



## **REVISED AGENDA**

### **CITY COUNCIL MEETING AGENDA**

**April 17, 2023**

**Pre-Agenda Meeting – 6:00 p.m. – City Hall 2<sup>nd</sup> Floor Conference Room**

**Regular Meeting 7:00 p.m. - City Hall Council Chambers**

**227 S. Center Street, Statesville, NC**

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- I Call to Order**
  - II Invocation**
  - III Pledge of Allegiance**
  - IV Adoption of the Agenda**
  - V Code of Ethics *Pg. 4***
  - VI Presentations & Recognitions *Pg. 7***
    - 1. **Proclamation** – Administrative Professionals Week, April 23-29 and Administrative Professionals Day, April 26.
    - 2. **Proclamation** – Municipal Clerks Week, April 30-May 6
    - 3. **Presentation** – Chief's Citation
  - VII Public Comment**
  - VIII Consent Agenda** – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.
    - A. Consider approving the March 29, 2023 Special Meeting minutes-Affordable Housing Discussion, the April 3, 2023 Pre-Agenda and City Council meeting minutes, and the April 4, 2023 City Council-Iredell-Statesville Schools Workshop meeting minutes. (*Fugett*) *Pg. 10***
    - B. Consider approving 2<sup>nd</sup> reading of annexation request AX23-01 for a portion of PIN #4753-38-6988, owned by the Sherwin Williams Company to annex the portion of property located at 188 Side Track Drive. (*Ashley*) *Pg. 27***

- C. Consider approving 2<sup>nd</sup> reading of annexation request AX23-02, an ordinance to annex PIN #'s 4725-16-4537 & 4725-39-8814 (portion) Holland Farm/Taycora Capital to annex the portion of properties located on Taylorsville Highway. *(Ashley) Pg. 28*
- D. Consider approving a resolution directing the City Clerk to investigate a petition of annexation for PIN #4745-78-7821; AX23-05 Falls Park (James Glen Multi-Family) property located at the corner of James Farm Road and Glenway Drive; Receive the City Clerk's Certificate of Sufficiency; Consider approving a resolution setting the date of May 1, 2023, for a public hearing for the petition for annexation. *(Ashley) Pg. 29*
- E. Consider approving a resolution directing the City Clerk to investigate a petition of annexation for PIN #4735-36-0106 (portion); AX23-06 Radford & Martha Blankenship (Apollo Gardens) property located on Wilkesboro Highway; Receive the City Clerk's Certificate of Sufficiency; Consider approving a resolution setting the date of May 1, 2023, for a public hearing for the petition for annexation. *(Ashley) Pg. 41*
- F. Consider approving Budget Amendment #2023-30 for the donation from Denso in the amount of \$27,000 for the engineering, design and permitting of a future pedestrian bridge over Third Creek to extend the greenway as part of the 2023 Leadership Statesville Class project. *(Ashley) Pg. 51*
- G. Consider granting approval for the Recreation and Parks Department to apply for a Parks and Recreation Trust Fund (PARTF) grant to fund the first phase of park renovation and improvements at McClure Park. *(Griggs) Pg. 53*
- H. Consider re-appointing three existing members of the Stormwater Advisory Commission for another term. There are no other applications on file. *(Moore) Pg. 54*
- I. Consider approving an engineering services contract for the Water Treatment Plant Caustic Tanks Replacement and Building Repair and Budget Amendment #2023-31. *(Vaughan) Pg. 58*
- J. Consider approving a Resolution to take complete ownership of the abandoned Green Street Cemetery. *(Smith) Pg. 68*

## **REGULAR AGENDA**

- IX Conduct a public hearing and consider approving an economic incentive to a company known as Project Pivot. *(Bosser) Pg. 77*
- X Conduct a public hearing and consider approving first reading of TA23-04: Text Amendment to the Unified Development Code filed by Mark Sanger (WSIC) to amend Article 3. Zoning, Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix. *(Ashley) Pg. 78*
- XI Conduct a public hearing and consider approving first reading of TA23-05: Text Amendments filed by the City of Statesville to amend the City Code, Chapter 21 Streets and Sidewalks, Article III, Improvements, Construction, Etc., Sections 21-83. Through 21-86. and the Unified Development Code, Article 1. Administration,

**Section 1.02 Purpose, Section 1.03 Interpretation, Section 1.04 Responsibilities for Application of Code, Section 1.05 Exemptions, Article 8. Public Facilities Requirements, Section 8.06 Streets, B. Street Design, G. Other Improvements. and Article 9 Definitions. (Ashley) Pg. 83**

- XII Consider approving the design of improvements at the intersection of W. Water Street, W. End Avenue, and N. Meeting Street and authorize staff to solicit construction bids. (Taylor) Pg. 91**
- XIII Consider approving additional funds in the amount of \$47,000 to hire a consultant to Design, Engineer and Permit plans to upgrade the Brookdale Dam for the New Connector Road, Project #U-6054. (Ashley) Pg. 94**
- XIV Consider approving staff's recommendation that the City of Statesville remain within the CRTPO (Charlotte Regional Transportation Planning Organization) planning area. (Harrod) Pg. 98**
- XV City Manager's Report**
- XVI Advisory Boards and Commissions Meeting Minutes Pg. 101**
- XVII Other Business**
- XVIII Closed Session (After Pre-Agenda if needed)**
- XIX Adjournment**



## **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.

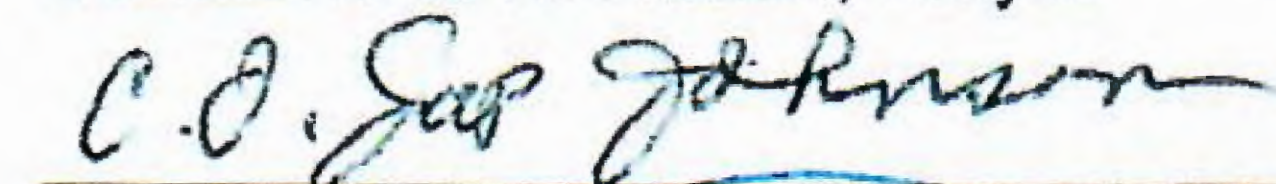
**Section 6.** This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

Accepted this the 1<sup>st</sup> day of February, 2021.

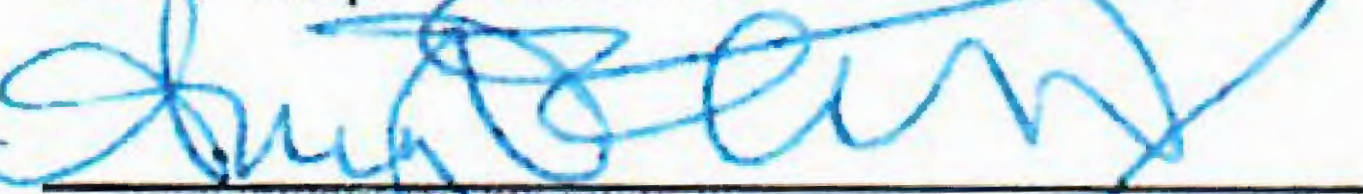
I affirm that I have read and understand the City of Statesville Code of Ethics this the 19<sup>th</sup> day of September, 2022.



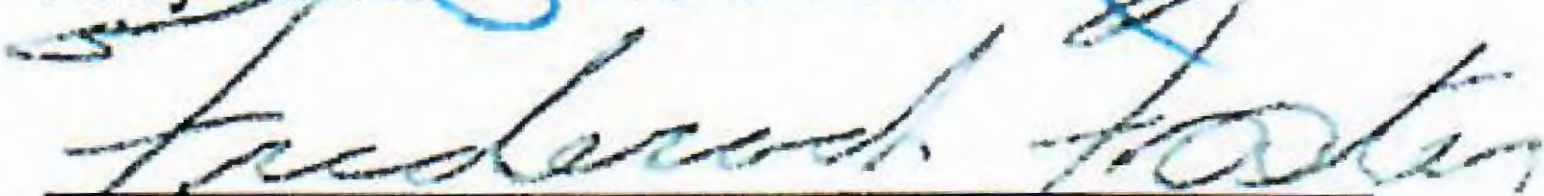
Constantine H. Kutteh, Mayor



C.O. "Jap" Johnson – Ward Two



Amy Lawton – Ward Four



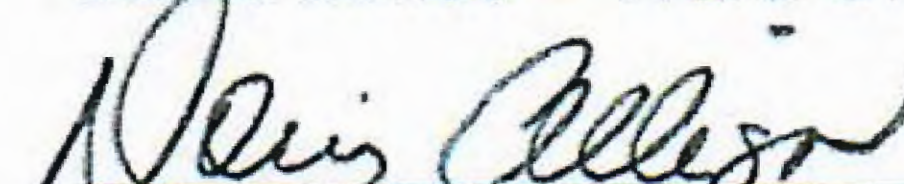
Frederick Foster – Ward Six



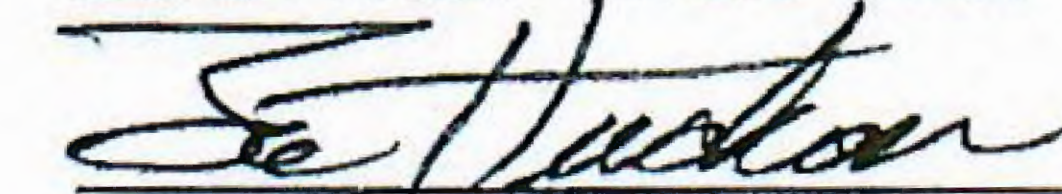
Kimberly Wasson – At Large



David Jones – Ward One



Doris Allison – Ward Three



Joe Hudson – Ward Five



Steve Johnson – At Large



## **CITY COUNCIL PRESENTATIONS/RECOGNITIONS**

**TO:** Mayor and City Council  
**FROM:** Ron Smith, City Manager  
**DATE:** April 3, 2023

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**TO BE REPORTED:** **April 17, 2023**  
(Date of Council Meeting)

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1. **Proclamation** – Administrative Professionals Week, April 23-29 and Administrative Professionals Day, April 26.
2. **Proclamation** – Municipal Clerks Week, April 30-May 6
3. **Presentation** – Chief's Citation



# City of Statesville

North Carolina



Office of the Mayor

## Proclamation

**Administrative Professionals Week – April 23-29, 2023**

**and**

**Administrative Professionals Day – April 26, 2023**

**Whereas**, April 23-29, 2023 has been designated Administrative Professionals Week; and

**Whereas**, April 26, 2023 has been designated Administrative Professionals Day; and

**Whereas**, Administrative Professionals Week is observed annually in workplaces nationwide to recognize the important contributions of administrative professionals; and

**Whereas**, administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations; and

**Whereas**, the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities, and most importantly, have the willingness to learn and accept new challenges; and

**Whereas**, administrative professionals are vital contributors in today's team-oriented work environment and are key front-line public relations ambassadors for their organizations; and

**Whereas**, the City is extremely proud of our talented and highly skilled Administrative Professional staff and officially recognize and appreciate their hard work, support and continued professional growth;

**Now, Therefore, I, Constantine H. Kutteh**, Mayor of the City of Statesville and the Statesville City Council do hereby proclaim April 23-29, 2023 as Administrative Professionals Week and April 26, 2023 as Administrative Professionals Day in the City of Statesville. We recognize and celebrate the essential role administrative professionals play in the City.



**In Witness Whereof** I have set my Hand and caused the Great Seal of the City of Statesville to be affixed this 17<sup>th</sup> day of April, 2023.

Constantine H. Kutteh, Mayor



# City of Statesville

North Carolina



Office of the Mayor

## Proclamation

**54th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK**

**April 30 - May 6, 2023**

**Whereas**, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**Whereas**, The Office of the Professional Municipal Clerk is the oldest among public servants, and

**Whereas**, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**Whereas**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**Whereas**, The Professional Municipal Clerk serves as the information center on functions of local government and community; and

**Whereas**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

**Whereas**, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**Now, Therefore, I, Constantine H. Kutteh**, Mayor of Statesville do hereby recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Brenda Fugett, and Deputy Clerk, Emily Kurfees, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.



**In Witness Whereof** I have set my Hand and caused the Great Seal of the City of Statesville to be affixed this 17<sup>th</sup> day of April, 2023.

Constantine H. Kutteh, Mayor



**MINUTE BOOK , PAGE**

**CITY OF STATESVILLE COUNCIL SPECIAL MEETING MINUTES – March 29, 2023**

**CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 1:30 P.M.**

**Council Present:** Mayor Kutteh presiding, J. Johnson, Wasson, Jones, Allison, Foster

**Council Absent:** 3

**Staff Present:** Ron Smith, Pierce, Harrell, E. Kurfees, Nesbit, Ashley, Hooper

**Others:** 6

**Call to Order**

Mayor Kutteh called the meeting to order.

Ron Smith opened the meeting stating that Council member Allison asked to call the meeting to have a follow up conversation regarding Matthew's presentation at the last council meeting. Since there was going to be five people that were invited to the meeting, we had to open it up as a true meeting. We have posed it to the Sunshine list.

Council member Allison described why she called the meeting because she believed that other community members needed to be in the room to hear the meeting. She believes that there is not any affordable housing for individuals in her ward to purchase. The only affordable housing in her ward is the Statesville Housing Authority (SHA) and the Council member claims they are only doing vouchers at this time.

Council member Allison goes on to describe the need for partnerships with members of the community, developers, and non-profit organizations to create affordable housing in her ward. She wants to create a policy to keep rental units up to minimum housing codes without raising the rent of the tenants. Council member believes this will help the violence in the community.

Mayor Kutteh asked for clarification on what aspects of the presentation Council member Allison had questions on. She said that she feels like we can come up with some solutions that were not heard in the presentation.

Council member Wasson asked if Matthew could go over the suggested solutions again.

Council member Foster asked if it would be possible for the City to require developers who build large subdivisions to include a percentage of affordable housing in the development agreement.

City Manager Smith explained that is it possible but there would need to be a clear policy change from the Council.

Council member J. Johnson described how the City needs to educate lower income individuals on owning a home and ensure landlords are taking care of properties.

Mayor Kutteh explained that the answer may go back to code enforcement.

Council member Wasson said a member of the audience wanted to speak. However, staff told her that this is not a public comment period and members of the public cannot speak.

Council member Wasson asked what the process is for code enforcement and Sherry Ashley explained the process.

Ron Smith explained that staff is sensitive to individuals living in these homes that we do not want to force them out.

Council member Allison described how homes are not up to minimum housing standards in her ward. She went on to describe some LITECH apartments coming to the area for individuals ages 55 and older. She explained that she called the meeting to meet with community partners to see how the city could work together to create change.

Ron Smith described that there are multiple developments looking at the City that will be LITECH properties.

Council member Jones described the process to become a LITECH property, which is very difficult.

Ron Smith described the partnerships the City already has with the community, such as ICARE and Habitat for Humanity. He asked the Grant Manager to talk about the grant we are working with ICARE on for critical home repairs.

Matthew Pierce described the current partnerships with have with ICARE, SHA, Habitat for Humanity, and JRN developers.

Council member Allison explained that the partnerships is exactly why she called the meeting. She is looking for more multifamily homes in her ward.

Council member Wasson explained that there are no middle-priced homes. We are working on an education event to help people own homes. We will bring in people for builders, loaners, but there are no homes. There are no homes under 250k in the City. There are no decent homes 250k.

Council member Allison asked if we can hire additional staff to oversee the affordable housing programs.

Council member Jones described how the code enforcement process works for landlords in the past and future. With knowledge as a realtor, he described why the housing prices have increased so much and how the City does not have much to do about that. He stated that the City needs to communicate better about what we are doing and the programs that are available. Mr. Jones also spoke of an inspection program that the City sued to have that ensured properties were up to code between occupiers. However, the state eliminated this program.

Council member Allison wants to bring a similar program back.

Ron Smith explained the only way we can do these inspections is to create a certain area less than 5% of the total city limits.

Council member Allison wants her ward to become a targeted area. Council member Jones said we need to do this in the budget process to make sure we have the funds to create the program.

Ron Smith asked Mr. Hooper what he would need to do his job better. Mr. Hooper asked for more staff or a software program to help him track violations.

Council member Allison and Jones discussed what they may bring to the full Council at the next meeting.

The meeting adjourned at 2:35.



**MINUTE BOOK , PAGE**

**CITY OF STATESVILLE PRE-AGENDA MEETING MINUTES – APRIL 03, 2023**

**CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.**

**Council Present:** Mayor Kutteh presiding, J. Johnson, Wasson, Jones, Allison, Lawton, Hudson, Foster, S. Johnson

**Council Absent:** 0

**Staff Present:** Ron Smith, Fugett, Messick, Pierce, Harrell, E. Kurfees, Nesbit, Taylor, Ashley, Gregory, Francica, Shelton, G. Kurfees, Onley, Weatherman, Navey. Bauquess, Griggs

**I Call to Order**

Mayor Kutteh called the meeting to order.

