 12
 (0.55 AC.)

PARCEL 4765325716
 LOT 11
 (0.55 AC.)

PARCEL 4765326724
 LOT 10
 (0.55 AC.)

LOT 9
 RACHEL A. &
 PAUL U. MCHARGUE
 2488/714

1.65 AC. TOTAL

LANDON GREEN LTDP
 2854/1898

CAMBRIDGE PLACE
 (50' R/W)

ANNEXATION MAP
 FOR

CITY OF STATESVILLE
 FOR LOTS 10-12 BROOKMEADE SECTION IV
 (1.65 AC.)

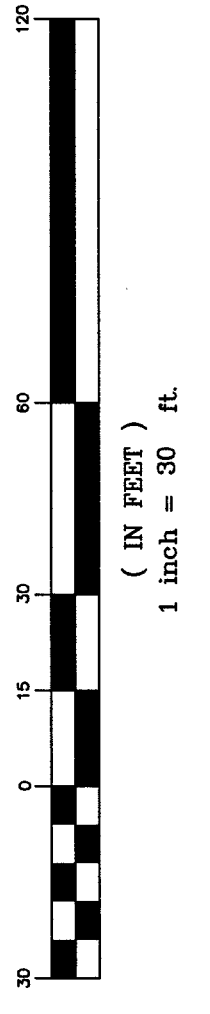
LEGEND
 □ = P.P. = POWER POLE
 □ = POWER TRANS.
 E.I.P. = EXISTING IRON FOUND
 I.P.S. = #4 REBAR SET
 R/W = RIGHT-OF-WAY
 CP = COMPUTED POINT

NOTES:

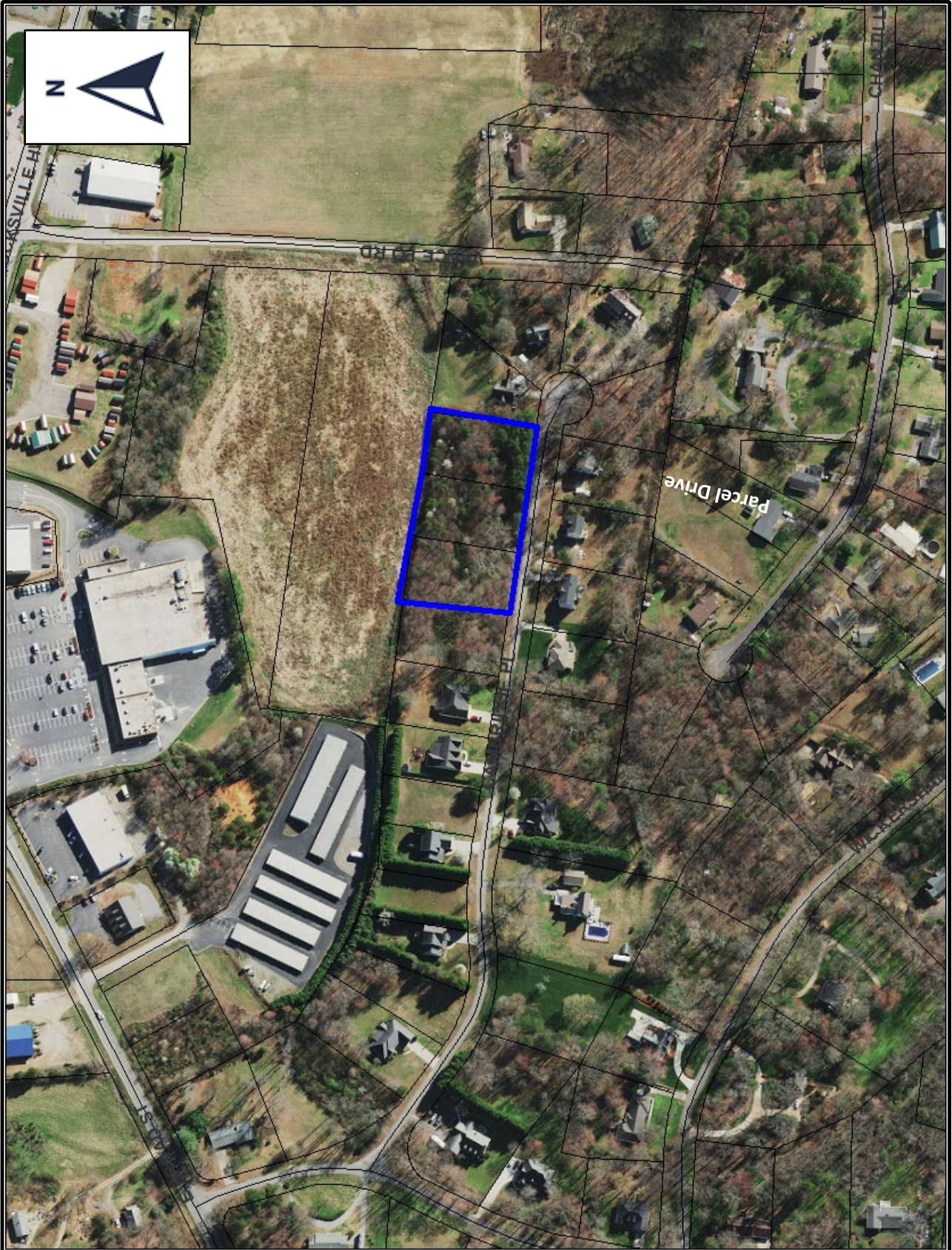
- 1) This property may be subject to any easements and/or Rights-of-way of record.
- 2) Tax Parcel No's : 4765323788 & 4765325716 & 4765326724
- 3) Deed Ref. 1199\539
- 4) References : PB. 35 PG. 68
- 5) The property is located in CHAMBERSBURG TWP., IREDELL CO., N.C.
- 6) No geodetic monument found within 2000' of said property.
- 7) The lots shown on this plat does not lie in a designated flood area.
- 8) TOTAL AC.= 1.65 AC.

DAS
 DON ALLEN & ASSOCIATES P. A.
 "Since 1971"
 Commercial * Residential * Mortgage Surveys * Multi-Family
 Construction Staking * Subdivision Design * Topographical
 131 Crosslake Park Drive - Suite 102 * Mooresville, N.C. 28117
 (704) 664-7029 (704) 664-8041 Fax
 donallensurvey@gmail.com

GRAPHIC SCALE



TAX PIN NO: 4765323788 & 4765325716 & 4765326724
 SCALE: 1" = 30'
 DATE: APRIL 13, 2022

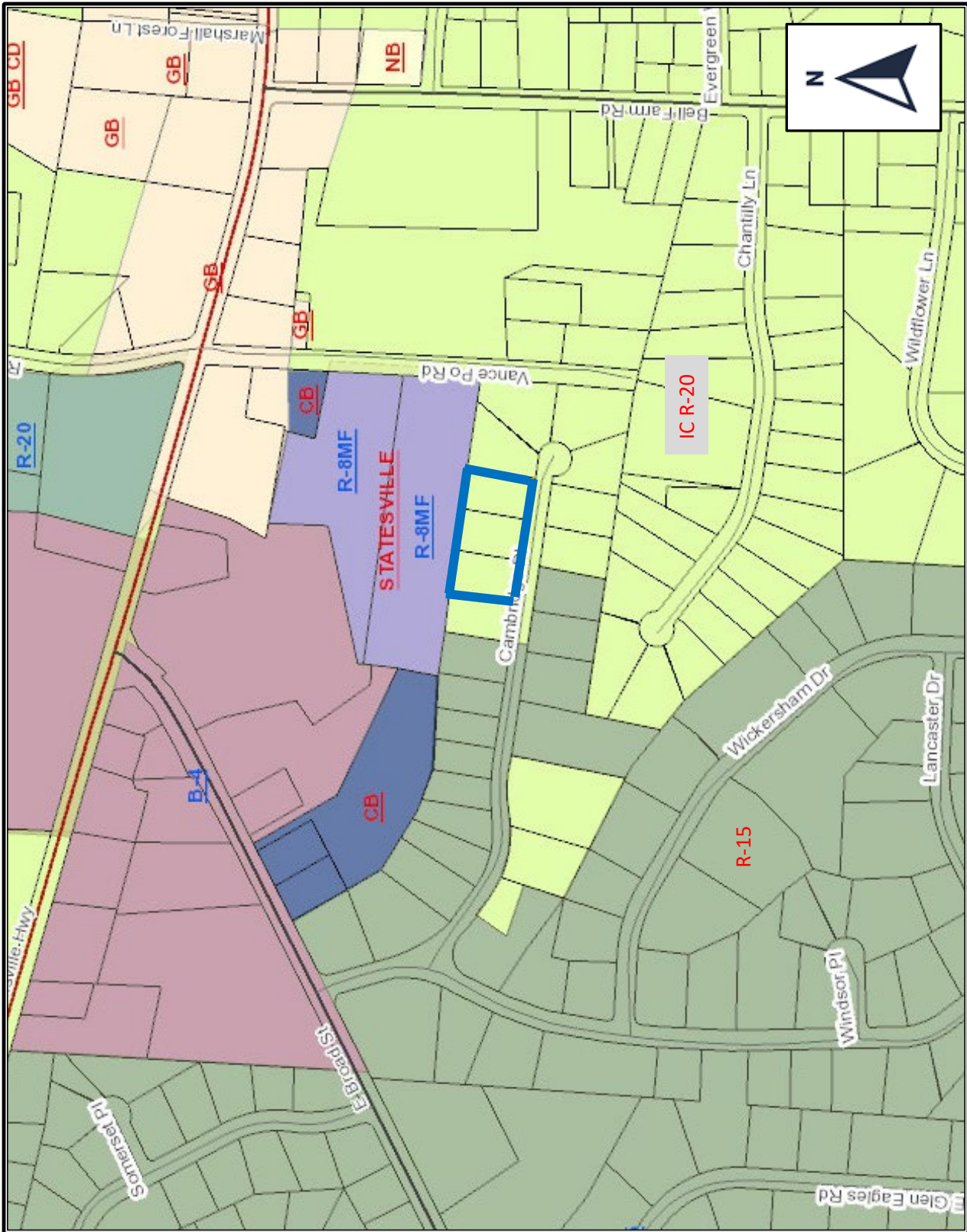


Case No. AX22-07 Helmsman Homes Property
Aerial Photo Map – PIN # 4765-32-6724, 4765-32-5716 & 4765-32-3788

Site Photos – AX22-07 Helmsman Homes Properties
(PIN #4765-32-6724, 4765-32-5716 & 4765-32-3788) Cambridge Place Lots 10, 11 & 12 Brookmeade Section 4



View from Cambridge Place looking west onto the subject parcels



Current Zoning Map - Case No. AX22-07 Helmsman Homes Property
 Tax Parcel # 4765-32-6724, 4765-32-5716 & 4765-32-3788

ORDINANCE NO. _____

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

**Helmsman Homes LLC Properties
Case No. AX22-07
PIN # 4765-32-6724, 4765-32-5716 & 4765-32-3788**

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 6th day of June 2022 after due notice by publication on 27th day of May 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 June 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:

Lying and being in Chambersburg Township, Iredell County, North Carolina and being all of Lots 10-12 of Brookmeade Section IV (recorded in Plat Book 35 Page 68) and being more particularly described as follows:

Beginning at an iron pin on the northern right-of-way of Cambridge Place, point being the common corner of Lot 9 & 10 of Brookmeade Section IV (recorded in Plat Book 35 Page 68), thence along said right-of-way N. 76-34-36 W. 120.11 feet; thence continuing with said right-of-way (2) calls as follows: 1.) N. 76-36-14 W. 119.79 feet to an iron pin 2.) N. 76-36-14 W. 120.09 feet to an iron pin; thence leaving said right-of-way N. 13-16-10 E. 200.29 feet to an iron pin; thence with the rear lines of Lots 10-12 of Brookmeade Section IV (3) calls as follows: 1.) S. 76-46-02 E. 120.34 feet to an iron pin 2.) S. 76-33-22 E. 119.71 feet to an iron pin 3.) S. 76-48-36 E. 120.25' to an iron pin; thence S. 13-21-19 W. 201.02 feet to the point and place of Beginning containing 1.65 acres more or less according to a survey by Don Allen & Associates, PA dated April 13th, 2022.

