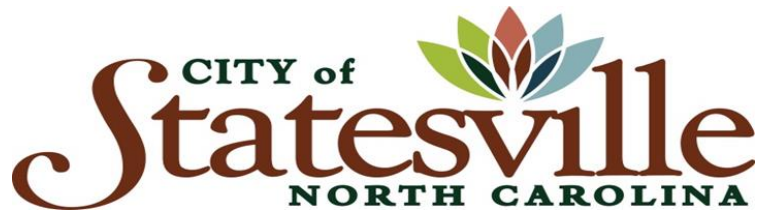


REVISED



CITY COUNCIL MEETING AGENDA

AUGUST 15, 2022

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

OLD BUSINESS

- 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 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 July 18, 2022 Pre-Agenda and Council meeting minutes and the August 01, 2022 Pre-Agenda and Council meeting minutes.** *(Fugett) Pg. 7, 14, 24, 28*
 - B. Consider approving 2nd reading of ordinance AX22-12 to annex a property located on Baker Street, PIN #4724-64-7278 by the Movement Group, Inc.** *(Ashley) Pg. 36*
 - C. Consider approving 2nd reading AX22-13, an ordinance to annex the Helmsman Homes Properties located on Holly Street and Greencrest Lane, PIN #'s 4724-76-1172, 4724-76-1083, and 4724-76-0343.** *(Ashley) Pg. 37*
 - D. Consider approving 2nd reading of AX22-14, an ordinance to annex a property located on US 70/Business Park Drive/E. Old Well House Road, PIN #4763-91-3905, owned by GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC.** *(Ashley) Pg. 38*
 - E. Consider approving 2nd reading of rezoning request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification # 4754-23-6335**

from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi-Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District. *(Ashley)*
Pg. 40

REGULAR AGENDA

- VII Mayor Kutteh – Acknowledge exiting Council Members William Morgan and John Staford.**
- VIII Other Business**
- IX Closed Session**
- X Adjournment**

NEW BUSINESS

- I Call to Order**
- II Swearing in of re-elected Mayor, Constantine H. Kutteh, Council members, C.O. “Jap” Johnson, Doris Allison, and Steve Johnson, and newly elected Council members, Joe Hudson, and Kimberly Wasson, by Superior Court Judge Joseph N. Crosswhite.**
- III Election of Mayor Pro-Tempore**
- IV Presentations & Recognitions** *(Only at Council Meeting) Pg. 43*
 - 1. Recognition of Steve Hampton as recipient of the Ward 6 Community Award.
 - 2. Proclamation – Stop the Violence Cookout
- V Public Comment** *(Only at Council Meeting)*
- VI Consent Agenda** – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.
 - A. Consider approving Budget Amendment #2023-03 which uses a fund balance appropriation to allow for the rollover of outstanding purchase orders.** *(Roberts) Pg. 45*
 - B. Consider approving the transfer of \$96,222.28 from the Drug Enforcement Fund to the Police Department Capital Account 010.5100.7400, for the purchase of 14 surveillance cameras, and approval of Budget Amendment #23-04.** *(Onley) Pg. 49*
 - C. Consider approving an ordinance establishing a “No Parking Zone” on a portion of Washington Avenue affecting access to 755 Washington Ave.** *(Onley) Pg. 51*

- D. Consider approving a Joint Economic Development Agreement between the City of Statesville and NP BGO NC Park Statesville, LLC and Northpoint Development, LLC. *Pg. 61*

REGULAR AGENDA

- VII Conduct a public hearing and consider approving first reading of rezoning request ZC22-19 for the property located on US 64 and Marble Road; Iredell County Tax Parcel Identification #4725-31-8928; from RA (Residential Agricultural) and B-5 (General Business) districts to the LI (Light Industrial) District. *(Ashley) Pg. 77*
- VIII Conduct a public hearing and consider approving a *Resolution of Closure* and a *Declaration of Withdrawal* to permanently close a portion of an unopened, dedicated right-of way known as Birdsey Street. *(Ashley) Pg. 81*
- IX **Advisory Boards and Commissions Meeting Minutes** *Pg. 93*
1. 06/09/2022 Design Review Committee Meeting Minutes
 2. 06/23/2022 Historic Preservation Committee Meeting Minutes
 3. 07/26/2022 Planning Board Meeting Minutes
- X **Other Business**
- XI **Closed Session** *(After Pre-Agenda if needed)*
- XII **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.

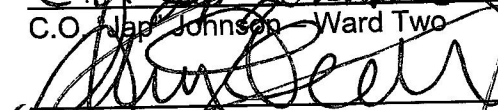
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

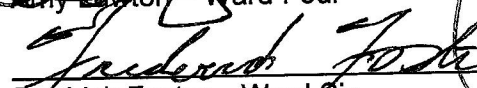
I affirm that I have read and understand the City of Statesville Code of Ethics



Constantine H. Kutteh, Mayor



Steve Johnson – At Large


C.O. Ward 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

MINUTE BOOK 29, PAGE
CITY OF STATESVILLE PRE-AGENDA MEETING – JULY 18, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.

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

Council Absent: None

Staff Present: Smith, Messick, Fugett, Ashley, Pierce, Nesbit, Sprinkle, Roberts, Harrell, Shelton, Bridges, Weatherman, Onley, Taylor, Griggs, Kurfees, Everette, Gregory, Francica

- I. Call to Order**
Mayor Kutteh called the meeting to order.
- II. Invocation** (Only at Council Meeting)
- III. Pledge of Allegiance** (Only at Council Meeting)
- IV. Adoption of the Agenda** (Only at Council Meeting)
- V. Code of Ethics**
- VI. Presentations & Recognitions** (Only at Council Meeting)
Proclamation – Recognition of 32nd Anniversary of the Americans with Disabilities Act
Proclamation – National Health Center Week
Proclamation – Recognition of Parks and Recreation Month
- VII. Public Comment** (Only at Council Meeting)
- VIII. Consent Agenda – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.**

Mayor Kutteh reviewed the Consent Agenda.

A. Consider approving the 5/16/2022 Council meeting minutes and the 06/20/2022 Council meeting minutes.

Council member Stafford stated that on page 19 of the packet it should state “the City needs to provide Code and Police enforcement to support the private investments of the people in the neighborhood” not “that the city should invest in the neighborhood”. On page 33 the reason he, Jap and Fred voted against the statue was not because of the location, but because of the spending. On page 45 it should state “staff to look for grants” not “funds”.

B. Consider approving 2nd reading of AX22-09, an ordinance to annex properties located on 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, owned by SL Statesville LLC. (Ashley)

- C. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation for AX22-12, PIN #4724-64-7278 located on Baker Street, owned by Movement Group, Inc; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution setting the date of August 1, 2022, for a public hearing for the Petition for Annexation. (Ashley)
- D. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation for AX22-13, PIN #'s 4724-76-1172, 4724-76-1083, and 4724-76-0343; Helmsman Homes Properties; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution date of August 1, 2022, for a public hearing for the petition for annexation. (Ashley)
- E. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation for AX22-14, PIN #4763-91-3905, GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC at US70/Business Park Drive/E. Old Well House Road; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution setting the date of August 1, 2022, for a public hearing for the Petition for Annexation. (Ashley)
- F. Consider approving a Resolution of Intent to permanently close a portion of an unopened, dedicated right-of way known as Birdsey Street, and schedule a public hearing for August 15, 2022. (Ashley)
- G. Consider approving Budget Amendment #2023-01 to increase the overall budget of the Fund 215 – Home Consortium Fund and authorizing payment to Statesville Housing Authority (SHA). (Roberts/Hicks)
- H. Consider approving an updated Lot Bank Agreement with Duke Energy. (Shelton)
Mayor Kutteh stated that in the proposed agreement, the Electric Department requests the right to serve 89 lots in Wallace Springs Subdivision that are within Duke's corridor rights. Duke's representatives are agreeable to this request. From time-to-time utilities enter into such agreements to avoid unnecessary duplication of resources inside a subdivision. In 2006, the City relinquished service rights of some lots to Duke Energy; the current balance is 66 lots in favor of the City. The request, if approved, would move the balance closer to "zero" as Duke would be owed 23 lots in a future development.
- I. Consider approving an updated rate schedule for taxi cabs operating within the City of Statesville. (Pierce)
Mayor Kutteh said that at the June 20, 2022 meeting, city council approved a request to update taxi fares and fees during the annual review of rates. That review occurs during the review of annual budget material in the spring of each year. In response to recent spikes in gas prices, staff recommends updating the fee schedule now in order 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. The City of Charlotte and the City of Raleigh are currently considering an update to the rates. The proposed rates are comparable to those proposed for the City of Charlotte. The primary changes are as follows:

1. Change in the base rate from \$2.50 for the first half mile to \$3.00 to pull the flag
2. Change in the rate per mile from \$2.40/mile to \$3.00/mile
3. Shift from per mile unit from 0.125 to 0.2 to make understanding mileage easier for customers
4. Addition of a cleanup fee (\$50.00)

J. Consider accepting a temporary construction easement for NCDOT project #480189 (bridge construction on Jennings Road (SR 1892)). *(Vaughan)*
Council member Staford asked that this item be moved to the Regular Agenda.

REGULAR AGENDA

- IX. Conduct a public hearing and consider approving first reading of rezoning request ZC22-07 for a portion of a property located on West Front Street at Miller Avenue; Iredell County Tax Parcel Identification #4734-26-4328 (portion); from LI (Light Industrial) District to the B-5 CZ (General Business Conditional Zoning) District.**
Mayor Kutteh stated that Teramore Development, LLC on behalf of Diamond Coal Co., is requesting to rezone a 1.49-acre portion of a 5-acre parcel in anticipation of a proposed Dollar General retail store. The property is within the existing City limits. The applicant is requesting to rezone the portion of the subject parcel from the LI (Light Industrial) District to the B-5 CZ (General Business Conditional Zoning) District. This is a conditional zoning proposal and is subject to conditions.
- X. Conduct a public hearing and consider approving first reading of rezoning request ZC22-09 for the property located on US 70/Newton Drive at Candy Drive; Iredell County Tax Parcel Identification #4724-62-6702; from CU-22 LI (Light Industrial) conditional use zoning district to the R-10 (Urban Low Density Residential) District.**
Mayor Kutteh stated that Locke Lane Properties, LLP requests rezoning for the subject parcel from CU-22 LI (Light Industrial) conditional use zoning district to the R-10 (Urban Low Density Residential) District. This is a standard rezoning proposal, and not subject to conditions. This property is located within the City's Extra-territorial jurisdiction (ETJ).ds
- XI. Conduct a public hearing and consider approving first reading of rezoning request ZC22-11 for a property located on US 70/Salisbury Hwy near Business Park Drive; Iredell County Tax Parcel Identification #4763-91-3905; from Iredell County RA (Residential Agricultural) district to City of Statesville HI (Heavy Industrial) District.**
Mayor Kutteh stated that Nelson Mullins, LLP requests rezoning on behalf of GRP 1770 Union Ave., LLC and GRP 1780 Union Ave., LLP for the subject parcel from Iredell County RA (Residential Agricultural) district to City of Statesville HI (Heavy Industrial) District. This is a standard rezoning proposal, and not subject to conditions. This property is located in Iredell County's jurisdiction. This property was purchased by GRP 1770 Union Ave., LLC and GRP 1780 Union Ave., LLP from Gordon Brothers following submittal of the application for this rezoning case. The applicant represents the new property owner.
- XII. Conduct a public hearing and consider approving first reading of rezoning request ZC22-13 for a City-owned property located on Winston Avenue; Iredell County Tax Parcel Identification #4734-60-4580; from R-5 MFM (High Density Multi-Family/Manufactured Housing Residential District) district to the HI (Heavy Industrial) District.** *(Ashley)*

Mayor Kutteh stated that the Planning Department is requesting to rezone the subject parcel, totaling approximately 11.9 acres, from the R-5 MFM (High Density Multi-Family/Manufactured Housing Residential District) district to the HI (Heavy Industrial) District for a public use facility and garage/warehouse governmental known as “Statesville – Warehouse Operations Center. This is a standard rezoning proposal, and not subject to conditions. This property is within the city limits.

XIII. Conduct a public hearing and consider approving first reading of rezoning request ZC22-14 for a property located on US 70/Newton Drive at Baker Street; Iredell County Tax Parcel Identification #4724-64-7278; from R-20 (Suburban Residential) District to the R-10 (Urban Low Density Residential) District. (Ashley)

Mayor Kutteh stated that Movement Group, Inc. is requesting to rezone a single tax parcel for a residential subdivision. Annexation into the City will be required for future development requiring public utilities and will follow this rezoning request if approved. The applicant is requesting to rezone the subject parcel, totaling approximately 18.1 acres, from the R-20 (Suburban Residential) District to the R-10 (Urban Low Density Residential) District. This is a standard rezoning proposal, and not subject to conditions. This property is within the City’s Extra-territorial jurisdiction (ETJ); therefore, annexation is not required at this time, but a petition has been submitted.

XIV. Conduct a public hearing and consider approving first reading of rezoning request ZC22-16 for a portion of a parcel located on South Lackey Street; Iredell County Tax Parcel Identification #4734-43-5913 (portion); from R-5M (High Density Single-Family/Manufactured Housing Residential) District to the B-5 (General Business) District. (Ashley)

Mayor Kutteh said that Metro Storage Cleveland, LLC is requesting to rezone a portion of a parcel for expansion of the adjoining self-storage business. The applicant is requesting to rezone the rear 0.359-acre portion of the total 0.6-acre parcel from the R-5M (High Density Single-Family/Manufactured Housing Residential) District to the B-5 (General Business) District. This is a standard rezoning proposal, and not subject to conditions. The applicant proposes that the front portion of the 0.234-acre tract (with an existing single-family rental home that meets setbacks) will remain R-5M.

XV. Conduct a public hearing and consider approving first reading of rezoning request ZC22-17 for three properties located at 3517, 3523 & 3529 Cambridge Place; Iredell County Tax Parcel Identification #s 4765-32-3788, 4765-32-5716 & 4765-32-6724; from Iredell County R-20 (Rural Residential) District to Statesville R-15 (Urban Fringe Low Density Residential) District. (Ashley)

Mayor Kutteh stated that this is a city-initiated rezoning necessitated by an annexation request (approved by City Council on June 20, 2022 that became effective June 30, 2022) on behalf of the owner, Helmsman Homes, to obtain City sewer service to the properties. The parcels will be used residentially for single-family home construction. The properties are currently zoned Iredell County R-20 (Rural Residential) District. Staff recommends the properties be rezoned to the City of Statesville’s R-15 (Urban Fringe Low Density Residential) district, which is the designation in use for all other parcels in the Brookmeade residential subdivision that are within the City’s jurisdiction. The subject properties are contiguous to the primary corporate limits of the City of Statesville. Until annexation, the property was in Iredell County’s jurisdiction.

XVI. Conduct a public hearing and consider approving first reading of AX22-02, an ordinance to annex the property located on Johnson Drive near Buffalo Shoals

Road, PIN #4734-21-9473, owned by NAR Services Inc. (Ashley)

Mayor Kutteh stated that the property being considered for annexation has been submitted by NAR Services Inc. The 4.75-acre parcel is requested for annexation and is located on Johnson Drive near Buffalo Shoals Road. This parcel is currently undeveloped; however, the applicant proposes to develop the parcel as an auto repossession yard. The parcel is currently zoned HI (Heavy Industrial) District; repossession site is similar in nature to a wrecker/tow service yard, which is a permitted land use in this zoning district. The parcel is outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction (ETJ); and the applicant requests voluntary annexation to utilize City utilities.

XVII. Conduct a public hearing and consider approving first reading of AX22-03, an ordinance to annex properties located on Buffalo Shoals and Park Drive, PIN #'s 4734-11-0248, 4723-89-7998, 4734-10-0436, 4734-20-1073, 4734-20-4406 & 4733-09-8888. (Ashley)

Mayor Kutteh stated that the property being considered for annexation has been submitted by BRD Land & Invest, LP on behalf of Dorothy Bell Davis & Davis Buffalo Properties. The six parcels totaling 209.54-acres, are requesting annexation, and are located on Buffalo Shoals Road and Park Drive. The property is the subject of current rezoning case ZC22-02, and the developer is proposing to develop a 499-unit single-family residential neighborhood on the property. The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation to utilize City electric, sewer, and water services. These parcels were rezoned with conditions on June 6, 2022.

XVIII. Conduct a public hearing and consider approving first reading of AX22-11, an ordinance to annex properties located on Glenway Drive, PIN #4745-77-4735 Clark Equipment Co./dba Doosan Bobcat Property. (Ashley)

Mayor Kutteh stated that the property being considered for annexation has been submitted by Clark Equipment Co. DBA Doosan Bobcat. The 62.12-acre parcel is requested for annexation and is located on Glenway Drive. The property is a part of the current expansion project of the Doosan Bobcat plant. The expansion project was approved (on a contingent basis) at the June 2, 2021 TRC meeting. The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation to utilize City sewer, water, and fire services.

XIX. Consider approving 2nd reading of rezoning request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification # 4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District. (Ashley)

Mayor Kutteh stated that on May 2, 2022 the public hearing was held, and council voted unanimously to approve first reading of the rezoning as presented with the addition of two car garages for each home, the addition of a community swimming pool, and changing the language from "brick and stone" to "brick or stone". Council agreed by consensus that better ingress/egress must be found before 2nd reading. The applicant has submitted additional information regarding a connection to Abernathy Avenue and a "DRAFT" TIA. Staff recommends approval contingent upon Council's three additions from May 2, 2022:

1. Each house will have a two-car garage
2. A community swimming pool will be provided

3. Applicant may change “brick and stone” to “brick or stone”

In regard to the connection to Abernathy Avenue, the applicant has provided a connection plan and profile that indicates this connection would be steep and have substantial construction issues. In addition, there is a 10' spite strip at the end of Abernathy Avenue and the 2019 Mobility + Development Plan indicates a collector street to the west. The “Draft” TIA was submitted on July 5, 2022, however Planning, Engineering and NCDOT did not have a chance to review prior to the packet deadline, but it includes the connection to Ora Drive.

XX. Consider approving 2nd reading of an ordinance to demolish the dwelling as unfit for human occupancy located 522 Stockton Street. (Ashley)

Mayor Kutteh stated that 2nd reading was postponed at the March 21, 2022 meeting until July. Photos taken on June 23, 2022 and July 5, 2022 indicate that there have been workers on-site. The trees have been removed. A gravel driveway has been installed, some debris/construction materials have been placed in a dumpster, the front window has been boarded and the property has been cleaned up around the foundation. A portion of the brick foundation has been removed.

XXI. Consider appointing one regular member to the Historic Preservation Commission.

Mayor Kutteh stated that one appointment is available due to the resignation of Historic Preservation Commission member, Ms. Brittany Marlow. The new member will need to be appointed to fill her term, which expires December 31, 2023. There are four applicants to choose from to fill the position.

XXII. Consider reappointment or appointment to the Board of Adjustment to fill one regular member's expiring term ending on June 30, 2022. (Ashley)

Mayor Kutteh said that the 3-year term for one regular Board of Adjustment member is expiring on June 30, 2022. City Council may reappoint the existing member or appoint a new member from the active applications on file with the City Clerk's office. The current regular member whose term is expiring is David Steele, who is the acting chairman. One additional person has provided an application signifying interest in serving on the Board of Adjustment: Peter Varvaris. Both applications are attached. Both reside within Statesville's city limits.

The Unified Development Code requires the Board of Adjustment to consist of the following:

- Six regular members who reside within city limits
- One regular member who resides within the ETJ (who is appointed by the Iredell County Commissioners)
- Two alternates
- It is also recommended (not required) that the Iredell County Commissioners appoint one additional alternate member who resides within the ETJ to serve in the place of the regular ETJ member during his/her absence

As noted in previous Council Action Requests, the regular member position on the Board of Adjustment from the Extraterritorial Jurisdiction (ETJ) has been vacant since October 23, 2020. The County has been asked for a new member, and the City's Public Affairs Director has placed several requests for interested residents of the ETJ in the City's media outlets.

Council member Stafford suggested reappointing David Steele and moving this item to the Consent Agenda. He said that this board has had problems achieving a quorum and would like Council to consider adding a third alternate to alleviate this issue. Mayor Kutteh said this is definitely worth looking into. He asked staff to investigate adding another alternate.

Council member Allison said she would like to leave this item on the Regular Agenda.

Ron Smith stated that staff has been waiting on an agreement from NCDOT to split the cost to fix the sinkhole on Center Street. The cost is going to be around \$200,000. The City's portion of \$100,000 will be taken from Stormwater funds. NCDOT will require that a \$25,000 down payment to begin the work. Staff can wait until the August 1st meeting to bring the agreement to Council to review and approve or give him the authority to execute the agreement to fix the sinkhole on Center Street. Allowing him to execute the agreement will reduce the time of the process by two weeks. The City Attorney as well as the Public Works Director and Engineer/Asst. City Manager Scott Harrell will all review the agreement as well before its execution.

Council member Foster made a motion to give Ron Smith the authority to execute the NCDOT Agreement to fix the sinkhole on Center Street, seconded by Council member Allison. The motion carried unanimously.

XXIII. Boards and Commission Meeting Minutes

06/08/2022 Airport Commission Meeting Minutes

06/01/2022 TRC Meeting Minutes

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

Council member Allison made a motion to move to Closed Session in accordance with NCGS 143-318.11(a)(3), to consult with the City Attorney, discuss pending litigation, and NCGS 143-318.11(a)(5) to discuss the donation of five city owned parcels to an organization for them to build affordable housing. The motion was seconded by Council member J. Johnson and carried unanimously.

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

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

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk

MINUTE BOOK 29, PAGE
CITY OF STATESVILLE COUNCIL MEETING – JULY 18, 2022
CITY HALL, 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.

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

Council Absent: None

Staff Present: Smith, Messick, Fugett, Ashley, Pierce, Nesbit, Sprinkle, Roberts, Harrell, Shelton, Bridges, Weatherman, Onley, Taylor, Griggs, Kurfees, Everette, Gregory, Francica

I. Call to Order

Mayor Kutteh called the meeting to order.

II. Invocation

The City Clerk gave the invocation.

III. Pledge of Allegiance

Mayor Kutteh led the Pledge of Allegiance.

IV. Adoption of the Agenda

Mayor Kutteh advised that Item J on the Consent Agenda was moved to the Regular Agenda and will be after Item XXII. Items X and XIII will be moved to after Item XIX on the Regular Agenda.

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

V. Code of Ethics

VI. Presentations & Recognitions

Proclamation – Recognition of 32nd Anniversary of the Americans with Disabilities Act
Mayor Kutteh read the proclamation and presented it to City of Statesville ADA Director George Campbell.

Proclamation – National Health Center Week
Mayor Kutteh read the proclamation and presented it to Yolanda Myers Johnson.

Proclamation – Recognition of Parks and Recreation Month
Mayor Kutteh read the proclamation and presented it to Recreation & Parks Director Richard Griggs and other staff that were present.

Mayor Kutteh announced that long time City Public Relations Director Nancy Davis is retiring and wished her a happy retirement.

Mayor Kutteh gave updates on the Lowe's hangar, the Larkin Development, and the North Pointe property. The City received \$6.7 million to expand the airport terminal. He thanked Council members J. Johnson and Steve Johnson, Senator Vicki Sawyer and Representative Jeff McNealy for their work getting these funds. A grant was accepted to do a cemetery GPR survey at the Green Street/Garfield Cemetery. The sidewalks on Shelton Avenue are being replaced, this is the first phase of the Highway 115/Shelton Avenue streetscape. Construction will begin on a new fire station in late August. The City has signed all paperwork for the sale of the Vance Hotel. The City finally has an agreement with NCDOT to split the cost to fix the sinkhole on Center Street.

VII. Public Comment

Scott Stevenson, 619 Greenway Drive, said he is looking forward to working with the City on the Fourth Creek Burial Grounds.

S.A. El-Amin, 2038 Ora Drive, said that the Juneteenth celebration this year was a tremendous success, and he hopes the city can participate again next year and make it even more successful. He also spoke about the Greenbriar Road rezoning and his fear of increased traffic on Ora Drive and he does not think it is feasible.

Larry Dillon, 2013 Ora Drive, Spoke about Ora Drive and Greenbriar Road. He said without traffic mitigation it cannot handle any more traffic.