**II Invocation**

**III Pledge of Allegiance**

**IV Adoption of the Agenda**

**V Code of Ethics**

**VI Presentations & Recognitions**

Proclamation – Line worker Appreciation Days

Proclamation – Public Safety Telecommunicators Week

Presentations – Police Officers - Advanced Certifications

Mayor Kutteh reviewed the following Consent Agenda.

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

- A. Consider approving the March 06 and March 20, 2023 Pre-Agenda and City Council meeting minutes, March 20, 2023 Special meeting minutes.**
- B. Consider appointing Wesley Davidson, Category 2, to the Statesville Convention and Visitors Bureau. There are no other applications for the SCVB, Category 2 on file at this time.**
- C. Consider approving an annual request from the Statesville ABC Board to approve the Board's adopted Travel Policy.**
- D. Consider granting permission to the Statesville Police Department staff to accept a grant from the Bureau of Justice Assistance Local Funding - for up to \$25,728 for the purpose of purchasing needed equipment and consider approving Budget Amendment #2023-28. (Navey)**

- E. Consider granting permission to the Statesville Police Department staff to apply for 2023 Department of Justice Community Oriented Policing Services hiring program to hire four new sworn police officer positions. *(Navey)*
- F. Consider approving 2<sup>nd</sup> reading of TA23-01: Text Amendments to the Unified Development Code filed by Sign Connection on behalf of Larkin Regional Commerce Park to amend Section 6.07 Sign Regulations, H. Prohibited Signs and Table 6-13: Permitted Sign Standards by Zoning Districts. *(Ashley)*
- G. Consider approving 2<sup>nd</sup> reading of TA23-02: Text Amendments to the Unified Development Code to amend Article 3. Zoning, Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix, Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures. S. Colleges, Universities, Technical Schools and Article 9. Definitions. *(Ashley)*
- H. Consider approving 2<sup>nd</sup> reading of TA23-03: Text Amendments to the Unified Development Code filed by the City of Statesville (Public Works & Engineering) to amend Article 8. Public Facilities Requirements, Section 8.06—Streets. Also, to amend Article 6. Density and Dimensional Standards, specifically pertaining to cul-de-sacs. *(Ashley)*
- I. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation of AX23-05, PIN #4745-78-7821, Falls Park (James Glen Multi-Family) property located at the corner of James Farm Road and Glenway Drive; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution setting the date of April 17, 2023, for a Public Hearing for the Petition for Annexation. *(Ashley)*
- J. Consider approving 2<sup>nd</sup> reading of rezoning request ZC23-02 for properties located on Taylorsville Hwy/NC 90; Iredell County Tax Parcel #'s 4725-16-4537 and 4725-36-8814 (portion); from Iredell County M-1 and R-A to City of Statesville LI. *(Ashley)*
- K. Consider authorizing staff to apply for a Fiscal Year 2023 Federal Historic Preservation Fund pass-through grant in the amount of \$24,000 with a 40% local match in the amount of \$16,000 to support services for a National Registry Nomination for the Garfield/Green Street Area. *(Ashley)*
- L. Consider adopting an ordinance amending the Capital Project Fund for the Fire Station 1 project and approving Budget Amendment #2023-29. *(Harrell)*
- M. Consider authorizing the upset bid procedure for PIN #4745-31-9332.000 by approving the attached Resolution. *(Pierce)*  
 Mayor Kutteh asked staff to check with the legislature about doing away with the need to re-advertise for each upset bid. He asked if Council wants to use these funds towards affordable housing. Ron Smith stated that even if Council puts it in the General Fund, they can move it to use for this at any time. Mayor Kutteh directed staff to remove staff's request that the proceeds from this sale be dedicated to the city's affordable housing efforts from the Council Action Request and put it in the General Fund.

## **REGULAR AGENDA**

### **VIII Conduct a public hearing and consider approving an economic incentive to Sherwin Williams, previously known as Project Artist. (Bosser)**

Mayor Kutteh stated that the economic incentive will be in the amount of up to \$9,149,214 at 80% of real and personal property tax assessment over seven years and is based upon an investment by the company of up to \$347,064,900, and the minimum creation of 75 jobs by December 31, 2025.

### **IX Consider approving 2<sup>nd</sup> reading of rezoning request ZC23-03 for the properties located at the end of Barkley Road West/Morland Drive and along Starland Drive and Barkley Road North; Iredell County Tax Parcel #'s 4743-97-1381, 4743-86-1381 and 4743-76-9300 from R-10 and R-20 to R-5MF CZ and R-5 CZ. (Ashley)**

Mayor Kutteh said that on March 20, 2023, the public hearing was held, and council passed the first reading with a vote of 7 to 1 with the exception of the Dallas Lane connection to Starland Drive.

Sherry Ashley advised that she will display a revised Concept Plan at the Council meeting that will show that the developer will not be connecting the two streets.

### **X Conduct a public hearing and consider approving first reading of annexation request AX23-01 for a portion of PIN #4753-38-6988, owned by the Sherwin Williams Company to annex the portion of property located at 188 Side Track Drive. (Ashley)**

Mayor Kutteh stated that the property being considered for annexation has been submitted by The Sherwin Williams Company. The portion of the parcel requesting annexation is approximately 34.58 acres and is located at 188 Side Track and is a part of the proposed expansion project of the Sherwin Williams plant. The Sherwin Williams Group has received a special use permit for the expansion project on the property and has submitted an application to TRC for site plan review. The portion of property requesting annexation is located outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction and is zoned Heavy Industrial. The applicant requests voluntary annexation to utilize city utilities. The current tax value of the parcel is listed as \$4,517,670. The property is a part of the proposed Sherwin Williams plant expansion, estimated to be valued at \$120M. The City of Statesville's electric, water and sewer services are available to the property. The city will need to provide fire and police services as requested.

### **XI Conduct a public hearing and consider approving first reading of annexation request AX23-02, an ordinance to annex PIN #'s 4725-16-4537 & 4725-39-8814 (portion) Holland Farm/Taycora Capital to annex the portion of properties located on Taylorsville Highway. (Ashley)**

Mayor Kutteh stated that the properties being considered for annexation have been submitted by Holland Farm Statesville, LLC. The two parcels total approximately 43.97-acres and are located on Taylorsville Highway. The parcels are outside the primary corporate limits of the City of Statesville and located within Iredell County's Zoning jurisdiction. The parcels are currently zoned Iredell County Residential Agricultural District and Iredell County Light Manufacturing District; however, the properties are the subject of current rezoning case ZC23-02 filed by Taycora Capital, LLC to rezone to Light Industrial. The parcels are undeveloped, but the applicant has indicated this site will be developed for industrial use. The applicant requests voluntary annexation to utilize city water and sewer utilities. However, both Iredell Water and city water are available and both Energy United and city electric service is available. Sewer would require a package treatment plant. The



current tax value of the parcels included in the annexation request is approximately \$553,659. Currently there is no specific industrial tenant. The city can provide electric, sewer and water services and will need to provide fire and police services as requested.

**XII Conduct a public hearing and consider approving first reading of annexation request AX23-04 for PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605, Larkin Front 9 (True Homes LLC) properties located on Whites Mill Road. (Ashley)**

Mayor Kutteh said that the property being considered for annexation has been submitted by True Homes LLC on behalf of HPT Investment Holding LLC. The three parcels totaling approximately 108.05 acres are located at the end of Whites Mill Road. The parcels will be a part of the Larkin Front 9 Subdivision. True Homes has submitted an application to the Technical Review Committee for site plan review to develop these parcels. All three parcels are located outside the primary corporate limits of the City of Statesville but within the city's Extra-Territorial Jurisdiction. The parcels are zoned Medium Density Multi-Family Residential Conditional Zoning District. The applicant requests voluntary annexation to utilize city sewer and water services. The current tax value for the land is \$922,620; the applicant estimates that following site development infrastructure improvements will be valued at approximately \$11 Million prior to homes being built on the properties. Duke Energy will provide electric service and the City of Statesville will provide water and sewer service to the properties. The city will need to provide fire, and police services as requested.

**XIII Consider approving a Resolution of Intent to permanently close a portion of right-of-way known as Wall Street and schedule a public hearing for May 15, 2023. (Ashley)**

Mayor Kutteh stated that Mr. Holden Sabato, on behalf of SL Statesville LLC, had petitioned for NCDOT and, and now the City, to abandon a portion of Wall Street. The Silverman Group would like for maintenance to be abandoned for their industrial development off Wall Street and Landson Drive. Wall Street is in the process of being abandoned by the North Carolina Department of Transportation. The NCDOT supports the maintenance abandonment process and is transferring maintenance of a 2,074 LF portion of Wall Street over to the City. The abandonment of Wall Street officially began back on December 5, 2022. The process proceeded past its public hearing but was halted because the applicant did not give notice to a property owner. Therefore, the applicant must repeat the abandonment process to give due notice to all property owners as required by law.

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

**XIV Consider approving a request for a Special Event Permit from Purple Heart Homes and Centralina Realty for the Purple Heart Homes Charity Ride.**

Mayor Kutteh said that Purple Heart Homes and Centralina Realty are requesting to close West Broad Street from Mulberry Street to Kelly Street (Friday After Five closure area) on Saturday, May 6, 2023 from 12:30-8:30 p.m. for the Purple Heart Homes Charity Ride. The estimated attendance is 1,000 to 1,500 people with 500-600 motorcycles. The charity ride will arrive in Statesville at approximately 2:30 p.m., and a concert will be held until approximately 6:30 p.m. The event will involve the sale of food and alcohol.

The following will be required of the applicants:

- Retain a minimum of four (4) off-duty police officers through the Statesville Police Department.
- Provide a minimum of three (3) portable toilets, with one being handicap accessible.
- Retain any pertinent permits outside of the special event (i.e. stage permit, sign

- permits, etc.)
- Placement and removal of all barricades for the event.
- Contact Broad Street United Methodist Church to confirm that the event does not conflict with any church related functions scheduled for May 6.
- Provide proof of liability insurance (COI) within one week of approval of the event. (The special event permit and ABC letter will not be issued without the COI.)

The applicants have requested trash toters, recycling toters, and street barricades from the City. These items will already be in place from a Friday After Five concert scheduled for May 5, 2023. The Sanitation Department would need to empty the trash/recycling toters between events. If approved, the special event permit and ABC letter will be issued once the requirements above are met.

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

**XV Consider a General Fund Balance policy recommendation from the City Manager.**

**XVI Receive an overview of grants the City is currently pursuing and those that we intend to pursue as well as the direct appropriations from the state and federal government. (Smith)**

**XVII City Manager's Report**

**XVIII Advisory Boards Meeting Minutes**

1. 02/08/2023 Airport Commission Meeting Minutes
2. 02/23/2023 Historic Preservation Commission Meeting Minutes

**XIX Other Business**

**XX Closed Session**

**Council member J. Johnson made a motion to move to Closed Session to discuss an economic development matter and a property matter, seconded by Council member Allison. The motion carried unanimously.**

Mayor Kutteh stated that while in Closed Session, City Council discussed an economic incentive matter and a property matter, and no action was taken.

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

**MINUTE BOOK , PAGE**

**CITY OF STATESVILLE COUNCIL MEETING MINUTES – APRIL 03, 2023**

**CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.**

**Council Present:** Mayor Kutteh presiding, J. Johnson, Wasson, Jones, Allison, Lawton, Hudson, Foster, S. Johnson

**Council Absent:** 0

**Staff Present:** Ron Smith, Fugett, Messick, Harrell, Nesbit, Taylor, Ashley, Gregory, G. Kurfees, Onley, Weatherman, Ivarsson, Bauquess

**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 Items XIII and XIV on the Regular Agenda were moved to the Consent Agenda. Item XVI on the Regular Agenda was moved to the first spot on the Regular Agenda. There being no other amendments to the agenda he asked for a motion.

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

**V Code of Ethics**

**VI Presentations & Recognitions**

Proclamation – Line worker Appreciation Days

Proclamation – Public Safety Telecommunicators Week

Proclamation – Child Abuse Prevention Month

Presentations – Police Officers - Advanced Certifications

Mayor Kutteh read and presented the above proclamations.

Karen Thompson, Program Administrator for the Iredell County Department of Social Services stated that from April of 2022 until March of 2023 the agency received 1,189 Child Protective Services reports that involved 2,364 children in Iredell County. She stressed that the need is great and challenged each and every citizen to do everything they can to support the wellbeing of children in Iredell County. She said that unfortunately business is booming at the agency and that these numbers are a little low because while going through Covid the agency did not get as many reports as they normally would because the children were not in school, so that means schools were not reporting. She said that each and every individual in the room are all mandated reporters and if someone suspects or knows that a child is being abused or neglected, then it is their responsibility to report it. Ms. Thompson thanked Mayor Kutteh, City Council, and audience members for their time.

Chief Onley stated that North Carolina has a criminal justice officers professional certificate program whereby officers can obtain what is called an intermediate and advanced certificate throughout their time in law enforcement. This is in addition to what is required of them on a yearly basis. This is them going above and beyond and it is a very lengthy, long process. Chief Onley recognized five officers that have achieved advanced certifications. Of the five, Corporal Elliott Turner, Corporal Jeffery Porter and Captain John Galliher were in attendance to receive their certificates. Council members thanked each officer.

## **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 the March 06 and March 20, 2023 Pre-Agenda and City Council meeting minutes, March 20, 2023 Special meeting minutes.**
- B. Consider appointing Wesley Davidson, Category 2, to the Statesville Convention and Visitors Bureau. There are no other applications for the SCVB, Category 2 on file at this time.**
- C. Consider approving an annual request from the Statesville ABC Board to approve the Board's adopted Travel Policy.**
- D. Consider granting permission to the Statesville Police Department staff to accept a grant from the Bureau of Justice Assistance Local Funding - for up to \$25,728 for the purpose of purchasing needed equipment and consider approving Budget Amendment #2023-28. (Navey)**
- E. Consider granting permission to the Statesville Police Department staff to apply for 2023 Department of Justice Community Oriented Policing Services hiring program to hire four new sworn police officer positions. (Navey)**
- F. Consider approving 2<sup>nd</sup> reading of TA23-01: Text Amendments to the Unified Development Code filed by Sign Connection on behalf of Larkin Regional Commerce Park to amend Section 6.07 Sign Regulations, H. Prohibited Signs and Table 6-13: Permitted Sign Standards by Zoning Districts. (Ashley)**
- G. Consider approving 2<sup>nd</sup> reading of TA23-02: Text Amendments to the Unified Development Code to amend Article 3. Zoning, Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix, Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures. S. Colleges, Universities, Technical Schools and Article 9. Definitions. (Ashley)**
- H. Consider approving 2<sup>nd</sup> reading of TA23-03: Text Amendments to the Unified Development Code filed by the City of Statesville (Public Works & Engineering)**



to amend Article 8. Public Facilities Requirements, Section 8.06—Streets. Also, to amend Article 6. Density and Dimensional Standards, specifically pertaining to cul-de-sacs. *(Ashley)*

- I. Consider approving a Resolution directing the City Clerk to Investigate a Petition of Annexation of AX23-05, PIN #4745-78-7821, Falls Park (James Glen Multi-Family) property located at the corner of James Farm Road and Glenway Drive; Receive the City Clerk's Certificate of Sufficiency; Consider approving a Resolution setting the date of April 17, 2023, for a Public Hearing for the Petition for Annexation. *(Ashley)*
- J. Consider approving 2<sup>nd</sup> reading of rezoning request ZC23-02 for properties located on Taylorsville Hwy/NC 90; Iredell County Tax Parcel #'s 4725-16-4537 and 4725-36-8814 (portion); from Iredell County M-1 and R-A to City of Statesville LI. *(Ashley)*
- K. Consider authorizing staff to apply for a Fiscal Year 2023 Federal Historic Preservation Fund pass-through grant in the amount of \$24,000 with a 40% local match in the amount of \$16,000 to support services for a National Registry Nomination for the Garfield/Green Street Area. *(Ashley)*
- L. Consider adopting an ordinance amending the Capital Project Fund for the Fire Station 1 project and approving Budget Amendment #2023-29. *(Harrell)*
- M. Consider authorizing the upset bid procedure for PIN #4745-31-9332.000 by approving the attached Resolution. *(Pierce)*
- XIII Consider approving a Resolution of Intent to permanently close a portion of right-of-way known as Wall Street and schedule a public hearing for May 15, 2023. *(Ashley)*
- XIV Consider approving a request for a Special Event Permit from Purple Heart Homes and Centralina Realty for the Purple Heart Homes Charity Ride.