Section 2. Upon and after June 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 6th day of June 2022.

AYES:

NAYES:

The second and final reading of this ordinance was heard on the 20th day of June 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 June 2022 at 11:59 p.m.

City of Statesville

MAYOR

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Matthew Pierce, Assistant to the City Manager
DATE: May 5, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Staff is requesting that the change of the Rate Schedule for taxi cabs be included in the annual rate review by City Council.

- 1. Summary of Information:** The rate schedule established in Statesville City Ordinance § 22-66 is dated March 20, 2000 and has not increased to accommodate for inflation or other related expenses. We are requesting the rate schedule to be incorporated with the rates schedules reviewed by the Statesville City Council on an annual basis to allow taxicab operators to earn a livable wage while being competitive with other non-city regulated transport services provided in the City of Statesville. We have reviewed other municipalities, and several have incorporated the established taxi rate in the annual rate review performed by city council.
- 2. Previous Council or Relevant Actions:** Statesville City Ordinance §22-66 rate schedule was last changed in March of 2000.
- 3. Budget/Funding Implications:** There are not additional funding or budget implications for this council action request.
- 4. Consequences for Not Acting:** If no action is taken, our regulated taxicab industry in the City of Statesville will become extinct due to the inability to compete with other non-regulated transportation services serving the citizens of Statesville.
- 5. Department Recommendation:** We recommend the adoption of this council action request to assist the taxi industry to survive in the City of Statesville.
- 6. Manager Comments:**
- 7. Next Steps:**
- 8. Attachments:**
 1. Current and proposed Statesville City Ordinance §22-66

CURRENT ORDINANCE

Statesville City Code - Chapter 22 – Taxicabs - Article III - Operation; Equipment - Section 22-66. Established Rate

Sec. 22-66. Established rate.

- (a) The maximum and the minimum rate, for any trip to any point within the city limits, for transporting one (1) to five (5) passengers from the same point of origin to the same destination shall be:
- (1) Two dollars and fifty cents (\$2.50) for the first one-half mile or fraction thereof.
 - (2) Thirty cents (\$0.30) for each additional one-eighth mile or fraction thereof.
 - (3) Taxicabs operated for hire by the hour shall not charge rates in excess of the following: Thirty dollars (\$30.00) per hour or fifty cents (\$0.50) for each minute or fraction thereof.
 - (4) There will be, in addition to the regular fare, a twenty-five-cent charge for small packages, parcels, groceries and luggage not weighing fifty (50) pounds, or any other articles transported by the cab operator and/or which are of such size or nature that same cannot be held by the passenger being transported to or from a bus, train or plane depot.
 - (5) Footlockers: Fifty cents (\$0.50) each.
 - (6) Trunks: One dollar (\$1.00) each trunk.
 - (7) Bulky items: Fifty cents (\$0.50) for each article, container or commodity (such as, but not limited to, bags, cartons, boxes or crates of groceries, coal, fuel, fertilizer, rolls of roofing paper, etc.) not heretofore mentioned, weighing more than fifty (50) pounds.
- (b) The provisions of this section shall not be construed to prohibit the driver from stopping at one (1) or more points on the trip and picking up additional passengers to be transported in accordance with these rates.

(Code 1959, § 20-38; Ord. No. 53-90, 11-19-90; Ord. No. 20-2000, 3-20-2000)

PROPOSED AMENDMENT TO ORDINANCE

Sec. 22-66. Established rate.

- (a) The mileage rate for taxicabs was first established by Statesville City Council on March 20, 2000, and this established rate will be reviewed annually by Statesville City Council to determine if changes are necessary. Any deviation of [from] these rates, as approved by the Statesville City Council, shall constitute a violation of this chapter. No person owning, operating or controlling a taxicab shall charge a rate therefore in excess of such rates. Such rate shall take effect at the time the passenger enters the taxicab. No other or different fare shall be charged to a passenger than is recorded on the reading face of the meter for a trip, except that the hourly rate may be used at mutual agreement of passenger and owner or operator of the taxicab; if an hourly rate is agreed upon, then only the hourly rate will apply and a mileage rate cannot be added in addition thereto. No other rates or methods of measuring the distance of time charges shall be allowed, except as provided in this article.

(Code 1959, § 20-38; Ord. No. 53-90, 11-19-90; Ord. No. 20-2000, Ord. No. ??-????, 6-6-2022)

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Ferguson, Airport Manager
DATE: May 23, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving two appointments to the Statesville Regional Airport Commission.

1. Summary of Information: Consider appointing/reappointing one (1) unexpired term and one (1) regular term to the Airport Commission. Mr. David Alexander submitted his resignation effective May 11, 2022, and his term expires June 30, 2023. Mr. David Bullins has served one (1) term and would like to be reappointed to the commission. Volunteer applications have been received from the following:

- John Gorman – City resident
- Jay Brown – City resident
- David Stamey – City resident
- Roger Bejcek – City resident
- Robert Hanway – County resident
- David Bullins – County resident

According to the Airport Commission by-laws, no more than three (3) members of the board can reside outside of the City limits. Therefore, Council can only appoint/reappoint one (1) member that is not a City resident. (Current members Todd Bodell and Mike Colyer reside in the County.)

2. Previous Council or Relevant Actions: Council appoints/reappoints members as terms expire.

3. Budget/Funding Implications: None

4. Consequences for Not Acting: The Airport Commission will not have a full board.

5. Department Recommendation: None

6. Manager Comments: None

7. Next Steps: Once appointed by Council, the two applicants will be notified.

8. Attachments:

1. Member List
2. By-Laws Section on Appointments
3. Applications

Statesville Airport Commission

(As of June 30, 2021)

3 Year Terms, City Code Sec. 2-93, G.S. 63-53 (2) City Council Appointment

Meets 2nd Thursday of Month

Stephen Johnson (**Chair**) (B) 704.872.2485 City Council
Johnson's Parts & Supply (H) 704.873.8509 Rep
1112 Shelton Avenue (F) 704.878.0898
Statesville, NC 28677 johnsonspartssup@att.net

Dr. Robert Saltzman (H) 704.881.0488 6/30/23
915 Sherwood Lane bobsaltz@gmail.com
Statesville, NC 28677

Gene Houpe (704) 902-0255 County
P.O. Box 547 genehoupe@roadrunner.com Commission
Statesville, NC 28687 Rep

David Alexander(**Vice-Chair**) (B) 704.664.1566 6/30/23
423 Summit Avenue (C) 704.929.0239
Statesville, NC 28677 (H) 704.873.2737
jtafuel@aol.com

Mike Colyer (H) 704.539-4423 06/30/24
Victory Air (C) 704 906-6799
221 Cranford Stable Rd. Mikecolyer04@gmail.com
Olin, NC 28660

Todd Bodell (C) 949.510.1590 6/30/24
143 E. Tattersall Dr. tdbodell@msn.com
Statesville, NC 28677

David Bullins (B) 704.9785446 6/30/22
125 Crabapple Ln (H) 704.873-3402
Statesville, NC 28625 (C) 704.775-6620
dbullins@mitchellcc.edu

Staff

John M. Ferguson, A.A.E.
(B) 704.873.1111
(C) 704-880-6897
jferguson@statesvillenc.net

Maurice Nichols, Line Supervisor
(704) 873-1111
mnichols@statesvillenc.net

Carissa Moose, Office Manager
(704) 873-1111
cmoose@statesvillenc.net

Brenda Fugett
(B) 704.878.3544
bfugett@statesvillenc.net

April Nesbit
(B) 704.878.3583
anesbit@statesvillenc.net

Other Important Contacts

Jeff Kirby (Consulting Engineer)
Parrish & Partners of NC, PLLC
1801 Stanley Road, Ste 104
Greensboro, NC 27407
(B) 336.944.6880
(C) 336.317.2717
(F) 336.944.6887
Jkirby@parrishandpartners.com

John Ferguson
Statesville Regional Airport
238 Airport Rd
Statesville, NC 28677
(B) 704.873.1111
(C) 704.880.6897
jferguson@statesvillenc.net

Don Frady (FAA-Nav aids)
Raleigh SSC Room 106
1000 Sawyer Circle
Morrisville, NC 27560
(B) 919.380.3181
(C) 919.239.0349
Donald.Frady@faa.gov

Norman (Norm) E. Wiginton, III
11434 Charles Towne Way
Locust, NC 28097
Newigi@aol.com
(C) 336.575.3878

Iredell County Economic Development
116 North Center Street
Statesville, NC 28677
(B) 704.871.0062
(F) 704.871.0223

Tim Gruebel (Consulting Engineer)
Parrish & Partners of NC, PLLC
1801 Stanley Road, Ste 104
Greensboro, NC 27407
(B) 336.944.6880
(C) 336.707.0481
(F) 336.944.6887
tgruebel@parrishandpartners.com

Rachel Bingham
NCDOT – Aviation
1560 Mail Service Center
Raleigh, NC 27699-1560
(B) 919.814.0570
(C) 919.621.1865
rsbingham@ncdot.gov

Ray Allen (Nav aids)
PO Box 2070
Butler, GA 31006
(C) 478.837.1098
(H) 478.862.3033
rayselectronics1@yahoo.com

Flight Service (Raleigh)
1.800.443.9286
1.919.840.0171
1.877.487.6867
1.800.992.7433
1.866.663.3354

4. Review and develop policies for physical structures (buildings, hangars, aprons, parking lots, etc.) and services (aeronautical and non-aeronautical) at the airport and foster policies that create economic development opportunities.

ARTICLE IV MEMBERSHIP

Per Section 4-28b Code of the City of Statesville, the Commission shall consist of seven (7) voting members; five (5) shall be appointed by the City Council, one (1) member of the City Council shall be appointed by the Mayor, and one (1) member of the County Commission shall be appointed by the County Commissioners.