Ed Cothran, 1915 Ora Drive, spoke about increased traffic on Ora Drive and Eastside Drive if Greenbriar Road property is rezoned.

VIII. Consent Agenda

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

A. Consider approving the 5/16/2022 Council meeting minutes and the 06/20/2022 Council meeting minutes.

Council member Staford listed some changes at the pre-agenda meeting.

B. Consider approving 2nd reading of AX22-09, an ordinance to annex properties located on 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, owned by SL Statesville LLC. (Ashley)

C. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation for AX22-12, PIN #4724-64-7278 located on Baker Street, owned by Movement Group, Inc; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution setting the date of August 1, 2022, for a public hearing for the Petition for Annexation. (Ashley)

D. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation for AX22-13, PIN #'s 4724-76-1172, 4724-76-1083, and 4724-76-0343; Helmsman Homes Properties; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution date of August 1, 2022, for a public hearing for the petition for annexation. (Ashley)

E. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation for AX22-14, PIN #4763-91-3905, GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC at US70/Business Park Drive/E. Old Well House Road; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution setting the date of August 1, 2022, for a public hearing for the Petition for Annexation. (Ashley)

F. Consider approving a Resolution of Intent to permanently close a portion of an unopened, dedicated right-of way known as Birdsey Street, and schedule a public hearing for August 15, 2022. (Ashley)

G. Consider approving Budget Amendment #2023-01 to increase the overall budget of the Fund 215 – Home Consortium Fund and authorizing payment to Statesville Housing Authority (SHA). (Roberts/Hicks)

H. Consider approving an updated Lot Bank Agreement with Duke Energy. (Shelton)

I. Consider approving an updated rate schedule for taxi cabs operating within the City of Statesville. (Pierce)

J. Consider accepting a temporary construction easement for NCDOT project #480189 (bridge construction on Jennings Road (SR 1892). (Vaughan)

Council member Staford asked that this item be moved to the Regular Agenda at the Pre-Agenda Meeting.

XXII. Consider reappointment or appointment to the Board of Adjustment to fill one regular member's expiring term ending on June 30, 2022. (Ashley)

At the Pre-Agenda meeting Council member Staford suggested reappointing David Steele, appointing Peter Varvaris as an Alternate member and moving this item to the Consent Agenda. Council members agreed and moved this item to the Consent Agenda.

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

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

REGULAR AGENDA

IX. Conduct a public hearing and consider approving first reading of rezoning request ZC22-07 for a portion of a property located on West Front Street at Miller Avenue; Iredell County Tax Parcel Identification #4734-26-4328 (portion); from LI (Light Industrial) District to the B-5 CZ (General Business Conditional Zoning) District.

Sherry Ashley stated that Teramore Development, LLC on behalf of Diamond Coal Co., is requesting to rezone a 1.49-acre portion of a 5-acre parcel in anticipation of a proposed Dollar General retail store. The property is within the existing City limits. The applicant is requesting to rezone the portion of the subject parcel from the LI (Light Industrial) District to the B-5 CZ (General Business Conditional Zoning) District. This is a conditional zoning proposal and is subject to conditions. The current total taxable value of the entire 5-acre subject parcel is approximately \$117,980. The applicant estimates that their investment in the project would be approximately \$1.5M. City of Statesville sewer, water and electrical services are available to the property. The property could be developed under the existing LI zoning regulations. The 2045 Land Development Plan projects the property as suitable for development within the guidelines of the Redevelopment Corridor character intent. The applicant has offered conditions that illustrate the design of the proposed retail building and site, will provide vegetated bioretention cells to address the stormwater runoff, thereby improving the aesthetics of the site within a Strategic Focus Area/Gateway of the city. All utilities are available to the site. Therefore, staff recommends approval of the rezoning request with the following conditions (1-2) and staff recommended revisions (3-5), shown on a revised Concept Plan:

1. Stormwater detention facilities will consist of approved bioretention cell(s) that are appropriate for the aesthetics of the corridor and meet the infrastructure requirements of the City Stormwater program.
2. Structures will be constructed per the elevations and renderings provided.
3. Concept Plan revised to include landscape improvements and required 'Type D' screening buffers per Sec. 6.04 Table 1.
4. Concept Plan revised to include Conditional Zoning applicant adherence signature block.
5. Conceptual elevations to be revised to meet the City's architectural standards found in UDC Section 6.08.J.

Mayor Kutteh declared the public hearing open.

Developers Ben Hinnie and Jennifer Edwards came forward and further described the project explaining that Teramore is the developer, and they lease the building back to Dollar General.

Mayor Kutteh asked if the same front façade materials could be used on this store as what was used on the store on Shelton Avenue. The developer replied that if that is what Council wants, then they can do it.

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

Council member Staford made a motion to approve first reading of ZC22-07 as presented except that the same front façade, brick, will be used as the store on Shelton Avenue, seconded by Council member J. Johnson. The vote was as follows:

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

Nays: Foster, Allison

Motion Carried: 6-8

Council member Morgan read the following Consistency Statement:

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: the 2045 Land Development Plan projects the property as suitable for development within the guidelines of the Redevelopment Corridor character intent. The applicant has offered conditions that illustrate the design of the proposed retail building and site, will provide vegetated bioretention cells to address the stormwater runoff, thereby improving the aesthetics of the site within a Strategic Focus Area/Gateway Corridor of the city; and all utilities are available to the site.

- X. Conduct a public hearing and consider approving first reading of rezoning request ZC22-09 for the property located on US 70/Newton Drive at Candy Drive; Iredell County Tax Parcel Identification #4724-62-6702; from CU-22 LI (Light Industrial) conditional use zoning district to the R-10 (Urban Low Density Residential) District.** Sherry Ashley stated that Locke Lane Properties LLP (applicant and owner) requests rezoning for the subject parcel from CU-22 LI (Light Industrial) conditional use zoning district to the R-10 (Urban Low Density Residential) District. This is a standard rezoning proposal, and not subject to conditions. This property is located within the City's Extra-territorial jurisdiction (ETJ). No specific site plan has been submitted at this time though residential development is anticipated. Annexation into the city is required for future development requiring public utilities and will follow this rezoning request if approved. The parcel is currently in agricultural use. The lot currently has access from both US 70/Newton Drive and Candy Lane. This parcel currently has the zoning designation of CU-22 LI, which refers to a Conditional Use Zoning Permit associated with Case No 97-13, approved by the City Council in July 1997 on behalf of applicants Robert & Charles Stamey for a Thor-Lo company expansion that did not occur. A conceptual site plan was approved for the future expansion, along with two conditions. The purpose of the R-10 zoning district is to accommodate low density, detached single family residential development in areas where full urban services are available. City of Statesville water and electrical services are available to the property; sewer could be provided by the city upon extension by the developer. If approved, the city will need to provide sanitation, fire, and police services as requested. The parcel is at the fringe of the City's existing developed area in the ETJ, making an increase in density appropriate for consideration. The 2045 Land Development Plan that was adopted on June 6, 2022 projects the property as suitable for Complete Neighborhood 2 development. The request is for standard rezoning of the subject parcel; and any development request would be required to be compatible with the existing adopted plans and regulations and would be contingent on annexation. The new residential development would be more compatible with the existing homes along Candy Drive than the current zoning which allows industrial use. Therefore, staff recommends approval of the rezoning request.

In the Staff Report the City Manager added that although the recommendation from the Planning Board is understandable, from a service provision standpoint, this density makes sense. Over time, it appears this area west of Statesville is going to grow, and therefore require that city services be provided. Large lots are not optimum for efficient sanitation services or water and sewer provision.

Mayor Kutteh declared the public hearing open and asked if anyone wished to speak.

Matt Grant, Engineer, and Mikayla Ward came forward and said they would answer any questions.

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

Council member Morgan made a motion to approve first reading of ZC22-09 as presented, seconded by Council member S. Johnson. The motion carried unanimously. Council member Morgan read the following Consistency Statement:

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: although the 2005 Land Development Plan recommends suitability of this property for low density residential development, development pressure is occurring throughout the City; and the subject parcel is at the fringe of the city's existing developed area in the ETJ, making an increase in density appropriate for consideration with the availability of utilities. The 2045 Land Development Plan that was adopted on June 6, 2022 projects the property as suitable for residential (Complete Neighborhood 2) development. The request is for a standard rezoning of

the subject parcel; and any development request would be required to be compatible with the existing adopted plans and regulations, contingent upon annexation. All utilities are available to the site per extension by developer.

- XI. Conduct a public hearing and consider approving first reading of rezoning request ZC22-11 for a property located on US 70/Salisbury Hwy near Business Park Drive; Iredell County Tax Parcel Identification #4763-91-3905; from Iredell County RA (Residential Agricultural) district to City of Statesville HI (Heavy Industrial) District.** Sherry Ashley stated that Nelson Mullins, LLP requests rezoning on behalf of GRP 1770 Union Ave., LLC and GRP 1780 Union Ave., LLP for the subject parcel from Iredell County RA (Residential Agricultural) district to City of Statesville HI (Heavy Industrial) District. This is a standard rezoning proposal, and not subject to conditions. This property is located in Iredell County's jurisdiction. This property was purchased by GRP 1770 Union Ave., LLC and GRP 1780 Union Ave., LLP from Gordon Brothers following submittal of the application for this rezoning case. The applicant represents the new property owner.

Mayor Kutteh declared the public hearing open and asked if anyone wished to speak.

Brett Hanna stated that they are basically asking for this property to be added to the industrial park.

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

Council member Staford made a motion to approve first reading of ZC22-11 as presented, seconded by Council member J. Johnson. The motion carried unanimously. Council member Morgan read the following Consistency Statement:

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: although the 2005 Land Development Plan and the Future Land Use Map did not contemplate a new section of US 70 fronting this property and making it accessible for further industrial development within/adjacent to the Statesville Business Park, it did indicate industrial development suitability of adjoining parcels. The draft 2045 Employment Center/Industrial Flex development; and heavy industrial use is appropriate for the subject property and compatible with abutting properties. The request is for standard rezoning of the subject parcel; and any development request would be required to be compatible with the existing adopted plans and regulations. This property is adjacent to the Statesville Business Park; access to US 70 is provided by easement via Business Park Drive; and all utilities are available to the site.

- XII. Conduct a public hearing and consider approving first reading of rezoning request ZC22-13 for a City-owned property located on Winston Avenue; Iredell County Tax Parcel Identification #4734-60-4580; from R-5 MFM (High Density Multi-Family/Manufactured Housing Residential District) district to the HI (Heavy Industrial) District. (Ashley)**

Sherry Ashley stated that the Planning Department is requesting to rezone the subject parcel, totaling approximately 11.9 acres, from the R-5 MFM (High Density Multi-Family/Manufactured Housing Residential District) district to the HI (Heavy Industrial) District for a public use facility and garage/warehouse governmental known as "Statesville – Warehouse Operations Center". This is a standard rezoning proposal, and not subject to conditions. This property is within the city limits. This parcel is currently in use as the Iredell County Fire Training Center and for storage. The lot has direct access to Winston Avenue and is immediately west of the City of Statesville's municipal services complex housing the warehouse, transportation garage, sanitation and electric department equipment facilities. If the rezoning is approved, the existing complex will be expanded to include a new Electric Utilities building, maintenance garage, storage building and covered parking shelter on this parcel. The purpose of the HI district is to accommodate industrial uses that are incompatible with general business uses, and to provide appropriate locations for light and heavy industrial uses that may involve outdoor storage, display or operations. City of Statesville sewer, water and electrical service is available to the property.

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

Council member J. Johnson made a motion to approve first reading of ZC22-13, seconded by Council member Foster. The motion carried unanimously. Council member Morgan read the following Consistency Statement:

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: the 2045 Land Development Plan projects the property as suitable for Employment Center/Industrial Flex development, which also reflects the current land use. The request is for standard rezoning of the subject parcel; the site plan will be required to comply with the Unified Development Code; and all utilities are available to the site.

XIII. Conduct a public hearing and consider approving first reading of rezoning request ZC22-14 for a property located on US 70/Newton Drive at Baker Street; Iredell County Tax Parcel Identification #4724-64-7278; from R-20 (Suburban Residential) District to the R-10 (Urban Low Density Residential) District. (Ashley)

Sherry Ashley stated that the Movement Group, Inc. (applicant and owner) is requesting to rezone a single tax parcel for a residential subdivision. Annexation into the City will be required for future development requiring public utilities and will follow this rezoning request if approved. The applicant is requesting to rezone the subject parcel, totaling approximately 18.1 acres, from the R-20 (Suburban Residential) District to the R-10 (Urban Low Density Residential) District. This is a standard rezoning proposal, and not subject to conditions. This property is within the City's Extra-territorial jurisdiction (ETJ); therefore, annexation is not required at this time, but a petition has been submitted. The parcel is currently in agricultural use. The lot has direct access from Baker Street as well as along US 70. The purpose of the R-10 zoning district is to accommodate low density, detached single family residential development in areas where full urban services are available. The parcel is now near the fringe of the City's existing developed area, making an increase in density in this general area worthy of consideration. The 2045 Land Development Plan Land Use & Character Map indicates the property as suitable for Complete Neighborhood 2, which indicates residential development as the primary use, typically with a larger portion of the neighborhoods dedicated to single-family detached homes. At their regular meeting on June 28, 2022, the Planning Board unanimously recommended denial of the request, noting in their consistency statement that "...although it is consistent with the land use plan designation of Complete Neighborhood 2, it would create a pocket of land development that is not consistent with either the zoning or the development pattern of the surrounding community, without a concept plan under conditional zoning that could provide assurance that the anticipated smaller residential lots would be developed with adequate open space, infrastructure or buffers to fit in with the surrounding community." The City Manager commented that although the recommendation from the Planning Board is understandable, from a service provision standpoint, this density makes sense. Over time, it appears this area west of Statesville is going to grow, and therefore require that city services be provided. Large lots are not optimum for efficient sanitation services or water and sewer provision.

Mayor Kutteh declared the public hearing open and asked if anyone wished to speak. There being none he declared the public hearing closed.

Council member Foster made a motion to approve first reading of ZC22-14 as presented, seconded by Council member Lawton. The motion carried unanimously. Council member Morgan the following Consistency Statement:

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: the 2045 Land Development Plan recommends suitability of this property for Complete Neighborhood 2 character, which supports single-family residential development; and the R-10 urban low density development zoning district is generally consistent with requests for new residential at the fringes of the existing urbanized area of the city. All utilities are available to the site or by extension by developer.

XIV. Conduct a public hearing and consider approving first reading of rezoning request ZC22-16 for a portion of a parcel located on South Lackey Street; Iredell County Tax Parcel Identification #4734-43-5913 (portion); from R-5M (High Density Single-Family/Manufactured Housing Residential) District to the B-5 (General Business) District. (Ashley)

Ashley said that Metro Storage Cleveland, LLC is requesting to rezone a portion of a parcel for expansion of the adjoining self-storage business. The applicant is requesting to rezone the rear 0.359-acre portion of the total 0.6-acre parcel from the R-5M (High Density Single-

Family/Manufactured Housing Residential) District to the B-5 (General Business) District. This is a standard rezoning proposal, and not subject to conditions. The applicant proposes that the front portion of the 0.234-acre tract (with an existing single-family rental home that meets setbacks) will remain R-5M. The 2045 Land Development Plan projects the subject parcel in its entirety as suitable for use within the Employment Center/Industrial Flex character area, although it currently abuts residentially zoned property. This tract could be reasonably developed in accordance with the B-5 district regulations if it is combined as intended with the adjacent parcel; is developed with the required Type E screening buffer; and the existing single-family home remaining on the front portion of the parcel ensures the residential character along South Lackey Street. The request is for standard rezoning of the subject tract; any development request would be required to be compatible with the existing regulations; and all utilities are available to the site. Therefore, staff recommends approval of the rezoning.

Mayor Kutteh declared the public hearing open and asked if anyone wished to speak. There being none he declared the public hearing closed.

Council member Foster made a motion to approve first reading of ZC22-16 as presented, seconded by Council member Staford. The motion carried unanimously. Council member Morgan read the following Consistency Statement:

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: the 2045 Land Development Plan projects the subject parcel in its entirety as suitable for use within the Employment Center/Industrial Flex character area, although it currently abuts residentially zoned property. This tract could be reasonably developed in accordance with the B-5 district regulations if it is combined as intended with the adjacent parcel; is developed with the required Type E screening buffer; and the existing single-family home remaining on the front portion of the property ensures the residential character along South Lackey Street. The request is for standard rezoning of the subject tract; any development request would be required to be compatible with the existing regulations; and all utilities are available to the site.

- XV. Conduct a public hearing and consider approving first reading of rezoning request ZC22-17 for three properties located at 3517, 3523 & 3529 Cambridge Place; Iredell County Tax Parcel Identification #s 4765-32-3788, 4765-32-5716 & 4765-32-6724; from Iredell County R-20 (Rural Residential) District to Statesville R-15 (Urban Fringe Low Density Residential) District. (Ashley)**

Ashley stated that this is a city-initiated rezoning necessitated by an annexation request (approved by City Council on June 20, 2022 that became effective June 30, 2022) on behalf of the owner, Helmsman Homes, to obtain City sewer service to the properties. The parcels will be used residentially for single-family home construction. The properties are currently zoned Iredell County R-20 (Rural Residential) District. Staff recommends the properties be rezoned to the City of Statesville's R-15 (Urban Fringe Low Density Residential) district, which is the designation in use for all other parcels in the Brookmeade residential subdivision that are within the City's jurisdiction. The subject properties are contiguous to the primary corporate limits of the City of Statesville. Until annexation, the property was in Iredell County's jurisdiction.

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

Council member Foster made a motion to approve first reading of ZC22-17 as presented, seconded by Council member Staford. The motion carried unanimously. Council member Morgan read the following Consistency Statement:

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: Rezoning of the property from Iredell County R-20 (Rural Residential) District to the R-15 (Urban Fringe Low Density Residential) District is consistent with the surrounding City of Statesville zoning and residential character of the area, and the 2045 Land Development Plan recommends the area as suitable for single-family detached residential development; and all public utilities are available.

- XVI. Conduct a public hearing and consider approving first reading of AX22-02, an ordinance to annex the property located on Johnson Drive near Buffalo Shoals Road, PIN #4734-21-9473, owned by NAR Services Inc. (Ashley)**

Ashley stated that the property being considered for annexation has been submitted by NAR Services Inc. The 4.75-acre parcel is requested for annexation and is located on

Johnson Drive near Buffalo Shoals Road. This parcel is currently undeveloped; however, the applicant proposes to develop the parcel as an auto repossession yard. The parcel is currently zoned HI (Heavy Industrial) District; repossession site is similar in nature to a wrecker/tow service yard, which is a permitted land use in this zoning district. The parcel is outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction (ETJ); and the applicant requests voluntary annexation to utilize City utilities.

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

Council member S. Johnson made a motion to approve first reading of AX22-02 as presented, seconded by Council member Foster. The motion carried unanimously.

XVII. Conduct a public hearing and consider approving first reading of AX22-03, an ordinance to annex properties located on Buffalo Shoals and Park Drive, PIN #'s 4734-11-0248, 4723-89-7998, 4734-10-0436, 4734-20-1073, 4734-20-4406 & 4733-09-8888. (Ashley)

Ashley stated that the property being considered for annexation has been submitted by BRD Land & Invest, LP on behalf of Dorothy Bell Davis & Davis Buffalo Properties. The six parcels totaling 209.54-acres, are requesting annexation, and are located on Buffalo Shoals Road and Park Drive. The property is the subject of current rezoning case ZC22-02, and the developer is proposing to develop a 499-unit single-family residential neighborhood on the property. The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation to utilize City electric, sewer, and water services. These parcels were rezoned with conditions on June 6, 2022.

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

Council member S. Johnson made a motion to approve first reading of AX22-03 as presented, seconded by Council member Foster. The motion carried unanimously.

XVIII. Conduct a public hearing and consider approving first reading of AX22-11, an ordinance to annex properties located on Glenway Drive, PIN #4745-77-4735 Clark Equipment Co./dba Doosan Bobcat Property. (Ashley)

Ashley stated that the property being considered for annexation has been submitted by Clark Equipment Co. DBA Doosan Bobcat. The 62.12-acre parcel is requested for annexation and is located on Glenway Drive. The property is a part of the current expansion project of the Doosan Bobcat plant. The expansion project was approved (on a contingent basis) at the June 2, 2021 TRC meeting. The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation to utilize City sewer, water, and fire services.

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

Council member Staford made a motion to approve first reading of AX22-11 as presented, seconded by Council member Foster. The motion carried unanimously.

XIX. Consider approving 2nd reading of rezoning request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification # 4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District. (Ashley)

Ashley stated that on May 2, 2022 the public hearing was held, and Council voted unanimously to approve first reading of the rezoning as presented with the addition of two car garages for each home, the addition of a community swimming pool, and changing the language from "brick and stone" to "brick or stone". Council agreed by consensus that better ingress/egress must be found before 2nd reading. The applicant has submitted additional information regarding a connection to Abernathy Avenue and a "DRAFT" TIA. Staff recommends approval contingent upon Council's three additions from May 2, 2022:

1. Each house will have a two-car garage
2. A community swimming pool will be provided
3. Applicant may change "brick and stone" to "brick or stone"

Regarding the connection to Abernathy Avenue, the applicant has provided a connection plan and profile that indicates this connection would be steep and have substantial construction issues. In addition, there is a 10' spite strip at the end of Abernathy Avenue and the 2019 Mobility + Development Plan indicates a collector street to the west. The "Draft" TIA was submitted on July 5, 2022, however Planning, Engineering and NCDOT did not have a chance to review prior to the packet deadline, but it includes the connection to Ora Drive.

Council member Stafford made a motion to postpone this item until the August 01, 2022 Council meeting to allow time for the NCDOT information and decision to be received by the City. Council member Foster seconded his motion. The motion carried unanimously.

XX. Consider approving 2nd reading of an ordinance to demolish the dwelling as unfit for human occupancy located 522 Stockton Street. (Ashley)

Sherry Ashley stated that 2nd reading was postponed at the March 21, 2022 meeting until July. Photos taken on June 23, 2022 and July 5, 2022 indicate that there have been workers on-site. The trees have been removed. A gravel driveway has been installed, some debris/construction materials have been placed in a dumpster, the front window has been boarded and the property has been cleaned up around the foundation. A portion of the brick foundation has been removed.

Council member Stafford made a motion to postpone this item for 60 days, seconded by Council member Foster.

Ayes: Stafford, Foster, Morgan, Jones, J. Johnson, Allison, S. Johnson

Nays: Lawton

Motion Carried: 7-1

XXI. Consider appointing one regular member to the Historic Preservation Commission.

Mayor Kutteh stated that one appointment is available due to the resignation of Historic Preservation Commission member, Ms. Brittany Marlow. The new member will need to be appointed to fill her term, which expires December 31, 2023. There are four applicants to choose from to fill the position.

Council member Morgan nominated Erica Gottholm.

Council member J. Johnson nominated Barry Edwards.

Upon a vote, Barry Edwards was appointed to the board.

XXII. Consider reappointment or appointment to the Board of Adjustment to fill one regular member's expiring term ending on June 30, 2022. (Ashley)

Ashley said that the 3-year term for one regular Board of Adjustment member is expiring on June 30, 2022. City Council may reappoint the existing member or appoint a new member from the active applications on file with the City Clerk's office. The current regular member whose term is expiring is David Steele, who is the acting chairman. One additional person has provided an application signifying interest in serving on the Board of Adjustment: Peter Varvaris. Both applications are attached. Both reside within Statesville's city limits.

The Unified Development Code requires the Board of Adjustment to consist of the following:

1. Six regular members who reside within city limits
2. One regular member who resides within the ETJ (who is appointed by the Iredell County Commissioners)
3. Two alternates
4. It is also recommended (not required) that the Iredell County Commissioners appoint one additional alternate member who resides within the ETJ to serve in the place of the regular ETJ member during his/her absence

As noted in previous Council Action Requests, the regular member position on the Board of Adjustment from the Extraterritorial Jurisdiction (ETJ) has been vacant since October 23, 2020. The County has been asked for a new member, and the City's Public Affairs Director has placed several requests for interested residents of the ETJ in the City's media outlets.