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

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

## **REGULAR AGENDA**

- XVI Receive an overview of grants the City is currently pursuing and those that we intend to pursue as well as the direct appropriations from the state and federal government.  
City Manager Ron Smith explained that this request started out as a continuation of an item that Council just approved regarding the Green Street/Garfield Street areas. This is the first step in a multi-step process. If the City is awarded the grant, then a national registry nomination will be submitted to the State Historic Preservation Office.

There are two opportunities that staff has looked at. One is an African American historic district's grant to provide monuments, plaques, and wayfinding signs potentially. Money is available that staff can pursue once we have the architectural, the property description and the nomination in place. Once we get that foundational piece in place, then we can start going after other things such as the signage.

Another grant is the African American Cultural Heritage Action Fund. They have an annual grant. That first one was for only about \$10,000 a year, but this second one is much more robust. It's between \$50,000 and \$150,000, and they work in four primary areas, capital projects, organizational capacity building, project planning and program programming interpretation. So, these are two grants that are related to the Green Street/Garfield Street project.

There are bigger grants that are systemic and that are on this list. The first one being a RAISE grant, probably the biggest one on the list. Staff is looking at potentially a \$13 million ask and it could be more than that because that amount is around 10 years old. These are big NCDOT projects or grant projects that when they are in distressed communities, and parts of Statesville are considered distressed, sometimes there is no match required in these communities. What we have envisioned for this is an application to take on some of the projects that have been discussed in the last 10 years. Shelton Avenue improvements, taking the streetscape all the way down Shelton, expanding the roadway, moving it forward to some of the standards that have been shown in the 115 Master Plan and also incorporating the linear park. The linear park has been talked about for years and it would be a game changer for the Shelton Avenue Corridor, but it is a heavy, heavy lift from a monetary standpoint. The staff is currently working with Strategics, our federal government liaisons, to work with another grant writer because these raised grants are so big, to help us get through the process.

The second grant is a Thriving Communities Grant or thriving Communities Program or Thrive Federal Grant. This is another one that is foundational. The city is a finalist now for what will be almost \$2 million over two years. Basically, this grant facilitates the planning and development of transportation and community revitalization activities and provides tools to ensure that under-resourced communities can access the historical funding provided in the bipartisan infrastructure law. This will provide help for the city to apply for this funding.

Smith said that the final grant he is going to talk about is a Choice Neighborhoods Implementation Grant. This would need to be a cooperative project with the Housing Authority to basically take on some of the same types of projects that were mentioned in the previous two. Foundational, community revitalization is basically that's got more of a housing component to it because it's HUD related.

Smith said that he would be glad to talk about any of the others that are on this list, but those are some of the big ones he wanted to tell Council about. He said that there is a lot going on behind the scenes.

Council member Wasson asked Smith to report on the EEG Attorney General/Smithfield foods grant and the Juvenile Mentoring Program DOJ. Smith replied that unfortunately he does not have any information on the EEG grant. As he understands it, the Juvenile Mentoring Program is the program that the city is working on with Iredell-Statesville schools on the Department of Justice and the Juvenile Mentoring Program.

Council member Allison said that in reference to the work that has already been done, this has been a long process, and she is grateful for the work that has been done. She is thankful for the start of the process and where we are right now. She commended the city staff and the City Manager for bringing this information to Council. Allison said she would also like to have this information so that she can communicate better with the public when she is asked questions. She thanked staff for all that they are doing.

**VIII Conduct a public hearing and consider approving an economic incentive to Sherwin Williams, previously known as Project Artist. (Bosser)**

Jenn Bosser stated that the Sherwin Williams Company announced an expansion with both their manufacturing and distribution operations in Statesville. Last year, an incentive for a total investment of \$324,064,900 was approved by the City of Statesville on March 20th, 2022. The company has plans to add an additional \$23 million in investment to the distribution facility portion of the project.

In accordance with the City of Statesville's economic development policy. Iredell County Economic Development Corporation is requesting an amendment to the company's economic development incentive grant for an amount up to \$9,149,214 based on a capital investment of \$347,064,900. With the minimum creation of 75 jobs up to 183, and with an improvement period to be December 31, 2026. The grant is performance based and would be payable over seven years based on 80% of real property and tangible personal property. Payment is tied to the amount of new incremental assessed value generated from the private investment of the company.

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

**Council member J. Johnson made a motion to amend the economic development incentive grant to the Sherwin-Williams Company for a capital investment of \$347,064,900 and the minimum creation of 75 jobs by December 31, 2026. The total incentive grant would be up to \$9,149,214 (or \$1,307,031 a year) payable over 7 years based on 80% of real property and tangible personal property. The incentive is contingent on the contract being executed within 180 days from the date of the Public Hearing. Council member Allison seconded the motion and it carried unanimously.**

**IX Consider approving 2<sup>nd</sup> reading of rezoning request ZC23-03 for the properties located at the end of Barkley Road West/Morland Drive and along Starland Drive and Barkley Road North; Iredell County Tax Parcel #'s 4743-97-1381, 4743-86-1381 and 4743-76-9300 from R-10 and R-20 to R-5MF CZ and R-5 CZ. (Ashley)**

Sherry Ashley stated that the public hearing and first reading has already been held at the March 20<sup>th</sup> Council meeting, so this is the 2<sup>nd</sup> reading of the ordinance. Part of the motion for the public hearing was that Council would approve the rezoning based on there not being a connection to Dallas Lane from Starland Drive. Ashley displayed an updated plan and pointed out that instead of having a connection from Starland Drive to Dallas Lane, the applicant is proposing a 20-foot-wide easement for the extension of water.

Council member S. Johnson asked Ashley if she could elaborate on the barrier at the end of the road because there is still some angst on the part of the neighbors in that community. He asked if it will be a permanent barrier and if not, what has the developer agreed to do in that regard. Ashley replied that she does not believe there is going to be a barrier and there is not going to be a vehicular connection, but she would assume there would be some

clearing and grading for the waterline to go through, so there would be pedestrian access to go through there and the neighborhood could utilize some of the sidewalks in the new development if they wanted to. Council member S. Johnson clarified that the area will be impassable to vehicle traffic. Ashley replied that is correct.

**Council member Hudson made a motion to approve 2<sup>nd</sup> reading of ZC23-03 to rezone the properties located at the end of Barkley Road West/Morland Drive and along Starland Drive and Barkley Road North; Iredell County Tax Parcel #'s 4743-97-1381, 4743-86-1381 and 4743-76-9300 from R-10 and R-20 to R-5MF CZ and R-5 CZ, seconded by Council member Foster. The motion carried unanimously.**

**X Conduct a public hearing and consider approving first reading of annexation request AX23-01 for a portion of PIN #4753-38-6988, owned by the Sherwin Williams Company to annex the portion of property located at 188 Side Track Drive. (Ashley)**

Sherry Ashley stated that the property being considered for annexation has been submitted by The Sherwin Williams Company. The portion of the parcel requesting annexation is approximately 34.58 acres and is located at 188 Side Track and is a part of the proposed expansion project of the Sherwin Williams plant. The Sherwin Williams Group has received a special use permit for the expansion project on the property and has submitted an application to TRC for site plan review. The portion of property requesting annexation is located outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction and is zoned Heavy Industrial. The applicant requests voluntary annexation to utilize city utilities. The current tax value of the parcel is listed as \$4,517,670. The property is a part of the proposed Sherwin Williams plant expansion, estimated to be valued at \$120M. The City of Statesville's electric, water and sewer services are available to the property. The city will need to provide fire and police services as requested. If approved, the 2<sup>nd</sup> reading will be held on April 17, 2023.

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

**Council member Allison made a motion to approve first reading of annexation request AX23-01 for a portion of PIN #4753-38-6988, owned by the Sherwin Williams Company to annex the portion of property located at 188 Side Track Drive, seconded by Council member Foster. The motion carried unanimously.**

**XI Conduct a public hearing and consider approving first reading of annexation request AX23-02, an ordinance to annex PIN #'s 4725-16-4537 & 4725-39-8814 (portion) Holland Farm/Taycora Capital to annex the portion of properties located on Taylorsville Highway. (Ashley)**

Ashley stated that the properties being considered for annexation have been submitted by Holland Farm Statesville, LLC. The two parcels total approximately 43.97-acres and are located on Taylorsville Highway. The parcels are outside the primary corporate limits of the City of Statesville and located within Iredell County's Zoning jurisdiction. The parcels are currently zoned Iredell County Residential Agricultural District and Iredell County Light Manufacturing District; however, the properties are the subject of current rezoning case ZC23-02 filed by Taycora Capital, LLC to rezone to Light Industrial. The parcels are undeveloped, but the applicant has indicated this site will be developed for industrial use. The applicant requests voluntary annexation to utilize city water and sewer utilities. However, both Iredell Water and city water are available and both Energy United and city electric service is available. Sewer would require a package treatment plant. The current tax

value of the parcels included in the annexation request is approximately \$553,659. Currently there is no specific industrial tenant. The city can provide electric, sewer and water services and will need to provide fire and police services as requested. If approved, the 2<sup>nd</sup> reading will be held on April 17, 2023.

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

**Council member Wasson made a motion to approve first reading of annexation request AX23-02, an ordinance to annex PIN #'s 4725-16-4537 & 4725-39-8814 (portion) Holland Farm/Taycora Capital to annex the portion of properties located on Taylorsville Highway, seconded by Council member Allison. The motion carried unanimously.**

**XII Conduct a public hearing and consider approving first reading of annexation request AX23-04 for PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605, Larkin Front 9 (True Homes LLC) properties located on Whites Mill Road. (Ashley)**

Planning Department staff member Xavier Bauquess stated that the property being considered for annexation has been submitted by True Homes LLC on behalf of HPT Investment Holding LLC. The three parcels totaling approximately 108.05 acres are located at the end of Whites Mill Road. The parcels will be a part of the Larkin Front 9 Subdivision. True Homes has submitted an application to the Technical Review Committee for site plan review to develop these parcels. All three parcels are located outside the primary corporate limits of the City of Statesville but within the city's Extra-Territorial Jurisdiction. The parcels are zoned Medium Density Multi-Family Residential Conditional Zoning District. The applicant requests voluntary annexation to utilize city sewer and water services. The current tax value for the land is \$922,620; the applicant estimates that following site development infrastructure improvements will be valued at approximately \$11 Million prior to homes being built on the properties. Duke Energy will provide electric service and the City of Statesville will provide water and sewer service to the properties. The city will need to provide fire and police services as requested. If approved, the 2<sup>nd</sup> reading will be held on April 17, 2023.

Council member S. Johnson asked what improvements will be made along Whites Mill Road. Sherry Ashley replied that she believes only sidewalks will be built because of the width of the road.

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

**Council member S. Johnson made a motion to approve first reading of annexation request AX23-04 for PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605, Larkin Front 9 (True Homes LLC) properties located on Whites Mill Road, seconded by Council member Hudson.**

**XIII Consider approving a Resolution of Intent to permanently close a portion of right-of-way known as Wall Street and schedule a public hearing for May 15, 2023. (Ashley)**  
This item was moved to the Consent Agenda.

**XIV Consider approving a request for a Special Event Permit from Purple Heart Homes and Centralina Realty for the Purple Heart Homes Charity Ride.**  
This item was moved to the Consent Agenda.



**XV Consider a General Fund Balance policy recommendation from the City Manager.**

Ron Smith stated that Council asked him to present them with a recommendation on a percentage for our unassigned fund balance. Davenport Public Finance, who we've been working with on our capital improvement plan and fund balance discussions, recommended a 30 and 35% number. Smith said that the City has enough fund balance now and has been building it over the last at least four years so the City is sitting in a good position. At the same time the City is also facing several significant needs from a building perspective, from dealing with growth, apparatus, vehicles, equipment. Council has had a number of conversations about the police department expansion, fire departments, either new or expansions or relocations, an expansion to the operation center or the warehouse. These are all big construction projects. Staff is in the middle of the budget process now, and we're talking about fire trucks, we're talking about multiple sanitation vehicles, things of that nature, all of which are approaching a million dollars each. So, the discussion that we were having really revolved around how much is a good number to keep in our fund balance, to not only save for a rainy day, but to deal with the capital projects that we have.

If you recall, under the Davenport model, they had suggested over \$10 million at the time be shifted basically into a Capital Reserve Fund to float the Capital Projects over the next 10 or so years, meaning that you would take some of the unassigned fund balance out, hold it to help fund the Capital Projects as they come up.

Smith said he has brought to Council a recommendation to change to a target of 30% of our expenditures and a low watermark of 25% of our expenditures. So basically, the sweet spot would be between 25 and 30%, don't go below 25, try to stay around 30. Anything above 30% would be redirected toward capital. That would be the \$10 million that Davenport had used, which is now lower because of the action at the last meeting, but what we talked about earlier, the 5 million out of fund balance to go toward the fire department. So, in today's numbers, basically what that would mean is under the 25% of unassigned fund balance, that would be about \$14,500,000, 30% would be \$17,375,000 under the 25% which means that Council could shift over almost \$11 million toward capital projects. But if you look at the 30% option, you could shift over about 8 million toward capital, both of which are very significant, very heavy numbers that will help move us through and get the projects that we need to get completed, completed. If Council chose to take out big chunks of that, that will obviously change the dynamic of how we go through this. But if you put this policy in place and adhere to what it says, then I think we have a fundamental plan and we are not digging into the fund balance for anything other than what you are planning to use it for. If you choose as a Council to go against that policy, you can vote to do. And that would be your prerogative. For instance, if there is some deal you cannot pass up economic development wise, property wise, what have you, you can do that. But my recommendation would be to have the target of 30% and an absolute minimum of 25%.

Smith stated that there is no action required from Council at this meeting on this item, he just wants to know how low they want fund balance to go. He would come back to Council to move any funds.

**Council member S. Johnson made a motion to concur with the City Manager's recommendation of a minimum fund balance of 25% with a target of 30%, Encumber \$10 million of the \$10,964,500 to be used as a down payment for capital projects already approved by Council, i.e. the warehouse and the garage. Council member Hudson seconded the motion. The vote on the motion was as follows:**

**Ayes: S. Johnson, Hudson, Wasson, Jones, Allison, Lawton, Foster**  
**Nays: J. Johnson**  
**Motion Carried 7-1**

**XVII City Manager's Report**

Ron Smith advised that city offices are closed on Friday for Good Friday and there will be no garbage pick-up. Speed bumps have been installed on Park, Elm, and Bost Streets. He may hold a budget session prior to Council receiving the budget in May to receive some guidance on a few items.

**XVIII Advisory Boards Meeting Minutes**

1. 02/08/2023 Airport Commission Meeting Minutes
2. 02/23/2023 Historic Preservation Commission Meeting Minutes

**XIX Other Business**

**XX Closed Session**

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

**MINUTE BOOK , PAGE**

**CITY OF STATESVILLE COUNCIL SPECIAL MEETING MINUTES – APRIL 4, 2023**

**CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 1:00 P.M.**

**Council Present:** Mayor Kutteh presiding, Wasson, Jones, Allison, Foster, Lawton, Hudson

**Council Absent:** 2

**Staff Present:** Ron Smith, Pierce, Harrell, E. Kurfees, Nesbit, Onley

**Others:** 7

**Media:** Statesville Landmark

**Call to Order**

Mayor Kutteh called the meeting to order. He then turned the meeting over to Iredell Statesville Schools Superintendent Dr. Jeff James.

Dr. James provided an update on how the school system is doing. He provided data on funding and school performance.

Kelly Marcy, the Executive Director of Student Services, discussed the mental health grants the school system received and how they are using the funds.

Council member Lawton asked why the information they heard today does not match the community perception of Statesville High School.

Council member Allison said that Northview is the same as Presley High School, and kids are graduating from this school.

Council member Jones states that the Boys and Girls Club struggles with funding and facilities. Dr. James said some clubs use the school facilities and would be happy to bus students to after school programs to get them off the street.

Council member Jones went on to state that it was interesting that ISS is using 80% of the funds for 20% of the students. Does Mooresville City Schools hurt the school system? Dr. James stated that yes, it does hurt us.

Marleen Scott stated that there is a community meeting to be held on April 26 at the Civic Center about the violence in the community. Train the Trainer organization will be there.

She went on to say that the Statesville Housing Authority has decided that they need more cameras because some of the kids that live there are the problem in the schools.

Council member Allison stated that Ward 3 is the hot spot. Most of the kids who commit crimes, the parents are on some sort of assistance.

Dr. James said that we need to work on getting kids ready for kindergarten. If you cannot read by the 3<sup>rd</sup> grade, you cannot read to learn. NB Mills needs more pre-k programs. 1 class of 18 kids would be a great start. It is \$60,000 for the teacher and \$45,000 for the assistant. \$350,000 will do 3 pre-k programs. ISS will match any money you can provide.

Meeting adjourned at 3:02 PM.