1. In order to include a diversity of backgrounds and perspectives on the Commission, the members of the Commission should be appointed based on the following qualifications:
 - a. Pilots/Tenants – One or two members should be either active pilots and/or current tenants
 - b. Aviation Background – one or two local citizens with an aviation background and high interest in the airport.
 - c. Business Owners – One or two should be local business owners with an interest in Airport related issues,
 - d. City Council Member – one should be a current elected City Council Member,
 - e. County Commission Member – one should be a current elected Iredell County Commissioner.
2. Members of the Commission shall reside within Iredell County, however, no more than three (3) of the seven (7) members may live out of the Statesville City Limits.
3. All members of the Commission shall serve at the pleasure of the Council with compensation in the amount of \$20 per meeting. The terms of office for each Commission member shall be three (3) years, ending on June 30; except that in case of a vacancy occurring during the term, the same shall be filled by the council for the unexpired portion of the term. The terms of the members shall be staggered so that the terms of no more than three (3) members expire in any one year.
4. If the City Council does not appoint a new member, or reappoint an existing member, on or before the expiration of a member's term, that member may hold over on a month to month basis until such time as the member is either reappointed or a new person has been appointed to the position.
5. Members of the Commission may be removed at any time with or without cause by two-thirds vote of the City Council. An Airport Commission member who misses three (3) unexcused regular meetings in a row is subject to removal.

**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: JAY BROWN Date of Application: 5 / 26 / 2022

Home Address: 472 Augusta Dr ^{Statesville NC} 28625 WARD: _____

Email Address: jbrown@alamquest.com Contact Phone No: 704-883-6372

Do you reside in the City of Statesville? Yes No _____ Length of Residence: 40+ _____
Years Months

Occupation: manager/owner/security co. Employer: alamquest

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

Education: High School, Trade school industry cert.

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 / 13 / 62 Male: Female: _____ Race: W

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

I have been a business owner for the past 41 years
servin customer in N.C. I always tell customer how Statesville
is a wonderful place for companies and has great support for industry.
I am also a pilot and actively fly weekly and I tell people about
our Air port and that it is one of the best in N.C.

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

Air port Commission until 2019 I think for
3 or 4 terms

Please list any areas of expertise, interest and skills:

Promotion Statesville And Iredell County
I operate a service business and provide security solutions
for many different types of customers with multiple locations so I
speak with possible new business for our Area. And as I
stated I fly weekly so I can see what other Airports do that
MAY help us. And I can see what we do better to make our Airport

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Name: David Stamey Date of Application: May 18, 2022
Home Address: 516 Sullivan Road WARD: 4
Email Address: david@stameycattle.com Contact Phone No: 704-930-8776
Do you reside in the City of Statesville? Yes Y No Length of Residence: 35
Years Months
Occupation: Cattle Exporter Employer: Self employed
Available for Daytime Meetings: Yes Y No Currently Serving on Another Board: Yes Y No
Education: West Iredell High School, 1988; Furman University, economics, cum laude, 1992

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: January 23, 1970 Male: X Female: Race: Caucasian

Please provide a brief statement outlining why you wish to serve:
Our airport and its development are vital to the future of Statesville, Iredell County and the Piedmont of North Carolina.
I grew up in the airport area, own a business here and want to see the community prosper.

Please list current and previous service to the community, civic clubs, activities, and talents:
I have served as officer and board member of the Livestock Exporters Association of the USA, a trade association involved in air, sea and land shipments of cattle and other livestock.
I have served on the board the Statesville Chamber of Commerce and Iredell Museums and the board of trustees of Iredell Memorial Hospital.

Please list any areas of expertise, interests, and skills:
Our business exports cattle around the world. We have chartered millions of dollars in air shipments over the past 47 years with recent shipments to Qatar, Kazakhstan, Peru, Barbados and others.

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
3. Mail to April Nesbit, City Manager's Office, PO Box 1111, Statesville, NC 28687

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

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Name: Roger Bejcek Date of Application: May / 24 / 2022
Home Address: 920 Argyle Ct WARD: 4
Email Address: roger@rogerbejcek.com Contact Phone No: 336-215-2670
Do you reside in the City of Statesville? Yes No Length of Residence: 49 3
Years Months
Occupation: Retired Employer: NA
Available for Daytime Meetings: Yes No Currently Serving on Another Board: Yes No
Education: BSME, MBA

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: 05 / 02 / 1945 Male: Female: Race: Caucasion

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

I learned a lot about our community during my unsuccessful bid for city council at large.

When I saw this opportunity I felt compelled to continue my efforts to serve the citizens of this great city.

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

St John's Lutheran Church, past president, Paul Harris Fellow Rotaty Club of Greater Statesville,

Statesville Chamber of Commerce, Volunteer 5th Street Ministries.

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

Served 8 years Iredell County Planning Board, VP Economic Development Chamber of Commerce (This was in the early 1990s)

Manufacturing & Retail Management, Business Development, Product Development

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Name: Robert Hanway Date of Application: May / 23 / 2022
Home Address: 106 Knollcrest Ln WARD: n/a
Email Address: jrh@webUSA.us Contact Phone No: 704-644-3527
Do you reside in the City of Statesville? Yes No Length of Residence: 8 9
Years Months
Occupation: retired Employer: IBM Kodak Westinghouse FCC ++
Available for Daytime Meetings: Yes No Currently Serving on Another Board: Yes No
Education: BSEE, JD

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: 10 / 23 / 1940 Male: Female: Race: white

Please provide a brief statement outlining why you wish to serve:
Want to keep busy in retirement with things where I can use some of my knowledge and experience.

Please list current and previous service to the community, civic clubs, activities, and talents:
Treasurer for the HOA where I live; Radio operator with local amateur radio club involved with disaster communications training.

Please list any areas of expertise, interests, and skills:
Aircraft pilot with fixed wing and commercial balloon license; Registered Patent Attorney; Registered Professional Electrical Engineer;
General Contractor's License (NC); Former owner and President of out-of-state public utility co.

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FOR THE CITY OF STATESVILLE, NC**

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Name: David L. Bullins Date of Application: 5 / 19 / 2022

Home Address: 125 Crabapple Lane WARD: _____

Email Address: dbullins@mitchellcc.edu Contact Phone No: 704.775.6620

Do you reside in the City of Statesville? Yes No Length of Residence: 13 0
Years Months

Occupation: Director of Public Safety Employer: Mitchell Community College

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

Education: M.S. Fire & Emergency Management Administration

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: 7 / 18 / 64 Male: Female: Race: W

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

Continue service on Board to follow through on projects started over the previous term

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

Rotary Club of Statesville, FAA Part 107 UAS Pilot, Broad Street UMC ,

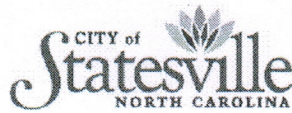
NC Fire & Rescue Certification Board Member, NCCCS Fire Advisory Board member

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

Aviation (previous fixed wing pilot/instrument rating)

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2. Email to anesbit@statesvillenc.net
3. Mail to April Nesbit, City Manager's Office, PO Box 1111, Statesville, NC 28687



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 | Airport Commission | Board of Adjustment |
| Civil Service Board | Community Appearance Commission | Design Review Committee |
| Convention & Visitors Bureau | Historic Preservation Commission | Planning Board |
| Statesville Housing Authority | Stormwater Advisory Commission | |

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

Airport Commission

Name: John J Gorman III Home Phone: 404-964-5855

Home Address: 411 Davie Ave Statesville NC Zip Code: 28677

Ward: 4th

Occupation: Chief Pilot

Business Phone: Same Email: jjgormaniii@gmail.com

Place of Employment: Keselowski Transportion LLC Available for Daytime Meeting: Yes XX No

Race: Sex: Male Age: 55

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.

Business and Civic Experience: 18 years Airline Pilot(part 121), 2 years Chief Pilot (part 135), One year Chief Pilot (part 91). Instructor, check airman, simulator instructor.

Areas of Expertise, interest, skills: Managerial, aeronautical, instructional.

Why do you want to serve? To represent the users, customers and employers of the Statesville Airport.

Date January 12, 2021

Signature: 

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.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: W^m Vaughan, PE, Public Utilities Director
DATE: May 25, 2022

ACTION NEEDED ON: June 06 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider authorizing a waiver to § 23-251 of the City Ordinance to allow installation of a septic system.

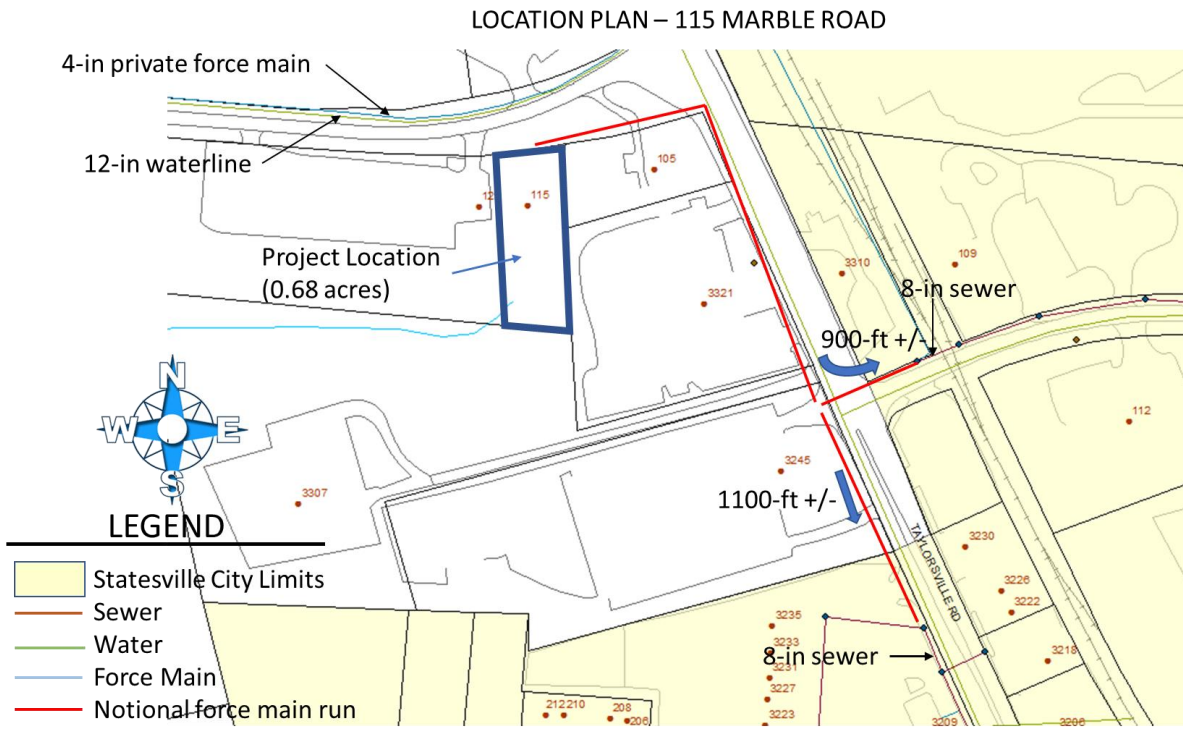
- 1. Summary of Information:** Mr. Quintin Shaw (agent, Hyde Homes), is proposing a 0.68-acre development on Marble Road, PIN 4725413417, for a window and door distribution center. The property would receive water from the City, but sewer would require construction of a private force along Marble Road and Taylorsville Highway for 900 ft +/- (with road bore), or alternately 1100-ft +/-, including easements, to the nearest City sewer manhole.