At the Pre-Agenda meeting Council member Staford suggested reappointing David Steele, appointing Peter Varvaris as an Alternate member and moving this item to the Consent Agenda. Council members agreed and moved this item to the Consent Agenda.

Council member Staford said that this board has had problems achieving a quorum and he would like Council to consider adding a third alternate to alleviate this issue. Mayor Kutteh said this is definitely worth looking into. He asked staff to investigate adding another alternate.

ADD Sidewalk Discussion

Scott Harrell stated that in response to Council's request, staff has proceeded with preparing the plans for the first two sidewalk projects. The lengths and locations are known, but staff is working on assessing what rights-of-way (RoW's) there are and what may still need to be acquired. Staff wants to have RoW's handled before it is put out for bid.

Staford said at the last meeting Council was told that there was approximately \$80,000 in the fee of lieu of fund. He thought that amount sounded light, so he had Finance check it and the amount was \$180,000. Projects 1 & 2 have a combined estimated cost of \$251,000. One is on Stockton St. and the other on Alexander St. He would like Council to direct staff to move forward with both of these projects and during that time frame, hopefully the additional funds that are needed will come in from Powell money or use ADA funds if we have any. Ron Smith said that the city is allowed use Powell Bill money for these projects.

Council member Staford made a motion to do Projects 1 and 2, Stockton and Alexander Streets, put #4 (4th Street) next in line and put pressure on NCDOT to put sidewalks on both sides of the bridge on Davie Avenue (#3), seconded by Lawton. The motion carried unanimously.

Ron Smith said that staff has a long way to go to do Projects 1 and 2, getting hard numbers being one big thing. Right-of-ways and easements must also still be obtained.

J. Consider accepting a temporary construction easement for NCDOT project #480189 (bridge construction on Jennings Road (SR 1892)). (Vaughan)

Vaughan stated that NC DOT is replacing the bridge on Jennings Road (SR 1892) over the South Yadkin River. The work abuts City property associated with the South Yadkin River Pump Station. City property (116 Redemption Road) contains 13.293 acres on the west side of Jennings Road and both sides of Redemption Road. Bridge relocation is to the east, away from City property. Existing bridge will be demolished. NC DOT requires three temporary construction easements for bridge construction and road relocation. Compensation for the temporary construction easements is offered in the amount of \$925. Staff and the City Manager recommends acceptance of the compensation offer and execution of the Temporary Easement instrument.

XXIII. Boards and Commission Meeting Minutes

06/08/2022 Airport Commission Meeting Minutes
06/01/2022 TRC Meeting Minutes

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

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk

MINUTE BOOK , PAGE
CITY OF STATESVILLE PRE-AGENDA MEETING – AUGUST 01, 2022
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Ron Smith, Messick, Fugett, Ashley, Nesbitt, Vaughan, Harrell, Gregory, Francica, Brown-Evans, Pierce

I Call to Order

Mayor Kutteh called the meeting to order and advised that Council needs to go into Closed Session following the Pre-Agenda meeting to discuss a Personnel Matter, an Economic Development Matter, and Retain the Attorney-Client Privilege.

II Invocation *(Only at Council Meeting)*

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

IV Adoption of the Agenda *(Only at Council Meeting)*

V Code of Ethics

VI Presentations & Recognitions - None

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

Mayor Kutteh reviewed the following Consent Agenda.

- A. Consider approving 2nd reading of rezoning request ZC22-07 for a portion of a property located on West Front Street at Miller Avenue; Iredell County Tax Parcel Identification #4734-26-4328 (portion); from LI (Light Industrial) District to the B-5 CZ (General Business Conditional Zoning) District. *(Ashley)***
- B. Consider approving 2nd reading of rezoning request ZC22-09 for a property located on US 70/Newton Drive at Candy Drive; Iredell County Tax Parcel Identification #4724-62-6702; from CU-22 LI (Light Industrial) conditional use zoning district to the R-10 (Urban Low Density Residential) District. *(Ashley)***
- C. Consider approving 2nd reading of rezoning request ZC22-11 for a property located on US 70/Salisbury Hwy near Business Park Drive; Iredell County Tax Parcel Identification #4763-91-3905; from Iredell County RA (Residential Agricultural) district to City of Statesville HI (Heavy Industrial) District. *(Ashley)***
- D. Consider approving 2nd reading of rezoning request ZC22-13 for a city-owned property located on Winston Avenue; Iredell County Tax Parcel Identification #4734-60-4580; from R-5 MFM (High Density Multi-Family/Manufactured Housing Residential District) district to the HI (Heavy Industrial) District. *(Ashley)***

- E. Consider approving 2nd reading of rezoning request ZC22-14 for a property located on US 70/Newton Drive at Baker Street; Iredell County Tax Parcel Identification #4724-64-7278; from R-20 (Suburban Residential) District to the R-10 (Urban Low Density Residential) District. *(Ashley)*
- F. Consider approving 2nd reading of rezoning request ZC22-16 for a portion of a parcel located on South Lackey Street; Iredell County Tax Parcel Identification #4734-43-5913 (portion); from R-5M (High Density Single-Family/Manufactured Housing Residential) District to the B-5 (General Business) District. *(Ashley)*
- G. Consider approving 2nd reading of rezoning request ZC22-17 for three properties located at 3517, 3523 & 3529 Cambridge Place; Iredell County Tax Parcel Identification #s 4765-32-3788, 4765-32-5716 & 4765-32-6724; from Iredell County R-20 (Rural Residential) District to Statesville R-15 (Urban Fringe Low Density Residential) District. *(Ashley)*
- H. Consider approving 2nd reading of AX22-02 an ordinance to annex the NAR Services Inc. property located on Johnson Drive near Buffalo Shoals Road, PIN #4734-21-9473. *(Ashley)*
- I. Consider approving 2nd reading of AX22-03 an ordinance to annex Davis & Davis Buffalo Properties located on Buffalo Shoals and Park Drive, PIN #'s 4734-11-0248, 4723-89-7998, 4734-10-0436, 4734-20-1073, 4734-20-4406 & 4733-09-8888. *(Ashley)*
- J. Consider approving 2nd reading of AX22-11 an ordinance to annex property located on Glenway Drive, PIN #4745-77-4735, Clark Equipment Co. DBA Doosan Bobcat Property. *(Ashley)*
- K. **Acceptance of A/E fee proposal (amendment) for Waterline Spline Replacement Project.** *(Vaughan)*
 Council member Stafford asked if this replacement sequence is the best way to do it. Vaughan replied yes. Stafford asked if this is going from a 20" line to a 12" line. Vaughan replied that he believes this is a typo and he will check on it.

 Council member S. Johnson asked Mr. Vaughan to present this item at the Council meeting so citizens can see what is going on.
- L. **Consider a request from Southview Baptist Church for outside water and sewer service connections.** *(Vaughan)*

REGULAR AGENDA

- VIII **Consider a request from the Downtown Statesville Development Corporation to create, by ordinance, a downtown Social District which is a defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee.** *(Marlow-DSDC)*
 Mayor Kutteh advised that Council will not vote on this item tonight but will only receive the presentation. DSDC just wanted to present it, answer any questions Council may have and see if Council is at all open to it. If Council wants to proceed, it will be adopted by ordinance.
- IX **Conduct a public hearing and consider approving first reading of AX22-12, an ordinance to annex a property located on Baker Street, PIN #4724-64-7278 owned by the Movement Group, Inc.** *(Ashley)*

Mayor Kutteh stated that the property being considered for annexation has been submitted by Movement Group, Inc. (applicant and owner). The total acreage of the property proposed for annexation is approximately 18.1 acres. The parcel is located along US 70 (Newton Drive) at Baker Street. The parcel is currently in agricultural use and has access from both Newton Drive and Baker Street. This property is also the subject of rezoning case ZC22-14 requesting a change from R-20 to R-10, which is concurrent with this annexation request. The parcel is in the city's ETJ. However, it is not contiguous to the primary corporate limit of the City of Statesville and the applicant requests voluntary annexation to utilize city utilities for a proposed residential subdivision. Rezoning case ZC22-14 was presented to the Planning Board on June 28, 2022, where it received an unfavorable recommendation by a unanimous vote. Discussion included size of lots compared to existing neighborhoods. The Council held its public hearing on the rezoning case on July 18, 2022 and approved the first reading of the rezoning. The current total taxable value of the parcel is approximately \$144,920. City of Statesville water and electrical service is available to the property; City sewer service is available with extension by the developer. The city would provide sanitation, fire, and police services as requested. The Planning Department and the City Manager recommends approving first reading of the ordinance to annex the subject property. If first reading is approved, 2nd reading would be scheduled for August 15, 2022.

X Conduct a public hearing and consider approving first reading of AX22-13, an ordinance to annex the Helmsman Homes Properties located on Holly Street and Greencrest Lane, PIN #'s 4724-76-1172, 4724-76-1083, and 4724-76-0343. (Ashley)

Mayor Kutteh said that the property being considered for annexation has been submitted by Helmsman Homes (applicant and owner) for three residential lots on Holly Street and Greencrest Lane that total 1 acre. These parcels are currently being developed as single-family residential lots. These parcels are currently zoned R-20 (Suburban Residential District). These parcels are outside the primary corporate limits of the City of Statesville but within the Extra-Territorial Jurisdiction (ETJ); and the applicant requests voluntary annexation to utilize city electric and sewer utilities. The current total taxable value of the combined subject parcels is approximately \$36,000. The applicant estimates the value with improvements to be \$340,000 per lot (\$1,020,000). The city will provide electric and sewer services; and Aqua North Carolina will provide water service. The city will need to provide sanitation, fire, and police services as requested. The Planning Department and the City Manager recommends approving first reading of the ordinance to annex the subject properties located on Holly Street and Greencrest Lane. If approved, the second reading will be on August 15, 2022.

XI Conduct a public hearing and consider approving first reading of AX22-14, an ordinance to annex a property located on US 70/Business Park Drive/E. Old Well House Road, PIN #4763-91-3905, owned by GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC. (Ashley)

Mayor Kutteh stated that the property being considered for annexation has been submitted by Nelson Mullins et al (applicant) on behalf of GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC (owners). The total acreage of the property proposed for annexation is approximately 81.023 acres. The parcel is located along US 70 (Salisbury Hwy.) at Business Park Drive. The parcel is currently undeveloped and has access from E. Old Well House Road (state maintained) and Business Park Drive (City maintained), via guaranteed permanent access and temporary construction easements. The property on both sides of Business Park Drive was recently sold by the city; the easement runs with the property, and the two property owners will need to coordinate access location(s) prior to site plan submittal. This property is also the subject of rezoning case ZC22-11 from Iredell County RA to city HI, which is concurrent with this annexation request. The parcel is located in Iredell County's jurisdiction. The parcel is not contiguous to the primary corporate limit of the City of Statesville and the applicant requests voluntary annexation to utilize city utilities.

Rezoning case ZC22-11 was presented to the Planning Board on June 28, 2022, where it was unanimously recommended for approval. The Council held its public hearing on the rezoning case on July 18, 2022 and approved the first reading for the rezoning. The current total taxable value of the parcel is approximately \$373,790. The estimated value of a future project is unknown at this time. The City of Statesville's sewer service is available to the property; water service is available (provider may be dependent upon fire flow requirements); electrical service is customer choice between the City, Energy United and Duke Energy. The city would provide fire and police services as requested. The Planning Department and the City Manager recommends approving first reading of the ordinance to annex the subject property. If first reading is approved, second reading would be scheduled for August 15, 2022.

- XII Consider approving 2nd reading of rezoning request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification #4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District. (Ashley)**
Sherry Ashley advised that staff still has not received the TIA results, the possible stub to E. Cloaninger Avenue or the possible traffic calming on Ora Drive information.

Council member unanimously agreed to postpone this item to the August 15, 2022 Council meeting awaiting further information.

- XIII Consider approving Budget Amendment #2023-02 to increase the overall budget of the Water Sewer Fund and authorizing payments for the System Development Fee (SDF) lawsuit settlement. (Harrell)**

Council members unanimously agreed to move this item to the Consent Agenda.

- XIV Boards and Commission Meeting Minutes**
06/28/2022 Planning Board Minutes
07/06/2022 Technical Review Committee Minutes

- XV Other Business**

- XVI Closed Session**

Council member Allison made a motion to move to Closed Session to discuss an Economic Development matter, a Personnel matter, and to retain the Attorney-Client privilege. Council member Foster seconded the motion. The motion carried unanimously.

Upon return from Closed Session Mayor Kutteh advised that the above items were discussed and no action was taken.

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

**MINUTE BOOK , PAGE
STATESVILLE CITY COUNCIL MEETING – AUGUST 01, 2022
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.**

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Ron Smith, Messick, Fugett, Ashley, Nesbitt, Vaughan, Harrell, Gregory, Francica, Brown-Evans, Pierce

I Call to Order

Mayor Kutteh called the meeting to order. He advised that Item K on the Consent Agenda had been moved to the Regular Agenda and Item XIII on the Regular Agenda had been moved to the Consent Agenda.

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 amended agenda, seconded by Council member Foster. The motion carried unanimously.

V Code of Ethics

VI Presentations & Recognitions - None

VII Consent Agenda

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

Mayor Kutteh reviewed the following Consent Agenda.

- A. Consider approving 2nd reading of rezoning request ZC22-07 for a portion of a property located on West Front Street at Miller Avenue; Iredell County Tax Parcel Identification #4734-26-4328 (portion); from LI (Light Industrial) District to the B-5 CZ (General Business Conditional Zoning) District. (Ashley)**
- B. Consider approving 2nd reading of rezoning request ZC22-09 for a property located on US 70/Newton Drive at Candy Drive; Iredell County Tax Parcel Identification #4724-62-6702; from CU-22 LI (Light Industrial) conditional use zoning district to the R-10 (Urban Low Density Residential) District. (Ashley)**
- C. Consider approving 2nd reading of rezoning request ZC22-11 for a property located on US 70/Salisbury Hwy near Business Park Drive; Iredell County Tax Parcel**

Identification #4763-91-3905; from Iredell County RA (Residential Agricultural) district to City of Statesville HI (Heavy Industrial) District. *(Ashley)*

- D. Consider approving 2nd reading of rezoning request ZC22-13 for a city-owned property located on Winston Avenue; Iredell County Tax Parcel Identification #4734-60-4580; from R-5 MFM (High Density Multi-Family/Manufactured Housing Residential District) district to the HI (Heavy Industrial) District. *(Ashley)*
- E. Consider approving 2nd reading of rezoning request ZC22-14 for a property located on US 70/Newton Drive at Baker Street; Iredell County Tax Parcel Identification #4724-64-7278; from R-20 (Suburban Residential) District to the R-10 (Urban Low Density Residential) District. *(Ashley)*
- F. Consider approving 2nd reading of rezoning request ZC22-16 for a portion of a parcel located on South Lackey Street; Iredell County Tax Parcel Identification #4734-43-5913 (portion); from R-5M (High Density Single-Family/Manufactured Housing Residential) District to the B-5 (General Business) District. *(Ashley)*
- G. Consider approving 2nd reading of rezoning request ZC22-17 for three properties located at 3517, 3523 & 3529 Cambridge Place; Iredell County Tax Parcel Identification #s 4765-32-3788, 4765-32-5716 & 4765-32-6724; from Iredell County R-20 (Rural Residential) District to Statesville R-15 (Urban Fringe Low Density Residential) District. *(Ashley)*
- H. Consider approving 2nd reading of AX22-02 an ordinance to annex the NAR Services Inc. property located on Johnson Drive near Buffalo Shoals Road, PIN #4734-21-9473. *(Ashley)*
- I. Consider approving 2nd reading of AX22-03 an ordinance to annex Davis & Davis Buffalo Properties located on Buffalo Shoals and Park Drive, PIN #'s 4734-11-0248, 4723-89-7998, 4734-10-0436, 4734-20-1073, 4734-20-4406 & 4733-09-8888. *(Ashley)*
- J. Consider approving 2nd reading of AX22-11 an ordinance to annex property located on Glenway Drive, PIN #4745-77-4735, Clark Equipment Co. DBA Doosan Bobcat Property. *(Ashley)*

XIII Consider approving Budget Amendment #2023-02 to increase the overall budget of the Water Sewer Fund and authorizing payments for the System Development Fee (SDF) lawsuit settlement. *(Harrell)*

K. Acceptance of A/E fee proposal (amendment) for Waterline Spline Replacement Project. *(Vaughan)*

This item was moved to the Regular Agenda.

L. Consider a request from Southview Baptist Church for outside water and sewer service connections. *(Vaughan)*

Mayor Kutteh asked if there are any items that Council wants removed from the Consent Agenda, hearing none he asked for a motion.

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

REGULAR AGENDA

VIII Consider a request from the Downtown Statesville Development Corporation to create, by ordinance, a downtown Social District which is a defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee. (Marlow-DSDC)

Mayor Kutteh stated that Council will not vote on this item tonight but will only receive the presentation. DSDC just wanted to present it, answer any questions Council may have and see if Council is at all open to it. If Council wants to proceed, it will be adopted by ordinance.

DSDC Executive Director Brittany Marlow stated that House Bill 890 was passed by the NC House and Senate on Wednesday, September 8, 2021, and signed by the Governor on September 10. Included in House Bill 890 is a provision that allows the creation of social districts in North Carolina. The North Carolina Retail Merchants Association was the major interest group pushing for the passage of this legislation to drive foot traffic to downtown businesses and level the playing field for brick-and-mortar businesses without ABC permits. House Bill 890 did not create a statewide social district, but instead allows cities and counties to “opt-in” to social districts via an ordinance. A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4.

1. Social districts must be clearly defined and post signage in conspicuous locations indicating:
 - a. The area included in the social district
 - b. The days and hours during which alcoholic beverages can be consumed in the social district
 - c. The telephone number for the ALE division and local law enforcement jurisdiction over the social district.
 - d. A clear statement that an alcoholic beverage purchased for consumption in a social district shall:
 - i. Only be consumed within the social district and
 - ii. Be disposed of before the person possessing the alcoholic beverage exits the social districts, unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchases (G.S. 18B-904.1(c)(1)).
2. Social districts are only allowed to operate during the hours defined under G.S. 18B-1004: from 7am until 2 am Monday-Saturday and 10am-2am on Sundays but the Downtown Statesville proposes to operate during the hours of 12pm – 10pm Sunday - Saturday. (G.S. 18B-904.1(c)(1)).
3. A city designating a social district is required to establish management and maintenance plans for the social district and post these plans along with a drawing of the boundaries and the applicable days and hours of the social district on the city’s website. A social district must be maintained in a manner that protects the health and safety of the general public. (G.S. 18B-904.1(c)(2)).
4. Before a social district can become operational, a city must submit to the North Carolina ABC a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed. (G.S. 18B-904.1(c)(3)).

Under G.S. 18B-904.1(a)(1), a business holding any of the following ABC Permits may sell alcohol to be consumed in a social district:

1. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1)
2. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3)

3. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5)
4. A mixed beverages permit issued pursuant to G.S. 18B-1001(10)
5. A distillery permit issued pursuant to G.S. 18B-1100(5)

ABC permittees must also adhere to the following to sell alcohol within a social district: (G.S. 18B-904.1(d))

First, an ABC permittee must be located in or contiguous to the social district in which it is selling alcohol to be consumed.

Second, the ABC Permittee is only allowed to sell and serve alcoholic beverages ON its licensed premises. In other words, the ABC Permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because they are located in or are contiguous to the social district.

Third, alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container that meets the following requirements:

1. The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
2. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
3. The container is NOT made of glass.
4. The container displays, in no less than 12-point font, the statement "Drink Responsibly – Be 21."
5. The container cannot hold more than 16 fluid ounces.

Finally, the ABC permittee must prohibit a person from entering or reentering its licensed premises with an alcoholic beverage not sold by the ABC permittee as is the current law. For an example, XYZ restaurant sells John Smith a cup of wine. John Smith cannot reenter XYZ Restaurant with a cup of beer he bought at Acme Brewing located within the same social district. John Smith also cannot enter XYZ restaurant for the first time with the cup of beer John Smith bought at Acme Brewing. They can, however, re-enter the same location where they purchased the alcohol that they are still consuming.

There will be Signage to indicate that retail customers cannot enter with alcohol (or food & drink if that is the policy) if a business does not want to participate. Signage can indicate that a bar or restaurant customer may not remove alcohol from the facility.

Customers are required to:

First, a person can only possess and consume alcoholic beverages purchased from an ABC permittee located in or contiguous to the social district on a designated social district container.

Second, any alcoholic beverages consumed in the social district must be consumed from the required social district container. In other words, a person cannot pour their wine, beer or liquor into a solo cup or any type of container other than the one meeting all the requirements for social districts.

Third, alcoholic beverages shall only be possessed and consumer IN the social district during the days and hours set by the city.

The sale and delivery of alcohol in a social district is subject to the same limitations for sales and deliveries of alcohol in North Carolina:

- No more than two malt beverage or wine drinks at one time to a single patron
- No more than one mixed beverage or spirituous liquor drink at one time to a single patron

Finally, a person is required to dispose of any alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased. In other words, if a person is leaving the social district area, they must pour out or throw away their alcohol. They also cannot take it with them into any other business that sells alcohol or has opted out of the social district. They may ONLY take their alcoholic drink into the establishment where they bought it or a participating business that does not sell alcohol.

Downtown Statesville Development Corporation has designed a container that meets the state requirements (branded with the Social District logo and proper verbiage) that will be sold to permit holders via an agreement with Sir Speedy. The permit holders opting into the social district would apply a sticker that meet the state requirements (branded with their business).

DSDC plans to work with the City of Statesville to implement required signage indicating the district (ground decals as is necessary for the state highway on Main Street), and merchants who choose to opt-out would need to provide their own signage. For retailers: "No Outside Beverages." For permit-holders: "Finish All Alcohol Before Leaving Premises". Additionally, permit-holders opting into to the program would be encouraged to place signage that indicates "No Outside Alcohol" on their entrances. Those with patios would be encouraged to have signage that indicates "No Glass Beyond this Point" at the patio exit/entrance to the district.

If an event is hosted in Downtown Statesville that allows the sale of Alcoholic Beverages, the same permit-holder rules will apply to the boundary of the event. That permit holder will be required to serve in the required container, and consumers can move about the district with alcohol purchased at the event but will not be allowed to bring alcohol into the event purchased from other permit-holder locations.

Next Steps:

1. Propose to City Council as a Council Action Request
2. Ordinance to be written, implemented.
3. Record the Social District Plan with NC ABC Commission
4. Implement the Program
5. Merchant information session
6. Place required signage demarking the district
7. Acquire social district stickers and create other communication programs

Enforcement

- No big issues with any of the towns who have it. Most exempted parking lots and decks to discourage people from refilling their cups.
- ABC Permit holders accept liability for patrons they serve the same as they do now and will enforce the same rules and regulations as they currently do.
- Statesville PD has agreed to adjust downtown Officer Solano Craig's hours to have him patrol during the busier times on Friday and Saturday to determine if there are issues for a short trial period if necessary.

Council member S. Johnson asked that the Sunday hours would be. Marlow replied that Council can do whatever hours they want.

Council member Jones asked Marlow to talk to the four downtown churches and see what input they have on this.

IX Conduct a public hearing and consider approving first reading of AX22-12, an ordinance to annex a property located on Baker Street, PIN #4724-64-7278 owned by the Movement Group, Inc. (Ashley)

Sherry Ashley stated that the property being considered for annexation has been submitted by Movement Group, Inc. (applicant and owner). The total acreage of the property proposed for annexation is approximately 18.1 acres. The parcel is located along US 70 (Newton Drive) at Baker Street. The parcel is currently in agricultural use and has access from both Newton Drive and Baker Street. This property is also the subject of rezoning case ZC22-14 requesting a change from R-20 to R-10, which is concurrent with this annexation request. The parcel is in the city's ETJ. However, it is not contiguous to the primary corporate limit of the City of Statesville and the applicant requests voluntary annexation to utilize city utilities for a proposed residential subdivision. Rezoning case ZC22-14 was presented to the Planning Board on June 28, 2022, where it received an unfavorable recommendation by a unanimous vote. Discussion included size of lots compared to existing neighborhoods. The Council held its public hearing on the rezoning case on July 18, 2022 and approved the first reading of the rezoning. The current total taxable value of the parcel is approximately \$144,920. City of Statesville water and electrical service is available to the property; City sewer service is available with extension by the developer. The city would provide sanitation, fire, and police services as requested. The Planning Department and the City Manager recommends approving first reading of the ordinance to annex the subject property. If first reading is approved, 2nd reading would be scheduled for August 15, 2022.