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** March 22, 2023

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**ACTION NEEDED ON:** April 3, 2023  
Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving 2<sup>nd</sup> reading of annexation request AX23-01 for a portion of PIN #4753-38-6988, owned by the Sherwin Williams Company to annex the portion of property located at 188 Side Track Drive.**

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- 1. Summary of Information:** The property being considered for annexation has been submitted by The Sherwin Williams Company. The portion of the parcel requesting annexation is approximately 34.58 acres and is located at 188 Side Track Drive (see attached Location Map). The property is a part of the proposed expansion project of the Sherwin Williams plant (see attached GIS Aerial Photo, Boundary Survey and Site Photos). The Sherwin Williams Group has received a special use permit for the expansion project on the property and has submitted an application to TRC for site plan review. The portion of property requesting annexation is located outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction (ETJ); and is zoned HI (Heavy Industrial) district (see attached Current Zoning & Utilities Map). The applicant requests voluntary annexation to utilize city utilities.
- 2. Previous Council or Relevant Actions:** The Sherwin Williams Company was granted a special use permit by council on October 17, 2022; (Case # SP22-01).
- 3. Budget/Funding Implications:** The current tax value of the parcel is listed as \$4,517,670. The property is a part of the proposed Sherwin Williams plant expansion, estimated to be valued at \$120M. City of Statesville's electric, water and sewer services are available to the property (see attached Current Zoning & Utilities Location Map). The city will need to provide fire, and police services as requested.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes. Without annexation, the property owner could still access water and sewer at 2½ times the rate.
- 5. Department Recommendation:** The department recommends approving 2<sup>nd</sup> reading of the ordinance to annex the subject property located at 188 Side Track Drive.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If 2<sup>nd</sup> reading is approved, it will become effective April 30, 2023.
- 8. Attachments:** In previous packet, no changes.

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** March 22, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving 2<sup>nd</sup> reading of annexation request AX23-02, an ordinance to annex PIN #'s 4725-16-4537 & 4725-39-8814 (portion) Holland Farm/Taycora Capital to annex the portion of properties located on Taylorsville Highway.**

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- 1. Summary of Information:** The properties being considered for annexation have been submitted by Holland Farm Statesville, LLC. The two parcels total approximately 43.97-acres and are located on Taylorsville Highway (see *attached Location Map*).

The parcels are outside the primary corporate limits of the City of Statesville and located within Iredell County's Zoning jurisdiction. The parcels are currently zoned Iredell County R-A (Residential Agricultural) District and Iredell County M-1 (Light Manufacturing) District; however, the properties are the subject of current rezoning case ZC23-02 filed by Taycora Capital, LLC to rezone to LI (Light Industrial) (see attached Current Zoning & Utilities Map).

The parcels are undeveloped, but the applicant has indicated this site will be developed for industrial use (see attached GIS Aerial Photo, Boundary Survey and Site Photo). The applicant requests voluntary annexation to utilize city water and sewer utilities. However, both Iredell Water and city water are available and both Energy United and city electric service is available. Sewer would require a package treatment plant.

- 2. Previous Council or Relevant Actions:** The public hearing and first reading for ZC23-02 initiated by Taycora Capital LLC, to rezone these properties from Iredell County M-1 and R-A to the City of Statesville's LI was passed by council on March 20, 2023.
- 3. Budget/Funding Implications:** The current tax value of the parcels included in the annexation request is approximately \$553,659. Currently there is no specific industrial tenant. The city can provide electric, sewer and water services (see attached Current Zoning & Utilities Location Map). The city will need to provide fire and police services as requested.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes. Without annexation, the property owner might be able to access water and sewer at 1½ times the rate.
- 5. Department Recommendation:** The department recommends approving 2<sup>nd</sup> reading of the annexation request.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If 2<sup>nd</sup> reading is approved, the rezoning becomes effective April 3, 2023.
- 8. Attachments:** In previous packet, no changes.

**CONSENT**  
**CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** April 12, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

**COUNCIL ACTION REQUESTED:**

**Consider approving a resolution directing the City Clerk to investigate a petition of annexation for PIN # 4745-78-7821; AX23-05 Falls Park (James Glen Multi-Family) Property located at the corner of James Farm Road and Glenway Drive; Receive the City Clerk's Certificate of Sufficiency; Consider approving a resolution setting the date of May 1, 2023, for a public hearing for the petition for annexation.**

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- 1. Summary of Information:** The property being considered for annexation has been submitted by Elevation Acquisition & Development on behalf of Falls Park LLC. The parcel requesting annexation is approximately 16.73 acres and is located at the corner of James Farm Road and Glenway Drive (*see attached Location Map*).

The property is the site of the proposed James Glen Multi-Family Development (*see attached GIS Aerial Photo, Boundary Survey, Concept Plan and Site Photos*). The James Glen Multi-Family Development has proposed an 11 building, 264-unit project on the parcel.

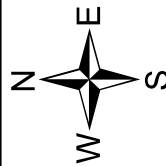
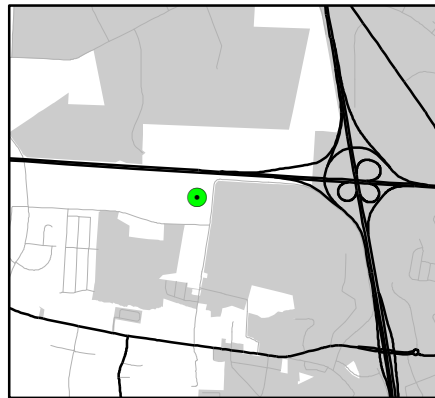
The parcel requesting annexation is located outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction (ETJ); and is zoned R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District (*see attached Current Zoning & Utilities Map*). The applicant requests voluntary annexation to utilize city sewer and water services.

- 2. Previous Council or Relevant Actions:** The subject parcel was rezoned to R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District on November 7, 2022; (Case # ZC22-20).
- 3. Budget/Funding Implications:** The current tax value of the parcel is listed as \$709,180. The applicant estimates that project value would be approximately \$42.25M (appx. \$160,000/unit). Water service may be customer choice between the City of Statesville and Iredell Water Corporation, depending on life-safety requirements; City of Statesville sewer service is available to serve the project; and Duke Energy will provide electric service.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes. Without annexation, the property owner could still access water and sewer at 2½ times the rate.



5. **Department Recommendation:** The department recommends passing the resolutions to set a date of May 1, 2023, for a public hearing on this annexation request. The property is located in the ETJ and in Tier 1 per the 2045 Land Development Plan.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** Advertise for the public hearing.
8. **Attachments:**
  1. Location Map
  2. GIS Aerial Photo
  3. Boundary Survey
  4. Concept Plan
  5. Site Photos
  6. Current Zoning & Utilities Map
  7. Resolution Directing the Clerk to Investigate
  8. Certificate of Sufficiency
  9. Resolution to Set Public Hearing

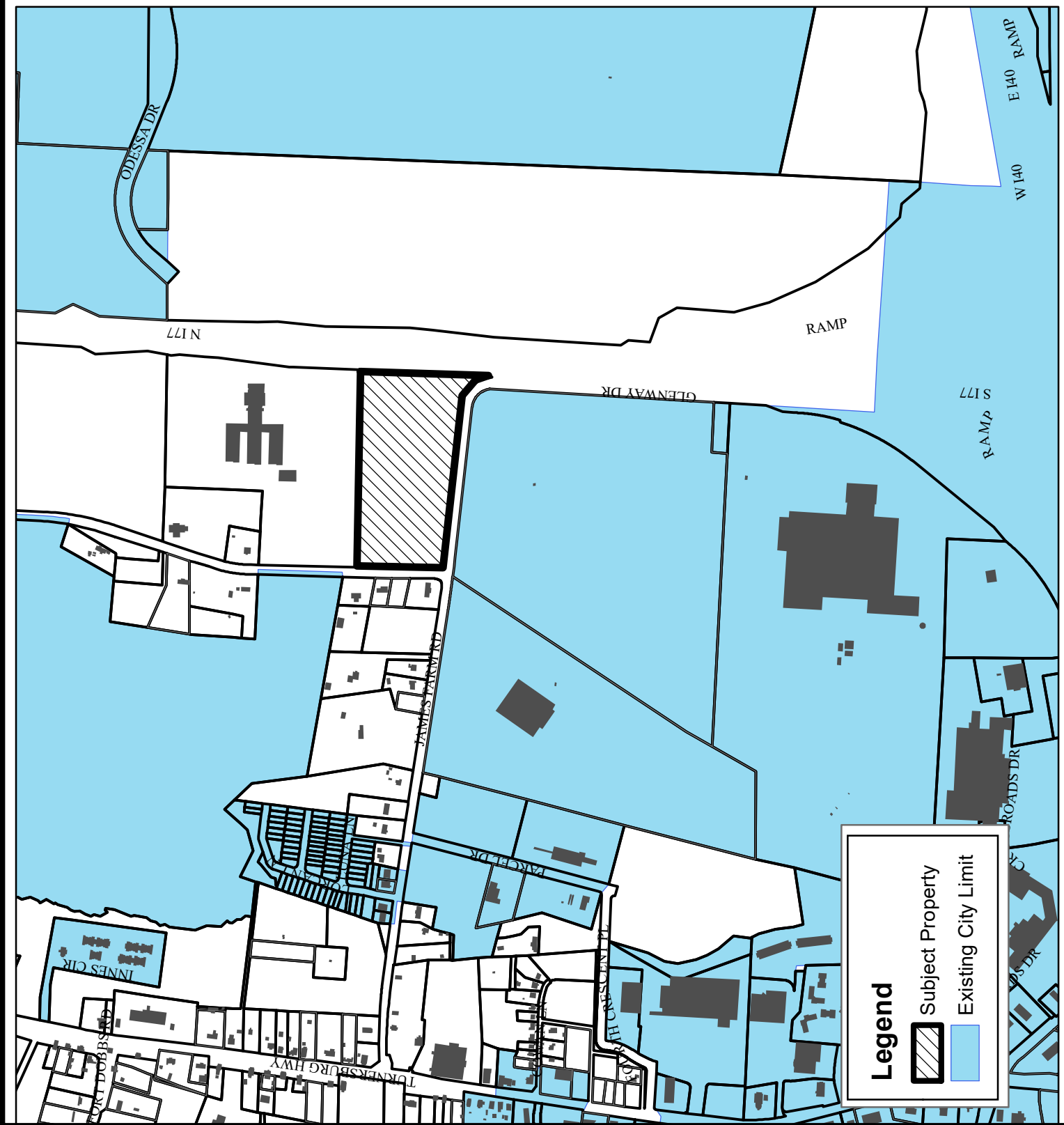
Falls Park LLC  
(James Glen Multi-Family)  
AX23-05  
PIN # 4745-78-7821



0 650 1,300 Feet

$$1 \text{ inch} = 833.333333 \text{ feet}$$


Page 31 of 102







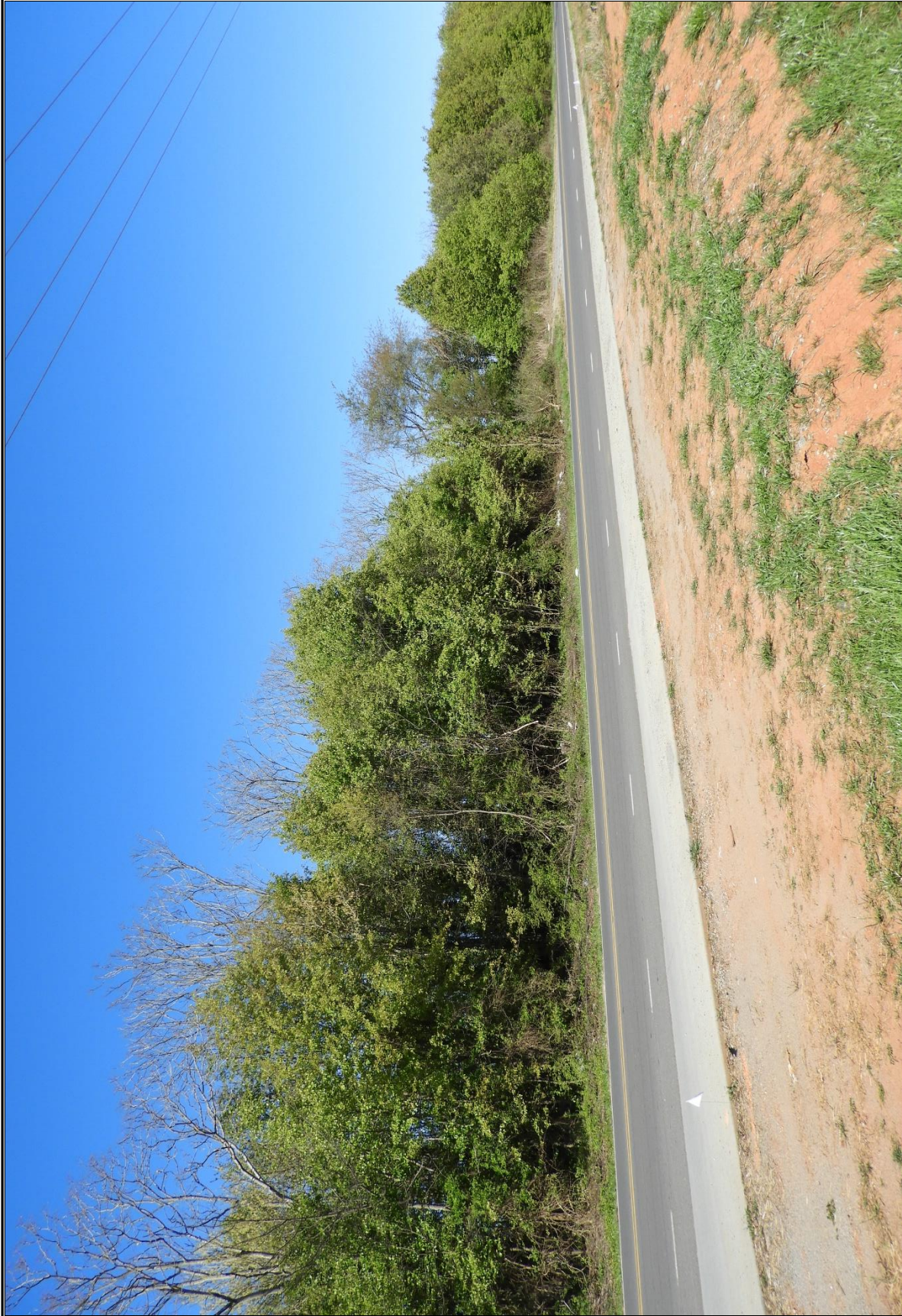






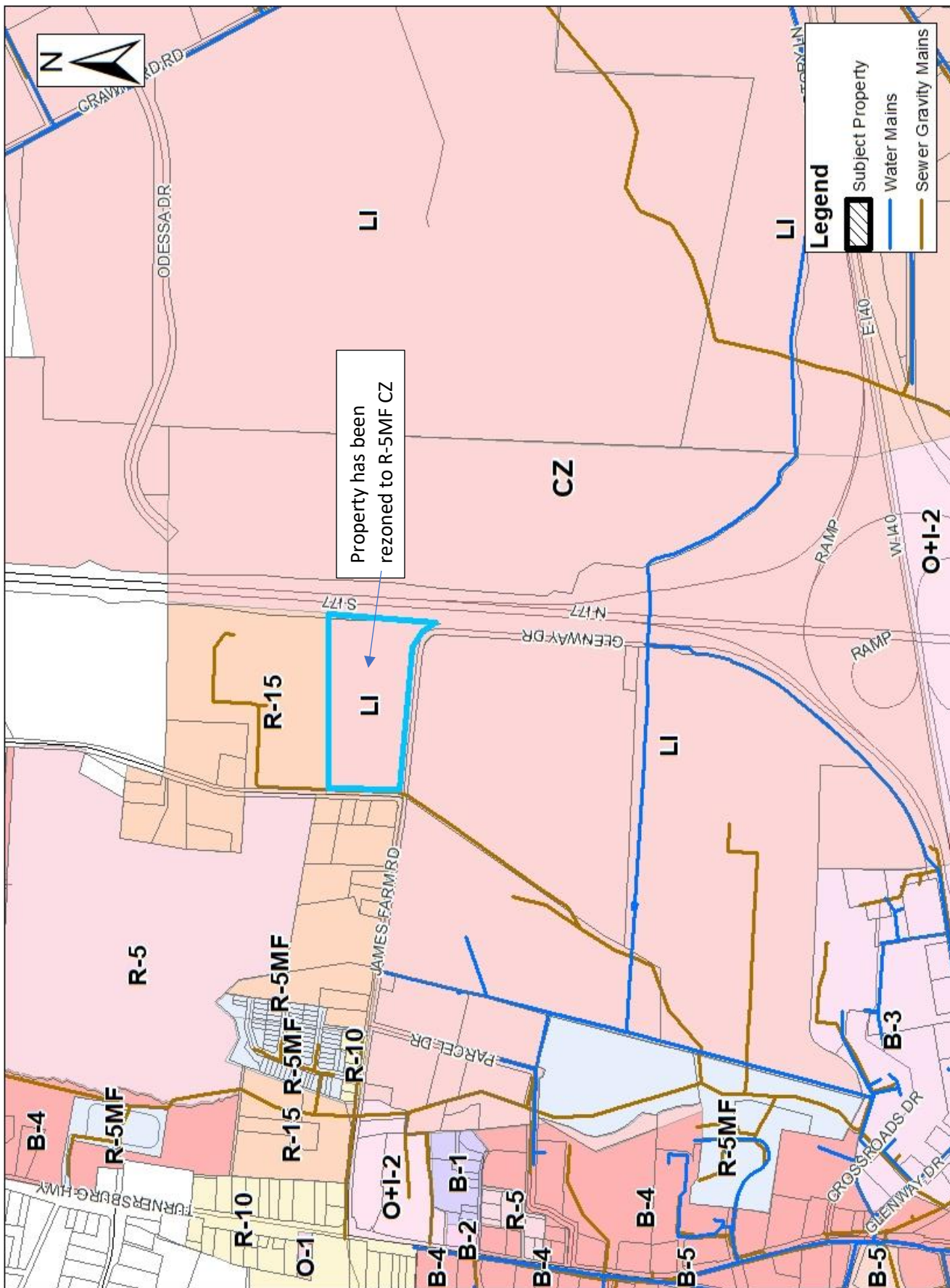






Site Photo – AX23-05 Falls Park LLC (James Glen Multi-Family)  
PIN # 4745-78-7821  
View from Glenway Drive looking North onto the subject parcel





Case No. AX23-05 Falls Park (James Glen Multi-Family)  
 Current Zoning & Utilities Map – PIN # 4745-78-7821



RESOLUTION \_\_\_\_\_

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

**Case No. AX23-05  
Falls Park LLC (James Glen Multi-Family)  
Parcel #4745-78-7821**

WHEREAS, a petition requesting annexation of the area described in said petition has been received on March 8, 2023, by the City Council; and

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

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

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

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

Adopted this 17<sup>th</sup> day of April 2023.