Sanitary facility requirement for the project requires only two restrooms (business office). The developer proposes to install a septic system (Iredell County Health Department approval) to service two restrooms. The adjacent properties on Marble Road are served by septic systems.

The developer agrees to the following conditions for waiver approval:

1. Immediate annexation.
- 2. Previous Council or Relevant Actions:** None.
- 3. Budget/Funding Implications:** Current property value: \$42,500.
- 4. Consequences for Not Acting:** Loss of tax revenue and water customer.
- 5. Department Recommendation:** Grant conditional waiver to City Ordinance §23-251.
- 6. Manager Comments:** Concur with department recommendation.
- 7. Next Steps:**
 - Annexation.
 - Iredell County Health Department septic permit approval.
 - TRC process
- 8. Attachment:**
 1. Parcel 4725413417 Location Plan
 2. Notional Sketch Plan

Attachment 1: Parcel 4725413417 Location Plan



CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Cindy Sutton, SCVB Executive Director
DATE: May 16, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider appointing two (2) members to the Statesville Convention & Visitors Bureau to fill unexpired terms.

1. Summary of Information: The Statesville Convention & Visitors Bureau Board consists of nine (9) board members in three (3) categories that are appointed by City Council. Mr. Kevin Drako and Ms. Marin Tomlin recently resigned from the SCVB leaving two (2) seats vacant with unexpired terms.

- Category 1 – term expires January 1, 2026 (Drako)
This category consists of individuals who own or operate any occupancy tax paying lodging facility in the City of Statesville.

Applicants:

- Zankhana “Tika” Shah
- Pritesh Nagarji

- Category 2 – term expires January 1, 2023 (Tomlin)
This category consists of individuals who are currently active in the promotion of travel and tourism in the City of Statesville.

Applicant:

- Pete Barger

The SCVB is requesting that Council appoint one (1) applicant for Category 1 and one (1) applicant for Category 2 to fill the unexpired terms.

- 2. Previous Council or Relevant Actions:** None
- 3. Budget/Funding Implications:** None
- 4. Consequences for Not Acting:** The board will have two vacant seats.
- 5. Department Recommendation:** None
- 6. Manager Comments:** None
- 7. Next Steps:** Applicants will be notified of their appointment and term expiration.
- 8. Attachments:**
 1. SCVB Member List
 2. Applications

City of Statesville
Statesville Convention & Visitors Bureau
Meets the Third Tuesday of each month at 9:00 AM
Appointed by City Council

Updated 5/16/22

Name	Address	Phone	Email	Appointed/Reappointed	Expiration
Three individuals who own or operate any occupancy tax paying lodging facility in the City of Statesville:					
Von Patel	PO Box 1919, Huntersville, NC	704-649-6833	abcone@abcinnns.com	December 17, 2018	January 1, 2023
Jay (Jimmy) Patel, Chair	440 Bing Crosby Blvd, Bermuda Run NC	704-224-3625	jpate10730@yahoo.com	February 15, 2021	January 1, 2025
Vacant					January 1, 2026
Four individuals who are currently active in the promotion of travel and tourism in the City of Statesville:					
Vacant					January 1, 2023
Shannon Viera	3716 Wentworth St, Statesville, NC	704-873-2892	sviera@statesvillechamber.org	December 17, 2018	January 1, 2023
Michelle Hepler	373 W Memorial Highway, Harmony, NC	704-902-4284	mhepler@co.iredell.nc.us	February 7, 2022	January 1, 2025
Jay White	1100 East Broad Street, Statesville, NC	704-838-6086	jaywhiterealestate@gmail.com	August 16, 2021	January 1, 2025
Two individuals who are active in the Statesville community and are residents of the City of Statesville:					
Julius Hoke	839 Armstrong Street, Statesville NC	704-450-0911	distuxedo@gmail.com	February 15, 2021	January 1, 2025
Donald Hicks	120 E Sharpe Street, Apt #203, Statesville	704-450-3784	artist4life@yadtel.net	February 7, 2022	January 1, 2025
Non-Voting Ex-Officio (Finance Director of the City of Statesville)					
Brian Roberts	301 S Center Street, Statesville, NC	704-878-3593	broberts@statesvillenc.net		

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

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Name: Zankhana Shah (Tika) Date of Application: 5 / 16 / 2022
 Home Address: 126 Tenth Green Ct. 28677 WARD: 1
 Email Address: tika_shah@hotmail.com Contact Phone No: 951-662-8214
 Do you reside in the City of Statesville? Yes No Length of Residence: 16 0
 Years Months

Occupation: Hotelier Employer: self-employed

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

Education: Pharmacist, Post-graduate Degree

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: / / Male: Female: Race: Indian, Asian

Please provide a brief statement outlining why you wish to serve:
To improve the business environment of our common hotels in Statesville.

Please list current and previous service to the community, civic clubs, activities, and talents:
Continual donations made to Yokefellow, Fifth Street Ministries.
local Food Banks

Please list any areas of expertise, interests, and skills:
Pharmacy degree - prior District Manager of a major retail pharmacy chain.

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

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Name: PRITESH NAGARJI Date of Application: 5 / 10 / 2022
Home Address: 10312 DRAKE HILL DR., HUNTERSVILLE, NC 28078 WARD: N/A
Email Address: PRITESH.NAGARJI@ABCINNS.COM Contact Phone No: 704.965.0110
Do you reside in the City of Statesville? Yes No Length of Residence: 0 0
Years Months
Occupation: COMMERCIAL INVESTOR - HOTEL DEVELOPER/OPERATOR Employer: ABC INVESTMENTS & MANAGEMENT CO.

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

Education: UNC-CHAPEL HILL - BS BIOLOGY, CHEMISTRY, ECONOMICS; SMU SCHOOL OF MEDICINE - MD; HS IB DIPLOMA

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: 1 / 5 / 1983 Male: Female: Race: ASIAN INDIAN

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

I WISH TO SERVE ON THE CVB BOD AS I OWN 2 HOTELS (HILTON GARDEN INN AND COMFORT INN & SUITES) IN STATESVILLE AND POTENTIALLY A 3RD HOTEL TO DEVELOP. MY INSIGHT AND KNOWLEDGE OF THE HOSPITALITY INDUSTRY IS VALUABLE TO PROMOTE TRAVEL AND TOURISM.

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

PAST BOD STATESVILLE CHAMBER (7 YEARS); CHOICE HOTELS OWNERS COUNCIL (CHOC) DIRECTOR FOR NC/SC EXISTING CABARRUS COUNTY CVB BOD (9 YEARS) HTA BOD; CAROLINA ALUMNI COUNCIL; PAST CHAIR AND BOD FOR CHARLOTTE CHAMBER (8 YEARS)

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

MY INTERESTS ARE TO PROMOTE TRAVEL AND TOURISM TO STATESVILLE. HAVING A VESTED INTEREST OWNING HOTELS AND FUTURE INVESTMENTS IN STATESVILLE, AND PLAYING A VITAL PART IN CONTRIBUTING TO THE CVB. I FEEL MY VAST EXPERIENCE

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
3. Mail to April Nesbit, City Manager's Office, PO Box 1111, Statesville, NC 28687

IN THE HOSPITALITY INDUSTRY AND CIVIC INVOLVEMENT WILL ALLOW ME TO ENHANCE THE GOALS OF THE CVB. MY EXPERIENCE SERVING ON VARIOUS OTHER HOSPITALITY AND TOURISM BOARDS HAS ALLOWED ME TO UNDERSTAND THE ECONOMIC IMPACT OUR INDUSTRY CREATES.

**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: Pete Barger Date of Application: 05 / 13 / 22
 Home Address: 3255 S. Chipley Ford Rd. WARD: _____
 Email Address: Pete.barger@southerndistilling.com Contact Phone No: (704) 880-5715
 Do you reside in the City of Statesville? Yes No Length of Residence: 2
 Occupation: Business Owner Employer: Southern Distilling Co.
 Available for Daytime Meetings: Yes No Currently Serving on Another Board: Yes No
 Education: BSEE Humboldt State University, Arcata, CA

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: 4/18/1967 Male: Female: Race: _____

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

As a native of Statesville, I was proud to locate our business in the Statesville community. As our business and the community grow, I see tremendous opportunities with tourism and creating the "Statesville, NC Brand".

That said, leadership and vision will be required to help lead the larger community through the growth process.

I would like to be a part of that leadership team, and believe I have the credentials and experience to be a valued member of the team.

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

Distillers Assoc. of NC (President) 2017-2021, Salace for the Children (President & National Board Member) 2006-2013 (President Emeritus) present,

NC Dept. of Ag. Spiritous Liquor Council (Board Member), St. Patrick's Episcopal Church (Vestry Member) 2007-2010, St. Patrick Episcopal Church (Finance Chair) 2007-2010

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

Brand development, marketing, budget management, budget development, contract negotiation and large-scale project management.

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.

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2. Email to anesbit@statesvillenc.net
3. Mail to April Nesbit, City Manager's Office, PO Box 1111, Statesville, NC 28687

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Finance Director
DATE: May 24, 2022

ACTION NEEDED ON: June 6, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider Approval of Budget Ordinance #2023-1.

1. **Summary of Information:** In accordance with the provisions of the NC General Statutes, the City Manager's Fiscal Year 2022-23 Recommended Budget was presented to the City Council on May 2, 2022. The City Council conducted a duly advertised public hearing on May 16, 2022.

The City Council held one budget work session on May 18, 2022. From this work session, several recommendations were made by Council and have been included in the Budget Ordinance presented here.

2. **Previous Council or Relevant Actions:** Stated above
3. **Budget/Funding Implications:** The annual budget sets forth the expected revenues balanced against expected expenditures for the City's operating funds.
4. **Consequences for Not Acting:** Violation of General Statutes or begin path to interim budget.
5. **Department Recommendation:** Approve as presented
6. **Manager Comments:** Recommend approving as presented.
7. **Next Steps:** Finance staff will install budget into financial software and finalize budget document for submission to GFOA Distinguished Budget Presentation Award
8. **Attachments:**
 1. Budget Ordinance #2023-1
 2. Summary of Budget Changes

ORDINANCE NO _____

**CITY OF STATESVILLE, NORTH CAROLINA
2022-2023 BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of Statesville, North Carolina, In Session Assembled:

Section One. The following amounts are hereby appropriated for the operation of Statesville Government and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023, according to the following summary and schedules.