Mayor Kutteh declared the public hearing open and asked if anyone wanted to speak. There being no speakers, he declared the public hearing closed.

Council member Foster made a motion to approve first reading of AX22-12 as presented, seconded by Council member Allison. The motion carried unanimously.

X Conduct a public hearing and consider approving first reading of AX22-13, an ordinance to annex the Helmsman Homes Properties located on Holly Street and Greencrest Lane, PIN #'s 4724-76-1172, 4724-76-1083, and 4724-76-0343. (Ashley)

Sherry Ashley said that the property being considered for annexation has been submitted by Helmsman Homes (applicant and owner) for three residential lots on Holly Street and Greencrest Lane that total 1 acre. These parcels are currently being developed as single-family residential lots. These parcels are currently zoned R-20 (Suburban Residential District). These parcels are outside the primary corporate limits of the City of Statesville but within the Extra-Territorial Jurisdiction (ETJ); and the applicant requests voluntary annexation to utilize city electric and sewer utilities. The current total taxable value of the combined subject parcels is approximately \$36,000. The applicant estimates the value with improvements to be \$340,000 per lot (\$1,020,000). The city will provide electric and sewer services; and Aqua North Carolina will provide water service. The city will need to provide sanitation, fire, and police services as requested. The Planning Department and the City Manager recommends approving first reading of the ordinance to annex the subject properties located on Holly Street and Greencrest Lane. If approved, the second reading will be on August 15, 2022.

Mayor Kutteh declared the public hearing open and asked if anyone wanted to speak. There being no speakers, he declared the public hearing closed.

Council member S. Johnson made a motion to approve first reading of AX22-13 as presented, seconded by Council member Foster. The motion carried unanimously.

XI Conduct a public hearing and consider approving first reading of AX22-14, an ordinance to annex a property located on US 70/Business Park Drive/E. Old Well House Road, PIN #4763-91-3905, owned by GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC. (Ashley)

Mayor Kutteh stated that the property being considered for annexation has been submitted by Nelson Mullins et al (applicant) on behalf of GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC (owners). The total acreage of the property proposed for annexation is approximately 81.023 acres. The parcel is located along US 70 (Salisbury Hwy.) at Business Park Drive. The parcel is currently undeveloped and has access from E. Old Well House Road (state maintained) and Business Park Drive (City maintained), via guaranteed permanent access and temporary construction easements. The property on both sides of Business Park Drive was recently sold by the city; the easement runs with the property, and the two property owners will need to coordinate access location(s) prior to site plan submittal. This property is also the subject of rezoning case ZC22-11 from Iredell County RA to city HI, which is concurrent with this annexation request. The parcel is located in Iredell County's jurisdiction. The parcel is not contiguous to the primary corporate limit of the City of Statesville and the applicant requests voluntary annexation to utilize city utilities. Rezoning case ZC22-11 was presented to the Planning Board on June 28, 2022, where it was unanimously recommended for approval. The Council held its public hearing on the rezoning case on July 18, 2022 and approved the first reading for the rezoning. The current total taxable value of the parcel is approximately \$373,790. The estimated value of a future project is unknown at this time. The City of Statesville's sewer service is available to the property; water service is available (provider may be dependent upon fire flow requirements); electrical service is customer choice between the City, Energy United and Duke Energy. The city would provide fire and police services as requested. The Planning Department and the City Manager recommends approving first reading of the ordinance to annex the subject property. If first reading is approved, second reading would be scheduled for August 15, 2022.

Attorney for the owners of the project spoke briefly about the project and offered to answer any questions.

Mayor Kutteh declared the public hearing open and asked if anyone wanted to speak. There being no other speakers, he declared the public hearing closed.

Council member Staford made a motion to approve first reading of AX22-14 as presented, seconded by Council member Morgan. The motion carried unanimously.

XII Consider approving 2nd reading of rezoning request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification #4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District. (Ashley)

Sherry Ashley advised that staff still has not received the TIA results, the possible stub to E. Cloaninger Avenue or the possible traffic calming on Ora Drive information.

Council member unanimously agreed to postpone this item to the August 15, 2022 Council meeting awaiting further information.

XIII Consider approving Budget Amendment #2023-02 to increase the overall budget of the Water Sewer Fund and authorizing payments for the System Development Fee (SDF) lawsuit settlement. (Harrell)

This item was moved to the Consent Agenda at the Pre-Agenda Meeting.

K. Acceptance of A/E fee proposal (amendment) for Waterline Spline Replacement Project. (Vaughan)

This item was moved to the Regular Agenda at the Pre-Agenda Meeting.

Bill Vaughan stated that the waterline construction project has been approved for American Rescue Plan (ARP) funding in the amount of \$19,551,200 (April 22, 2022). Prior year budgeting, pre-ARP notification, included A/E services for 100% design for Phase 1 of the project (10,700 LF) and associated preliminary engineering for Phase 2 (5,600 LF) and Phase 3 (13,200 LF) of waterline in accordance with request for qualifications project description and scope of services. The proposed A/E Services Agreement Amendment will add final project design to Phases 2 and 3, permitting, and agency review requirements (will bring project to bid stage). As part of project construction requirements additional A/E services fee proposal will be requested for bid assistance, customary construction assistance, and project closeout (construction phase activities). The amount of this fee will be determined upon definitization of requirements identified during final design and permitting. The Department and the City Manager recommend accepting the Highfill fee proposal in the amount of \$880,000.

Council member Morgan clarified that this is not taxpayer funds but American Rescue Plan funds. Vaughan replied that was correct.

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

XIV Boards and Commission Meeting Minutes

06/28/2022 Planning Board Minutes

07/06/2022 Technical Review Committee Minutes

XV Other Business

Ron Smith advised that the sale of the Vance Hotel should close tomorrow. The parking deck and the roof will be dealt with fairly quickly. The groundbreaking for Fire Station #1 will hopefully be in October. The sinkhole on Center Street is back in the hands of NCDOT.

Council member Morgan reported on the city's DC delegation.

Council member Foster reported that Police Chief Onley is having a community meeting on Wednesday at New Freedom Church.

XVI Closed Session - None

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

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: August 2, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of ordinance AX22-12 to annex a property located on Baker Street, PIN #4724-64-7278 by the Movement Group, Inc.

1. **Summary of Information:** The property being considered for annexation has been submitted by Movement Group, Inc. (applicant and owner). The total acreage of the property proposed for annexation is approximately 18.1 acres. The parcel is located along US 70 (Newton Drive) at Baker Street (see attached Location Map). The parcel is currently in agricultural use (see attached Aerial Photo Map, Boundary Survey and Site Photos); and has access from both Newton Drive and Baker Street.

This property is also the subject of rezoning case ZC22-14 requesting a change from R-20 to R-10, which is concurrent with this annexation request (see attached Current Zoning Map). The parcel is in the city's ETJ. However, it is not contiguous to the primary corporate limit of the City of Statesville and the applicant requests voluntary annexation to utilize city utilities for a proposed residential subdivision.

2. **Previous Council or Relevant Actions:** Rezoning case ZC22-14 was presented to the Planning Board on June 28, 2022, where it received an unfavorable recommendation by a unanimous vote. Discussion included size of lots compared to existing neighborhoods. The Council held its public hearing on the rezoning case on July 18, 2022 and approved the first reading of the rezoning. The public hearing was held for the annexation on August 1, 2022 and first reading was approved unanimously by council. No one from the public spoke. In addition, the second reading of the rezoning was also approved.
3. **Budget/Funding Implications:** The current total taxable value of the parcel is approximately \$144,920. The estimated value with improvements is approximately \$13,750,000. City of Statesville water and electrical service is available to the property; City sewer service is available with extension by the developer (see attached Utilities Location Map). The city would 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 second reading of the ordinance to annex the subject property.
6. **Manager Comments:** Concur with the department recommendation.
7. **Next Steps:** If second reading is approved, the annexation becomes effective August 31, 2022.
8. **Attachments:** In previous packet, no changes.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: August 02, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading AX22-13, an ordinance to annex the Helmsman Homes Properties located on Holly Street and Greencrest Lane, PIN #'s 4724-76-1172, 4724-76-1083, and 4724-76-0343.

- 1. Summary of Information:** The property being considered for annexation has been submitted by Helmsman Homes (applicant and owner) for three residential lots on Holly Street and Greencrest Lane that total 1 acre (see attached Location Map and Boundary Survey). These parcels are currently being developed as single-family residential lots (see attached GIS Aerial Photo Map and Site Photo); These parcels are currently zoned R-20 (Suburban Residential District) (see *attached Current Zoning Map*). These parcels are outside the primary corporate limits of the City of Statesville but within the Extra-Territorial Jurisdiction (ETJ); and the applicant requests voluntary annexation to utilize city electric and sewer utilities.
- 2. Previous Council or Relevant Actions:** The public hearing for the annexation was held, and first reading was unanimously approved by Council on August 1, 2022. No one from the public spoke.
- 3. Budget/Funding Implications:** The current total taxable value of the combined subject parcels is approximately \$36,000. The applicant estimates the value with improvements to be \$340,000 per lot (\$1,020,000). The city will provide electric and sewer services; and Aqua North Carolina will provide water 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 approving the 2nd reading of the ordinance to annex the subject properties located on Holly Street and Greencrest Lane.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If 2nd reading is approved, the annexation will become effective August 31, 2022.
- 8. Attachments:** In previous packet, no changes.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: August 01, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of AX22-14, an ordinance to annex a property located on US 70/Business Park Drive/E. Old Well House Road, PIN #4763-91-3905, owned by GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC.

- 1. Summary of Information:** The property being considered for annexation has been submitted by Nelson Mullins et al (applicant) on behalf of GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC (owners). The total acreage of the property proposed for annexation is approximately 81.023 acres. The parcel is located along US 70 (Salisbury Hwy.) at Business Park Drive.

The parcel is currently undeveloped and has access from E. Old Well House Road (state maintained) and Business Park Drive (City maintained), via guaranteed permanent access and temporary construction easements. The property on both sides of Business Park Drive was recently sold by the city; the easement runs with the property, and the two property owners will need to coordinate access location(s) prior to site plan submittal. This property is also the subject of rezoning case ZC22-11 from Iredell County RA to city HI, which is concurrent with this annexation request. The parcel is located in Iredell County's jurisdiction. The parcel is not contiguous to the primary corporate limit of the City of Statesville and the applicant requests voluntary annexation to utilize city utilities.

- 2. Previous Council or Relevant Actions:** Rezoning case ZC22-11 was presented to the Planning Board on June 28, 2022, where it was unanimously recommended for approval. The Council held its public hearing on the rezoning case on July 18, 2022 and approved the first reading for the rezoning. The public hearing for the annexation was held and first reading was unanimously approved by council on August 01, 2022. Cassie Holt representing the applicant was available for questions. No one from the public spoke. In addition, the 2nd reading of the rezoning was also approved.
- 3. Budget/Funding Implications:** The current total taxable value of the parcel is approximately \$373,790. The estimated value of improvements is approximately \$9M. The City of Statesville's sewer service is available to the property; water service is available (provider may be dependent upon fire flow requirements); electrical service is customer choice between the City, Energy United and Duke Energy. The city would 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 approving 2nd reading of the ordinance to annex the subject property.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If 2nd reading is approved, the annexation will become effective August 31, 2022.
8. **Attachments:** In previous packet, no changes.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: August 3, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of rezoning request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification # 4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi-Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District

1. Summary of Information: See previous packet

2. Previous Council/Relevant Actions: 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. On May 2, 2022 the public hearing was held, and council voted unanimously to approve first reading of the rezoning as presented with the addition of two car garages for each home, the addition of a community swimming pool, and changing the language from "brick and stone" to "brick or stone". Council agreed by consensus that better ingress/egress must be found before 2nd reading. The applicant has submitted additional information regarding a connection to Abernathy Avenue and a "DRAFT" TIA. On July 18, 2022, council postponed the 2nd reading to the August 1, 2022 meeting for TIA results, possible stub to E. Cloaninger Avenue and possible traffic calming on Ora Drive. However, because congestion management with NCDOT has not completed their review of the TIA, the rezoning was postponed to August 15, 2022. As of August 3, 2022, the applicant has submitted an additional condition addressing traffic calming on Ora Drive after discussions with NCDOT and a revised concept plan with a possible stub to E. Cloaninger Avenue (see attached condition and revised concept plan). However, as of this date, staff has not received any comments from congestion management.

3. Budget/Funding Implications: 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.

4. Consequences for Not Acting: The subject parcel could remain undeveloped under the current R-A and R-8MFM zoning designation or be developed under either zoning designation. The City would not receive property taxes without annexation.

5. Department Recommendation: Staff recommends **approval** contingent upon the following **with Council's additions from May 2, 2022, and July 18, 2022, highlighted:**

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.
9. Add to conditions, each house will have a two-car garage, and a community swimming pool will be provided
10. Applicant may change "brick and stone" to "brick or stone".
11. Developer will install and maintain speed calming devices along Ora Drive, subject to approval by a minimum of 70% of the homeowners along Ora Drive. If less than 70% of the homeowners along Ora Drive approve, speed calming devices will not be installed. Speed calming devices will be reviewed and approved by NCDOT prior to installation and will be maintained by Greenbriar Ridge HOA and its successors.

Awaiting approved TIA to determine off-site improvements. If received prior to August 15, 2022, staff will provide required off-site improvements in a follow-up email. The DRAFT TIA improvements were provided to you at the August 1st meeting.

6. Manager Comments: Concur with department recommendation.

7. Next Steps: If approved, plans may be submitted to TRC.

8. Attachments:

1. Location Map
2. Current Zoning Map
3. Council Consistency Statement
4. Rezoning Ordinance
5. Potential Connection plan and profile
6. Aerial map spite strip
7. 2019 Mobility + Development Plan, Figure 3.12b.
8. Summary of DRAFT TIA
9. Additional Condition Letter
10. Revised Concept Plan (3 sheets)

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 or** 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.
11. Each home will be provided a two-car garage
12. A community swimming pool will be provided.
13. Developer will install and maintain speed calming devices along Ora Drive, subject to approval by a minimum of 70% of the homeowners along Ora Drive. If less than 70% of the homeowners along Ora Drive approve, speed calming devices will not be installed. Speed calming devices will be reviewed and approved by NCDOT prior to installation and will be maintained by Greenbriar Ridge HOA and its successors.

CITY COUNCIL PRESENTATIONS/RECOGNITIONS

TO: Mayor and City Council

FROM: Ron Smith, City Manager

DATE: August 9, 2022

TO BE REPORTED: August 15, 2022
(Date of Council Meeting)

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

City of Statesville

North Carolina

Office of the Mayor

Proclamation

Stop the Violence Cookout 2022

WHEREAS: The Stop the Violence Cookout was started in 2016 as a grassroots effort to bring the community together and find ways to make Statesville a safer place to live, work and play; and

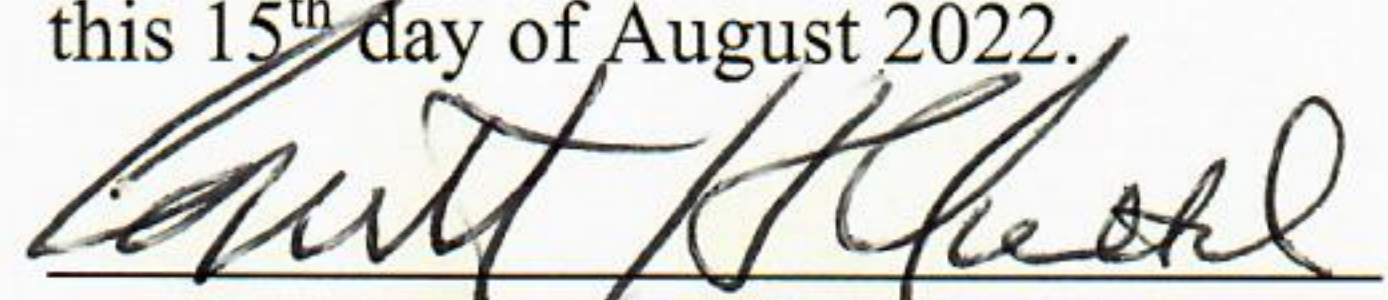
WHEREAS: the organizers have significantly grown this event by instilling their dream in others, including the faith community, businesses, law enforcement and other community organizations; and

WHEREAS: the event celebrates non-violence and the importance of knowing how to be safe and stay safe; and

THEREFORE, I Constantine H. Kutteh, Mayor of Statesville, NC, do hereby, celebrate and acknowledge the tremendous work that goes into organizing this significant event in our community each year and extend deep gratitude to those who are bringing this message of hope to Statesville, and furthermore, encourage all citizens to come out and join in working toward peace in our community at the 6th Annual Stop the Violence Cookout on Saturday, August 27, 2022, at Alex Cooper Park from 11 a.m. until 6 p.m.



IN WITNESS WHEREOF I have set my Hand and caused the Great Seal of the City of Statesville to be affixed this 15th day of August 2022.


Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Finance Director
DATE: August 1, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving Budget Amendment #2023-03 which uses a fund balance appropriation to allow for the rollover of outstanding purchase orders.

1. **Summary of Information:** This request is the annual action to authorize the rollover of outstanding purchase orders as of June 30, 2022, and to amend the FY23 budget accordingly.
2. **Previous Council or Relevant Actions:** Council approved Budget Amendment # 2022-7 on August 2, 2021. It is of the same nature as this request.
3. **Budget/Funding Implications:** Fund Balance Appropriated is the revenue that supports this appropriation. The unspent appropriations from the previous year roll into Fund Balance at the close of the fiscal year. This action retrieves those appropriations to pay the encumbered obligations.

The total fund balance required to fund the open encumbrances is \$10,450,409.

In the General Fund, the fund balance needed amounts to \$2,692,458. Significant outstanding encumbrances include approx. \$272K for open IT projects, approx. \$664K for open Planning projects, approx. \$551K for Police projects and vehicles, \$71K for Fire vehicle repairs, \$65K for open Engineering projects, \$191K for resurfacing projects, \$178K for a Sanitation vehicle, and \$653K for open recreation projects and vehicles.

In the Airport Fund, the fund balance needed amounts to \$16,959. The outstanding encumbrance is related to professional services for an environmental assessment for the Lowes Hangar that is not yet completed.

In the Electric Fund, the fund balance needed amounts to \$1,868,461. Significant outstanding encumbrances are related to professional services and system improvements and expansion projects and vehicles and equipment that has not been delivered.

In the Water/Sewer Fund, the fund balance needed amounts to \$5,287,871. Significant outstanding encumbrances are related to maintenance and repair of equipment at the three plants, replacement of the Main FC Generator and other vehicles and equipment that has not been delivered.

In the Stormwater Fund, the fund balance needed amounts to \$584,660. Significant outstanding encumbrances are related to professional services and capital improvement projects.

4. **Consequences for Not Acting:** Current Appropriations would be used to fund outstanding obligations putting pressure on the ability to fund current expenditures at the expected levels.
5. **Department Recommendation:** Approve as presented.

6. **Manager Comments:** Concur with Department Recommendation.
7. **Next Steps:** Staff will post budget amendment and roll outstanding purchase orders into the current year
8. **Attachments:**
 1. Budget Amendment #2023-03

CITY OF STATESVILLE
BUDGET AMENDMENT #2023-03

August 15, 2022
FISCAL YEAR 2022-2023

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
GENERAL FUND					
010.0000.399.00.00	Revenue	Fund Balance Appropriated	3,943,440	2,692,458	6,635,898
Total Revenues			<u>52,280,740</u>	<u>2,692,458</u>	<u>54,973,198</u>
010.4200	Expenditure	City Manager	912,036	17,221	929,257
010.4500	Expenditure	HR	592,981	25,658	618,639
010.4600	Expenditure	Information Technology	1,216,384	232,508	1,448,892
010.4610	Expenditure	Information Technology-GIS	366,037	27,250	393,287
010.4620	Expenditure	Information Technology-Utility Billing	677,194	12,000	689,194
010.4800	Expenditure	Planning	1,573,636	664,480	2,238,116
010.5100	Expenditure	Police	13,650,766	551,275	14,202,041
010.5300	Expenditure	Fire	8,686,147	71,322	8,757,469
010.5500	Expenditure	Public Works - Engineering	578,668	64,947	643,615
010.5510	Expenditure	Public Works - Garage	1,043,225	3,722	1,046,947
010.5530	Expenditure	Public Works - Streets	2,267,619	163,849	2,431,468
010.5535	Expenditure	Public Works - Street Construction	800,000	27,514	827,514
010.5580	Expenditure	Public Works - Sanitation	2,852,877	177,704	3,030,581
010.6210	Expenditure	Recreation/Admin	2,983,839	444,994	3,428,833
010.6240	Expenditure	Park Maintenance	3,750,121	208,014	3,958,135
Total Expenditures			<u>52,280,740</u>	<u>2,692,458</u>	<u>54,973,198</u>
AIRPORT FUND					
500.0000.399.00.00	Revenue	Fund Balance Appropriated	18,300	16,959	35,259
Total Revenues			<u>2,915,100</u>	<u>16,959</u>	<u>2,932,059</u>
500.6510	Expenditure	Airport Operations	163,942	16,959	180,901
Total Expenditures			<u>2,915,100</u>	<u>16,959</u>	<u>2,932,059</u>
ELECTRIC FUND					
530.0000.399.00.00	Revenue	Fund Balance Appropriated	4,515,335	1,868,461	6,383,796
Total Revenues			<u>67,226,735</u>	<u>1,868,461</u>	<u>69,095,196</u>
530.8100	Expenditure	Electric Operations	67,226,735	1,868,461	69,095,196
Total Expenditures			<u>67,226,735</u>	<u>1,868,461</u>	<u>69,095,196</u>

WATER/SEWER FUND


550.0000.399.00.00	Revenue	Fund Balance Appropriated	3,134,300	5,287,871	8,422,171
Total Revenues			<u>18,384,300</u>	<u>5,287,871</u>	<u>23,672,171</u>
550.5581	Expenditure	Sewer Maintenance	1,783,648	230,692	2,014,340
550.5582	Expenditure	Water Maintenance	2,005,718	1,942,300	3,948,018
550.8220	Expenditure	Water Purification	5,807,419	586,963	6,394,382
550.8230	Expenditure	Third Creek WWTP	3,138,042	30,000	3,168,042
550.8240	Expenditure	Fourth Creek WWTP	5,649,473	2,497,916	8,147,389
Total Expenditures			<u>18,384,300</u>	<u>5,287,871</u>	<u>23,672,171</u>

STORMWATER FUND

570.0000.399.00.00	Revenue	Fund Balance Appropriated	71,340	584,660	656,000
Total Revenues			<u>2,281,340</u>	<u>584,660</u>	<u>2,866,000</u>
570.8250	Expenditure	Stormwater Operations	2,281,340	584,660	2,866,000
Total Expenditures			<u>2,281,340</u>	<u>584,660</u>	<u>2,866,000</u>

DESCRIPTION: Appropriating Fund Balance to allow for the rollover of outstanding encumbrances

Budget Officer



Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: David Onley, Police Chief
DATE: August 2, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

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

1. Summary of Information:

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

2. Previous Council or Relevant Actions: None

3. Budget/Funding Implications: Funds utilized will be from the drug enforcement fund and will not require the use of any additional city funds.

4. Consequences for Not Acting: The cameras will be utilized in an effort to reduce violent crime and improve the investigative process. Failure to take action will delay the expansion of crime reduction measures.

5. Department Recommendation: Staff recommends approving the transfer of \$96,222.28 from the Drug Enforcement Fund to the Police Department Capital Account 010.5100.7400 for the purchases of surveillance cameras.