S - E - A - L

CITY OF STATESVILLE

By: \_\_\_\_\_  
Constantine H. Kutteh, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Fugett, City Clerk



**CERTIFICATE OF SUFFICIENCY**

**Case No. AX23-05  
Falls Park LLC (James Glen Multi-Family)  
Parcel #4745-78-7821**

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 17<sup>th</sup> day of April 2023.

SEAL

\_\_\_\_\_  
Brenda Fugett, City Clerk



**RESOLUTION \_\_\_\_\_**

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

**Case No. AX23-05  
Falls Park LLC (James Glen Multi-Family)  
Parcel #4745-78-7821**

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

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

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 7:00 o'clock p.m. on the 1<sup>st</sup> day of May 2023.

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

Being a 16.726-acre tract of land described in Deed Book 2895, Page 2424, being the same tract of land shown on a map recorded in Plat Book 76, Page 26, Iredell County Registry, surveyed by C. Neil Shepherd, PLS of Survey Pros PLLC, File #22003. A metes and bounds description taken from said survey is as follows:

BEGINNING at a nail found in James Farm Road, SR 2173, at the southwest corner of the Cloverleaf Elementary School property, BK 1926 PG 1282, said nail being located South 36°18'32" East, 99.88 feet from a NCDOT concrete R/W monument found on the west side of James Farm Road, said monument having NC Grid coordinates of N: 759,310.91' and E:1,447,056.07'; thence from the POINT OF BEGINNING with the southern margin of the school tract, the following 3 courses: (1) South 88°50'49" East, 40.38 feet to a 5/8-inch iron set with orange cap; (2) South 88°50'49" East, 1,161.28' feet to a 5/8-inch iron set with orange cap; (3) South 88°50'49" East, 27.48 feet to a 5/8-inch iron set with orange cap; thence with the western margin of the right-of-way of Interstate 77, Project #I-3819-B, BK 2704 PG 1092, the following 8 courses: South 3°04'37" West, 242.62 feet to a 5/8-inch iron set with orange cap; (2) South 3°43'26" East, 69.45 feet to a 5/8-inch iron set with orange cap; (3) South 1°55'35" West, 99.43 feet to a 5/8-inch iron set with orange cap; (4) South 3°39'22" West, 112.49 feet to a 5/8-inch iron set with orange cap; (5) South 3°39'21" West, 203.56 feet to a 5/8-inch iron set with orange cap; (6) South 3°39'18" West, 37.30 feet to a 5/8-inch iron set with orange cap; (7) South 3°39'22" West, 72.23 feet to a 5/8-inch iron set with orange cap; (8) thence North 89°41'57" West, 4.05 feet to a 5/8-inch iron found at a concrete R/W marker; thence with the eastern and northern margin of Glenway Drive, SR 2187, BK 598 PG 963, the following \_\_\_ courses: (1) North 3°40'19" East, 18.92 feet to a point; (2) 283.43 feet along a curve to the left with a radius of 190.00 feet,



chord bearing of North 40°56'54" West, and chord distance of 257.87 feet, to a 5/8-inch iron set with orange cap; (3) North 83°40'55" West, 321.22 feet to a nail set; (4) North 83°40'55" West, 699.45 feet to a 5/8-inch iron set with orange cap; (5) North 83°40'55" West, 19.02 feet to a nail set; thence with the eastern margin of the right-of-way of James Farm Road, SR 2173, North 1°38'53" East, 532.52 feet to the POINT OF BEGINNING; having an area of 16.726 acres, more or less.

**PIN #4745-78-7821**

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

Adopted this 17<sup>th</sup> day of April 2023.

CITY OF STATESVILLE

By: \_\_\_\_\_  
Constantine H. Kutteh, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Fugett, City Clerk



**CONSENT**  
**CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** April 4, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

**COUNCIL ACTION REQUESTED:**

**Consider approving a resolution directing the City Clerk to investigate a petition of annexation for PIN #4735-36-0106 (portion); AX23-06 Radford & Martha Blankenship (Apollo Gardens) Property located on Wilkesboro Highway; Receive the City Clerk's Certificate of Sufficiency; Consider approving a resolution setting the date of May 1, 2023, for a public hearing for the petition for annexation.**

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- 1. Summary of Information:** The property being considered for annexation has been submitted by Wallick Development LLC on behalf of Radford and Martha Blankenship. The portion of the parcel requesting annexation is approximately 5.76 acres and is located on Wilkesboro Highway (see *attached Location Map*).

The proposed project site is currently undeveloped however, the applicant is proposing a 48-unit senior apartment building with an elevator, garden beds, walking trail, gazebo, fitness center and outdoor seating (see *attached GIS Aerial Photo, Boundary Survey, and Site Photos*).

The portion of the parcel being requested for annexation is located outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction (ETJ); and is currently zoned O-1 (Office Single Lot District) (see *attached Current Zoning & Utilities Map*). The O-1 District allows multi-family by right, provided the regulations of the Unified Develop Code are met. The applicant requests voluntary annexation to utilize city electric, sewer and water services.

- 2. Previous Council or Relevant Actions:** The applicant submitted a conditional rezoning application for 60 senior apartment units in an R-8MF CZ (Medium Density Multi-Family Residential Conditional Zoning) District; however, they withdrew it after the planning board's recommendation was unfavorable; (Case # ZC23-04). Again, the O-1 district allows multi-family with a lower density of 48 units on this site.
- 3. Budget/Funding Implications:** The current tax value of the portion of parcel requesting annexation is \$396,576. The applicant estimates that project value would be approximately \$2.5M. Both City of Statesville and Iredell Water Corporation water is available; City of Statesville electric and sewer service is available to serve the project.

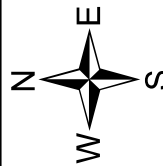
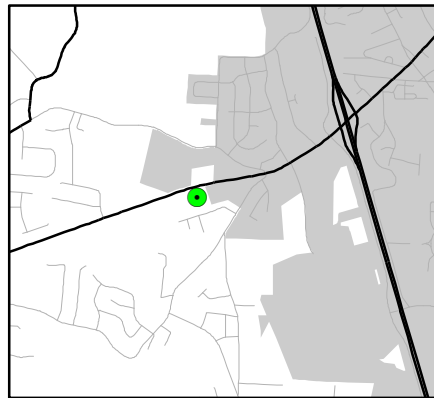


4. **Consequences for Not Acting:** Without annexation the city would not collect property taxes. Without annexation, the property owner could still access water and sewer at 2½ times the rate.
5. **Department Recommendation:** The department recommends passing the resolutions to set a date of May 1, 2023, for a public hearing on this annexation request. The property is located in the ETJ and in Tier 1 per the 2045 Land Development Plan.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** Advertise for the public hearing.
8. **Attachments:**
  1. Location Map
  2. GIS Aerial Photo
  3. Boundary Survey
  4. Site Photos
  5. Current Zoning & Utilities Map
  6. Resolution Directing the Clerk to Investigate
  7. Certificate of Sufficiency
  8. Resolution to Set Public Hearing



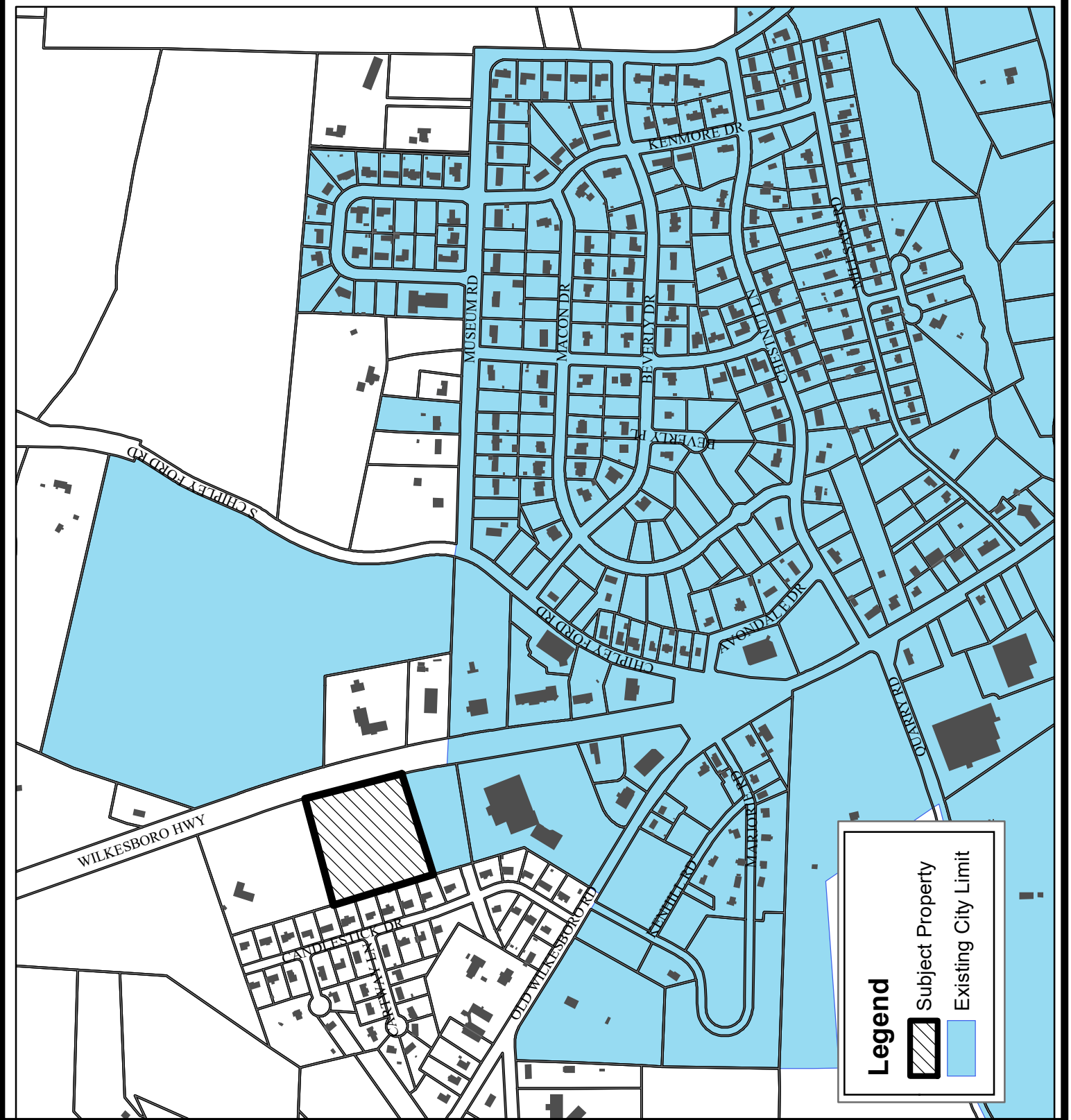
# City of Statesville Planning Department

Radford and Martha  
Blankenship  
(Apollo Gardens)  
AX23-06  
PIN # 4735-36-0106 pt.

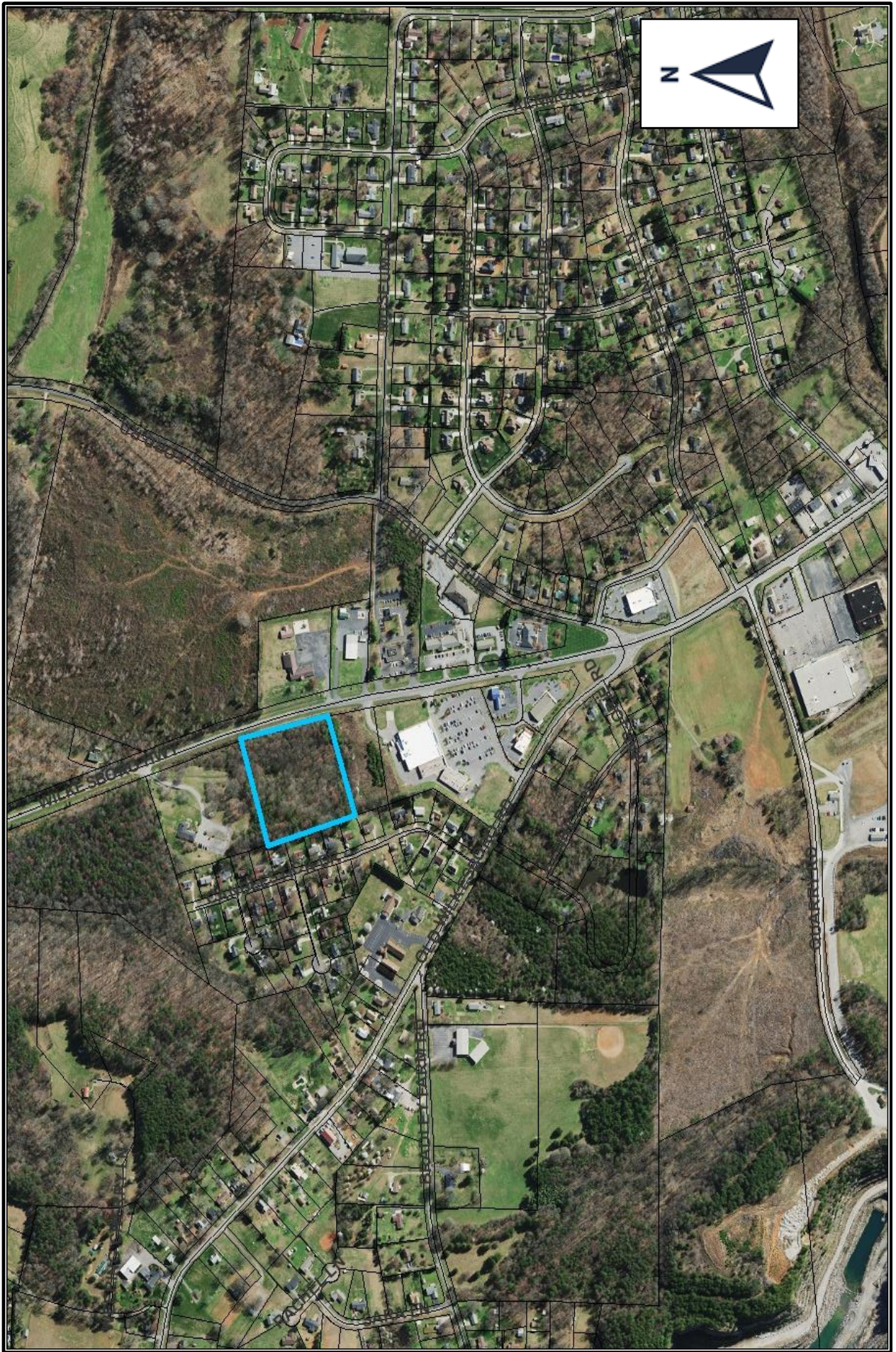


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Feet

1 inch = 625 feet







Case No. AX23-06 Radford & Martha Blankenship (Apollo Gardens)  
Aerial Photo Map – PIN # 4735-36-0106 (portion)