SUMMARY

FUND	ESTIMATED REVENUE	FUND BALANCE		TRANSFERS	APPROPRIATED
		APPROPRIATED			
General	42,226,500	\$ 3,236,030		\$ 6,108,600	\$ 51,571,130
Airport	2,896,800	6,800		-	2,903,600
Electric	62,711,400	4,446,260		-	67,157,660
Water and Sewer	14,830,000	3,028,700		420,000	18,278,700
Stormwater	2,210,000	58,000		-	2,268,000
Civic Center	215,000	9,000		850,000	1,074,000
	\$ 125,089,700	\$ 10,784,790		\$ 7,378,600	\$ 143,253,090

Section Two. That for said fiscal year there is hereby appropriated out of the General Fund the following:

CODE (010)	GENERAL FUND	AMOUNT
4100	Mayor and Council	\$ 299,449
4200	City Manager	902,435
4300	City Clerk	204,149
4410	Finance - Administration	1,227,779
4420	Finance - Customer Service	634,565
4425	Finance - Purchasing	267,880
4500	Human Resources	585,303
4600	Information Technology - Network	1,206,790
4610	Information Technology - GIS	360,279
4620	Information Technology - Utility Billing	667,602
4700	Legal	150,000
4800	Planning	1,554,445
4900	Main Street	208,000
5100	Police	13,396,756
5300	Fire	8,486,641
5500	Engineering	570,986
5510	Garage	1,025,960
5530	Street	2,236,921
5535	Street - Construction	800,000
5540	Warehouse	6,121,874
5580	Sanitation	2,806,831

6210	Recreation - Administration	629,605
6220	Recreation - Athletics	789,308
6225	Recreation - Statesville Fitness and Activity Center	760,022
6230	Recreation - Programs	502,131
6235	Recreation - Leisure Pool	281,669
6240	Recreation - Parks	2,645,879
6245	Recreation - Public Grounds and Cemeteries	1,062,030
6600	Transfer	1,071,760
6610	Special Appropriations	114,081
TOTAL GENERAL FUND APPROPRIATIONS		\$ 51,571,130

Section Three. It is estimated that the following revenues will be available in the General Fund for fiscal year beginning July 1, 2022, and ending June 30, 2023:

<u>CODE (010)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Ad Valorem Taxes	\$19,643,500
	Other Taxes and Licenses	50,000
	Unrestricted Intergovernmental	12,517,000
	Restricted Intergovernmental	1,334,000
	Permits and Fees	135,000
	Sales and Services	1,810,000
	Investment Earnings	10,000
	Miscellaneous	111,000
	Debt Proceeds	6,616,000
	Reimbursements and Internal Charges	6,004,300
	Transfers	104,300
	Fund Balance	3,236,030
TOTAL GENERAL FUND REVENUES		\$51,571,130

*Reimbursements include a \$500,000 transfer from the Electric Fund to the General Fund for street light expenditures.

Section Four. That for said fiscal year there is hereby appropriated out of the Airport Operating Fund the following:

<u>CODE (500)</u>	<u>AIRPORT OPERATING</u>	<u>AMOUNT</u>
	Airport Operating Expenditures	\$ 2,903,600
TOTAL AIRPORT OPERATING FUND APPROPRIATIONS		\$ 2,903,600

Section Five. It is estimated that the following Airport Operating Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing appropriations:

<u>CODE (500)</u>	<u>AIRPORT OPERATING</u>	<u>AMOUNT</u>
	Airport Operating Revenues	\$ 2,903,600
TOTAL AIRPORT OPERATING FUND APPROPRIATIONS		\$ 2,903,600

Section Six. That for said fiscal year there is hereby appropriated out of the Electric Fund the following:

<u>CODE (530)</u>	<u>ELECTRIC FUND</u>	<u>AMOUNT</u>
	Electric Utility Department	\$ 67,157,660
	TOTAL ELECTRIC FUND APPROPRIATIONS	\$ 67,157,660

Section Seven. It is estimated that the following Electric Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing appropriations:

<u>CODE (530)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Electric Revenues	\$ 44,555,000
	Investment Earnings	-
	Other Revenues	2,156,400
	Debt Proceeds	16,000,000
	Fund Balance Appropriated	4,446,260
	TOTAL ELECTRIC FUND REVENUES	\$ 67,157,660

Section Eight. That for said fiscal year there is hereby appropriated out of the Water and Sewer Fund the following:

<u>CODE (550)</u>	<u>WATER AND SEWER FUND</u>	<u>AMOUNT</u>
5581	Sewer Maintenance	\$ 1,772,096
5582	Water Maintenance	1,975,014
8220	Water Purification	5,786,300
8230	Third Creek Wastewater Treatment	3,124,607
8240	Fourth Creek Wastewater Treatment	5,620,683
	TOTAL WATER & SEWER FUND APPROPRIATIONS	\$ 18,278,700

Section Nine. It is estimated that the following Water and Sewer Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing appropriations:

<u>CODE (550)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Sewer Revenues	\$ 8,863,000
	Water Revenues	5,497,000
	System Development Fees	420,000
	Investment Earnings	50,000
	Other Revenue	-
	Debt Proceeds	-
	Transfers	420,000
	Fund Balance Appropriated	3,028,700
	TOTAL WATER AND SEWER FUND REVENUES	\$ 18,278,700

Section Ten. That for said fiscal year there is hereby appropriated out of the Stormwater Fund the following:

<u>CODE (570)</u>	<u>STORMWATER FUND</u>	<u>AMOUNT</u>
	Stormwater Department	\$ 2,268,000
	TOTAL STORMWATER FUND APPROPRIATIONS	\$ 2,268,000

Section Eleven. It is estimated that the following Stormwater Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing Stormwater Fund expenditures:

<u>CODE (570)</u>	<u>STORMWATER FUND</u>	<u>AMOUNT</u>
	Stormwater Fees	\$ 2,210,000
	Other Financing Sources	58,000
	TOTAL REVENUES	\$ 2,268,000

Section Twelve. That for said fiscal year there is hereby appropriated out of the Civic Center Fund the following:

<u>CODE (580)</u>	<u>CIVIC CENTER FUND</u>	<u>AMOUNT</u>
	Civic Center	\$ 1,074,000
	TOTAL CIVIC CENTER FUND APPROPRIATIONS	\$ 1,074,000

Section Thirteen. It is estimated that the following Civic Center Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing appropriations.

<u>CODE (580)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Fees and Other Revenue	\$ 215,000
	Transfers from Occupancy Tax Fund	850,000
	Fund Balance	9,000
	TOTAL CIVIC CENTER FUND REVENUES	\$ 1,074,000

Section Fourteen. That for said fiscal year there is hereby appropriated out of the Secondary E-911 Fund the following:

<u>CODE (240)</u>	<u>SECONDARY E911</u>	<u>AMOUNT</u>
	Secondary E-911 Department	\$ 8,000
	TOTAL SECONDARY E-911 FUND APPROPRIATIONS	\$ 8,000

Section Fifteen. It is estimated that the following Secondary E-911 Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing appropriations.

<u>CODE (240)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Intergovernmental Revenue	\$ 8,000
	TOTAL SECONDARY E-911 FUND REVENUES	\$ 8,000

Section Sixteen. There is hereby levied for the fiscal year ending June 30, 2023 the following rates of taxes on each (\$100) assessed valuation of taxable property as listed as of January 1, 2022 for purpose of raising the revenues from the current year's property tax as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations.

TOTAL TAX RATE PER ONE HUNDRED DOLLARS (\$100)	
APPRAISED VALUATION FOR GENERAL FUND	<u>\$ 0.5478</u>
SERVICE TAX DISTRICTS:	
Downtown Service Tax District	0.1000
City-wide tax rate	<u>0.5478</u>
Total Downtown Service Tax District tax rate	0.6478
Woods Drive Dam Municipal Service District	0.2100
City-wide tax rate	<u>0.5478</u>
Total Woods Drive Dam Municipal Service District tax rate	0.7578
SOLID WASTE FEE:	
Annual Fee of	<u>\$ 60</u>

The General Fund rate is based on an estimated total appraised value of property of \$3,483,100,000 at a 99% collection rate. Downtown Service Tax rate is based on an estimated total appraised value of property of \$105,661,115 at a 98% collection rate. Woods Drive Dam Service District is based on an estimated total appraised value of property of \$2,312,900 at a 100% collection rate.

Household Solid Waste Fees will be added on all 2022 tax bills for each residence of the City of Statesville. "Residence" means property used or, if vacant, designed to be used as a residential dwelling for one or more persons, whether or not the property is also used for non-dwelling purposes, excluding commercial uses. The term includes mobile homes, single family, multi-family, and other structures used or designed to be used as residential. There can be multiple residences within a single structure, such as apartments, duplexes, town houses or condominiums. The Household Solid Waste Fee is to be collected in the same manner as property taxes in accordance with G.S. 160A-314.1.(b), and it will be collected when delinquent in the same manner as delinquent real property taxes. It is estimated that \$600,000 will be available for the fiscal year July 1, 2022 through June 30, 2023.

Section Seventeen. The following balanced financial plan is approved for the Risk Management Fund of the City of Statesville for fiscal year beginning July 1, 2022 and ending June 30, 2023, according to the following estimated revenues and appropriations.

Section Eighteen. That for said fiscal year there is hereby appropriated out of the Risk Management Fund the following:

<u>CODE (600)</u>	<u>RISK MANAGEMENT FUND</u>	<u>AMOUNT</u>
	Risk Management Department	<u>\$ 7,982,000</u>
	TOTAL EXPENDITURES	<u>\$ 7,982,000</u>

Section Nineteen. It is estimated that the following Risk Management Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing Risk Management Fund expenditures:

<u>CODE (600)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	City Contributions-Property and Liability	\$ 1,504,000
	City Contributions-Group Health	5,794,800
	Employee cost sharing	683,200
	Interest Income	-
	TOTAL REVENUES	\$ 7,982,000

Section Twenty. The following amounts are hereby appropriated for the operation of the City of Statesville's Occupancy Tax Fund for fiscal year beginning July 1, 2022 and ending June 30, 2023, according to the following estimated revenues and appropriations.

Section Twenty-one. That for said fiscal year there is hereby appropriated out of the Occupancy Tax Fund the following:

<u>CODE (210)</u>	<u>OCCUPANCY TAX FUND</u>	<u>AMOUNT</u>
	Reimbursements to the General Fund	\$ 20,800
	Distributions to Convention and Visitors Bureau	212,500
	Transfers to the Civic Center Fund	850,000
	Future Capital and Debt Service	-
	TOTAL APPROPRIATIONS	\$ 1,083,300

Section Twenty-two. It is estimated that the following Occupancy Tax Fund revenues will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023 to meet the foregoing Occupancy Tax Fund expenditures:

<u>CODE (210)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Occupancy Tax Receipts	\$ 1,083,300
	TOTAL REVENUES	\$ 1,083,300

Section Twenty-three. The fees, rates and charges as shown in Attachment A are amended effective as of July 1, 2022 for the purpose of billing and raising revenues as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations.

Section Twenty-four. The Budget Officer is hereby authorized to transfer appropriations within a fund contained herein

- a. He may transfer amounts between objects of expenditure within a department without limitations.
- b. He may transfer amounts between departments of the same fund with an official report of such transfers to the City Council.
- c. He may make interfund loans as he deems necessary.
- d. He may make expenditures and/or transfers from appropriations as he deems necessary.

Section Twenty-five. Copies of this budget Ordinance shall be furnished to the Finance Officer and the Budget Officer of the City of Statesville, North Carolina, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Adopted this 6th day of June, 2022.

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk



**Airport Commission Minutes
Statesville Regional Airport – Conference Room
May 11, 2022 – 12:00pm**

The Statesville Airport Commission met on Wednesday, May 11, 2022 at the Statesville Regional Airport in the Terminal Building Conference Room.