6. Manager Comments:

7. Next Steps:

8. Attachments:

1. Budget Amendment #23-04

CITY OF STATESVILLE
BUDGET AMENDMENT #2023-04

August 15, 2022
FISCAL YEAR 2022-2023

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Drug Enforcement Fund					
220.0000.340.10.00	Revenue	Other Revenue - Controlled Substance Tax	378,750	96,223	474,973
Total Revenues			<u>1,089,125</u>	<u>96,223</u>	<u>1,185,348</u>
220.5800	Expenditure	Drug Enforcement Expenditures	1,089,125	96,223	1,185,348
Total Expenditures			<u>1,089,125</u>	<u>96,223</u>	<u>1,185,348</u>
General Fund					
010.0000.395.58.00	Revenue	Transfers from Drug Enforcement Fund	-	96,223	96,223
Total Revenues			<u>52,280,740</u>	<u>96,223</u>	<u>52,376,963</u>
010.5100	Expenditure	Police Department Expenditures	13,650,766	96,223	13,746,989
Total Expenditures			<u>52,280,740</u>	<u>96,223</u>	<u>52,376,963</u>

DESCRIPTION: To recognize cumulative Drug Enforcement Fund revenues and appropriate a transfer to General Fund for Police expenditures.

Budget Officer



Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Chief David Onley, Statesville Police Department
DATE: July 30, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

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

- 1. Summary of Information:** Staff received complaints from occupants of 755 Washington Ave (Purple Heart Homes) about parked vehicles restricting access of commercial vehicles to their facility. This roadway is utilized primarily for commercial vehicles. Restricting parking 50 feet north and south of the entry curb lines would allow space for commercial vehicles to safely enter and exit this facility. This ordinance would permit parking on the remaining portions of Washington Ave.
- 2. Previous Council or Relevant Actions:** None
- 3. Budget/Funding Implications:** Cost of signage
- 4. Consequences of Not Acting:** Tractor trailers will continue to enter and exit Purple Heart Homes with a potential of a motor vehicle collision with parked vehicles
- 5. Department Recommendation:** Staff recommends establishing “No Parking Zones” on both sides of the proposed section of Washington Avenue.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** If approved SPD will be able to enforce “No Parking” in this section of Washington Avenue.
- 8. Attachments:**
 1. No Parking Ordinance
 2. Photos of street view
 3. Map printout of Proposed No Parking Signs on Washington Avenue

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE V, DIVISION 1 OF THE CODE OF THE CITY OF STATESVILLE, TO DESIGNATE “NO PARKING ZONES” ON BOTH SIDES OF A PORTION OF WASHINGTON AVENUE.

WHEREAS, a representative of 755 Washington Avenue requested measures to prevent roadway parking within a portion of Washington Avenue in front of their entrance; and

WHEREAS, parked vehicles have presented a traffic hazard to the motoring public and industrial transport operations ; and

WHEREAS, designation of no parking zones along a section of this roadway will increase safety for the motoring public

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Chapter 12, Article V, Division 1 of the Code of the City of Statesville be amended by adding the following to the official ordinance file maintained by the Traffic Safety Director:

**“No Parking Zones”
Portion of the following roadway:
East and West sides of Washington Avenue
255 feet North from Monroe Street to 455 feet North from Monroe Street.**

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

AYES:

NAYS:

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

AYES:

NAYS:

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

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

Leah Gaines-Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

















Proposed No Parking Signs on Washington Ave



Legend

■ Proposed No Parking Sign

150 Feet

Date: July 19, 2022
Dwg: 2022SPD006

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Jenn Bosser-IEDC

DATE: August 1, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

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

Summary of Information:

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

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

Attachments:

1. Joint Economic Development Agreement

NORTH CAROLINA

IREDELL COUNTY

JOINT ECONOMIC DEVELOPMENT AGREEMENT

THIS JOINT ECONOMIC DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into as of this the ____ day of _____, 2022, by and between **THE CITY OF STATESVILLE**, a body politic and corporate and a political subdivision of the State of North Carolina (the “City”), **NP BGO NC PARK STATESVILLE, LLC**, a Missouri Limited Liability Company with a place of business in Iredell County, North Carolina, and **NORTHPOINT DEVELOPMENT, LLC** a Missouri Limited Liability Company with a place of business in Iredell County, North Carolina (hereinafter the two companies will be referred to as, the “Company”).

WITNESSETH:

WHEREAS, the City is desirous of fostering joint economic development within its boundaries; and

WHEREAS, North Carolina General Statute (“N.C.G.S.”) 158-7.1 authorizes the City to make appropriations for the purpose of aiding and encouraging the location and expansion of manufacturing enterprises and industrial and commercial plants in or near its boundaries; and

WHEREAS Company is acquiring approximately 400 acres in real property located at the northeast intersection Interstates I-77 and I-40 in Statesville, Iredell County, North Carolina and known locally as the Peppercorn Site (the “Property”), and Company is improving the Property through construction of a 3.2 million square feet of industrial development to be built in phases with industrial speculative buildings, with the first building being approximately 500,000 square feet. The Company will also install all required and eligible enhanced public infrastructure improvements as described in Exhibit B to this Agreement. Such improvements to the Property constitute the “Improvements,” and Company anticipates that the total cost of the Improvements during the Improvement Period, as defined below, will be a minimum of Fifty Million and No 00/100 Dollars (\$50,000,000.00) and up to Two Hundred and Fifteen Million and No 00/100 Dollars (\$215,000,000.00); and

WHEREAS, the Improvements are expected to increase the tax base of the City and increase the population and to increase business prospects for the City and resulting in the creation of a number of jobs in the City; and

WHEREAS, as an inducement to Company, and to assist Company in connection with the Improvements, the City is willing to appropriate and expend City funds to provide certain economic development incentives, as is provided in Paragraph 6 of this Agreement,

all such appropriations and expenditures to be made pursuant to the terms and conditions of this Agreement and N.C.G.S. 158-7.1; and

WHEREAS, in consideration of these economic development incentives, Company has complied with and agrees to continue to comply with the covenants and conditions binding upon it as set forth in this Agreement; and

NOW, THEREFORE, in consideration of the mutual promises set forth in this Agreement, and of other consideration, the receipt and sufficiency of which is now acknowledged by the parties, the City and Company do hereby agree as follows:

1. This Agreement shall apply only with respect to Improvements undertaken by the Company between April 4, 2022, and December 31, 2029 (the "Improvement Period"). No Incentive will be paid except as set forth herein Paragraph 6.
2. This Agreement is executed subject to the fulfillment of each of the following conditions precedent, except to the extent that Company may, in its absolute discretion, waive one or more thereof in whole or in part:
 - a) The City shall deliver to Company an Opinion of Counsel for the City, in form and substance reasonably satisfactory to Company, that this Agreement has been duly authorized, executed and delivered by City; and
 - b) The City shall deliver to Company, in form and substance reasonably satisfactory to Company, evidence by way of the Statesville City Council minutes that the City duly authorized the economic development incentives set forth in this Agreement through a public hearing. The City agrees to use its best efforts to cause such conditions to be satisfied on or before July 31, 2022.
3. This Agreement is executed subject to the fulfillment of each of the following conditions precedent, except to the extent that the City may, in its absolute discretion, waive one or more thereof in whole or in part:
 - a) Company shall deliver to the City a certificate certifying that it has commenced the construction, acquisition and/or installation of the Improvements Company shall deliver to the City a certificate certifying that Company is not closing and does not intend to close as a result of completing the Improvements, any other Company facilities in the City. Such certificate shall be in the form or substantially in the form of the certificate attached to this Agreement as Exhibit A; and

b) An Opinion of Counsel for Company that this Agreement has been duly authorized, executed and delivered by Company.

4. In order to induce the City to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives pursuant to paragraph 6 of this Agreement, Company represents and warrants to the City that as of the execution date hereof:

- a) It is a limited liability company duly organized and existing and in good standing under the laws of the State of North Carolina; and
- b) It has the power and authority to own its properties and assets and to carry on its business as now being conducted and has the power and authority to execute and perform this Agreement; and
- c) This Agreement (i) is the valid and binding instrument and agreement of Company, enforceable against Company in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on Company, the charter documents or operating agreement of Company or any provision of any indenture, agreement or other instrument to which Company is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which Company is a party; and
- d) There is no suit, claim, action or litigation pending, or to the best knowledge of Company threatened, relating to the Improvements or the use of the Improvements for their intended purpose; and
- e) To the best of Company's knowledge, there is no impediment to the use of the Property for the purposes contemplated by this Agreement.

5. Subject to satisfaction of the conditions set forth in Sections 2 and 3 above and set forth within this paragraph, Company covenants and agrees with the City that in consideration of the appropriation and expenditure by the City of such economic development incentives, Company has and shall make substantial Improvements to the Property during CY1 – CY8 (as defined in Section 6 below).

The Company covenants and agrees and as further conditions of this contract that prior to any incentives being paid by City to Company under this contract, the Company shall do the following:

- (i) The Company will construct and install to City reasonable satisfaction and pursuant to all codes and regulations of City any and all required public infrastructure improvements which shall include those that are within the public right of way and also lie within the Company's

property, including but not limited to road improvements, sidewalks, sanitary sewer, water extension, storm drainage improvements and any other required by City, by Iredell County, the State of North Carolina or any agency of the United States government.

(ii) Company shall receive the appropriate certificate of occupancy or shell building certification from Iredell County.

(iii) Company will install all improvements on public roads as required by the North Carolina Department of Transportation.

(iv) Company must verify expense for public infrastructure improvements by sharing copies of invoices and bank statements and the checks (back and front) (or other proof of payment) accepted by City.

(v) Except as set forth in this Section 5(v) or otherwise set forth in this Agreement, no party shall assign its rights hereunder. Notwithstanding the foregoing: (a) at any time and without the prior written consent of the City, the Company may assign or transfer its rights hereunder to any entity that the Company controls, that controls the Company, that is under common control of another with the Company, or that seeks to hold the property as a landlord in substantially similar fashion as the Company provided that the Company provides the City with written notice of such Sale of the Property or Improvements to such third party purchaser within thirty (30) days after the closing thereof; and (b) with the prior written consent of the City, not to be unreasonably withheld, the Company may assign or transfer its rights hereunder to any entity that seeks to use the Property or the Improvements for purposes consistent with the economic development policies of the City.

6. Payment of economic development incentives will be made as provided in this Paragraph 6.

- a) **Investment Threshold to Initiate Grant Eligibility.** Prior to the first economic development grant payment, the Company must invest a minimum of Fifty Million and No/100 Dollars (\$50,000,000.00) (the "Minimum Investment Threshold") resulting in at least Thirty Million and No/100 Dollars (\$30,000,000.00) (the "Assessed Value Threshold") of value as assessed by Iredell County for ad valorem tax purposes. The company must also have completed all public infrastructure improvements as required hereunder through Exhibit B to become eligible for an initial grant.
- b) **Grant Limits: Term and Amount.** Unless otherwise agreed to in writing, (i.) no economic development grants shall be paid pursuant to this Agreement after December 31, 2035; or (ii.) the aggregate amount of all economic development grants paid pursuant to this Agreement for all

phases totals Four Million Seven Hundred Thousand and No/100 Dollars (\$4,700,000.00). In no event shall the total aggregate amount of all economic development grants paid by the City pursuant to this Agreement exceed Four Million Seven Hundred Thousand and No/100 Dollars (\$4,700,000.00). If the County participates in the economic development grant, then in no event shall the total aggregate amount of all economic development grants paid by the City pursuant to this Agreement exceed Four Million Twenty-Five Thousand and No/100 Dollars (\$4,025,000.00).

c) **Project Certification.** In order to receive any of the economic development grant payments under this Agreement, the Company must first certify, in each applicable calendar year of the term, to the following by submitting to the City a certificate in the form attached hereto at Exhibit A (each a "Project Certificate"); such Project Certificates shall include:

- i. The Company is not closing any other facility in Statesville as a result of the Improvements.
- ii. Project Improvements and the cost of such Improvements made in the applicable year.
- iii. "Assessed Value" of the Improvements as prepared by the Iredell County Tax Assessor and verification of payment in full of such applicable ad valorem taxes to Iredell County.
- iv. A certificate of occupancy or shell building certificate has been issued by Iredell County on the completed Improvements for the applicable year.
- v. For the initial grant payment request, public infrastructure improvements as required hereunder have been completed and related receipts of expenditures therefor are included.

d) **Economic Development Grant Payments.** In each year of any Phase # Grant Term (defined below) where all applicable obligations of the Company have been met and a Project Certificate has been submitted, the Company will be paid in the fiscal year following the year upon which Company has submitted to the City the applicable Project Certificate a cash grant equal to Eighty Percent (80%) of the new incremental tax assessed value of the Improvements set forth in the Project Certificate and as otherwise described in this Paragraph 6 multiplied by the then current City ad valorem rate. The economic development grants paid hereunder require that the Company meet the Minimum Investment Threshold; in addition, grants will be paid on all investment, resulting in new incremental property tax assessed value, up to Two Hundred Fifteen Million and No/100 Dollars (\$215,000,000.00) (the "Maximum Investment"), in accordance with all other provisions hereunder. Attached hereto at Exhibit B is a schedule of eligible grant payments in the event the Company makes the Maximum Investment and all other conditions are met. The parties hereby acknowledge and agree that the amount of the grant payments are set forth on Exhibit B as an example of what the incentive payments would be based on the ad valorem tax rate at the time this Agreement is

executed, but the actual grant amounts paid may be lower than as set forth at Exhibit B due to the Company not making the Maximum Investment or other applicable circumstances.

e) Building Phases; Grant Terms.

- (i.) The parties agree that the economic development grants paid hereunder should be triggered by usable industrial inventory. Therefore, the parties agree that the economic development grants shall be separated into phases, each corresponding to discreet buildings within the overall Project as Iredell County issues either a Certificate of Occupancy or a Shell Building Certification for the building.
- (ii.) Therefore, the economic development grants paid hereunder shall be organized into phases (numbered sequentially), each commencing a five (5) year payment stream that begins at the start of the City's fiscal year following the year upon which Company submits the Project Certification as set forth in Exhibit A to the City and terminates after the fifth consecutive annual grant payment for such completed building(s) (each a "Phase [#] Grant Term", distinguished by its number; for example, the grant term associated with the first building shall be the "Phase I Grant Term"). The various Phase # Grant Terms may commence only between (i.) the date when all obligations hereunder have been met and satisfied for any substantially completed building(s) and the Company has submitted the Project Completion attached in Exhibit A; and (ii.) before the close of business on December 31, 2029. In no event shall the City make a payment for any improvements undertaken by the Company which are not certified by through a submittal of Exhibit A by the close of business on December 31, 2029.
- (iii.) The parties anticipate (with no obligation) that the Phase I Grant Term will commence with an initial grant payment in 2028. The latest possible Phase # Grant Term would apply to a building(s) certified through Exhibit A in 2029 with a first applicable grant payment in the City's fiscal year of 2030 and the last grant payment being made by December 31, 2035.

- f) Iredell County Participation.** Notwithstanding any other provision set forth herein, the parties hereto acknowledge that Iredell County (the "County") has approved participating in the support of the project described herein through economic development incentive grants similar to those described herein. The parties therefore agree that to the extent the county participates and pays such grants, the City's obligations set forth herein shall be reduced dollar for dollar to the extent of the County's participation. The County has approved participating with grants totaling up to \$675,000; if participation occurs to this maximum level, the City's maximum participation would be reduced from \$4,700,000 down to \$4,025,000.

7. Following execution of this Agreement, Company shall furnish to the City as soon as practicable after the end of each CY, but no later than January 30th, the Certificate required by Paragraph 6. Company shall also pay prior to delinquency all ad valorem taxes imposed by the City on all Improvement made by the Company.

8. Notwithstanding the provisions of Paragraph 10, in the event Company is unable to meet the requirements of Paragraph 5 as a result (i) of an event of force majeure, including but not limited to fires, explosions, acts of God, Coronavirus (COVID-19) national pandemic, acts of public enemy, insurrections, riots, embargoes, labor disputes, including strikes, lockouts, job actions or boycotts; (ii) the inability to obtain the governmental permits or approvals (including zoning) necessary for undertaking or operating the Improvements after a good faith effort to obtain same has been made; (iii) shortages of materials or energy, (iv) changes in laws; or (v) other causes beyond the control of and arising without the fault or negligence of, Company; then, in such event, the Improvement Period shall be extended for a period equal to the delay caused by any of the foregoing events so long as Company shall (a) have furnished the City immediately upon the occurrence of such event a notice thereof, and (b) take all commercially reasonable steps necessary to relieve the effect of such event and to resume completion of the Improvements; provided that notwithstanding any extension permitted under this Section 8, the Improvement Period shall not extend beyond six (6) years from the date of this Agreement.

9. It shall be an Event of Default if any one or more of the following events shall occur for any reason whatsoever (and whether such occurrence shall be voluntary or involuntary or come about or be affected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

(a) if Company, except in the event of force majeure, shall fail to fulfill the provisions of Paragraph 5 of this Agreement; or

(b) if Company shall fail to observe and perform any other conditions set forth in this Agreement and such failure shall continue for a period of sixty (60) or more days after the giving by the City of written notice of such failure to Company; or

(c) if any material representation, warranty or other statement of fact contained in this Agreement or in any writing, certificate, report or statement furnished by Company to the City in connection with the transaction described in this Agreement, shall be false or misleading in any material respect when given; or

(d) if Company shall be unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the

appointment of a receiver, trustee, liquidator or conservator of itself or of the whole or any substantial part of its property; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or any state; or

(e) If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of Company or of the whole or any substantial part of its properties, or approve a petition filed against Company seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of Company or of the whole or any substantial part of its properties.

10. Upon the occurrence of any material Event of Default, upon receipt of written notice, Company shall have (30) days to cure; during such cure time, grants, to the extent they are to be paid pursuant to the terms hereunder, shall be suspended. If the Company is unable to cure, Company shall receive no further economic incentive payments hereunder without the written consent of the City as such consent shall be provided with equal authority by either the City Manager or by resolution of City Council.

11. Both Company and the City acknowledge that any and all monies appropriated and expended by the City for economic development incentives as provided in this Agreement are for a bona fide public purpose and are expended in good faith reliance on North Carolina General Statute 158-7.1. In the event the state of North Carolina changes its laws impacting any future grant payment to be paid pursuant to the terms hereunder, the parties agree to modify the terms of this agreement to comply with such future laws while maximizing, to the extent possible under such future laws, the mutual benefits to be enjoyed hereunder.

12. All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed given or served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, or (iii) sent by facsimile transmission with evidence of successful transmission retained, properly addressed as follows:

if to City: City of Statesville
 Attn: City Manager
 P. O. Box 1111
 Statesville, NC 28687

With a copy to: Iredell County Economic Development Corporation
 Attention: President & CEO

500 South Main Street, Suite 449
Mooresville, NC 28115

if to Company: Leo Sallinger
c/o NP BGO NC Park Statesville, LLC
3315 N. Oak Trafficway
Kansas City, MO 64116

With a copy to: Nexsen Pruet, LLC
Attention: Chris Kouri
227 W. Trade Street, Suite 1550
Charlotte, NC 28202

The City or Company may, by notice given to the other, designate any further or different addresses to which notices, certificates, requests or other communications shall be sent.

13. This Agreement shall inure to the benefit of, and is binding upon, the City and Company and their respective successors and assigns.

14. Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified or altered except by written agreement of the parties.

15. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

16. This Agreement may be executed in any number of counterparts, each of which so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully executed counterpart.

17. This Agreement is governed by and shall be construed in accordance with the laws of the State of North Carolina.

18. The term of this Agreement shall commence on the date of execution and expire upon the earlier to occur of (i) payment of Incentives totaling \$4,700,000.00 or (ii) the end of FY5.

19. Both Company and the City acknowledge the City has an obligation to its Citizens to conduct public business in a public fashion, and to provide such information to its Citizens as will allow them to make informed judgments regarding its actions. Further, both Company and the City acknowledge that Company has a legitimate interest in maintaining the confidentiality of its trade secrets. In order to balance these competing interests, it is agreed this Agreement is neither confidential nor a Company trade secret and may be released to the public. However, it is further agreed certain Exhibits to this

Agreement, and /or other information provided by Company pursuant to this Agreement, may contain Company trade secrets. Accordingly, where any such Exhibit, or other information, is, at the time of its initial disclosure to the County, designated as “confidential” or as a “trade secret” and such Exhibit or information is a trade secret as defined in North Carolina General Statute 66-152(3), then such information will be maintained in confidence by the City, unless its release is consented to in writing by Company, or unless such information is finally adjudicated not to be a trade secret by a court of competent jurisdiction.

20. Both Company and the City acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by Counsel for both Company and the City. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

Executed as of the date first set forth above.

THE CITY OF STATESVILLE, NC

By: _____
Constantine H. Kutteh, Mayor

(SEAL)

ATTEST: _____

Brenda Fugett, Clerk for the City of Statesville

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

Brian Roberts, Finance Officer

NORTH CAROLINA

IREDELL COUNTY

I, _____, a Notary Public of said County and State, certify that _____ who is known to me, personally came before me this day and acknowledged that she is the Clerk of Statesville, and that by authority duly given and as the act of the body politic, the foregoing instrument was signed in its name by its Mayor sealed with its corporate seal and attested by herself as its Clerk.

WITNESS my hand and seal this _____ day of _____, 20____.

Notary Public (SEAL)

My commission expires: _____

NP BGO NC PARK STATESVILLE, LLC

By: _____

Title: _____

NORTHPOINT DEVELOPMENT, LLC

By: _____

Title: _____

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of **NP BGO NC Park Statesville, LLC**, a Missouri Limited Liability Company and that by authority duly given and as the act of the Missouri Limited Liability Company, the foregoing instrument was signed in its

name by _____, sealed with its corporate seal, and attested by himself/herself as its _____.

WITNESS my hand and seal, this the _____ day of _____, 20_____.

Notary Public (SEAL)

My Commission Expires: _____

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of **Northpoint Development, LLC** a Missouri Limited Liability Company and that by authority duly given and as the act of the Missouri Limited Liability Company, the foregoing instrument was signed in its name by _____, sealed with its corporate seal, and attested by himself/herself as its _____.

WITNESS my hand and seal, this the _____ day of _____, 20_____.

Notary Public (SEAL)

My Commission Expires: _____

EXHIBIT A

CERTIFICATE

TO: City of Statesville

This Certificate is delivered pursuant to Section 3 of the Joint Economic Development Agreement (the "Agreement"), dated _____, 202_, between City of Statesville and NP BGO NC PARK STATESVILLE, LLC and NORTHPOINT DEVELOPMENT, LLC, ("Company"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

I, _____, do hereby certify, for and on behalf of Company that:

- (a) Company is not closing and does not intend to close, as a result of completing the Improvements, other facilities in Statesville.
- (b) The construction, acquisition and /or installation of the Improvements on or at the Property will result, or has resulted, in the creation of \$_____ in improvements in Iredell County.
- (c) The Company has paid in full ad valorem taxes to the county and City for tax year _____.
- (d) The investment for which this request is made have been completed and have been submitted on the property listing form to the Iredell County Tax Assessor.
- (e) The Company has attached receipt of its taxes paid in full to the County and City for the tax year due and owing.
- (f) Company shall attach verification of certificate of occupancy or shell building certification from Iredell County.
- (g) Company will verify expenses for public infrastructure improvements as required and agreed upon by the City by sharing copies of invoices, bank statements, and checks (back and front) and or other proof of payment, accepted by the City.

Dated at _____, North Carolina,

This the ____ day of _____, 20__.

NP BGO NC PARK STATESVILLE, LLC, a Missouri Limited Liability Company
with a place of business in Iredell County, North Carolina and **NORTHPOINT
DEVELOPMENT, LLC**

NP BGO NC Park Statesville, LLC

Northpoint Development, LLC

By: _____

By: _____

Title: _____

Title: _____

EXHIBIT B

See Attached.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: August 3, 2022

ACTION NEEDED ON: August 15, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

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

1. Summary of Information:

Rezoning Request

Tules LLC (applicant), on behalf of 6490 Partners LLC (owner) is requesting to rezone a single parcel in anticipation of future industrial development (see attached Location Map and Aerial Photo Map). This is a standard rezoning proposal, and not subject to conditions.

Evaluation

The applicant requests rezoning of the subject parcel, totaling approximately 10.9 acres, from the RA (Residential Agricultural) and B-5 (General Business) districts to the LI (Light Industrial) District, to develop the property for use as a transfer/trucking company operation (see attached Current Zoning Map). This property is within the Extraterritorial Jurisdiction (ETJ) and will require annexation into the City if public utilities are requested. This parcel is currently undeveloped (see attached Site Photos); and directly abuts US 64 and Marble Road, at the junction with NC 90 (Taylorsville Highway).