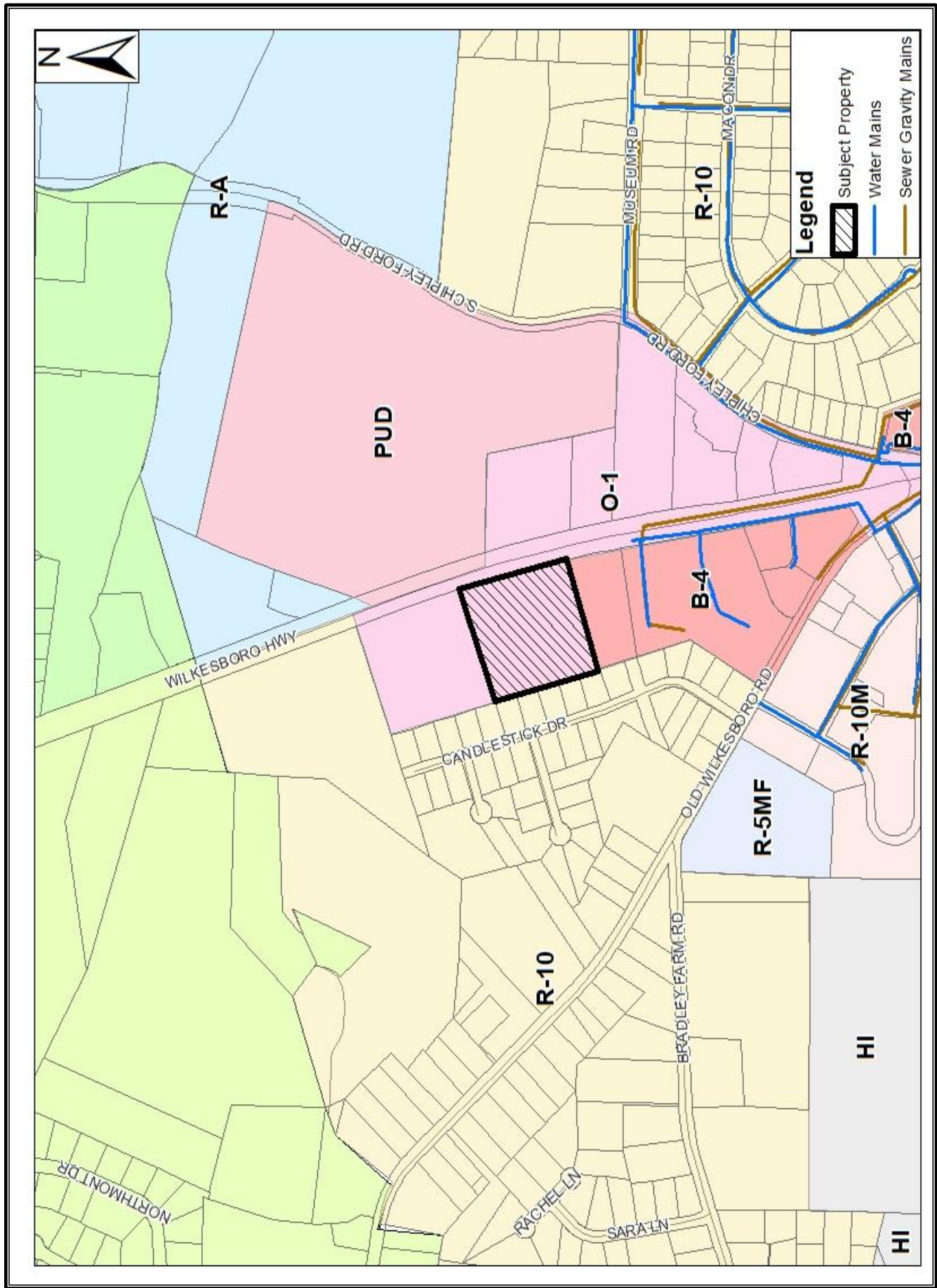






Site Photo – AX23-06 Radford and Martha Blankenship (Apollo Gardens)  
PIN # 4735-36-0106 (portion)  
View from Wilkesboro Highway looking West on the subject parcel





Case No. AX23-06 Radford & Martha Blankenship (Apollo Gardens)  
 Current Zoning & Utilities Map – PIN # 4735-36-0106 (portion)



**RESOLUTION \_\_\_\_\_**

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

**Case No. AX23-06  
Radford & Martha Blankenship  
(Apollo Gardens)  
Parcel #4735-36-0106 (portion)**

WHEREAS, a petition requesting annexation of the area described in said petition has been received on March 17, 2023, by the City Council; and

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

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

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

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

Adopted this 17<sup>th</sup> day of April 2023.

S - E - A - L

CITY OF STATESVILLE

By: \_\_\_\_\_  
Constantine H. Kutteh, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Fugett, City Clerk

**CERTIFICATE OF SUFFICIENCY**

**Case No. AX23-06  
Radford & Martha Blankenship  
(Apollo Gardens)  
Parcel #4735-36-0106 (portion)**

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 17<sup>th</sup> day of April 2023.

SEAL

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Brenda Fugett, City Clerk



**RESOLUTION \_\_\_\_\_**

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

**Case No. AX23-06  
Radford & Martha Blankenship  
(Apollo Gardens)  
Parcel # 4735-36-0106 (portion)**

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

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

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 7:00 o'clock p.m. on the 1<sup>st</sup> day of May 2023.

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

Being part of what is currently known as Iredell County tax parcel 4735360106; a portion of the property described in Deed Book 661 Page 65; all of Tract 1 as shown on an unrecorded map which shall in the future be recorded in Plat Book Page and being more particularly described as follows.

Commencing at NCGS monument "LORAY" having NAD 83 (2011) NC grid coordinates Northing: 756,193.17" Easting: 1,420,635.80'; thence a grid bearing and distance, N 88°01'45"E 11,951.66' to an existing #4 rebar having NAD 83 (2011) NC grid coordinates Northing: 756,604.17' Easting: 1,432,580.39'; thence S 16°41'57"E 509.19' to a #4 rebar set at the northwest corner of the within described tract, the POINT OF BEGINNING; thence with Tract 2 of said map, N 71°09'38"E 508.90' to a #5 rebar set on the Right-of-Way of NC Highway 115 (NCDOT Project 6.8210019); thence with said Right-of-Way, S 23°56'53"E 58.44' to an existing concrete monument; thence continuing with said Right-of-Way, along a curve to the right having a radius of 5,669.58' and a chord bearing and distance of S 14°34'05"E 433.83' to an existing #4 rebar at the northeast corner of W2 NC LLC (Deed Book 2811 Page 328); thence leaving said Right-of-Way and with W2 NC LLC, S 71°09'38"W 500.14' to an existing #4 rebar, the southeast corner of Lot 7 of Canterbury subdivision (Plat Book 23 Page 154 and Plat Book 24 Page 106); thence with said subdivision, N 16°41'57"W 491.18' to the POINT OF BEGINNING, containing 5.760 acres as shown on an unrecorded survey by Jeffrey C. Allen, PLS (L-3810) of Allen Geomatics, P.C. (C-3191), dated (future).

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

Adopted this 17<sup>th</sup> day of April 2023.

CITY OF STATESVILLE

By: \_\_\_\_\_  
Constantine H. Kutteh, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Fugett, City Clerk

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** April 4, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving Budget Amendment #2023-30 for the donation from Denso in the amount of \$27,000 for the engineering, design and permitting of a future pedestrian bridge over Third Creek to extend the greenway as part of the 2023 Leadership Statesville Class project.**

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1. **Summary of Information:** This year's Leadership Statesville Class project is "Building Bridges." There are three components to our class project:
  - A. Facilitate the engineering, permitting and design of a future pedestrian bridge to be constructed over Third Creek across from the greenway parking lot on E. Broad Street (see attached photo).
  - B. Painting a mural on the concrete area under the bridge at that same location (see attached proposed mural)
  - C. Cleaning, clearing and refreshing gravel portion of greenway across Third Creek

The goal is to facilitate the engineering and permitting for a future pedestrian bridge over Third Creek that will connect another ½ mile of the city's greenway. The Timmons Group is currently working on the engineering, environmental permitting and design. Their cost is \$27,000. Leadership Statesville has received a donation from Denso to cover the cost of the engineering, received a donation of paint and supplies from Sherwin Williams and received a donation of gravel to resurface the gravel along the greenway.

2. **Previous Council or Relevant Actions:** Council approved accepting the donation and moving forward with the mural on March 20, 2023. Staff would come back with a budget amendment when the check was received.
3. **Budget/Funding Implications:** A check in the amount of \$27,000 has been received by Denso and will be used to pay for the engineering, design and permitting of a future pedestrian bridge.
4. **Consequences of Inaction:** The city would incur the cost of the engineering, design and permitting for a future pedestrian bridge.
5. **Recommendation:** Accept the restricted donation and place the funds in the Recreation and Parks Department Account #010.6210.73.00.
6. **Manager Comments:** Concur with departments recommendation.
7. **Next Steps:** Receive restricted donation from Denso and place the funds in account #010.6210.73.00.
8. **Attachments:**
  1. BA #2023-30



**CITY OF STATESVILLE**  
**BUDGET AMENDMENT #2023-30**

April 17, 2023

FISCAL YEAR 2022-2023

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
<b>General Fund</b>					
010.0000.380.16.00	Revenue	Donations	5,500	27,000	32,500
Total Revenues			<u>57,922,314</u>	<u>27,000</u>	<u>57,949,314</u>
010.6210	Expenditure	Capital Outlay - Other Improvements	799,755	27,000	826,755
Total Expenditures			<u>57,922,314</u>	<u>27,000</u>	<u>57,949,314</u>

*DESCRIPTION: To receipt Donation revenues and to appropriate cooresponding expenditures in the Recreation Department for the Greenway Project*

\_\_\_\_\_  
Budget Officer

APPROVED BY CITY COUNCIL:

\_\_\_\_\_  
City Clerk



\_\_\_\_\_  
Interim CFO

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager

**FROM:** Richard Griggs, Recreation and Parks Director

**DATE:** Wednesday, April 05, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider granting approval for the Recreation and Parks Department to apply for a Parks and Recreation Trust Fund (PARTF) grant to fund the first phase of park renovation and improvements at McClure Park.**

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1. **Summary of Information:** McClure Park needs an overall renovation to improve the efficiency of the park layout, upgrade and/or replace current facilities, and add additional amenities to the park property. Currently, the park only offers fields for baseball and softball use. The proposed renovation would include improved and repositioned ballfields, a new restroom facility and concession area, improved parking, repositioning of field lighting, new scoreboards, and additional amenities such as a walking trail and playground. Other additional amenities could include bocce and/or shuffleboard courts, basketball, pickleball, etc.
2. **Previous Council or Relevant Actions:** The City has previously applied for and been approved for PARTF grants for construction projects at the Statesville Parks & Soccer Complex, and the Statesville Fitness & Activity Center.
3. **Budget/Funding Implications:** PARTF Grants require applicants to match the grant dollar-for-dollar, 50 percent of the total cost of the project, and may contribute more than 50 percent. The appraised value of land to be donated to the applicant can be used as part of the match. Applicants can request a maximum of \$500,000.
4. **Consequences of Inaction:** Staff would continue to look for alternative funding opportunities and request capital funds to move the renovation project forward.
5. **Staff Recommendation:** Staff recommends approving the Recreation and Parks Department request to apply for the PARTF Grant.
6. **Manager Comments:** There is significant project money (\$750,000) identified in FY2025 for improvements to McClure Park. The project will likely be more expensive than that amount, and use of PARTF funds would allow us to leverage City and grant funds to get a better park. The parking lot is all but unusable on the back side of the property, and the back baseball field has serious drainage problems. I would recommend moving forward with the grant application, in the spirit of what the staff has recently been told about pursuing as much outside money as possible.
7. **Next Steps:** Apply for the PARTF Grant
8. **Attachments:** Proposed site plan draft (should be prepared by next week).



## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Randall Moore, Stormwater Program Manager  
**DATE:** April 5, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider re-appointing three existing members of the Stormwater Advisory Commission for another term. There are no other applications on file.**

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1. **Summary of Information:** Three current members of the Stormwater Advisory Commission (SWAC) are interested in serving an additional term. Steve Knight, Janice Powell and David Reese have terms ending in June 2023.
2. **Previous Council or Relevant Actions:** Appointed Richard Rainwater to the SWAC in September of 2022.
3. **Budget/Funding Implications:** There are no budget/funding implications.
4. **Consequences for Not Acting:** The Commission will go from 5 to 8 vacant Seats.
5. **Department Recommendation:** Staff recommends re-appointing the three members for another term. There are no other applications on file.
6. **Manager Comments:** No comments.
7. **Next Steps:** The three members will serve an additional 3-year term ending on June 30, 2026.
8. **Attachments:**
  1. Applications

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

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

Name: Janice H Powell Date of Application: 4 / 5 / 23

Home Address: 913 Henkel Rd Statesville 28677 WARD: 4

Email Address: jthpowell@gmail.com Contact Phone No: 704-892-1369 H  
704-890-1948 C

Do you reside in the City of Statesville? Yes ☒ No ☐ Length of Residence: 60 Years 0 Months

Occupation: retired Employer: N/A

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

Education: 14 years of education

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

Date of Birth: 5 / 16 / 1942 Male: ☐ Female: ☒ Race: white

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

I find the meetings interesting and it is a way to serve our city

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

was on Tourism board years ago, mostly church related

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

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

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



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

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

Name: \_\_\_\_\_ Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

Home Address: \_\_\_\_\_ WARD: \_\_\_\_\_

Email Address: \_\_\_\_\_ Contact Phone No: \_\_\_\_\_

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

Occupation: \_\_\_\_\_ Employer: \_\_\_\_\_

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

Education: \_\_\_\_\_

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

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Male: \_\_\_\_ Female: \_\_\_\_ Race: \_\_\_\_\_

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

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

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

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

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

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Name: David F, Reese Date of Application: 4 / 4 / 2 0 2 3

Home Address: 813 Saint Cloud Dr WARD: 1

Email Address: davidreese@cesicgs.com Contact Phone No: 704-657-4180

Do you reside in the City of Statesville? **Yes** ☒ **No** ☐ Length of Residence: 23         
Years Months

Occupation: Professional Engineer - Civil Employer: CESI

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

Education: BS Civil Engineering - Construction Option - NC State 1986, NC PE 018163

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

Date of Birth: 1 1 / 0 5 / 6 3 Male: ☒ Female: ☐ Race: White

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

Provide a tie to the design community for the regulations - coordinate and help with the application of the ordinance

\_\_\_\_\_  
\_\_\_\_\_

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

prior SWAC commitee

\_\_\_\_\_  
\_\_\_\_\_

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

Civil Engineering

\_\_\_\_\_  
\_\_\_\_\_

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

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



## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** W<sup>m</sup> Vaughan, PE, Public Utilities Director  
**DATE:** March 04, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving an engineering services contract for the Water Treatment Plant Caustic Tanks Replacement and Building Repair and Budget Amendment #2023-31.**

---

#### **1. Summary of Information:**

The two existing 17,000-gallon carbon steel caustic storage tanks are approximately 22 years old and are reaching the end of their useful life. During an inspection of the tanks last fall it was observed that the tanks are in a failing condition (weeping/leaking of tank bottom). This creates process and worker safety concerns with the 25% caustic solution in the tanks. The tanks provide 30 days of operational chemical storage.

The caustic tanks are housed in an approximate 80-ft x 50-ft pre-engineered metal building. The building roof will need to be removed to access the two existing tanks and to install new caustic tanks. This process will require professional structural engineer assessment and design. The necessary roof work provides the opportunity to replace the old roof insulation and roof panels with new, energy efficient materials and install new, energy efficient LED lights on the ceiling (this will fix current minor roof leaks).

Staff has received a proposal for design services from Highfill Infrastructure Engineering, PC in the amount of \$171,200, which includes design and bidding services.

A funding request for this project is included in the FY 24 CIP. This request is to appropriate funds now to initiate design of the replacement so the work can take place during the optimal construction window of July – September. The caustic solution is sensitive to colder temperatures, so the work needs to take place before the fall season.

#### **2. Previous Council or Relevant Actions:**

- Highfill Infrastructure Engineering, PC was approved as part of the FY 23 open-ended A/E services solicitation.

#### **3. Budget/Funding Implications:**

- New requirement (professional services): \$171,200.
- Project funds of \$500,000 included in FY 24 budget request.