- Members Present:** Steve Johnson, David Bullins (via phone), Bob Saltzman, Todd Bodell, Mike Colyer
- Members Absent:** Gene Houpe
- Staff Present:** John Ferguson, April Nesbit
- Others Present:** Jeff Kirby, John McCalmont, Bob Thompson

Roll Call & Approval of Minutes

Chairman Steve Johnson called the meeting to order and asked if there was discussion or a motion to approve the April 13, 2022 Airport Commission meeting minutes.

Bodell stated that he seconded the motion to adjourn at the April 13th meeting as Colyer was not present.

Mike Colyer made a motion to approve the April 13, 2022 Airport Commission meeting minutes with the amendment to the motion to adjourn, seconded by Bob Saltzman. The motion carried unanimously.

Discussion of Airport Clearway – Jeff Kirby

Kirby stated that some questions came up regarding the clearway. Around three (3) years ago the FAA made changes to the takeoff weight. A clear way is a three-dimensional surface over top of the safety area surface that improves the take off. A safety is a flat two-dimensional surface. There are only 3-4 clearways in the country. The plans were submitted to FAA. They are working on changes to the electrical, and to find additional funds through the state to pay for this. Last week they were able to get funds from the state that will not come out of non-entitlement funds. Once completed, the airport clearway will benefit all tenants with takeoff.

Colyer asked if the FAA approved this. Kirby said that state approved it and they have not been given any reason as to why the FAA would not approve. They coordinated with both the state and FAA and brought them up to speed. The ALP had to be updated. If there are any other costs associated with this other than what was presented, we will have to get proposals. We will know by the end of the month. The only downside to receiving the extra funds from the state is that it must be used by the end of this month. We have put everything into high gear. Ferguson added that this was presented to City Council on May 2, 2022 and they approved it. We will take the grant and budget amendment back to Council once we get the letter from the state.

FBO & Airport Operations Update – Ferguson

- Operations report presented.
 - 27,873 operations
 - Total landings – 14,088
 - Total takeoffs – 13,785
- Fuel sales beat March and April fuel sales for the previous year. Jet fuel is well above last year and AVGAS is well below.
- Freight has started back up again. Not as heavy as the end of last year.
- Expecting second payment of the \$250k in next couple of weeks. Using for GPUs, LED lights, hangar curtain, and other operational expenses.
- Runway lights are all in. New vault is up and running. Should see a reduced power bill in the next few months.
- Generator is on back order and due in July.

Current Airport Projects Update – Jeff Kirby & Jon McCalmont

- Safety Area Project/Kirby – still waiting on retaining wall. Finally received another approach to help accomplish this – drive piles two feet from center line of runway and get the dirt work in; once 400ft safety area is complete we can change the declared distances and make some goals. They are doing this at no cost. At Completion this project is looking at \$400k in liquidated damages. Sent letter about the retaining wall to try to get them moving. This is the letter you would send before including an attorney.
- East Corporate Area/Kirby – finished paving. Working on final close out.
- Navaid/McCalmont – Subcontractor will be coming in to do some work.
- Lighting project/ McCalmont – finished by end of this week. Concrete pads are around the runway lights.
- Vault/ McCalmont – up and running. Hoping to see generator in July but nothing guaranteed. Received 2 change orders. Includes mouser fixtures that have been ordered and will be here by August.
- Eldorado Road land acquisition/Kirby – run into a snag. DOT wants to see updated appraisals on the property. Closed on 3 of 9 properties.
- Runway 10 Projection Zone acquisition/Kirby – appraisals complete and coming in around 2 times the tax value. Will not have enough funds to purchase all. Moving forward with purchasing vacant property owned by Ms. Jewel. Will be working north from there. Property owned by Mr. Sigmon will not be purchased due to lack of funds. Will seek funds from state.
- East Corporate Hangar/Kirby – architectural work underway. No bid date set for the project at this time.
- Taxiway Bravo will be opened up by the end of the week.

Old Business

None

Consideration of other business to be brought to the attention of the commission

None

Adjournment

There being no further business to discuss, Colyer made a motion to adjourn, seconded by Saltzman. The motion carried unanimously.

**DESIGN REVIEW COMMITTEE MEETING
CITY HALL – COUNCIL CHAMBERS
MAY 12, 2022 @ 2:00PM**

Members present: John Marshall, Scott Zanotti, Rebecca Jones, Chuck Goode

Absent: Bryan George

Staff present: Marci Sigmon, April Nesbit

Council present: None

Others: Andrea Chadwick, Jason Cole

Chairman Goode called the meeting to order and stated that DRC Application 22-09 would be moved to the beginning of the agenda.

Consider Design Review Application, DRC 22-09, from Smokin’ Southern Cantina restaurant to place new seating furniture in the outdoor dining area in front of the building located at 121 North Center Street; Tax Map 4734-96-7110.

Marci Sigmon gave the following staff report:

Background: The structure located at 121 North Center Street is a two-story brick Romanesque Revival style commercial building with pilasters dividing the nine-bay façade into five major sections. The structure served as the Henkel Livestock Company encompassing addresses 119 – 125 North Center Street and was built between 1895 and 1905. The first story has round-arched entrances and the second story has round-arched windows. At the center section, the parapeted cornice is taller than on the sides. Windows in the building vary from segmented-arched side windows, and round and segmental-arched windows and large doorways at the rear. The rear is a slightly later addition which is elaborate with vertical and horizontal brick dividing elements creating flat brick panels with projecting brick crosses. The property is zoned CB and is currently occupied by Smokin’ Southern Cantina restaurant. Zoning overlays include the Downtown Overlay District and is subject to review by the DRC.

Request: The owners of the Smokin’ Southern Cantina, Jason Cole and Andrea Chadwick, at 121 West Broad Street, Suite 103, are requesting to replace the current outdoor dining furniture with new outdoor furniture. The existing outdoor furniture was approved and placed into use around March 2021. Currently, the furniture is rusting, and the paint coating is peeling. The owners are asking to place new outdoor furniture, which is colored in the color scheme of the restaurant, in the outdoor dining area. The new furniture is a resin material and carries a lifetime guarantee to not fade, chip, peel, warp, or rust. The colors are specified as teal, green, orange, and yellow. Please see the attached photos for furniture texture and style. The resin product will be located on the sidewalk in front of the restaurant along North Center Street. The design guidelines state outdoor dining tables and chairs shall be appropriate with the restaurant theme and/or color scheme.

Committee Review:

Before rendering a decision, the committee should reference design guidelines:

Page 33-34: Chapter 5: Outdoor Dining; Section B. Furniture and Fixtures, Item 1 – Types of Furniture

Page 34-35: Chapter 5: Outdoor Dining; Section B. Furniture and Fixtures, Item 2 – Tables

Page 35: Chapter 5: Outdoor Dining; Section B. Furniture and Fixtures, Item 3 – Chairs

Chairman Goode asked if anyone that would like to speak in favor of the project.

Andrea Chadwick stated that these were the tables and chairs that they wanted to use when the restaurant originally opened, but the covid pandemic started and production stopped. They are now able to get these. The gentleman that owns the manufacturing company also came out and measured the slope of the sidewalk. He is building the table and chairs accordingly.

Marshall asked if high winds could blow the table and umbrellas over. Chadwick stated that they will be weighted to avoid blowing over.

Zanotti asked if the tables would be different colors. Jason Cole stated that the tables will be different colors, but each individual table will have the same color base and tabletop.

Zanotti asked if they were the same size as the current tables. Chadwick stated that they were very close in size.

Goode asked how many total tables there would be. Cole stated that there would be a total of seven (7) tables.

Goode asked if the lattice screen dividers staying would remain. Cole stated that they anticipate taking it down and using it at Broad Street Burger. They are considering using a nautical rope to coordinate with the décor of the restaurant.

Marshall made a motion to approve Design Review Application, DRC 22-09, seconded by Zanotti.

Rebecca Jones asked to be recused from the vote.

Chairman Goode stated that Rebecca Jones would be recused from the vote.

Chairman Goode stated that he felt the colors were bold, and doesn't know of any other furniture in the area that is this bold. Based on the guidelines, it says that colors can go along with restaurant themes. Andrea stated that these do match the restaurant's colors.

Goode stated that the banners and ropes have been added to the application. Sigmon stated that staff could approve this at a later date if need be. Goode said if they add it now it would avoid the applicant having to come back again.

Marshall amended his motion to include area with posts and nautical rope of a natural color. The motion carried unanimously.

Jones rejoined the meeting.

Goode advised that approval of the minutes from the March 10, 2022 and the April 14, 2022 DRC meetings would be postponed to the June 2022 meeting.

Other Business

Goode requested that Sigmon have Reverend McKaskel come back to DRC and have the roofing color approved by the committee in regard to DRC Case 22-05, located at 731 Shelton Avenue.

Sigmon stated that the next meeting would be June 9, 2022.

Adjournment

Zanotti made a motion to adjourn, seconded by Marshall. The motion carried unanimously.



**Historic Preservation Commission Called Meeting Minutes
April 27, 2022 - City Hall Council Chambers - 7:00 p.m.**

Present: Jessica Arnold, Dea Mozingo-Gorman, Brittany Marlow, Agnes Wanman, Glenn Setzer, Anna Campbell, John MacPhail

Absent: David Richardson, Don Underhill

Staff: Marci Sigmon, Lori Deal

Others: Ronald Crum, Barry Edwards

Roll Call & Swearing In

Vice-Chair Wanman called the meeting to order, welcomed new member Anna Campbell, and called the roll.

Wanman swore in all those that planned to speak, Marci Sigmon, Ron Crum, and Barry Edwards.

Approval of minutes

Setzer made a motion to approve the January 27, 2022 Historic Preservation Commission meeting minutes as presented, seconded by Gorman. The motion carried unanimously.

Consideration for a Certificate of Appropriateness COA22-07 submitted by Mr. Joseph Murray to remove the rear addition on the house, demolish the rear yard garage, restore two exterior chimneys, install a new driveway and parking pad, secure the house foundation, and replace all the existing windows with new windows on the property located at 518 South Race Street; Tax Map 4734-83-3083.

Marci Sigmon gave the following Staff Report:

Background

The house located at 518 South Race Street is identified as the J.W.C. Long House in the historic survey and constructed ca. 1920. The structure is a one- and one-half story frame, triple-pile, gambrel-front dwelling with wood shingles in the upper story of the front façade and weatherboarding below. The house has a three-bay façade and a hip-roofed porch with slightly tapered posts on brick piers. The windows were identified in the historic survey as one-over-one paired and single windows throughout the house. Mr. Long was a postmaster. The historic survey was conducted during 1994.