This parcel is split-zoned; the majority of the property is zoned RA while the remainder is designated B-5. The UDC requires that when a parcel has multiple zoning districts, it is considered zoned within the district making up the majority of the parcel (per UDC Sec. 3.02.C.2). The intended land use is not permitted in the RA zoning district, creating the need for the request for rezoning. The purpose of the LI district is to accommodate light industrial uses that are compatible with general business uses. There are no minimum lot size or lot width requirements for the LI district; and the property is sufficient for a project to meet the required minimum 30' front, 20' rear, and 20' side yard setbacks. Rear/side yard setbacks are required unless required buffer yards exceed those setbacks—buffers would be 30' adjacent to residentially-zoned properties (including property zoned RA). The maximum building height in the district is 80'.

There is no proposed site plan at this time; when one is submitted for review and approval by the Technical Review Committee (TRC), the developer will be required to provide appropriate screening and buffering, dedication of right-of-way, driveway access improvements (including curb, gutter and sidewalk) and other infrastructure improvements as necessary, meeting the requirements of the Unified Development Code. The City's stormwater regulations would also

apply to development greater than 20,000 square feet of impervious surface on this property. Additionally, a transfer/trucking company development project must also meet the City's Performance Standards—requirements found in UDC Section 5.05 addressing outdoor lighting, sound and vibration levels.

The recently adopted 2045 Land Development Plan (LDP) projects the property as suitable for Complete Neighborhood 2—a Character Area that would not be compatible with the proposed LI zoning or intended industrial land use. However, there is no existing residential development in the immediate area; and the surrounding land uses—a Dollar General retail store, Affordable Mini Storage, Steel Tube Inc. and JAS Fiber (light manufacturing operations), and US 64 itself—make new residential development on this parcel unlikely. Therefore, it is worth considering an amendment to the Land Development Plan permitting expansion of the Employment Center/Industrial Flex characteristics, aligning the subject parcel with the rest of the properties along Marble Road, with the exception of the Dollar General store at the intersection with US 64 (see attached 2045 LDP Land Use & Character Map inset, and Complete Neighborhood 2 and Employment Center/Industrial Flex Character Intent insets).

City of Statesville electricity and water are available to the property; City sewer is available upon extension by a developer (see attached Utilities Map).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: B-5 (General Business) District, including the ROW for US 64, several undeveloped parcels, and the Carolina Petroleum distribution facility

EAST OF THE SITE: B-5, the Dollar General retail store; **HI** (Heavy Industrial) District across US 64, including the Mitchell Gold+Bob Williams home furnishings manufacturing/distribution facility, a Shell gasoline and convenience store, and the Deal-Rite (animal) Feeds facility

SOUTH OF THE SITE: B-5, Affordable Mini Storage, **RA** (Residential Agricultural) District, undeveloped acreage with one single-family residence to the west of the subject parcel

WEST OF THE SITE: LI (Light Industrial) District, STI (Steel Tube Inc.) fabricating, JS Fiber manufacturing, Kewaunee distribution center & warehouse and several other light industrial operations along Marble Road

- 2. Previous Council/Relevant Actions:** At their regular meeting on July 26, 2022, the Planning Board unanimously recommended approval of the request for rezoning.
- 3. Budget/Funding Implications:** The current total taxable value of the parcel is approximately \$367,500. A site plan for the intended land use has not yet been developed; therefore the estimated total value of a future improvement project is unavailable at this time. City of Statesville sewer, water and electrical service is available to the property (see attached Utilities Map).
- 4. Consequences for Not Acting:** The entire property could be developed under the current RA zoning regulations and development standards; and/or a minority portion of the property could be developed under the current B-5 regulations and standards.
- 5. Department Recommendation:** the 2045 Land Development Plan projects the property as suitable for Complete Neighborhood 2; however, the property's location and surrounding land uses reflect an actual situation more suitable with Employment Center/Industrial Flex development, which is an appropriate character area. The request is for standard rezoning

of the subject parcel; and a future site plan would be required to comply with the Unified Development Code. All utilities are available to the site; if future development requires City utilities, annexation would be required. Therefore, staff recommends **approval** of the rezoning request as an amendment to the Land Development Plan.

6. Manager Comments: Concur with department recommendation.

7. Next Steps: If approved, the second reading would be on September 19, 2022.

Attachments:

1. Location Map
2. Aerial Photo Map
3. Current Zoning Map
4. Site Photos
5. 2045 Land Use & Character Map inset
6. Complete Neighborhood 2 Character Intent inset – 2045 LDP
7. Employment Center/Industrial Flex Character Intent inset -- 2045 LDP
8. Utilities Map
9. Council Consistency Statement
10. Planning Board Consistency Statement
11. Rezoning Ordinance
12. Certification of Mailed Notices



To: Statesville City Council

From: Sherry Ashley, Planning Director

Date: August 1, 2022

Subject: Rezoning

Case: ZC22-03 – Greenbriar Ridge

Address: E. Greenbriar Road, Iredell County Tax Parcel # 4754-23-6335

☒ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan**, is reasonable and in the public interest because: The 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 2, which is intended primarily for residential development and recommends many of the features—gridded street network, connectivity between neighborhoods, pedestrian/bicycle facilities and planned open space—proposed in the requested Concept Plan (see 2045 Land Use & Character Map and Complete Neighborhood 2 Character Intent sheet). All utilities are in place; and at the proposed gross density of 2.79 dwelling units per acre, the proposed development is significantly less dense than the maximum density defined 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 and a connection to the west, both 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.

☐ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the City's comprehensive land use plan**. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: _____

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

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: August 2, 2022

ACTION NEEDED ON: August 15, 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 Birdsey Street.

- 1. Summary of Information:** Mr. Joel Patterson surveyor on behalf of ADJESS Assoc., 20 LLC is petitioning to close a portion of an unopened, unimproved right of way that was planned to serve as a future extension of Birdsey Street to E. Front Street (see GIS vicinity map and abandonment survey). Birdsey Street was platted as a 40ft. right-of-way. ADJESS Assoc., 20 LLC would like to combine the proposed abandoned right of way to create 3 lots to build houses upon (see proposed minor subdivision plan).

This 40ft. of right of way for Birdsey Street was originally dedicated in 1933 as part of the "Greenwood Grove" subdivision (see Plat Book 1-117). This right of way was platted to eventually connect Birdsey Street through to E. Front Street. The portion of Birdsey Street from E. Broad Street to Wood Street is paved and maintained by the city. The city's current standards now require minor streets to have a minimum of 50 ft. right-of-way. There is also an existing sewer line that needs to be maintained in a 20ft. easement.

The abandonment process must follow the requirements of NCGS 160A-299.

- 2. Previous Council or Relevant Actions:** On July 18, 2022, Council passed the *Resolution of Intent to Close*, which began the public notification process and scheduled this public hearing. The resolution has been posted and letters sent to adjoining property owners.
- 3. Budget/Funding Implications:** N/A
- 4. Consequences for Not Acting:** Birdsey Street would remain dedicated. It would not have to be improved since the lots adjacent to it have frontage on E. Front Street.
- 5. Department Recommendation:** Even though 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 portion of right of way is very short and is not indicated in the 2019 Mobility + Development Plan. The review criteria in Section 2.13 of the UDC (see attached) are met by pursuing the abandonment process, Birdsey Street is not shown as a future connection in the 2019 Mobility + Development Plan, neighborhood access is not restricted nor is the health and safety impacted due to the neighborhood having six access points through the neighborhood to both E. Broad Street and E. Front Street and this extension is not necessary for secondary access. In addition, East End Avenue is proposed to be extended and part of the urban loop around the city. The proposed development would not be required to improve this section of Birdsey Street because

of frontage on E. Front Street. Therefore, staff's recommendation is favorable to abandon this portion of right of way contingent upon maintaining a 20ft. sewer easement.

6. **Manager Comments:** Concur with department recommendation.
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. The applicant would also need to submit a minor subdivision plat to create the lots.
8. **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. Proposed minor subdivision plan
 5. Greenwood Grove Plat Book 1 Page 117
 6. Mobility + Development Plan Figure 3.12b.
 7. Section 2.13 Review Criteria

RESOLUTION NO. _____

RESOLUTION OF STREET CLOSING

RESOLUTION BY THE CITY COUNCIL OF STATESVILLE, NORTH CAROLINA OFFICIALLY CLOSING A PORTION OF BIRDSEY STREET AS MORE FULLY DESCRIBED ON THE ATTACHED EXHIBIT A AND SHOWN ON THE ATTACHED SURVEY FOR ADJESS ASSOCIATES 20, LLC. PREPARED BY PATTERSON LAND SURVEYING, PA DATED 05 JULY 2022.

WHEREAS, the City Council by Resolution No. 33-22, at its regular meeting on the 18th day of July, 2022, gave notice of its intention to close Birdsey Street as more fully described on the attached Exhibit A and shown on the attached survey for Adjess Associates 20, LLC., prepared by Patterson Land Surveying, PA dated 05 July 2022, Exhibit B, and called for a public hearing thereon. The portion of the street described is not necessary for the reasonable means of ingress, egress or regress for property owners in the vicinity of the affected street and the closing of said street is not contrary to the public interest.

WHEREAS, such Resolution of intention was published in the Statesville Record & Landmark on July 22, 2022, July 29, 2022, August 5, 2022, August 12, 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 August 15, 2022 concerning the closing and no opposition to the closing was heard; and

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

WHEREAS, a 20 ft. sewer easement will be maintained for the City of Statesville's sewer line along this portion of Birdsey Street; and

NOW, THEREFORE, BE IT RESOLVED that Birdsey Street as more fully described in Exhibit A and shown on the attached survey for Adjess Associates 20, LLC. prepared by Patterson Land Surveying, PA dated 05 July 2022 be closed to the general public use.

This the 15th day of August, 2022.

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

Exhibit A: Legal Description

Beginning at an found 1/2" iron pin on the northeastern right of way of East Front Street with a bearing of North 20-15-37 West having a distance of 150.05 feet to a found #4 rebar. Thence; North 62-37-14 East having a distance of 40.31 feet to a point. Thence; South 20-15-37 East having a distance of 155.05 feet to a point on the Northeastern right of way of East Front Street. Thence; South 59-45-00 West having a distance of 40.00 feet to the point and place of beginning

Said property contains 0.14 acres more or less.

**STATE OF NORTH CAROLINA
COUNTY OF IREDELL**

DECLARATION OF WITHDRAWAL

THIS DECLARATION OF WITHDRAWAL was made and executed this 15th day of August, 2022 by the City of Statesville, a municipal corporation duly chartered with its principal office in Statesville, Iredell County, North Carolina.

WITNESSETH:

WHEREAS, Adjess Associates 20, LLC, has requested that a portion of Birdsey Street located in the City of Statesville be closed; and

WHEREAS, a full description of the portion of street that is to be closed is described on the attached Exhibit "A" and shown on a survey for Adjess Associates 20, LLC prepared by Patterson Land Surveying, PA dated July 5th, 2022 which is attached hereto as Exhibit "B" and the portion to be closed is not necessary for other property owners in the vicinity of the affected streets to have ingress, egress or regress to their property and 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 street for the public use except for a 20 ft. sewer easement for a city sewer line, the City of Statesville hereby does execute this withdrawal for the sole purpose of withdrawing the street affected 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 portion of Birdsey Street described in Exhibit "A" and shown on survey for Adjess Associates 20, LLC, prepared by Patterson Land Surveying, PA dated 05 July 2022 attached hereto as Exhibit "B", hereby closed and the same is hereby withdrawn from public use to which it was heretofore dedicated subject, however, to the reservation of the City of Statesville and other utility providers of all utility improvements located in the right of way of said street and subject further to the reservation by the City of Statesville and other utility providers of an easement for the installation, maintenance and repair of all utilities supplied by the City of Statesville and other utility providers.

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

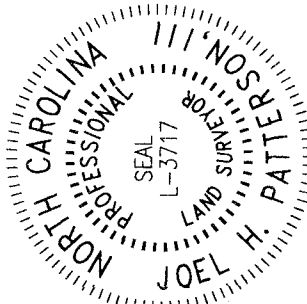
Exhibit A: Legal Description

Beginning at an found 1/2" iron pin on the northeastern right of way of East Front Street with a bearing of North 20-15-37 West having a distance of 150.05 feet to a found #4 rebar. Thence; North 62-37-14 East having a distance of 40.31 feet to a point. Thence; South 20-15-37 East having a distance of 155.05 feet to a point on the Northeastern right of way of East Front Street. Thence; South 59-45-00 West having a distance of 40.00 feet to the point and place of beginning

Said property contains 0.14 acres more or less.

I, Joel H. Patterson III, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description and/or Map Book _____, Page _____). That the boundaries not surveyed are clearly indicated as drawn from information found in Book N/A, Page N/A; that the ratio of precision as calculated is 1: 10,000+ that this plat creates a subdivision of land within a county or municipality that has an ordinance that regulates parcels of land and was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal.

This _____ day of _____, A.D. 2022.



JOEL H. PATTERSON III
REGISTRATION NUMBER: L-3717

TAX ID: 4744-47-8151
DEBORAH S. PATTERSON
DB: 2801 PG: 1781
PB: 1 PG: 117

Print Book 1
Page 117
Date: 05/16/2025

Owner's Certificate:

KNOW ALL MEN BY THESE PRESENTS, that _____ hereby certify(ies) that (I am) (we are) the owner(s) of the property shown on this plat, that (I) (we) hereby acknowledge this plat and allotment to be (my) (our) free act and do hereby dedicate to public use all streets, alleys, easements and other public areas shown on this plat. (I) (we) further certify that Patterson Land Surveying, P.A. surveyed and made this plat at (my) (our) direction, and that the entire subdivision is within the boundaries of a tract conveyed to (me) (us) by a deed recorded in Book 2854 Page 572, filed with the Iredell County Register of Deeds

STATE OF _____ COUNTY.

I, _____, CERTIFY THAT

PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS _____ DAY OF _____, 2022.

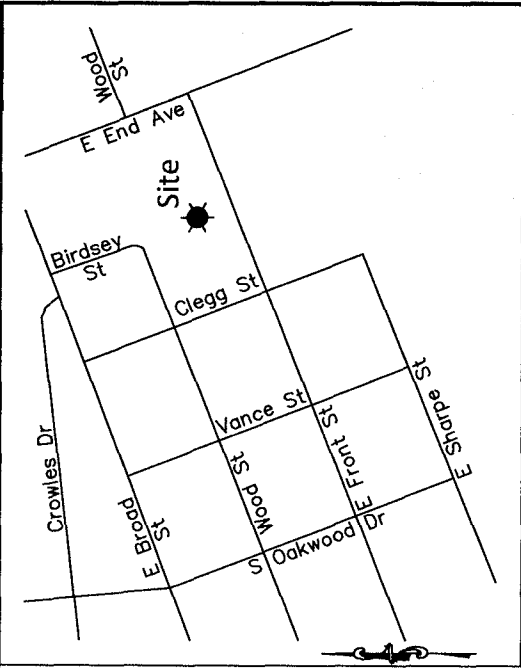
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SURVEYOR NOTES

- 1) ALL DIMENSIONS SHOWN ARE IN US SURVEY FEET AND DECIMALS THEREOF AND ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE INDICATED. AREA BY COORDINATE METHOD.
- 2) THIS SURVEY IS BASED ON PLAT BOOK 1 PAGE 117 AS RECORDED AT THE LINCOLN COUNTY REGISTER OF DEEDS.
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY. THE PROPERTY MAY BE SUBJECT TO UNRECORDED RIGHTS-OF-WAY, EASEMENTS, RESTRICTIVE COVENANTS OR CONDITIONS NOT OBSERVED OR SHOWN HEREON.
- 4) BASIS OF BEARINGS: PLAT BOOK 1 PAGE 117 - DATED: JUNE 5, 1925.
- 5) #4 REBAR AT ALL CORNERS, UNLESS OTHERWISE NOTED. ALL CORNERS "FOUND" or "SET" ARE FLUSH WITH THE GROUND, UNLESS OTHERWISE NOTED.
- 6) THE LOCATION OF UTILITIES AS SHOWN HEREON, WHETHER PUBLIC OR PRIVATE, ARE BASED ON THE LOCATION OF VISIBLE ABOVE GROUND APPURTENANCES ONLY. OTHER UTILITIES WHICH WERE NOT OBSERVED AND NOT SHOWN HEREON MAY EXIST. IT IS THE OWNERS/TENANTS RESPONSIBILITY TO PATTERSON LAND SURVEYING, P.A. CANNOT ASSUME RESPONSIBILITY FOR MISIDENTIFICATION OR COMMISSION OF UNDERGROUND UTILITIES.
- 7) THIS PROPERTY IS ON ZONE R-5, LIES IN FLOOD ZONE "X" AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL 1710474001, WITH AN EFFECTIVE DATE OF MARCH 18, 2008.
- 8) MINIMUM LOT SIZE: 5,000 SQ. FT.
- 9) PROPERTY ZONED R-5.
- 10) MINIMUM LOT WIDTH: 50'
- 11) MINIMUM SETBACKS: FRONT: 25' SIDE: 5' REAR: 25'

TAX ID: 4744-46-8965
HINKLEY GALVAN LLC
DB: 2897 PG: 1028
PB: 1 PG: 117



VICINITY MAP NOT TO SCALE

Purpose of this plat is to combine lots 37, 38 and 57 thru 63 as recorded on Map Book: 1 Page: 117 And Deed Book: 2854 Page 572 into four lots based on R-5 zoning requirements.

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

I, _____ REVIEW OFFICER OF CITY OF STATESVILLE, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

TAX ID: 4744-57-2026
MARK A & MARIE GOLDMAN
DB: 2875 PG: 1486

LOT 4
0.20 Acres
8,887 Sq. Ft.

LOT 3
0.18 Acres
7,752 Sq. Ft.

LOT 2
0.22 Acres
9,526 Sq. Ft.

LOT 1
0.13 Acres
5,625 Sq. Ft.

E. 50' Public R/W
Front Street

LEGEND

- WM = Water Meter
- S = Sewer Manhole
- FO = Fiber Optic Vault
- CB = Catch Basin

MINOR SUBDIVISION FOR

ADJESS ASSOCIATES 20, LLC
PLAT BOOK 1 PAGE 117

STATESVILLE TOWNSHIP, IREDELL COUNTY, NC

Prepared For: ADJESS ASSOCIATES 20, LLC
105 BARRISTER BAY LANE
MOORESVILLE, NC 28117

PATTERSON LAND SURVEYING, P.A.

NC LICENSE #: C-3390
P.O. BOX 5010, MOORESVILLE, NC 28117
PHONE: 704-663-0110 EMAIL: pattersonlandsurveying@gmail.com

Drawn By: SAG Checked By: JJP Scale: 1" = 20'
Date: July 5, 2022 Project No: 22005
File: 22005 927 East Front Street.dwg Sheet No: 1 of 1

Certificate of Approval for Recording

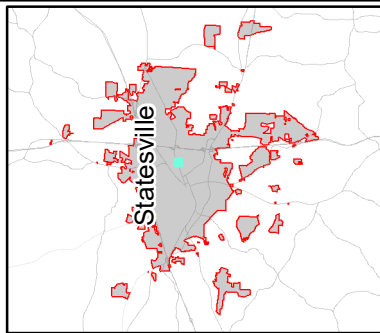
I hereby certify that the subdivision plat shown hereon has been found to comply with the Minor Subdivision Regulations of the City of Statesville, North Carolina and that the plat has been approved by the Technical Review Committee for recording in the office of the Register of Deeds of Iredell County

Subdivision Administrator

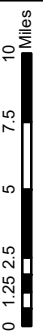
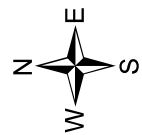


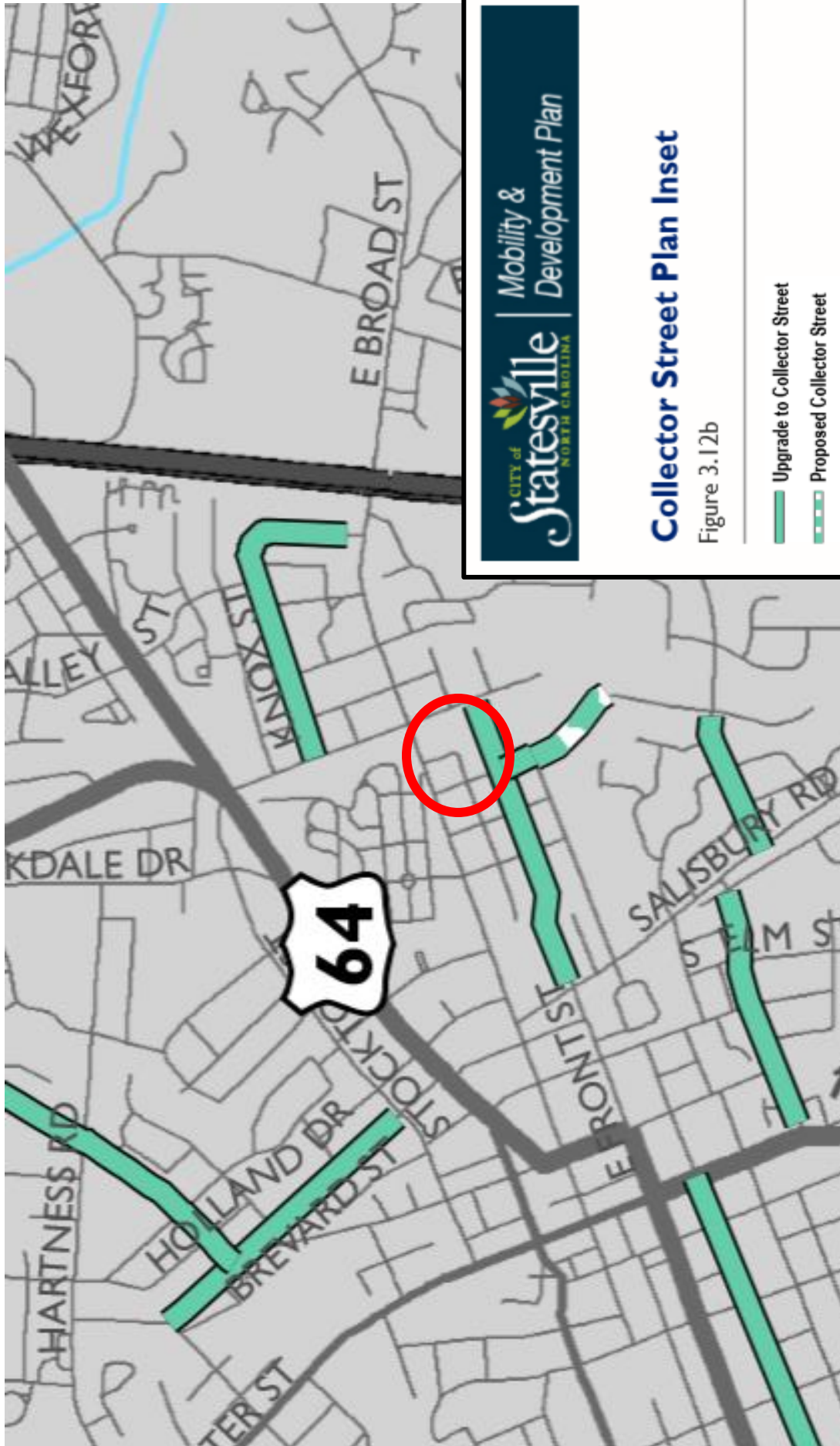
Copyright nearmap 2015

Birdsey St. Abandonment









Legend





Collector Street Plan Inset

Figure 3.12b

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

TRACED BY
GILBERT ENGINEERING CO.
1933

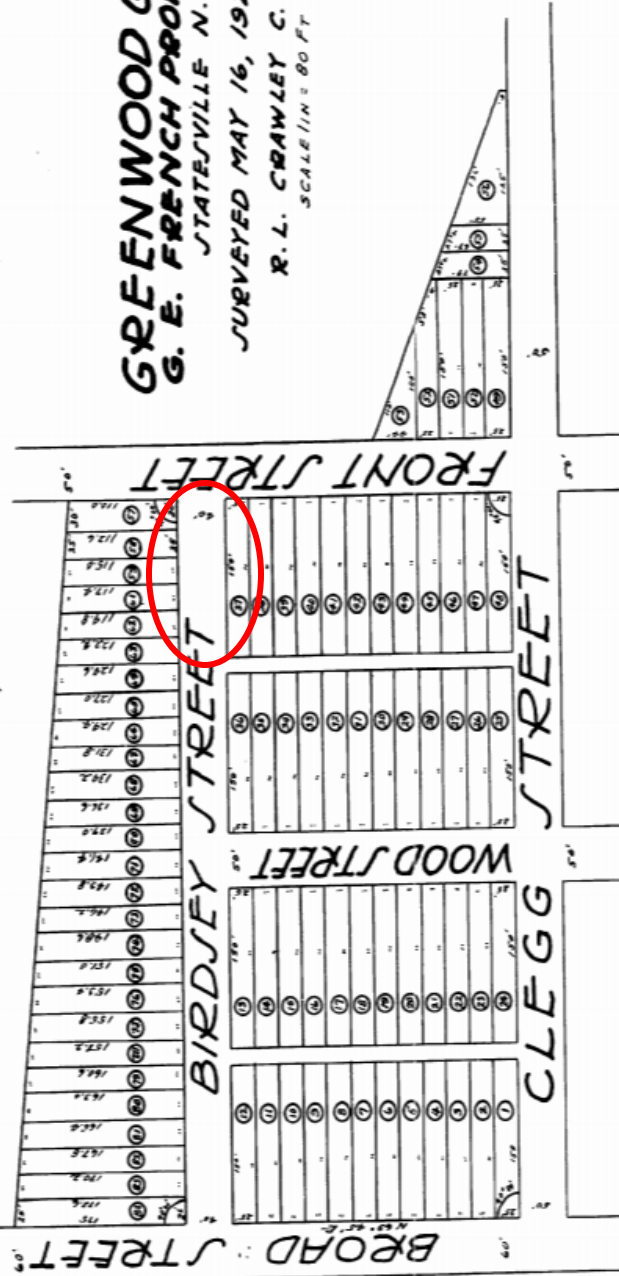
**GREENWOOD GROVE
G. E. FRENCH PROPERTY**

STATESVILLE N. C.