4. **Consequences for Not Acting:** Timing of construction is critical due to temperature related process impacts. Required removal of roof exposes tanks and equipment to ambient air temperatures. Chemicals require temperatures above 70° F. Missing construction window of July – September will delay replacement of failed/failing tanks by one year.
5. **Department Recommendation:** Staff recommends approving the professional engineering services contract (design, bid assistance, etc.) for \$171,200 with Highfill Infrastructure Engineering, PC and Budget Amendment No. 2023-31 to facilitate project construction during required timeframe (July – September).
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, staff will initiate project design services with Highfill.
8. **Attachments:**
  - Highfill Infrastructure Engineering, PC, Professional Engineering Services Agreement
  - Budget Amendment No. 2023-31



**Task Order: 01**  
**City of Statesville Water Treatment Plant**  
**Caustic Tanks Replacement and Building Repair**

TASK ORDER NO. 01 dated March 20, 2023 to the MASTER AGREEMENT between the City of Statesville (“CLIENT”) and Highfill Infrastructure Engineering, P.C. (“ENGINEER”) dated November 7, 2022 (the Agreement”) concerning the Caustic Tanks Replacement and Building Repair (the “Project”).

Pursuant to the Terms and Conditions of the Master Agreement, which are incorporated herein, ENGINEER agrees to diligently and professionally perform professional services described in this Task Order for the proper completion of the Scope of Services. ENGINEER shall faithfully perform the Services required under this Task Order in accordance with the standard of care, skill, training, diligence, and judgment provided by competent professionals who perform work of a similar nature to the work described in this Exhibit and any Work Authorization. CLIENT agrees to pay for the Services performed by ENGINEER in accordance with this Task Order.

**BACKGROUND:**

The City of Statesville Water Treatment Plant (WTP) is permitted to treat 15 MGD (million gallons per day). The facility can utilize either the South Yadkin River or the Catawba River (Lookout Shoals) for raw water sources. The combined raw water capacity for the city totals 22 MGD. The WTP currently operates and treats approximately three MGD.

HIGHFILL (Engineer) was requested, by the City of Statesville (Owner), to review the existing chemical storage tank facility located at the WTP. Specifically, the two existing 17,000-gallon caustic storage tanks are approximately 22 years old and are reaching the end of their useful life. HIGHFILL conducted a site visit on 18 October 2022. We observed indications that the carbon steel tanks are beginning to leak and creating a potential safety concern for the workers at the plant.

The WTP purchases 50% caustic solution for the water treatment process and is diluted to 25% with non-potable water within the storage tanks. Each load provides approximately 30 days of chemical storage. There is one mixing/recirculation pump (to remain) that is common to both caustic tanks. There are two transfer pumps (to remain) that are piped from each caustic tank and convey chemical to the day tank located within the same building. The chemical level within the bulk tanks is measured using an ultrasonic sensor mounted to the top of each storage tank. Both tanks are vented through the building roof to the outside.

The caustic tanks are housed in an approximate 80-ft x 50-ft pre-engineered metal building manufactured by Star Building Systems. The building roof will need to be removed to access the two existing caustic tanks and to install the new caustic tanks. There is one roof cross-brace that will conflict with the tank removal and will need to be removed temporarily during construction. The City would like to replace the roof insulation and roof panels with new materials and install new LED lights on the ceiling. The City reports that the building is generally in good condition except for several roof leaks.

The scope of professional services is described below.

**SCOPE OF SERVICES:**

Engineer will perform the following Basic Services upon Authorization:

**Task 10: Project Management:**

- 1) Facilitate an in-person design kick-off meeting with the Owner at the Statesville WTP to review the scope, coordinate preliminary milestones for field work and deliverables, and establish lines of communication.
- 2) Distribute a meeting summary to all attendees.
- 3) Perform planning, scheduling, and project management for the tasks below.
- 4) Monthly check-in correspondence for project status updates and questions with the Owner's project manager.

**Task 30: Preliminary Design:**

- 1) Review facility record drawings, design criteria prepared by the original design engineer, chemical storage solution characteristics and concentration, storage and handling requirements, and chemical conveyance pipe materials and sizes.
- 2) Conduct engineering site visits and meeting to facilitate the design of the new caustic storage tanks, building repairs, and new LED ceiling lighting. Assuming two (2) total visits.
- 3) Determine acceptable materials for the storage tanks, fittings components, and chemical conveyance piping.
- 4) Prepare preliminary facility layouts to incorporate design criteria.
- 5) Coordinate with equipment (i.e., carbon steel tank and pre-engineered building) manufacturers to supplement the design process.
- 6) Coordinate with subconsultants to perform professional electrical and structural design services.
  - a. Structural engineering design services to create a temporary opening in the existing pre-engineered metal building for the replacement of interior chemical storage tanks, and then repairing this new opening in the structure.
  - b. Provide building design to replace existing metal roof and ceiling insulation panels in kind.
  - c. Provide design for new LED ceiling lighting, conduit, and conductors.
- 7) Consult with the Owner staff for equipment and instrumentation preferences.

**Task 40: Design Phase Services:**

- 1) Prepare demolition drawings for the existing equipment and facilities to be removed.



- 2) Develop construction drawings and related details for the replacement caustic chemical storage tanks and building repairs at 30%, 60%, 90%, and final design phases.
- 3) Submit digital copies of design documents to the Owner for review at each of the design stages.
- 4) Meet with the Owner to discuss design review comments at each of the design stages (assume three onsite meetings). Revise drawings and specifications to address relevant comments.
- 5) Prepare Project Manual including relevant technical specifications and standard City of Statesville construction contract documents and bid form.
- 6) Prepare opinion of probable construction cost estimate at 30%, 60%, 90%, and final design stages.
- 7) Develop sequence of construction, including temporary chemical storage and transfer area, with the Owner.

**Task 50: Permitting Services:**

- 1) Prepare and submit the following applications on behalf of the Owner.
  - a. County Building Inspections Permit
    - i. Engineer may only be able to submit for preliminary comments. Contractor will procure final permit.

**Task 60: Bidding Services:**

- 1) Assist the City who will publish the Project Advertisement.
- 2) Distribute Construction Documents to prospective bidders electronically; distribute up to three design plan rooms.
- 3) Field questions from prospective bidders and issue addenda, if required.
- 4) Attend pre-bid meeting.
- 5) Attend bid opening, tabulate bids, and issue letter of recommendation for award.
- 6) Issue Notice of Award on behalf of the Owner.

**Task 99: Additional Services Allowance:**

Contingency task for Additional Services performed at the City's request. Engineer will receive authorization from the Owner prior to performing Additional Services under this Task.

**CLARIFICATIONS AND ASSUMPTIONS**

- 1) Existing mixing/recirculation pump, chemical transfer pumps, and chemical metering pumps will remain.
- 2) Existing wall insulation will remain.
- 3) Survey is not included. Drawings will be created using the data available from existing drawings and limited field measurements.
- 4) Existing buried utility locations will be based on visible above-grade and accessible below-grade infrastructure locations and record drawings. No Subsurface utility evaluations (SUE) are currently included.

- 5) Electrical work will include new LED ceiling lighting, reconnecting two ultrasonic level sensors, adjusting SCADA signals, and installation of new conduit as needed. No other SCADA improvements are included.
- 6) It is assumed that existing electric utility service will support new equipment loads. If it is determined that a new electrical utility service is required or preferred by the Owner, related design efforts will be pursued as Additional Services.
- 7) The existing building is reported to be in good condition and structurally sound. Additional strengthening/repair is not included.
- 8) The existing structure can be modified to include a small opening for the tank replacement without significantly reframing/rebuilding the structure.
- 9) Access to all necessary properties will be gained through the Owner prior to field work. No residents or Owners refuse access to field personnel.
- 10) Environmental Assessment, revisions to NPDES permit, and revisions to PWS permits are not included in current scope but may be performed as Additional Services if requested by the Owner.
- 11) FEMA and local floodplain modeling and permitting are not included.
- 12) Additional permits, if required, will be pursued as Additional Services.
- 13) Owner Purchasing Department will route the construction contracts for signature by selected Contractor and Owner.
- 14) Proposal assumes a successful bidder is obtained through a single bidding process.
- 15) Construction phase services are not included.
- 16) Evaluation of "or-equal" submissions for equipment components is not included.
- 17) Any services not specifically provided for in the above **Basic Services** will be considered **Additional Services**.

## **OWNERS RESPONSIBILITIES**

- 1) Owner will provide facility record drawings to assist in the design development.
- 2) Owner's Project Manager will assist in confirming availability of appropriate Owner staff for meetings.
- 3) Owner will pay permit application fees or authorize the Engineer to do so through the **Additional Services**.

## **SCHEDULE:**

Work schedule will progress sequentially as follows upon Notice to Proceed:

- Preliminary Design: 90 days
- Design Phase Services: 180 days
- Permitting Services: 90 Days
- Bidding Services: 90 days

Engineer will endeavor to complete work tasks in accordance with the above schedule. Owner acknowledges that certain aspects of the project, including receipt of information from the Owner, are outside the Engineer's direct control and may impact schedule significantly.



### **SUBCONSULTANT PARTICIPATION**

HIGHFILL is contracting with Southeastern Consulting Engineers, Inc. (SCE) to assist with electrical design portions of the work.

HIGHFILL is contracting with SKA Consulting Engineers (SKA) to assist with structural design portions of the work.

### **PAYMENTS TO THE ENGINEER**

The Engineer shall be compensated for services performed listed in this Proposal on a fixed fee basis for Tasks 10 – 60 and an hourly not to exceed basis for Task 99. The following table shows a breakout of fees for each task item.

<b>Task No.</b>	<b>Task Description</b>	<b>Task Fee</b>
10	Project Management (Fixed Fee)	\$20,700
30	Preliminary Design (Fixed Fee)	\$14,100
40	Design Phase Services (Fixed Fee)	\$99,700
50	Permitting Services (Fixed Fee)	\$7,300
60	Bidding Services (Fixed fee)	\$14,400
99	Additional Services Allowance (Time and Materials)	\$15,000
<b>Total Amount</b>		<b>\$171,200</b>

The estimated fee for the scope of work is **\$171,200**. Payment for fees will be paid monthly based on percent complete for Tasks 10 – 60 and actual labor time and the hourly billing rates in accordance with the attached Billing Rate Schedule plus project related reimbursable expenses for Task 99, as requested.

This Task Order is executed this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**CLIENT**

**ENGINEER**

By:	_____	By:	 Tyler W. Highfill, P.E.
Title:	_____	Title:	President
Date:	_____	Date:	March 20, 2023
Address	_____	Address	2703 Jones Franklin Road, Suite 201 Cary, North Carolina 27518
Phone	_____	Phone	919-481-4342





Employee Classification	Hourly Rate
Senior Project Manager (11-14)	\$210-255
Senior Project Manager (8-11)	\$155-210
Senior Engineer (10-14)	\$200-255
Senior Engineer (6-10)	\$145-210
Project Manager	\$140-165
Engineer (PE)	\$130-145
Staff Professional	\$100-130
Sr. Const. Observer; Sr. Tech.; Sr. CAD Designer	\$95-135
Construction Observer; Technician; CAD Designer	\$75-95
Project Assistant	\$65-85

Expenses/Subcontractors	Cost Incurred
Subcontractor	Invoice + 10%
Reimbursable Project Costs	Invoice + 10%
Mileage	then-current IRS rate

*Rates are valid through 2023.*

*Sales or Use Taxes: Rates do not include sales or use tax on professional services. If any governmental entity takes a legislative action that imposes sales or use taxes on Engineer's services, then such taxes will be invoiced for reimbursement by Client.*

**CITY OF STATESVILLE**  
**BUDGET AMENDMENT #2023-31**

April 17, 2023

FISCAL YEAR 2022-2023

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
<b>Water Sewer Fund</b>					
550.0000.399.00.00	Revenue	Appropriated Fund Balance	11,376,767	171,200	11,547,967
Total Revenues			<u>26,742,510</u>	<u>171,200</u>	<u>26,913,710</u>
550.5581	Expenditure	Professional Services	6,145	171,200	177,345
Total Expenditures			<u>26,742,510</u>	<u>171,200</u>	<u>26,913,710</u>

*DESCRIPTION: To receipt Appropriated Fund Balance revenues and to appropriate cooresponding expenditures in the Water Sewer Department*

\_\_\_\_\_  
Budget Officer

APPROVED BY CITY COUNCIL:

\_\_\_\_\_  
City Clerk



\_\_\_\_\_  
Interim CFO



## **CITY COUNCIL ACTION REQUEST**

**TO:** Mayor and City Council  
**FROM:** Ron Smith, City Manager  
**DATE:** April 4, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving a Resolution to take complete ownership of the abandoned Green Street Cemetery.**

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- 1. Summary of Information:** The Green Street Cemetery has been abandoned since the mid-1900s. The City of Statesville has been maintaining the cemetery since 1961. The Resolution from 1961 is not signed and there is not a signed copy on file with the Register of Deeds. Given the time lapse, we must adopt a new resolution in order to have it on file at the Register of Deeds for the City to take ownership of the cemetery.
- 2. Previous Council or Relevant Actions:** In 1961, the City Council decided to take possession of the abandoned cemetery known as the Green Street Cemetery.
- 3. Budget/Funding Implications:** Nothing additional. The Recreation and Parks Department already maintains the cemetery.
- 4. Consequences for Not Acting:** N/A
- 5. Department Recommendation:** N/A
- 6. Manager Comments:**
- 7. Next Steps:** N/A
- 8. Attachments:**
  1. Minutes from Statesville City Council Meeting on October 16, 1961.
  2. Ordinance 36-61
  3. North Carolina General Statute
  4. Resolution

Minute Book 8 Page 147  
Regular Meeting  
October 16, 1961

The regular meeting of the City Council of the City of Statesville was held in the Council room, October 16, 1961, with Mayor Garner Bagnal presiding. Councilmen present: Cline, Gilliam, Steele, Mills, Teague and Lingle. Absent: None.

#### INVOCATION

The invocation was given by Rev. W. L. Lanier, Pastor of First Methodist Church.

#### APPROVAL OF MINUTES

Upon motion by Councilman Teague, seconded by Councilman Steele, and unanimously carried, the minutes of the last regular meeting of October 2, 1961, were approved as submitted.

#### PUBLIC HEARING

Mayor Bagnal called to order a public hearing for the purpose of considering an amendment of the Zoning Ordinance changing the Zoning classification from a P-2 District to a B-1 District certain properties located on Davie Avenue and Brookdale Drive and more specifically referred to as the Grier Property and Davie Realty Company property. Mr. Winberry for the opposition and Mr. Chamblee representing the proponents talked briefly. Mr. Winberry filed a written protest against said rezoning. After much deliberation, the following motion was made:

**DENIAL OF THE REQUEST TO REZONE GRIER PROPERTY AND PART OF DAVIE REALTY PROPERTY FROM P-2 DISTRICT TO B-1 DISTRICT.**

Upon motion by Councilman Mills, seconded by Councilman Teague, and unanimously carried, the two petitions for rezoning were denied only for the purpose of further study and referring of both petitions back to the Planning and Zoning Board for further consideration in the light of other restrictive ordinances to be considered in neighborhood shopping districts.

**ADOPTION OF AN ORDINANCE ENTITLED "AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE AFTER-DESCRIBED PROPERTIES FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO B-1 (NEIGHBORHOOD SHOPPING) DISTRICT". (Ord. No. 35-61)**

Upon motion by Councilman Steele, seconded by Councilman Gilliam, and unanimously carried, an ordinance entitled "An Ordinance Changing the Zoning Classification of the After-Described Properties From R-1 (Single-Family Residential) District to B-1 (Neighborhood Shopping) District", was adopted on second and final reading. (This ordinance rezones the property formerly used by Sunset Bowling Lanes and owned by Mr. D. H. Bess and the lot immediately South thereof owned by Mr. J. C. Lowe).

(Ordinance copied in full in Ordinance Book 2 Page 61)

**ADOPTION OF AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING CHAPTER 6 ENTITLED 'CEMETERIES' BY ADDING A NEW SUBSECTION THEREUNDER TO BE DESIGNATED AS SECTION 6-12.1, ENTITLED 'AN ORDINANCE TO APPROPRIATE AND TAKE POSSESSION OF THE ABANDONED CEMETERIES KNOWN VARIOUSLY AS GREEN STREET CEMETERY AND/OR COLORED PEOPLES GRAVEYARD'". (Ord. No. 36-61)**



Upon motion by Councilman Teague, seconded by Councilman Mills, and unanimously carried, an ordinance entitled "An Ordinance Amending Chapter 6, Entitled 'Cemeteries' by Adding a new Subsection Thereunder to be Designated as Section 6-12.1, Entitled 'An Ordinance to Appropriate and Take Possession of the Abandoned Cemeteries known variously as Green Street Cemetery and/or Colored peoples Graveyard'", was adopted on second and final reading.