Request

The owner, Mr. Joseph Murray, is requesting to (numbers relate to numbered items in the HPC Application):

- Remove the back area addition on the house. The owner states this part of the house is not original to the house. This area is located on the rear of the house and the applicant states

the foundation of the addition is decrepit and the roof over this part of the house is leaking throughout. In addition, the ceiling is all falling apart in the addition area. (Request #1)

- Demolish the garage in the rear yard. The owner states the existing garage is not original to the home, falling apart, and a dangerous eye sore to the property. (Request #2)
- Restore two exterior chimneys on the house. There are evidence two chimneys were modified down to the roofline of the house. The owner is consulting with local historians to determine what one of the chimneys may have looked like in its original form. (Request #3)
- Secure the building foundation. The foundation has some areas between the piers which are failing and need rehabilitation. The owner is requesting to use cement blocks to stabilize the foundation in needed areas and conceal the cement blocks with sand-finished stucco. (Request #6)
- Replace existing windows with new wood windows to match the correct era of the house. The applicant states the existing windows appear to be standard, storm windows which appear not to be original to the house. In addition, it appears some original windows are still in the house and appear to be three over one in design. The owner plans to replace all the windows in accord with the Historic Preservation Standards as well as abide by the fire code for bedroom windows to be at least thirty-six inches wide by sixty inches tall. (Request #7)
- Revising the driveway and adding a parking pad has been removed from the application request after further investigation on the property. (Request #5)

Commission Review

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 5 Relocation, Demolition, & Securing Buildings, Pages 55-56: B. Demolition of Buildings, Chapter 3 Changes to Building Exteriors, Pages 28-29: C. Masonry & Stone: Foundations & Chimneys, Chapter 3 Changes to Building Exteriors, Pages 36-38: H. Windows and Doors

Vice-Chair Wanman declared the public hearing open.

Wanman asked if demolition of the back portion of the house and the garage will require approval from City Council and Sigmon stated yes. Setzer asked if the house will be single family or a duplex and Sigmon stated the owner has communicated to her single family.

Gorman asked if trees in the photos will be removed and Sigmon stated staff and the city arborist can approve tree removal.

Ronald Crum, with Eagle General Contracting, stated exterior siding and cedar shakes on the house will be replaced like the originals with the same style, design, and texture and the house interior will be updated. There are two rear additions on the house that do not meet code and are beyond repair.

MacPhail asked if the three over one style windows will be replaced with the same and Crum stated they will be replaced with three over one wooden, double pane, energy efficient windows.

Setzer asked if both exterior chimneys will be restored and Crum stated they will be restored to the original state. Setzer asked what is behind the boarded-up opening above the rear addition and Crum stated he does not know, but it will be closed in with wood siding.

Gorman asked how the replacement windows will retain the original features and Crum stated the oldest three over one window will be used as a guide for all the windows. MacPhail asked if storm windows will be used and Crum stated no.

Setzer asked if the upper shakes on the front of the house will be replaced and Crum stated they are beyond repair and will be replaced with like for like shakes. Setzer asked if the roof is tin and Crum stated yes. The roof is in fair condition and he would like to save it if possible and paint it to prevent rust.

MacPhail asked if the shutters on the front of the house will be replaced and Crum stated he can have them made, but they are the only shutters on the house and are not original.

Barry Edwards stated the house was previously converted into two apartments and the rear additions were built to maximize the apartment space. The kitchen ceiling in the rear addition is low at seven feet tall. The replacement windows should be true divided light and snap in grills do not meet guidelines. The replacement windows are double pane, so storm windows are not needed and the wood on the windows and house will have to be maintained. Shutters on the window on the front of the house are not appropriate, but a window box should be added.

Setzer asked how the back of the house will be finished when the additions are demolished and Crum stated there are no pictures of what it looked like before, so he will add a small back porch similar to style of the front porch. Wanman stated the new rear porch design will have to be approved by the Historic Preservation Commission and Crum agreed. Gorman added a new garage or outbuilding to replace the ones demolished would also have to be approved by the Historic Preservation Commission.

Findings of Fact

Wanman stated that the Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Findings of Fact results are as follows for each item:

Request #1 - Remove the back area addition on the house:

1. The historic character of the property will be retained and preserved.
Yes – Unanimous
2. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.
N/A – Unanimous
3. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.
N/A – Unanimous
4. Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.
N/A – Unanimous
5. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.
N/A – Unanimous

Gorman made a motion to approve COA22-07 to remove the remove the back area addition to the house, as presented, with the condition the demolition is done with care and any original features uncovered during demolition be preserved and any additional building will be brought before the commission citing guideline 4 and 5. Marlow seconded the motion. The motion carried unanimously. Wanman stated for the record the demolition approval is advisory to the City Council.

Request #2 – Demolish the garage in the rear yard:

1. The historic character of the property will be retained and preserved.
Yes – Unanimous
2. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.
N/A – Unanimous
3. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.
N/A – Unanimous
4. Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.
N/A – Unanimous
5. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.
N/A – Unanimous

Setzer made a motion to approve COA22-07 to demolish the garage in the rear yard, as presented, citing B. Demolition of buildings: 6. Gorman seconded the motion. The motion carried unanimously. Wanman stated for the record the demolition approval is advisory to the City Council.

Request #3 – Restore two exterior chimneys on the house:

1. The historic character of the property will be retained and preserved.
Yes – Unanimous
2. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.
Yes – Unanimous
3. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.
N/A – Unanimous

4. Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.

N/A – Unanimous

5. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.

Yes – Unanimous

Marlow made a motion to approve COA22-07 to restore two exterior chimneys on the house, as presented with the condition that the design of the intact chimney be followed closely and the new chimneys be of historically appropriate brick or stone material, citing Guideline C:1,5,8,10,12. Setzer seconded the motion. The motion carried unanimously.

Request #4 – Secure the building foundation:

1. The historic character of the property will be retained and preserved.

Yes – Unanimous

2. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.

Yes – Unanimous

3. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.

N/A – Unanimous

4. Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.

N/A – Unanimous

5. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.

Yes – Unanimous

Gorman made a motion to approve COA22-07 to secure the building foundation, as presented, citing C. Masonry & Stone: Foundations and Chimneys, Guideline 12. Campbell seconded the motion. The motion carried unanimously.

Request #5 – Replace existing windows with new wood windows to match the correct era of the house:

1. The historic character of the property will be retained and preserved.

Yes – Unanimous

2. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old

in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.

Yes – Unanimous

3. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.

N/A – Unanimous

4. Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.

N/A – Unanimous

5. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.

Yes – Unanimous

Arnold made a motion to approve COA22-07 to replace existing windows with new wood windows to match the correct era of the house, as presented with the condition the windows are true divided light, three over one, the same dimension, and uniform, citing H. Guideline 1,3,6. Gorman seconded the motion. The motion carried unanimously.

There being no further discussion, Vice-Chair Wanman declared the public hearing closed.

Other Business

The presentation of National Registry Plaques to homeowners will be moved to the next meeting.

Sigmon announced that the May HPC meeting will be held on Thursday, 5/26/22.

Sigmon stated the Preservation North Carolina Conference has been announced for October 27-28, 2022 in Winston-Salem, and is on a regular HPC meeting night.

Sigmon stated the owner of 531 Walnut Street was issued permits and work began but has stopped due to an illness. The owner has been instructed to board up the doors and windows to secure the property and the Minimum Housing Inspector has been in contact with him regarding violations and to develop a plan for repairs.

There being no other business, Vice Chair Wanman asked for a motion to adjourn.

Setzer made a motion to adjourn, seconded by Arnold. The motion carried unanimously.



Technical Review Committee Meeting
City Hall, 227 S. Center Street – 2nd Floor Conference Room
May 18, 2022 – 9:00am

City Staff: David Cole – Planning, Charles Jenkins – Fire, Steve Bridges – Public Works, Bill Schmahl – IT/GIS, Clyde Fox – Water/Sewer Maintenance, Randall Moore – Stormwater, Chris Sloan – Electric, Matthew Pierce – CMO, Regina Hoke – BVCC, April Nesbit – CMO

County Staff: None

Others: Matthew Erich, Peyton Woody, Scott Bell, Mike Lovette, Scot Bletzold, Kay Church, Tiana Marbuery, Denise Rush, Patrick Murphy

Media: None

1. Call to Order and Introductions

David Cole called the meeting to order. He advised that the One Drive link that is used to send out the agenda and plans now expires after seven (7) days. This was a change made by IT and the Planning Department plans to talk with them about extending the time. Until then, please start downloading the plans to your computer to avoid having issues with an expired link. This will change once we go to the new program with the County. Also, Matthew Kirkendall previously requested that comments be sent to the him prior to the TRC meeting. This helps with meeting preparation, and also with getting the minutes and comment sheets to the applicants in a timely manner.

Plan Reviews

2. Hidden Lakes Phase 7 Map 1 – Final Plat

Regina Hoke – BFCC

- If any model homes, common areas and/or homes built on site will have an irrigation system the backflow office must be contacted before installation.
- Backflow preventer must be installed to city details and a passing test report sent to our office before the irrigation system is used and final CO is approved.
- Any model homes, common areas – call Regina. Make sure all supers know.

Steve Bridges – Public Works

- As-builts of all utilities (water, sewer, power), stormwater, and road connections will need to be presented to the city once complete on a flash drive in “.pdf” and “AutoCAD” format.

Bill Schmahl – GIS

- Will needs as-builts sent to department once plat if finalized.

Randall Moore – Stormwater

- Sheet 2 – SCM & the SCM access and maintenance easement must be located outside of the 25’ undisturbed buffer.
- Note on plans who is responsible for maintenance of SDE lots – HOA or property owner.

Bill Vaughan – Public Utilities

- Use current specs for water and sewer from the City's website.

David Cole – Planning

- Add space for printed name underneath all owner and developer signature lines (this will apply to all plats moving forward).
- Add a maintenance easement for the areas where the HOA-maintained retaining wall encroaches onto private property.
- Lot 362 is smaller than 7,500 square feet, which is the minimum size in the neighborhood. This must be resolved on the mylar by recombining a portion with one of the adjoining lots.
- Addition note: Phasing does not appear to match the lines on the approved Construction Drawings – Staff would like to see a new phasing plan for the project.

Steve Bridges made a motion to approve Hidden Lakes Phase 7 Map 1 final plat contingent upon the Stormwater change on Sheet 2 regarding the maintenance easement, Stormwater note on plan of is responsible for maintenance of SDE lots, developer signature lines on plat, maintenance easement for HOA maintained retaining wall, and lot 362 size correction. The motion was seconded by Regina Hoke and carried unanimously.

3. Martha's Ridge Phase 2 Map 3 – Final Plat

Regina Hoke – BFCC

- NOTE: If any model homes, common areas and/or homes built on site will have an irrigation system the backflow office must be contacted before installation.
- Backflow preventer must be installed to city details and a passing test report sent to our office before the irrigation system is used and final CO is approved.
- Need test results from Model home with irrigation service that was not reported.

Steve Bridges – Public Works

- As-builts of all utilities (water, sewer, power), stormwater, and road connections will need to be presented to the city once complete on a flash drive in “.pdf” and “AutoCAD” format.

Bill Schmahl – GIS

- Will needs as-builts sent to department once plat if finalized.

Randall Moore – Stormwater

- Note on plans who is responsible for maintenance of SDE lots – HOA or property owner.

Bill Vaughan – Public Utilities

- Use current specs for water and sewer from the City's website.

David Cole – Planning

- Add space for printed name underneath all owner and developer signature lines (this will apply to all plats moving forward).

Randall Moore made a motion to approve contingent upon the Stormwater note and signature line for developers, seconded by Steve Bridges. The motion carried unanimously.