SURVEYED MAY 16, 1925 BY

R. L. CRAWLEY C. E.

SCALE 1 IN = 80 FT



North Carolina
Indeall County

R. L. Crawley being duly sworn, deposes and says; that he is a Surveyor and that the map, or plat, hereto attached is in all respects correct and was prepared by him from an actual survey of the lands of G. E. French made on the 16 day of May A.D. 1925; and that the variation of the Magnetic needle at date of said survey was 1° 30'.

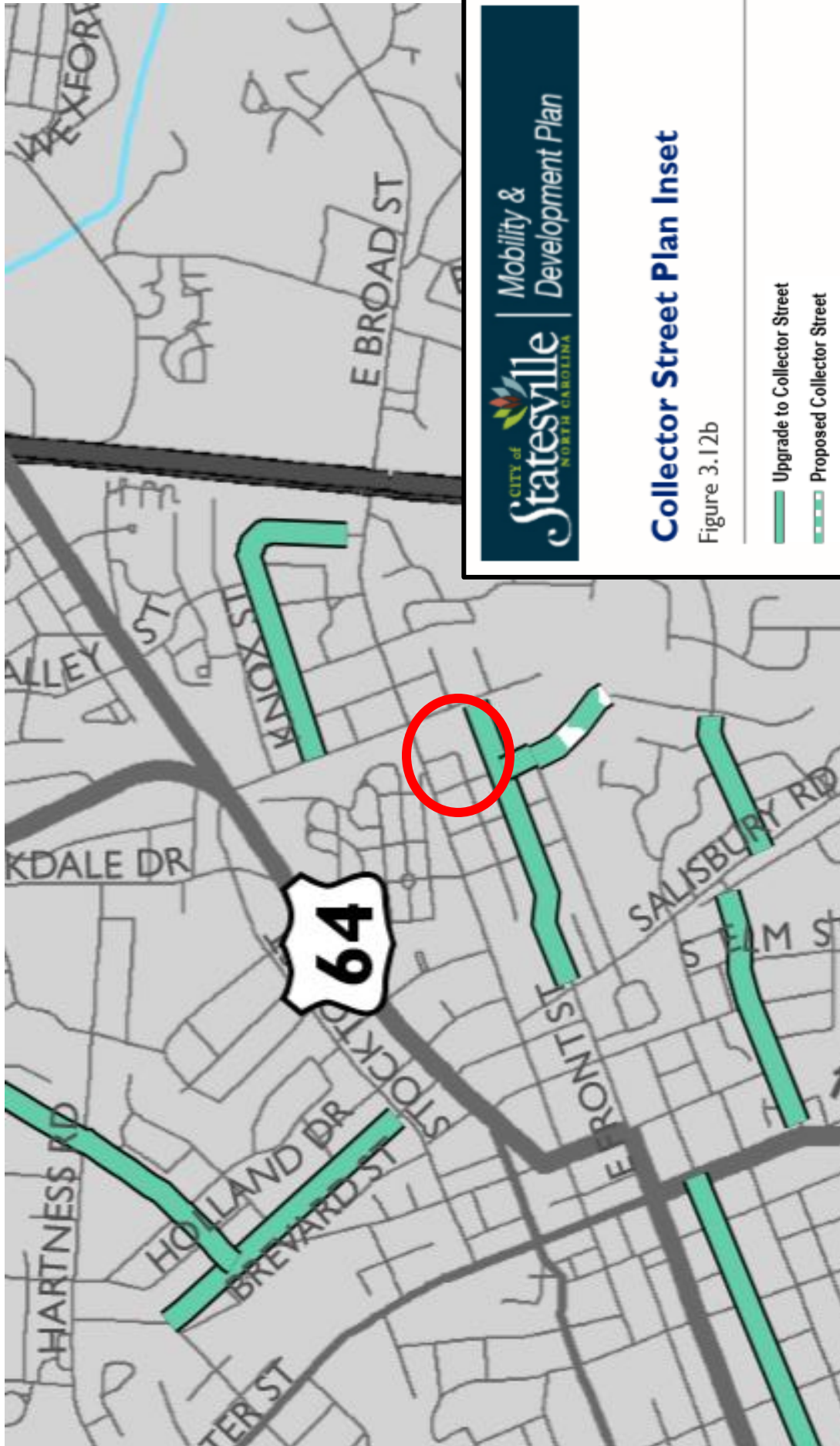
Sworn to and subscribed before me, this the 4 day of June A.D. 1925
(Signed) R. L. Crawley, Surveyor
(Signed) C. G. Smith, Dept. Clerk Superior Court

North Carolina
Indeall County

The foregoing proof of the correctness of the map, or plat, of G. E. French land is adjudged to be in due form and according to law. Therefore, let said map, together with all the foregoing proof by R. L. Crawley, Surveyor, with this certificate, be registered.
Witness my hand, this the 4 day of June A.D. 1925
(Signed) C. G. Smith, Dept. Clerk Superior Court

North Carolina
Indeall County

Filed for Registration on June 5, 1925 at 10 o'clock A.M. and Registered in Book 1 Page 117
(Signed) A. L. Lawrence, Reg. of Deeds



City of Statesville
NORTH CAROLINA

Mobility & Development Plan

Collector Street Plan Inset

Figure 3.12b

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

- **Section 2.13 - Abandonment of Streets, Easements or Plats**

F. Review Criteria

Prior to approval, the City Council shall find that:

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

G. Decision Maker

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

**DESIGN REVIEW COMMITTEE MEETING
CITY HALL COUNCIL CHAMBERS
June 9, 2022 @ 2:00 pm**

Members present: Bryan George, John Marshall, Scott Zanotti, Rebecca Jones

Absent: Chuck Goode

Staff present: Marci Sigmon, Lori Deal

Council present: None

Others: Melody Christy – Signage Industries, Leah Messick, Franklin Agyepong – Schaeffer Architecture Design Associates Inc.

Vice Chairman George called the meeting to order and asked for a motion to approve the DRC minutes from the May 12, 2022 meeting.

Jones made a motion to approve the May 12, 2022 DRC meeting minutes, seconded by Zanotti. The motion carried unanimously.

Consider Design Review Application, represented by Signage Industries, to place three new halo signs on the new building structure located at 108 North Tradd Street; Tax Map 4744-06-7204.

Sigmon gave the following staff report:

Background

Blue Harbor Bank owns the parcel at 108 North Tradd Street. The bank received approval to build a new structure during September 2020 from the Design Review Committee and City Council. The new building is currently under construction. The property is zoned Central Business Perimeter and is subject to review by the DRC.

Request

Blue Harbor Bank is requesting to install three halo-illuminated signs on the new structure. The Unified Development Ordinance allows for one wall sign per street frontage. All signs will measure approximately thirteen feet in length and four feet tall. The halo signs are designed to extend four and one-half inches from the wall. The lumens will be 709.36/per square feet. Halo-illuminated signs are allowed in the Central Business Perimeter District per Section 6.07: R. 7, of the Unified Development Ordinance.

Committee Review

Before rendering a decision, the committee should reference design guidelines: Page 22-24: Chapter 4: Site Features A. Signs & Awnings

George asked if there are monument or pedestal signs and Sigmon stated the application is only for three wall signs. Melody Christy stated the signs requested follow the city ordinance and there are no monument signs proposed.

Marshall made a recommendation to approve Design Review Application, DRC 22-10, from Blue Harbor Bank, to place three new halo signs on the new building structure located at 108 North Tradd Street as presented, seconded by Jones. The motion carried unanimously.

Consider Design Review Application, DRC 22-11, from Sam Winthrop and Leah Gaines-Messick represented by Schaeffer Architecture Design Associates Inc., to redesign the front entryway and remove the overhead door at the rear elevation replacing it with a smaller stationary window on the building located at 113/115 East Broad Street; Tax Map 4744-06-1041.

Sigmon gave the following staff report:

Background

The structure located at 113/115 East Broad Street is located in Statesville's National Register Commercial District. The building is a tall one-story structure with stone-paneled front, modernistic sawtooth cornice, and two storefronts recessed on the diagonal. According to Iredell County staff, the building was built as one area, then at some point was divided into two suites.

Sam Winthrop and Leah Gaines-Messick purchased the building during May 2022 for the purpose of locating their legal office in the downtown area. Currently the building is vacant.

Request

The owners, Sam Winthrop and Leah Gaines-Messick, are requesting to redesign the front entryways to accommodate the current handicap building code and establish a single point entry due to the alcoves having a four-inch difference in height per Larry Schaeffer, architect for the project. The current recessed entryways will be removed and the front walls, left side and right side, will be placed around twelve inches back from the center precast column. The proposed entry area will consist of a small tile base approximately twelve inches high, depending on grade, and low E clear, double pane insulated glass. The tile will be porcelain colored Armor (*black*). The entry door will also be low E clear, double pane insulated glass. The window and door frames will be new anodized black metal.

The renovation includes removing two awnings from the front façade and placing a flat, rectangular shaped, metal canopy over the entryway spanning the length of all windows. The canopy will be approximately one foot thick, two and a half feet deep and twenty-four feet long. The metal canopy proposal includes three recessed LED lights. The lights will be low voltage to tie in with the downtown character.

The owners are also asking to remove the overhead door at the rear elevation and place a large storefront window in its place. The new window will match the proposed storefront windows on the front elevation with low E clear, double pane insulated glass and anodized black metal frames.

Committee Review

Before rendering a decision, the committee should reference design guidelines: Page 6-8: Chapter 2: Changes to Buildings; Section A. Storefronts, Pages 8-10: Chapter 2: Changes to Buildings; Section 2. B. Façade Treatment, Pages 10-13: Chapter 2: Changes to Buildings; Section 2. C. Materials/Details, Pages 22-24: Chapter 4: Site Features; Section 4. A. Signs & Awnings, Pages 26: Chapter 4: Site Features; Section 4. D. Illumination

Marshall asked if there will be up lighting for the signage and Messick stated yes. Marshall asked if the center and side column bases will match and Sigmon stated they will stay the same. Franklin Agyepong stated the existing center column base will stay, but the new store front base on each side will be in the proposed black tile. Agyepong stated the front façade will be cleaned and the up lighting is located in the canopy.

George asked if the window replacing the overhead door at the rear of the building will be an egress and Agyepong stated no. Zanotti asked what will be done to the window next to the overhead door and Agyepong stated it will be replaced.

George asked if the grade steps down at the front of the building and Agyepong stated there is a four-inch difference between the two units and lower unit 115 will be raised four inches to level. George asked if the exit door to the alley will be ramped for accessibility and Agyepong stated no, there will only be one means of egress at the front of the building. George asked if there is a design choice not to use the existing, recessed 113 entrance and Agyepong stated yes because it does not meet the handicap code. George asked if the original 113 entrance was recessed and Agyepong stated it was recessed and angled.

Marshall made a recommendation to approve Design Review Application, DRC 22-11, from Sam Winthrop and Leah Gaines-Messick represented by Schaeffer Architecture Design Associates Inc., to redesign the front entryway and remove the overhead door at the rear elevation replacing it with a smaller stationary window on the building located at 113/115 East Broad Street as presented, seconded by Zanotti. The motion carried unanimously.

Marshall made a motion to adjourn and the motion carried unanimously.



**Historic Preservation Commission Meeting Minutes
June 23, 2022 - City Hall Council Chambers - 7:00 p.m.**

Present: Jessica Arnold, Dea Mozingo-Gorman, Agnes Wanman, Glenn Setzer, Anna Campbell, Don Underhill, John MacPhail, David Richardson (Via Telephone, Not Voting)

Absent: None

Staff: Marci Sigmon, Lori Deal

Council: John Staford

Others: Ashley Jimenez, Joaquin Jimenez, Crissy Newsome, Frank Kemo, Maria Escobar, Ghassan Abushawer, Danielle Ariztmendy, and various neighbors.

Roll Call & Swearing In

Vice Chairman Wanman called the meeting to order, called the roll and swore in all those that planned to speak.

Approval of minutes

Setzer made a motion to approve the June 24, 2021 Historic Preservation Commission meeting minutes as presented, seconded by Gorman. The motion carried unanimously.

Gorman made a motion to approve the May 26, 2022 Historic Preservation Commission meeting minutes as presented, seconded by Setzer. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA22-09) from Ashley Jimenez to construct a new home on the property located at 330 West Bell Street; Tax Map 4734-93-3776.

Marci Sigmon gave the following Staff Report:

Background

The property located at 330 West Bell Street is currently a vacant parcel. The property is zoned R-8, single-family, and located in the Academy Hill Local Historic District.

Request

The owners, Ashley and Joaquin Jimenez, are requesting to construct a new single-family, two-story home on the property. The structure will measure thirty feet six- and one-half inches in height, thirty-six feet wide, and fifty-seven feet in depth. In addition, the driveway will be located at the rear elevation off West Bell Street.

The house will be built on a brick foundation and have smooth fiber cement siding. The roof will be a hip roof design with architectural asphalt shingles and include a roof overhang. The roof pitch will be six twelve. Since the parcel is a corner lot, the owner is implementing a wrap-around porch to engage South Mulberry Street and West Bell Street. The rear elevation also incorporates a covered porch with a hipped roof. The house design includes a main level gable roof bump out on the right elevation and a bump out on the left elevation to break up the wall length and add interest to the house.

Designed to complement existing porches in the neighborhood related to proportion, location, and rhythm, the front porch will be eight feet five inches deep. This porch will include built up columns trimmed with cementitious or fiberglass material over a brick foundation with a concrete floor. The rear covered porch will include a brick foundation, concrete floor, wood railings as required by grade, and built-up columns trimmed with cementitious or fiberglass material. All porch ceilings will have wood beadboard or tongue and groove finish.

The front door and right-side door will be wood $\frac{3}{4}$ lite doors. The structure windows will be wood or aluminum clad double hung with a simulated divided lite, four over one grid pattern. The doors and windows will be cased with cementitious trim. Side casing will be two inches by four inches and head casing will be two inches by six inches. The windows will have two-inch sills.

The siding is cementitious smooth siding to mimic wood siding with five-and-a-half-inch exposure and two inches by four-inch corner boards. The brackets will be constructed from wood. Planned tree removals include one fifteen inch in diameter oak tree due to it growing where the house's foundation is planned. Other tree removals include smaller trees less than eight inches in diameter at breast height if they are within the planned foundation's construction area. Tree removals will be reviewed by the city arborist.

Commission Review

The commission must consider the following pages in the Design Standards when rendering their decision. Chapter 4 New Construction & Additions, Pages 49-51: C. New Construction Appendix: G. New Construction Materials Guide

Also consider:

Chapter 3 Changes to Building Exteriors, Pages 32-33: F. Roof, Chapter 3 Changes to Building Exteriors, Pages 39-40: I. Porches, Entrances, & Balconies, Chapter 3 Changes to Building Exteriors, Pages 36-38: H. Windows & Doors, Chapter 3 Changes to Building Exteriors, Pages 28-29: C. Masonry & Stone: Foundations & Chimneys, Chapter 2 District Settings & Site Features, Pages 13-14: D. Driveways, Walkways, & Parking Areas, Chapter 2 District Settings & Site Features, Pages 11-12: C. Trees, Landscaping & Site Features

Sigmon stated originally this property was one parcel and has been divided into five lots and three are located in the historic district.

Setzer asked if the photos are examples of the windows and not what the house will look like and Sigmon stated they are examples of the windows and siding. Setzer asked for the type of house and Sigmon stated craftsman but the style can be verified with the applicant.

Gorman asked the commission for their comfort level with the guidelines regarding new construction and setting a precedent that could potentially change the historic district and asks if this case should be tabled. Richardson stated the guidelines specify to ensure new home construction is compatible with the neighboring homes regarding building height, width, and roof

form and he is not sure if that information has been gathered and is available so he supports Gorman's point.

Vice Chairman Wanman declared the public hearing open.

Ashley Jimenez stated she is the residential building designer and her husband Joaquin is the builder and she has experience with historic home design in Charlotte in the Wilmore District. The windows will be double hung, simulated divided light, aluminum clad instead of wood for long term maintenance and asphalt shingles.

Jimenez stated the tree at the porch foundation will not be removed, so the house will be moved left three or four feet towards lot two in order to keep the tree. Gorman asked if they would consider planting eight-to-ten-foot trees to avoid looking like a modern subdivision and Jimenez stated there are currently more trees than in the photo and she has a tree survey. Gorman stated on one of the lots there is a heirloom apple tree with historic significance that will be maintained on the property.

Gorman asked for the house square footage and Jimenez stated almost 2200 heated sq. ft. and almost 2600 sq. ft. under roof which include the porches.

Setzer asked if the lot elevation will change more than four feet and Jimenez stated they intend to maintain the existing elevation as much as possible and from the topo survey with West Bell being the highest side, sloping left to South Mulberry there is about three feet of fall within the building envelope.

Setzer asked if the foundation is a slab and Jimenez stated it is a brick crawl space to meet the historical look. Gorman asked if the driveway is behind the house and Jimenez replied yes, it is accessed from West Bell Street.

Setzer stated he is familiar with the Wilmore area historic homes, and he asked if Jimenez has photos of homes they have built and Jimenez showed a photo of a new construction home to the commission on her laptop. Jimenez stated they have done new construction and renovation in the Charlotte Wilmore Historic District.

Sigmon asked Jimenez to address Setzer's question regarding the style of the house and she replied the home is based on a traditional four-square home which tends to be craftsman or arts and crafts styling. Setzer asked if all three houses are approved will they be distinctively different and Jimenez replied they are distinctively different, but the materials for the brick crawl space foundation, exterior siding, and architectural asphalt shingles will be the same for the two houses on tonight's agenda, but the third house has not been conceptualized.

Underhill asked if there will be detached or under roof garages and Jimenez stated garages are not planned, but the site will allow for a future detached garage. Underhill asked if fences will be installed and Jimenez stated no.

Gorman asked if the front porch could be extended across the front facade to match the existing area and Jimenez stated the porch on lot two is extended across the front, so porch architecture is used to differentiate the two homes and address the corner with this design.

Gorman stated she paced the lot and the house is not over scaled. MacPhail asked if both houses will use hardie board and Jimenez stated it will be cementitious siding, but not sure if it will be

specific to the hardie brand. MacPhail asked if both will be the same siding dimension and Jimenez replied yes. Jimenez stated they like to add frieze boards at the top and a trim board at the floor system to create interest and break up the vertical siding façade.

Arnold asked if the porch could wrap around three sides of the house since the driveway is in the back, then there would be a full porch on the front facing West Bell Street and add an entrance and Jimenez stated she would prefer not to because the houses they are building are facing South Mulberry Street and the front door should face South Mulberry. A porch could be added across the side, but the concern is cost. Campbell stated a porch across the side would take away the natural light and Jimenez agreed.

Wanman clarified smooth siding will be used and Jimenez replied yes.

Barry Edwards stated he and other neighbors have concerns about the board approving a plan that has not been submitted. There should be an architectural plan in hand to review scale and continuity of the neighborhood. Wanman stated Sigmon has larger sketches and usually design approval is given before construction plans are drawn up in case of changes from the commission, but the applicant will be held to the design presented tonight and any changes would have to come back to the board. Edwards asked if the house could be built after tonight's approval with only what the windows, roof and doors are going to look like and Wanman stated they have sketches of the elevations on all four sides and details of the design.

Setzer asked if the guidelines are enough to approve new construction as Gorman asked earlier and Wanman replied the guidelines are what they have and whether they are what we want may need to be discussed. Gorman stated 2009 was the last time the guidelines were tested and Sigmon stated 2009 was the last new construction approved by the commission and the guidelines were changed in 2011-2012.

John Stafford stated for clarification the address is 330 West Bell Street, but the house will face South Mulberry Street and the guidelines say the front of the property will face the address and he does not know if this is a planning change or not. Sigmon stated it is an Iredell County 911 Addressing change.

Sigmon stated the commission can table the request until July if more information is needed from the applicant or a subcommittee can be appointed. After discussion, it was agreed that a subcommittee is needed to meet on site. Sigmon stated four people can be appointed from the commission. Wanman asked for the time limit to render a decision for a submitted COA request. Sigmon replied 180 days. Gorman stated the subcommittee should be expedited so not to hold up development. Wanman asked for four members for the subcommittee and Gorman, Setzer, MacPhail, and Underhill volunteered.

Wanman declared the public hearing closed.

Setzer made a motion to table (COA22-09) from Ashley Jimenez to construct a new home on the property located at 330 West Bell Street until July 28, 2022, to allow the subcommittee to view the property on site. MacPhail seconded the motion. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA22-10) from Ashley Jimenez to construct a new home on the property located at 427 South Mulberry Street; Tax Map 4734-93-3844.

Setzer made a motion to table (COA22-10) from Ashley Jimenez to construct a new home on the property located at 427 South Mulberry Street until July 28, 2022, to allow the subcommittee to view the property on site. MacPhail seconded the motion. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA22-11) from Helmsman Homes, LLC to construct a new home on the property located at 629 South Race Street; Tax Map 4734-82-7662.

Marci Sigmon gave the following Staff Report:

Background

The property located at 629 South Race Street is currently a vacant parcel. The property is zoned R-8, single-family, and located in the South Race Street Local Historic District.

Request

The owner, Helmsman Homes, LLC, is requesting to construct a new single-family, two-story home on the property. The house plan is named "The Monticello 2003 Plan B" and will have 2,003 square feet of heated space. Per the Historic Preservation Standards, the proposed dwelling is to be placed at the average setback distances of the dwellings on the adjoining properties. The front setback will be ten feet for the proposed structure. The main structure will measure twenty-six feet six inches wide and fifty-one feet six inches in depth. In addition, the structure will include an attached garage in the rear. The attached garage will be twenty-one feet long by eleven feet wide. The driveway will be located in the rear and residents will enter the driveway from the alley located at the rear property line.

The house will be built on a Monolithic slab and have smooth fiber cement siding. The main roof will have a ten twelve pitch with asphalt shingles. The front elevation has a full width front porch facing South Race Street with fiberglass columns. The front porch will have wood tongue and groove flooring and a wood bead board ceiling. The front elevation will include a mixture of horizontal and vertical siding.

The structure windows will be simulated divided light wood/aluminum clad double hung, six over one, with wood muntins on both the interior and exterior with a spacer between the muntins and glass to allow for an accurate profile. The front and back doors will be wood with six panes to match the windows. The applicant is proposing to paint the front door a dark color and the rear door will be painted white. The doors and windows will be cased with aluminum trim.

The siding is cementitious smooth siding to mimic wood siding. The siding color will be Greystone and the smooth shakes will be Nantucket. Shutters are an option with the color Musket Brown.

The garage will have one garage roll up door on the east elevation. The roll up door will be white with raised panels. The garage will include a metal walk-in door on the north (left) elevation.

Commission Review

The commission must consider the following pages in the Design Standards when rendering their decision. Chapter 4 New Construction & Additions, Pages 49-51: C. New Construction, Appendix: G. New Construction Materials Guide

Also consider:

Chapter 3 Changes to Building Exteriors, Pages 32-33: F. Roof, Chapter 3 Changes to Building Exteriors, Pages 39-40: I. Porches, Entrances, & Balconies, Chapter 3 Changes to Building Exteriors, Pages 36-38: H. Windows & Doors, Chapter 3 Changes to Building Exteriors, Pages 28-29: C. Masonry & Stone: Foundations & Chimneys, Chapter 2 District Settings & Site Features, Pages 13-14: D. Driveways, Walkways, & Parking Areas

Wanman asked how the proposed house height compares to the existing house on the right and Sigmon stated the existing house is two story, but she does not have the height. Gorman added the proposed house will probably be the tallest building on the block based on the scaling. Gorman also stated the neighborhood is craftsman and bungalow with the exception of one house further down the street.

MacPhail asked if the guidelines for new construction allow clad windows and aluminum trim and casings. Sigmon stated windows can be aluminum clad per the new construction material list on page 82. MacPhail asked if the doors and windows can be cased with aluminum trim and Sigmon stated the guidelines state siding material needs to be fiber cement smooth siding. Setzer stated the guidelines specify a brick or stone foundation and not a slab.

Vice Chairman Wanman declared the public hearing open.

Frank Kemo with Helmsman Homes stated this is the first house to be built in a historic district from Helmsman Homes. He clarified the house will have a brick foundation crawl space. The window interiors are wood with the exterior aluminum clad. The door trim will not be aluminum but will be a poly brick mould or a poly material to be painted. There is beadboard material on the ceilings and porches and smooth cement siding, as well as the corner stiles and all the trim work over the windows. There will be a board and batten siding on the first floor underneath the porch and board and batten siding above the porch on the protrusion. The concrete wall across the front of the property will remain and there will be a concrete driveway accessed from the alley at the back of the property. There are not any trees in the center of the lot, but there are mature trees on both sides of the lot and he does not anticipate removing any of the mature trees. The driveway and garage may have to be reversed to save one tree on the rear of the property.

Gorman asked if there will be a true masonry foundation, raised brick foundation with piers, or a replication. Kemo stated a true brick foundation will be built. Gorman asked if this is included in the design sketch and Kemo stated no. Gorman stated this change will need to be included in the resubmittal.

Gorman asked if the "Monticello Plan B" plan will be used and Kemo replied it is what will be built. Gorman stated her concern is the plan is out of character with the craftsman and bungalow neighborhood. Campbell stated the color choices are trendy and will look like a new house built in a historic district. Wanman replied they cannot regulate color, but her concern is the house will stand out in the low-profile neighborhood. Kemo stated the house to the right is a 1.5 story house and there are two story houses across and down the street. Gorman stated the design is overpowering for the neighborhood and the style is inappropriate. This plan has an attached garage, which is not seen in the historic district, but it will set a precedent and she is concerned about new builds on corner lots and does not want to see an attached garage. Currently there are no guidelines for new construction on a corner lot.

Sigmon pointed out the new construction standards contain guidance in rhythm and form, modeled by contributing structure and textures if the board chooses to table or deny the request.

Wanman stated the standards also address massing for height, width, depth, and volume of the building envelope and a tall and narrow house may not have the same impact as a wider house.

Wanman stated the application needs to be revised to match the request like the brick foundation versus the monolithic slab. Underhill stated he wants new drawings, elevations and a style that is not a jarring departure from the existing neighborhood. Wanman stated the request can be tabled or approve the COA with specific conditions. Arnold asked for photos of this style house instead of a drawing and Kemo stated this style house has not been built yet for the historic districts. Gorman stated she is reluctant to table the request because the application should be rewritten and resubmitted with the specific materials and would like to see a colored drawing to visually depict the façade of the house. Sigmon added they could take a google view of the street and add the house to show the board the massing. Wanman stated Kemo can present a photo of any painted house with board and batten siding instead of the drawing to the commission.

Wanman declared the public hearing closed.

Gorman made a motion to table until July 28, 2022 (COA22-11) from Helmsman Homes, LLC to construct a new home on the property located at 629 South Race Street, Setzer seconded the motion. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA22-14) from Maria Escobar to construct an addition to the second floor over the sunroom, construct a garage with a breezeway attached to the house, create a new driveway and parking area, change the size of two window openings, install new wood windows, limewash the brick, redesign/reconstruct the front porch, install a wooden privacy fence on the west, east, and north sides of the property, and add shutters to the house located at 318 West Front Street; Tax Map 4734-94-1836.

Marci Sigmon gave the following Staff Report:

Background

The house located at 318 West Front Street was built ca. 1950 and originally identified with the J. Craig House at 323 Walnut Street. The structure was the Anglican Orthodox Church Office for many years before being purchased by Broad Street United Methodist Church. The brick, two-story, hipped roof building features horizontal brick banding and brick quoins. The house was identified as a non-contributing structure in the 2002 Mitchell College Local Historic District Survey.

The building is set back on the lot and appears to have originally fronted West Front Street. The address was 315 Walnut Street before being purchased by a new owner during April 2022. The address is now 318 West Front Street.

Request

The owner, Ms. Maria Escobar, is requesting to:

- Redesign the front porch entryway. The porch ceiling will have an open peak instead of the current closed design. The applicant is requesting to replace the existing columns with new wood or fiberglass columns, replace the existing railing with new wood rails in a new design, and replace the porch ceiling with cellular PVC beadboard planks.
- Replace the front porch door with a new wood and glass door. The new door would contain six panes spanning the length and width of the door (see application for door design).
- Install a six-foot wooden privacy fence on the east, west and north sides of the house. The requested fence would be ninety-eight feet in length on the north boundary and forty-eight feet

on the east boundary. The west boundary will contain three sections of fencing: one section will be forty-eight feet; the second section will be twenty-seven feet; and the third section will be thirty feet in length. In addition, on the west side of the house the fence will continue running east nine feet to abut the house and include a four-foot-wide gate. The applicant has asked to amend the fence placement on the east side due to eliminating the request to add a detached garage. The fence will now be longer than three feet. The fence will run west to meet the house, approximately twenty-three feet including a three-foot-wide gate. (*Please see fence drawing for placement visuals.*) The applicant is requesting the fence to extend beyond the front plane of the house in order to shield the view of the adjacent abandoned gas station on the west side of the property.

- Limewash the brick on the house due to the existing brick not matching and some bricks having damage. Per the applicant's research the limewashing process will create a uniform look to the exterior of the home, not damage the brick, allow the brick to breathe, and create an antique whitewash aesthetic to the home's exterior appearance. Other research provided indicates limewashing is very durable, has a high UV resistance, will not chip or peel if applied correctly, and is safe to use on porous brick and other masonry surfaces.
- Remove the cross symbol on the west side of the house and replace it with brick to match the surrounding area of brick.
- Modify the size of two windows on the east side of the house on the first floor. The applicant's interior modification includes building kitchen cabinets in this area making it difficult to create the appropriate cabinet installation with the current window dimensions. Both windows are the same size currently. The modification would be to reduce the height of both windows at the bottom between six and eight inches. The exact design at the bottom of the window would be replicated.
- Replace all windows with new double hung wooden windows. The new windows would have a similar design as the current windows. Owners have stated they are open to windows being either six over six windows or mimicking the current window design of eight over eight. One of the previous owners replaced some of the windows with stained glass therefore the existing windows do not match. The owners would like all windows to have a uniform look.
- Add raised wood panel shutters to the house.
- Build an addition on the second floor above the existing sunroom. The sunroom is located at the rear of the house and the extension would be on top of the sunroom. The addition would be built to create a second bathroom for three bedrooms to share. Currently, the house has only one bathroom. The addition exterior would be smooth fiber cement board siding and be the same color as the limewashed brick, antique whitewash. The addition will be fifteen feet, ten and a half inches long and nine feet seven inches wide. A balcony will also be built over the sunroom west of the new bathroom and hallway addition. The balcony will measure seven feet, eight and a half inches by eight feet, three and a half inches. The addition will have a window on the east elevation, a window on the north elevation and a door opening to the balcony on the west side. The windows on the addition will be a similar design as the windows in the main structure with six over six divided panes.
- Request new driveway installation. The parcel where the house is located is a new parcel due to subdividing the larger parcel during April 2022. Since the house sits on a newly created parcel, the house address has changed, and the property owner needs to create new access to the property. The new access will be off West Front Street with the new address being 318 West Front Street, formerly 315 Walnut Street. The driveway will be ten feet wide at the entrance on West Front Street and continue north for approximately one hundred six feet maintaining the ten-foot width until fanning out to create the concrete parking pad in front of the garage. The concrete parking pad will be approximately twenty feet wide and fourteen feet deep.

Commission Review

The commission must consider the following pages in the Design Standards when rendering their decision: Chapter 3 Changes to Building Exteriors, Page 45: L. Non-Contributing Structures, Chapter 3 Changes to Building Exteriors, Pages 39-40: I. Porches, Entrances, & Balconies, Chapter 3 Changes to Building Exteriors, Pages 36-38: H. Windows & Doors, Chapter 2 District Settings & Site Features, Pages 20-21: I. Fences & Walls, Chapter 3 Changes to Building Exteriors, Pages 28-29: C. Masonry & Stone: Foundations & Chimneys, Chapter 4 New Construction & Additions, Pages 48: B. Additions to Historic Buildings, Chapter 2 District Settings & Site Features, Pages 16-17: F. Garages & Accessory Buildings & Structures, Chapter 2 District Settings & Site Features, Pages 13-14: D. Driveways, Walkways, & Parking Areas

Gorman asked if the porch at the rear of the house has been added and Sigmon stated yes, it is not on the application and to ask the applicant. Sigmon handed out revised architectural plans to the board and stated the balcony has been removed, but the bathroom will still be added to the upper story.

Wanman asked about the revised guidelines that allow taller fencing to block the view of a commercial property would apply to this application and Sigmon replied the 2021 revision allows for a fence higher than 6' with HPC approval, but the applicant is asking for 6' tall wooden fence.

Vice Chairman Wanman declared the public hearing open.

Maria Escobar, owner stated she purchased the home and wants to restore it by replacing the windows with the same style and apply limewash to the brick for a uniform look because the brick does not match. There is an addition on the rear of the house for a new bathroom, hall and study like the plans. The rotten wood on rear stoop will be replaced and will look the same and not construct a new rear porch.

Arnold asked if the steps in the front walkway will be removed and Escobar stated no. Arnold asked for the location of the driveway and Escobar stated there will be a gravel driveway next to the fence or the other option is put the driveway on the right side of the property. The garage was removed from the plan to save the existing tree. Gorman asked about the concrete parking pad behind the house and Escobar stated it will be removed and will be a grass patio. Gorman asked if she is open to move the driveway to the other side and Escobar replied yes.

Arnold asked if the windows to be shortened would be like the windows adjacent to them and Escobar stated the two windows will be six inches shorter at the bottom.

Gorman asked if the front porch can be repaired instead of replaced as recommended in the guidelines because the house style is understated and the new archway is ornate and out of character as well as the shutters and Escobar stated the porch can be repaired instead of replaced. Gorman stated brick homes in this area do not have shutters.

Arnold asked for the shade of the limewash and Escobar stated off-white and Sigmon stated antique whitewash is in the application. Setzer asked if limewash falls under painting and Sigmon stated the board will have to decide if it is appropriate. Setzer asked if Sigmon knows the North Carolina State Historical Preservation guideline on limewash and Sigmon replied she does not have that information. Gorman stated limewash is considered a paint and began around 1815 to 1820 and is a historic technique, but is not seen in Statesville, so the board has to decide if it is appropriate for the Statesville historic districts. Wanman stated that painting brick is discouraged

because of the continued maintenance. Wanman stated the board could allow limewash in order to monitor and learn from it to have a better understanding for future requests. Underhill stated he has experience with limewash and it is a good product with low maintenance when applied properly.

Anita Johnson, 323 Walnut Street stated she lives next door and is favor of the limewashing. She has lived in Charleston and Columbia and is familiar with limewashing on historic buildings and thinks it looks attractive. Historic renovation can be expensive and limewashing will be an improvement and look nice in the neighborhood.

Barry Edwards stated the design, scale and materials presented is a great improvement to the property. He has a concern regarding the limewash coating because it is not permanent and is a five-to-seven-year process that has to be repeated. Shutters are a detail not originally on the house and should not be added. The plans are to cap the fascia and soffits in aluminum and Gorman stated the soffits and gutters are not in the application. Edwards stated the gable on the front porch and the ceiling is original and should not be altered.

Mike Davidson, 502 South Mulberry Street stated he owns The Inn across the street and is in favor of the limewash and changes presented will improve the home and the neighborhood.

Sami Caroso, lives in downtown Statesville and is favor of the limewash to improve the look of the home.

Wanman declared the public hearing closed.

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:

Redesign the front porch entryway

Gorman stated the applicant is willing to repair instead of replacing the requested porch items. MacPhail asked if the existing porch ceiling needs to be replaced or covered with PVC and the reply from Joaquin Escobar was inaudible.

Gorman made a motion to approve (COA22-14) from Maria Escobar to repair the front porch with new materials instead of redesign the front porch based on Porches, Entrances and Balconies Guideline 1 and 2. Setzer seconded the motion. The motion carried unanimously.

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

Replace the front porch door with a new wood and glass door

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 (COA22-14) from Maria Escobar to replace the front porch door with a new wood and glass door as submitted citing Windows and Doors Guideline 1. Underhill seconded the motion. The motion carried unanimously.

Install a six-foot wooden privacy fence on the east, west and north sides 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.

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.

Yes – Unanimous

Campbell made a motion to approve (COA22-14) from Maria Escobar to install a six-foot wooden privacy fence on the east, west and north sides of the house citing Fences and Walls #5. Gorman seconded the motion. The motion carried unanimously.

Limewash the brick on the house

1. The historic character of the property will be retained and preserved.

Anna Campbell – Yes	Don Underhill – Yes	Total
Dea Mozingo-Gorman – No	Jessica Arnold – Yes	Yes - 3
John MacPhail – No	Glen Setzer – No	No - 3

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.

Yes – Unanimous

Underhill made a motion to approve (COA22-14) from Maria Escobar to limewash the brick on the house as submitted. Campbell seconded the motion.

Anna Campbell – Yes	Don Underhill – Yes	Total
Dea Mozingo-Gorman – No	Jessica Arnold – Yes	Yes - 3
John MacPhail – No	Glen Setzer – No	No - 4
Agnes Wanman - No		

The motion was denied.

Remove the cross symbol on the west side 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.
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.
Yes – Unanimous

Gorman made a motion to approve (COA22-14) from Maria Escobar to remove the cross symbol and replace with brick to match citing Masonry and Stone Guideline 10. Setzer seconded the motion. The motion carried unanimously.

Modify the size of two windows on the east side of the house on the first floor

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.

Yes – Unanimous

Underhill made a motion to approve (COA22-14) from Maria Escobar to shorten the size of two windows on the east side by raising the bottom sill up citing Windows and Doors number 1. Setzer seconded the motion. The motion carried unanimously.

Replace all windows with new double hung wooden windows

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 (COA22-14) from Maria Escobar to replace all windows with the current design of eight over eight citing Windows and Doors Guideline 1 and 7. Setzer seconded the motion. The motion carried unanimously.

Add raised wood panel shutters to the house

1. The historic character of the property will be retained and preserved.

No – 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.

Yes – Unanimous

Gorman made a motion to deny (COA22-14) from Maria Escobar to add wood panel shutters to the house citing Windows and Doors Guideline 6. MacPhail seconded the motion. The motion carried unanimously.

Build an addition on the second floor above the existing sunroom

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.

Yes – Unanimous

Gorman made a motion to approve (COA22-14) from Maria Escobar to build an addition on the second floor above the existing sunroom in smooth fiber cement board siding to compliment the back of the house citing B. Additions to Historic Buildings Guidelines 1 and 2. Arnold seconded the motion. The motion carried unanimously.

Construct a new gravel driveway to the side of the house on the east elevation per the revision

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.
Yes – Unanimous

Setzer made a motion to approve (COA22-14) from Maria Escobar to construct a new gravel driveway to the side of the house on the east elevation per the revision citing D. Driveways, Walkways, & Parking Areas Guidelines 1 and 3. Campbell seconded the motion. The motion carried unanimously.

Other Business

Sigmon stated the Garfield/Green Street Area application was heard by the committee which advises the state preservation officer on June 9, 2022 and the committee recommended to place the area on the study list. A letter will be issued by the state preservation officer to the mayor with the decision in favor of or denying the placement of the Garfield/Green Street Area on the Study List and should be received in July 2022.

There being no other business, Vice Chairman Wanman asked for a motion to adjourn.

Underhill made a motion to adjourn, seconded by MacPhail. The motion carried unanimously.

Planning Board Meeting Minutes
City Hall Council Chambers – 227 S. Center Street
July 26, 2022 – 7:00 p.m.

Members Present: Todd Lange, Bernard Robertson, Tammy Wyatt, Alisha Lane, Roger Bejcek, Chuck Campbell

Members Absent: Mark Tart, Roseta Williams

Staff: George Berger, Lori Deal

Chairman Lange called the meeting to order.

Consider approving the June 28, 2022 Planning Board meeting minutes.

Robertson made a motion to approve as presented, seconded by Wyatt. The motion carried unanimously.

ZC22-19: Courtesy Hearing for a rezoning application filed by Tules LLC; Tax Map Parcel # 4725-31-8928; proposal to rezone an approx. 10.9-acre parcel located on US 64 and Marble Road; from RA and B-5 to LI

Berger introduced the case stating Tules LLC (applicant), on behalf of 6490 Partners LLC (owner) is requesting to rezone a single parcel in anticipation of future industrial development.

The applicant requests rezoning of the subject parcel, totaling approximately 10.9 acres, from the RA (Residential Agricultural) and B-5 (General Business) districts to the LI (Light Industrial) District, to develop the property for use as a transfer/trucking company operation. This is a standard rezoning proposal, and not subject to conditions. This property is within the Extraterritorial Jurisdiction (ETJ) and will require annexation into the City if public utilities were requested.

This parcel is currently undeveloped. The lot directly abuts US 64 and Marble Road, at the junction with NC 90 (Taylorsville Highway).

This parcel is split-zoned; the majority of the property is zoned RA (Residential Agricultural) district while the remainder is designated B-5 (General Business) district. The UDC requires that when a parcel has multiple zoning districts, it is considered zoned within the district making up the majority of the parcel (per UDC Sec. 3.02.C.2). The intended land use is not permitted in the RA zoning district, leading to the request for rezoning. The purpose of the LI district is to accommodate light industrial uses that are compatible with general business uses. There are no minimum lot size or lot width requirements for the LI district; and the property is sufficient for a project to meet the required minimum 30' front, 20' rear, and 20' side yard setbacks. Rear/side yard setbacks are required unless required buffer yards exceed those setbacks—buffers would be 30' adjacent to residentially-zoned properties (including property zoned RA). The maximum building height in the district is 80'.

There is no proposed site plan at this time; when one is submitted for review and approval by the Technical Review Committee (TRC), the developer will be required to provide appropriate screening and buffering, dedication of right-of-way, driveway access improvements (including

curb, gutter and sidewalk) and other infrastructure improvements as necessary, meeting the requirements of the Unified Development Code. The City's stormwater regulations would also apply to development greater than 20,000 square feet of impervious surface on this property. Additionally, a transfer/trucking company development project must also meet the City's Performance Standards—requirements found in UDC Section 5.05 addressing outdoor lighting, sound and vibration levels.

The recently adopted 2045 Land Development Plan (LDP) projects the property as suitable for Complete Neighborhood 2—a Character Area that would not be compatible with the proposed LI zoning or intended industrial land use. However, there is no existing residential development in the immediate area; and the surrounding land uses—a Dollar General retail store, Affordable Mini Storage, Steel Tube Inc. and JAS Fiber (light manufacturing operations), and US 64 itself—make new residential development on this parcel unlikely. Therefore, it is worth considering an amendment to the Land Development Plan permitting expansion of the Employment Center/Industrial Flex characteristics, aligning the subject parcel with the rest of the properties along Marble Road, with the exception of the Dollar General store at the intersection with US 64.

City of Statesville electricity and water are available to the property; City sewer is available upon extension by a developer.

The surrounding zoning districts and land uses are as follows:

<u>NORTH OF THE SITE:</u>	B-5 (General Business) District, including the ROW for US 64, several undeveloped parcels, and the Carolina Petroleum distribution facility
<u>EAST OF THE SITE:</u>	B-5 , the Dollar General retail store; HI (Heavy Industrial) District across US 64, including the Mitchell Gold+Bob Williams home furnishings manufacturing/distribution facility, a Shell gasoline and convenience store, and the Deal-Rite (animal) Feeds facility
<u>SOUTH OF THE SITE:</u>	B-5 , Affordable Mini Storage, RA (Residential Agricultural) District, undeveloped acreage
<u>WEST OF THE SITE:</u>	LI (Light Industrial) District, STI (Steel Tube Inc.) fabricating, JS Fiber manufacturing, Kewaunee distribution center & warehouse and several other light industrial operations along Marble Road

The 2045 Land Development Plan projects the property as suitable for Complete Neighborhood 2; however, the property's location and surrounding land uses reflect an actual situation more suitable with Employment Center/Industrial Flex development, which is an appropriate character area. The request is for standard rezoning of the subject parcel; and a future site plan would be required to comply with the Unified Development Code. All utilities are available to the site; if future development requires City utilities, annexation would be required. Therefore, staff recommends approval of the rezoning request as an amendment to the Land Development Plan.

Lange asked if a Traffic Impact Analysis (TIA) will be required and Berger stated that although the current request for standard rezoning does not involve a project, a future development proposal involving truck traffic would most likely require at least a Technical Traffic Memo (TTM) provided by a traffic engineer with the recommendations as part of the site approval and driveway access permit process. This would be determined by the number of vehicle trips per day as part of the proposal.

Lange asked if there had been any comments from the adjacent property owners and Berger stated he has not been contacted by anyone except a person from J. S. Fiber, who noted that the property had been vacant for many years and who was in favor of development.

Bejcek asked how this property was not annexed in the city; Berger stated that annexation is voluntary, and the property owner must request annexation, typically for City utilities and services. Bejcek asked if the recommendation is to amend the 2045 Land Development Plan for this property to be Employment Center/Industrial Flex Development instead of Complete Neighborhood 2; Berger stated that in North Carolina, when the City Council approves a rezoning that contradicts the adopted land development plan, it is allowed, but a reason for the change must be provided in order to provide information, and for a written record if there was a legal challenge. Lange stated this information is captured in the motion and the consistency statement.

Lange opened the public hearing.

Pat Crosby, a member of 6490 Partners, LLC, stated he is speaking on behalf of Tules, LLC. The property is under contract to be sold to Tules, LLC, based in Matthews and is a trucking company looking for a location for trailer storage and other trucking operations. Lange asked if access to the property has been discussed and Crosby stated no, but the main access will probably be Marble Road.

There being no other speakers, Lange closed the public hearing.

Wyatt made a motion to recommend approval of ZC22-19 filed by Tules LLC; Tax Map Parcel 4725-31-8928 to rezone an approx. 10.9-acre parcel located on US 64 and Marble Road; from RA and B-5 to LI.

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

Robertson seconded the motion. The motion carried unanimously.

Reports

Berger stated the rezoning cases at Candy Drive and Baker Street on US 70 that were recommended for denial by the Planning Board moved forward to City Council, and were approved on 1st reading as R-10 standard reasoning on July 18, 2022. The applicants of Westminster Park project located on US 70/Westminster Drive, that was also recommended for denial by the Planning Board, are still in the process of deciding whether to revise or abandon the project.

Other Business

Berger stated the November 22, 2022 meeting will be rescheduled to November 29, 2022.

Robertson made a motion to adjourn, seconded by Wyatt. The motion carried unanimously.

DRAFT