4. P22-13 Doosan Bobcat, 1293 Glenway Drive – Site Plan

Cole stated that there are no representatives for this project.

Regina Hole – BFCC

- No Comments—plans are for fuel storage and distribution of fuel lines.

Clyde Fox – W/S Maintenance

- The location map was blurred. If conflicts with water/sewer they will need to be relocated by the developer.

Randall Moore – Stormwater

- Need to know if this impervious area is included in previous approval for stormwater. If not, will need updated calcs, proposed impervious and proposed ERUs on plans.
- Need to know if this will discharge into the storm drain system or sanitary sewer. Need to know if there will be an oil water separator.
- Clyde Fox – they cannot have open drain going into the sewer.

Charles Jenkins – Fire

- Construction doc and a permit will be required.

Tabled for revisions.

5. P22-14 Parker Hannifin, 149 Crawford Road – Site Plan

Regina Hoke – BFCC

- After speaking w/ Scott Bell and Kyle Teeter w/ Parker Hannifin Corp. there will be a water connection to the testing ovens and may need to have isolation RP BFAs installed for protection or the 3” domestic will need to be changed to an RP BFA.
- Parker Hannifin was given a BFA Clearance on 6/8/2021 with the following comments.....
- The existing 3” domestic DC BFA will need to be upgraded to an RP BFA if there will be water used in processing.
- On the irrigation system there is a Double Check backflow assembly (DC BFA) installed below ground, this is not the correct type of BF for an irrigation system, so if this DC BFA starts to fail it will need to be replace with a Reduced Pressure Backflow Preventer (RP BFA), brought above ground, and installed to city details.
- Added this note on 5/17/2022, if the existing fire line Double Check Detector Assembly (DCDA) starts to fail then this BFA will need to be replace with a Reduced Pressure Detector Assembly (RPDA), brought above ground, and installed to city details.

Randall Moore – Stormwater

- Need to update impervious area on plans.

David Cole – Planning

- Dumpster enclosure will not be required.

Randall Moore made a motion to approve contingent upon updated impervious areas being added to the plan, seconded by Steve Bridges. The motion carried unanimously.

6. P22-15 U-Haul – Configuration 1

Regina Hoke – BFCC

- Correct address is 1530 East Broad Street
- Need to see utility plans, is the new proposed building going to have water and if so, this building will need to add a reduced pressure backflow assembly (RPA BF). Also, if the new building is required to have a sprinkler system installed then a Reduced Pressure Detector Check backflow assembly (RPDA BFA) would be needed for protection. On the existing sprinkler system inside the old Kmart section, there will need to be an agreement if this area can still be on a shared line with the rest of the strip mall or will U-Haul need to add their own fire line tap and add their own RPDA BFA. What exactly will be needed will be determined after utility plans are submitted.
- Everything required on BFAs will precede on Life and Safety issues.

- Inside the existing building we need to know if the existing backflow assemblies (BFAs) will be relocated or remain in the same locations.
- At this time inside the existing building there is a 1.5" RPA BF on the domestic service line located in the far-right corner of the building. This BFA must remain or if the BFA needs to be moved our office must approve new location. Also, on the existing Fire Line there is a 2.5" RPA BF located near the ceiling at the back rear of the building for the anti-freeze line. This BFA must remain or if the BFA needs to be moved our office must approve new location.
- The PM for this site tests the existing BFAs. Next tests are due by 7/8/2022.

Steve Bridges – Public Works

- Include indoor and outdoor storage in the trip generation.

Clyde Fox – W/S Maintenance

- Existing utilities
- Meet city specs and standards

Randall Moore – Stormwater

- No stormwater requirement if in existing impervious area.

Chris Sloan – Electric

- If no changes to the electric load, should be fine as is.

Bill Vaughan – Public Utilities

- If the property changes hands we will need to know who will maintain. Establish a separate fire suppression assembly unless have an agreement with the property owner.
- If another building, could be a conflict with the utilities.

Charles Jenkins – Fire

- Need construction and occupancy type.
- Unsure if need sprinklers at this time.

David Cole – Planning

- Need parking lot calculations for entire shopping center. All uses must be broken out (Food Lion, this storage facility, etc) alongside their respective parking minimums, and how much parking on site is actually allocated to each. Staff needs to verify that, by splitting the lot and adding a new use, there is enough parking.
- Plan needs to identify the total square footage of storage space on site (in both upfitted and new buildings); this is how the parking will be calculated.
- All outdoor storage areas proposed for vehicles, trailers, and material must be identified on the plan. Motorized rental vehicles can use standard parking spaces, but these spaces still need to be identified separately on the plan, and cannot count towards the parking requirements. Trailer/material storage areas must be identified, and shown as screened from public view with landscaping or materials similar to the building. If located to the rear of the building, the storage area must still be identified.
- All outdoor dumpsters must be shown and clearly labelled. If any dumpsters are to be located in view from a public street or the parking area, it must be screened from view with materials similar to the building.
- Add a note to plans that "all signage to be permitted separately."
- The two small storage buildings in the front must comply with City architectural standards for nonresidential buildings (UDC Section 6.08).
 - Dimensions of new structures (footprint & height) must be shown on the site plan and elevations, respectively.

- On facades longer than 100', 20% of the façade area must incorporate recesses and projections (UDC Section 6.08.J.1).
- Facades facing public streets must have 60% of their horizontal length covered by windows, awnings or arcades, regardless of overall façade length (UDC Section 6.08.J.1).
- Facades longer than 100' must incorporate repeating design pattern and material change at intervals no greater than 30' (UDC Section 6.08.J.1).
- Rooflines cannot be monotonous (UDC Section 6.08.I.2).
- If the owner intends to subdivide the property, a minor final plat must be signed by City staff and recorded with the register of deeds.
- The City discourages the use of the “faux” window signage on the old K-Mart building; this contradicts the aesthetic of the shopping center area.
- The City encourages the addition of visual barriers (landscape/concrete islands) to separate the U-Haul parking area from the remainder of the shopping center, and to control circulation.
- Following TRC site plan approval, next steps will include securing a zoning clearance from our office, then building permit approval, for both the upfit/change of use of the K-Mart Building, and the construction of the new buildings in the parking lot.

Tabled for revisions.

7. P22-16 U-Haul – Configuration 2

Regina Hoke – BFCC

- Correct address is 1530 East Broad Street
- Need to see utility plans, is the new proposed building going to have water and if so, this building will need to add a reduced pressure backflow assembly (RPA BF). Also, if the new building is required to have a sprinkler system installed then a Reduced Pressure Detector Check backflow assembly (RPDA BFA) would be needed for protection. On the existing sprinkler system inside the old Kmart section, there will need to be an agreement if this area can still be on a shared line with the rest of the strip mall or will U-Haul need to add their own fire line tap and add their own RPDA BFA. What exactly will be needed will be determined after utility plans are submitted.
- Everything required on BFAs will precede on Life and Safety issues.
- Inside the existing building we need to know if the existing backflow assemblies (BFAs) will be relocated or remain in the same locations.
- At this time inside the existing building there is a 1.5” RPA BF on the domestic service line located in the far-right corner of the building. This BFA must remain or if the BFA needs to be moved our office must approve new location. Also, on the existing Fire Line there is a 2.5” RPA BF located near the ceiling at the back rear of the building for the anti-freeze line. This BFA must remain or if the BFA needs to be moved our office must approve new location.
- The PM for this site tests the existing BFAs. Next tests are due by 7/8/2022.

Steve Bridges – Public Works

- Include all storage units in the trip docs.

Clyde Fox – W/S Maintenance

- Existing utilities
- Meet city specs and standards

Randall Moore – Stormwater

- No stormwater requirement if in existing impervious area.

Chris Sloan – Electric

- Will need to bring pipe to us and provide pad and bite.
- Will need connecting load.

Bill Vaughan – Public Utilities

- If the property changes hands we will need to know who will maintain. Establish a separate fire suppression assembly unless have an agreement with the property owner.
- If another building, could be a conflict with the utilities.

Charles Jenkins – Fire

- Need construction and occupancy type.
- Unsure if need sprinklers at this time.

David Cole – Planning

- Need parking lot calculations for entire shopping center. All uses must be broken out (Food Lion, this storage facility, etc) alongside their respective parking minimums, and how much parking on site is actually allocated to each. Staff needs to verify that, by splitting the lot and adding a new use, there is enough parking. Staff is concerned that this submittal does not incorporate enough parking. A shared or satellite parking agreement may be acceptable per [Section 6.03.G-H](#).
- The revised site plan needs to better address parking lot circulation, and formalize the large “open space” adjacent to the new buildings.
- Plan needs to identify the total square footage of storage space on site (in both upfitted and new buildings); this is how the parking will be calculated.
- All outdoor storage areas proposed for vehicles, trailers, and material must be identified on the plan. Motorized rental vehicles can use standard parking spaces, but these spaces still need to be identified separately on the plan, and cannot count towards the parking requirements. Trailer/material storage areas must be identified, and shown as screened from public view with landscaping or materials similar to the building. If located to the rear of the building, the storage area must still be identified.
- All outdoor dumpsters must be shown and clearly labelled. If any dumpsters are to be located in view from a public street or the parking area, it must be screened from view with materials similar to the building.
- Add a note to plans that “all signage to be permitted separately.”
- The large new building in the front must comply with City architectural standards for nonresidential buildings ([UDC Section 6.08](#)).
 - Dimensions of new structures (footprint & height) must be shown on the site plan and elevations, respectively.
 - On facades longer than 100’, 20% of the façade area must incorporate recesses and projections (UDC Section 6.08.J.1).
 - Facades facing public streets must have 60% of their horizontal length covered by windows, awnings or arcades, regardless of overall façade length (UDC Section 6.08.J.1).
 - Facades longer than 100’ must incorporate repeating design pattern and material change at intervals no greater than 30’ (UDC Section 6.08.J.1).
 - Rooflines cannot be monotonous (UDC Section 6.08.I.2). Specifically, the roofline needs to better incorporate cornices, parapets, or other detailing per UDC Section 6.08.I.1.
 - The building currently has a large single, dominant mass; considering the building’s location and the context of the surrounding area, this needs to be broken up per Section 6.08.F.5.
- If the owner intends to subdivide the property, a minor final plat must be signed by City staff and recorded with the register of deeds.
- The City discourages the use of the “faux” window signage on the old K-Mart building; this contradicts the aesthetic of the shopping center area.
- The City encourages the addition of visual barriers (landscape/concrete islands) to separate the U-Haul parking area from the remainder of the shopping center, and to control circulation.
- Following TRC site plan approval, next steps will include securing a zoning clearance from our office, then building permit approval, for both the upfit/change of use of the K-Mart Building, and the construction of the new building in the parking lot.

- UDO will change and 2nd reading will be held on June 6th. Will be able to get this approved under the current UDO. If this plan expires, you will not be able to resubmit for this project in this area.

Tabled for revisions.

8. Stamp Only

- Wallace Springs Amenity Center
 - 1st Resurrection Church
- Please sign before leaving.

9. Other Business:

None

10. Adjourn

Randall Moore made a motion to adjourn, seconded by Steve Bridges. The motion carried unanimously.