(Ordinance copied in full in Ordinance Book 2 Page 63)

MR. C. H. DAVIS, CONSULTING ENGINEER, EXPLAINED THE REQUIREMENTS AND THE COST OF WORK TO BE DONE AT THE INTERSECTION OF SULLIVAN ROAD, EAST END AVENUE, DAVIE AVENUE AND STOCKTON ST.

Upon motion by Councilman Gilliam, seconded by Councilman Tague, and unanimously carried, the recommendations of Mr. Davis were approved for the lowering of the grade on Davie Avenue and Sullivan Road intersection and Tarheel Construction Company was awarded the contract as low bidder under Section III of 1961-62 Street Improvement Program. Project to be paid for from state funds.

DENIAL OF REQUEST OF DAVIE REALTY COMPANY TO OPEN AND PAVE STOCKTON STREET AND DAVIE AVENUE TO TURNERSBURG ROAD.

Upon motion by Councilman Cline, seconded by Councilman Lingle, and unanimously carried, the request of Davie Realty Company to open Stockton Street with full treatment to curb, gutter, and pave, was danied. The developers had agreed to pay the full cost including cost of 12" water line, and be reimbursed for said costs over a period of two budget years, beginning with 1962-63 Budget.

ADOPTION OF A RESOLUTION REQUESTING THE NORTH CAROLINA STATE HIGHWAY COMMISSION TO RELOCATE U. S. HIGHWAY #64 TO FOLLOW THE ROUTE OF HIGHWAY #90 FROM STATESVILLE THROUGH TAYLORSVILLE TO LENOIR AND HIGHWAY #18 FROM LENOIR TO MORGANTON.

Upon motion by Councilman Lingle, seconded by Councilman Cline, and unanimously carried, a resolution requesting the North Carolina State Highway Commission to relocate U. S. Highway #64 to follow the route of Highway #90 from Statesville through Taylorsville to Lenoir and Highway #18 from Lenoir to Morganton, was adopted.

(Resolution copied in full in Resolution Book 1 Page 223)

INTRODUCTION AND FIRST READING OF AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II TITLED 'PERMITS AND CERTIFICATES', SECTION 5-12 TO ADD A NEW PART THEREUNDER". (Ord. No. 37-61)

Upon motion by Councilman Lingle, seconded by Councilman Teague, and unanimously carried, an ordinance entitled "An Ordinance Amending Chapter 5, Article II Titled 'Permits and Certificates', Section 5-12 To Add a New Part Thereunder", was introduced and passed first reading.

(Ordinance copied in full in Ordinance Book 2 Page 66)

SURFACE TREATING OF CAROLINA AVENUE NORTH FROM BROOKDALE DRIVE TO NORTHVIEW SCHOOL, ESTIMATED COST \$1,250.00, SAID COST TO BE APPROPRIATED FROM SURPLUS, AUTHORIZED.

Upon motion by Councilman Gilliam, seconded by Councilman Cline, and unanimously carried, the surface treating of Carolina Avenue north from Brookdale Drive to Northview School, estimated cost \$1,250.00, said cost to be appropriated from surplus, was authorized.

ORDINANCE NO. 36-61

AN ORDINANCE AMENDING CHAPTER 6 ENTITLED "CEMETERIES" BY ADDING A NEW SECTION THEREUNDER TO BE DESIGNATED AS SECTION 6-12.1 ENTITLED "AN ORDINANCE TO APPROPRIATE AND TAKE POSSESSION OF ABANDONED CEMETERIES KNOWN VARIOUSLY AS GREEN STREET CEMETERY AND/OR COLORED PEOPLES' GRAVEYARD".

WHEREAS, there is a colored or negro cemetery located between Green Street and Elm Street and lying south of Garfield Street and north of Chambers Street in the City of Statesville, North Carolina; and

WHEREAS, said cemetery tract was hereinbefore conveyed in two separate conveyances by deed of Mary C. Bell to William M. Pearson, S. M. Allison and W. A. Russell, Trustees of the Colored Peoples' Graveyard Association of Statesville, November 21, 1885, and recorded December 17, 1885, in Deed Book 10, at page 462, and by deed of Mary C. Bell to the same named Trustees for the Colored Graveyard Association of the City of Statesville by deed dated June 20, 1888, and recorded in Deed Book 14, at page 290, Iredell County Registry; and

WHEREAS, it is the information of the City of Statesville that all of said Trustees are now deceased and their successors, if any, are unknown; and

WHEREAS, the said graveyard was for all purposes abandoned by said Trustees, their successors or assigns, if any, resulting in said cemetery or graveyard becoming overgrown with weeds, bushes, vines and trees so as to become highly unsightly and unuseable for the purposes intended and constitutes a nuisance to the surrounding neighborhood and the City of Statesville; and

WHEREAS, it was necessary for the City of Statesville in the year 1947 to take some action regarding the nuisance represented by said graveyard in its overgrown and unsightly condition; and

WHEREAS, the said City, at the City's expense, entered onto the premises and, after expense and much labor, cleared it off in order

BBD243



against the interment of bodies and no further interment to be made therein, said ordinance now being codified as Section 6-12 of the Code of the City of Statesville; and

WHEREAS, said property containing said graveyard is now now, nor never has been, under the control of, or in the possession of, any church or religious organization; and

WHEREAS, no rights thereunder are being abridged by this ordinance; and

WHEREAS, the North Carolina Legislature has heretofore provided municipalities with the power to appropriate and take possession of all such land contained in an abandoned cemetery of this type, all according to G.S.65-37; and

WHEREAS, the City Council of the City of Statesville, in its discretion, has now decided that it would be for the best interest of all concerned, including the neighborhood areas adjoining said cemetery, that said cemetery lands be taken over entirely by said City;

NOW, THEREFORE, BE IT ORDAINED that Chapter 6 entitled "Cemeteries" be amended by adding a new section thereunder to be designated as Section 6-12.1 entitled "An Ordinance to Appropriate and Take Possession of Abandoned Cemeteries Known Variously as Green Street Cemetery and/or Colored Peoples' Graveyard" to read as follows:

"Green Street Cemetery and/or the Colored Peoples' Graveyard is hereby appropriated by said City and the said City does now take full possession of all such land contained within the boundaries of said cemetery described as follows:

TRACT 1: Adjoining the lands of M. C. Bell and east of High Street, and others, bounded as follows: BEGINNING at a stake on the east side of High Street 100 feet south of Colored Peoples' Graveyard; thence south 10 degrees east with High Street 164 feet to a stake opposite the Ben Borders lot; thence North 80 degrees East 315 feet to

THIS ORDINANCE was introduced for a first reading by  
Councilman Mills, seconded by Councilman Steele,  
and carried unanimously, on the 2nd day of October, 1961.

The second and final reading of this ordinance was heard on  
the \_\_\_\_\_ day of \_\_\_\_\_, 1961, and upon motion of  
Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_,  
and unanimously carried, it was adopted. This ordinance shall be  
in full force and effect from the \_\_\_\_\_ day of \_\_\_\_\_, 1961.

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk and Treasurer

BBD243



## Article 17.

### Cemeteries.

#### **§ 160A-341. Authority to establish and operate cemeteries.**

A city shall have authority to establish, operate, and maintain cemeteries either inside or outside its corporate limits, may acquire and hold real and personal property for cemetery purposes by gift, purchase, or (for real property) by exercise of the power of eminent domain, may devote any property owned by the city to use as a cemetery, may prohibit burials at any place within the city other than city cemeteries, and may regulate the manner of burial in city cemeteries. Nothing in this section shall confer upon any city authority to prohibit or regulate burials in cemeteries licensed by the State Burial Association Commissioner, or in church cemeteries.

As used in this Article "cemetery" includes columbariums and facilities for cremation. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1969, c. 402; 1971, c. 698, s. 1.)

#### **§ 160A-342. Authority to transfer cemeteries.**

A city may transfer and convey any city cemetery property, together with any accumulated perpetual care trust funds set aside for the maintenance of the cemetery, to any religious organization or cemetery licensed by the State Burial Association Commissioner, upon condition that the transferee will continue use of the property as a cemetery, will perpetually maintain it, and will apply any perpetual care trust funds so transferred only for maintenance of the cemetery. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1969, c. 402; 1971, c. 698, s. 1.)

#### **§ 160A-343. Authority to abandon cemeteries.**

A city shall have authority to abandon any cemetery that has not been used for interment purposes within 10 years. Upon abandonment, all monuments, tombstones, and the contents of all graves within the cemetery shall be transferred at city expense to another city cemetery, or to a cemetery licensed by the State Burial Association Commissioner. After the transfer of monuments, tombstones, and the contents of graves, the city may take possession of, convey, or use the former cemetery property for any lawful purpose. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1969, c. 402; 1971, c. 698, s. 1.)

#### **§ 160A-344. Authority to assume control of abandoned cemeteries.**

(a) Whenever property not under the control or in the possession of any church or religious organization in any city has been heretofore set aside or used for cemetery purposes, and the trustees or owners named in the deed or deeds for the property have died, or are unknown, or the deeds of conveyance have been lost or misplaced and no record of title thereto has been found, and the property has been occupied and used for burial purposes for a time sufficient to identify its use as cemetery property, the city in which the cemetery is located is authorized to take possession of the land and any adjoining land not held by known claimants of title, have the property surveyed and lines established, and to designate and appropriate the property as a city cemetery.

(b) The city may have the land subdivided and laid off into family burial plots, may sell any of the unused lots so laid off to any person for burial purposes, and may use the proceeds of the sale for the improvement and upkeep of the cemetery.

(c) The city may appropriate and use funds for the improvement and maintenance of the cemetery, and all laws and ordinances applicable to city cemeteries shall apply to the cemetery from and after the date that the city assumes control of it. (1971, c. 698, s. 1.)

**§ 160A-345. Authority to condemn cemeteries.**

A city shall have authority to acquire title in fee simple by purchase or exercise of the power of eminent domain to any cemetery, graveyard, or burial place within the city and to operate and maintain the property so acquired as a city cemetery. This section shall not apply to a cemetery licensed by the North Carolina State Burial Association Commissioner, nor to property owned or controlled by any church or religious organization, unless the owner of the property consents to the acquisition. (1951, c. 385, s. 1; 1971, c. 698, s. 1.)

**§ 160A-346. Authority to condemn easements for perpetual care.**

A city shall have authority to acquire an easement for perpetual care by gift, grant, purchase, or exercise of the power of eminent domain in any cemetery, graveyard, or burial place within the city. When a perpetual care easement is acquired under this section, all city ordinances concerning the care and upkeep of city cemeteries shall be applicable to the cemetery, and the income from city perpetual care trust funds may be used to care for and maintain the cemetery. This section shall not apply to a cemetery licensed by the North Carolina State Burial Association Commissioner or to property owned or controlled by any church or religious organization unless the owner of the property consents to the acquisition. (1951, c. 385, s. 2; 1971, c. 698, s. 1.)

**§ 160A-347. Perpetual care trust funds.**

(a) A city is authorized to create a perpetual care trust fund for any cemeteries under its ownership or control, to accept gifts, grants, and devises on behalf of the perpetual care trust fund, to deposit any revenues realized from the sale of lots in or the operation of city cemeteries in the perpetual care trust fund, and to hold and administer the trust fund for the purpose of perpetually caring for and beautifying the city's cemeteries. The city may make contracts with the owners of plots in city cemeteries obligating the city to maintain the plots in perpetuity upon payment of such sums as the council may fix.

(b) The principal of perpetual care trust funds shall be held intact, and the income from such funds shall be used to carry out contracts with plot owners for the perpetual care of the plots, and to maintain and perpetually care for the cemetery.

(c) Perpetual care trust funds shall be kept separate and apart from all other city funds, and shall in no case be appropriated by, lent to, or in any manner used by the city for any purpose other than the perpetual care of city cemeteries. (1917, c. 136, subch. 9, s. 1; C.S., ss. 2810, 2811, 2812; 1927, c. 254; 1971, c. 698, s. 1; 2011-284, s. 113.)

**§ 160A-348. Regulation of city cemeteries.**

A city may by ordinance adopt rules and regulations concerning the opening of graves, the erection of tombstones and monuments, the building of walls and fences, the hours of opening and closing and all other matters concerning the use, operation, and maintenance of city cemeteries. The ordinance may impose a schedule of prices for lots and fees for the opening of graves in the cemetery, but it may not require the owners of plots to purchase monuments, vaults, or other items from the city. (1971, c. 698, s. 1.)

**§ 160A-349. Reserved for future codification purposes.**



**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, N.C. General Statute (N.C.G.S.) §160A-344 enables a property not under the control or in the possession of any church or religious organization in any city has been heretofore set aside or used for cemetery purposes, and the trustees or owners named in the deed or deeds for the property have died, or are unknown, or the deeds of conveyance have been lost or misplaced and no record of title thereto has been found, and the property has been occupied and used for burial purposes for a time sufficient to identify its use as cemetery property, the city in which the cemetery is located is authorized to take possession of the land and any adjoining land not held by known claimants of title, have the property surveyed and lines established, and to designate and appropriate the property as a city cemetery; and

WHEREAS, Green Street Cemetery is located between Green Street and Elm Street and lying south of Garfield Street and north of Chambers Street in the City of Statesville, North Carolina; and

WHEREAS, the Green Street Cemetery was hereinbefore conveyed in two separate conveyances by deed of Mary C. Bell to William M. Pearson, S.M. Allison and W.A. Russell, Trustees of the Colored Peoples' Graveyard Association of Statesville, November 21, 1885, and recorded December 17, 1885, in Deed Book 10, at page 462, and by deed of Mary C. Bell to the same named Trustees for the Colored Graveyard Association of the City of Statesville by deed dated June 20, 1888, and recorded in Deed Book 14, at page 290, Iredell County Registry; and

WHEREAS, it is the information of the City of Statesville that all of said Trustees are now deceased and their successors, if any, are unknown; and

WHEREAS, the said graveyard was for all purposes abandoned by said Trustees, their successors or assigns, if any, in or around 1961 resulting in said cemetery or graveyard becoming overgrown with weeds, bushes, vines and trees as to become highly unsightly and unusable for the purposes intended and constitutes a nuisance to the surrounding neighborhood and the City of Statesville; and

WHEREAS, it was necessary for the City of Statesville in the year 1947 to take some action regarding the nuisance represented by said graveyard in its overgrown and unsightly condition; and

WHEREAS, the City of Statesville voted in 1961 to take possession of the abandoned cemetery pursuant to N.C.G.S. § 65-37 through Ordinance 36-61, but failed to execute the ordinance or register it with the Iredell County Registry; and

WHEREAS, the City of Statesville has possessed and maintained Green Street Cemetery since Ordinance 36-61 was passed; and

WHEREAS, said property containing said graveyard is not now, nor never has been, under the control of, or in the possession of, any church or religious organization, and

WHEREAS, no rights thereunder are being abridged by this ordinance; and

WHEREAS, the North Carolina Legislature has since repealed N.C.G.S. § 65-37, but has enacted N.C.G.S. § 160A-344 giving municipalities the authority to take over abandoned cemeteries; and

WHEREAS, the City Council of the City of Statesville, in its discretion, has now decided that it would be for the best interest of all concerned, including the neighborhood areas adjoining said cemetery, that said cemetery lands be taken over entirely by said City; and

NOW, THEREFORE, BE IT RESOLVED that The City of Statesville hereby takes possession of Green Street Cemetery described in the deed book and page above to take possession of the land and any adjoining land not held by known claimants of title, have the property surveyed and lines established, and to designate and appropriate the property as a city cemetery.

Adopted this \_\_\_\_\_ day of April, 2023.

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager

**FROM:** Jenn Bosser, IEDC

**DATE:** April 04, 2023

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**ACTION NEEDED ON:** April 17, 2023

(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Conduct a public hearing and consider approving an economic incentive to a company known as Project Pivot.**

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The economic incentive shall be in the amount of up to \$106,795 over five (5) years and is based upon an investment by the company of up to \$5,728,000.



## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** April 4, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Conduct a public hearing and consider approving first reading of TA23-04: Text Amendment to the Unified Development Code filed by Mark Sanger (WSIC) to amend Article 3. Zoning, Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix**

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**1. Summary of Information:** In accordance with the provisions of Section 2.06 *UDC and Zoning Map Amendments* of the Unified Development Code (UDC), Mark Sanger (Applicant) has initiated amendments to Section(s)

- 3.04 *Zoning District Regulations – Table 3.1 Use Matrix*

to allow *Radio and Television Stations and Studios* as a permitted use of property within the O-1 (*Office Single Lot*) District.

**BACKGROUND:** Per Section 9.02 *Definitions* of the UDC, a *Radio/Television Studio* is defined as: *a facility for the production and broadcast of radio and television shows, including such things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this ordinance.*

The use is currently permitted by right within the *Highway Business (B-4)*, *Central Business (CB)*, *Central Business Perimeter (CBP)*, *Highway 115/Shelton Avenue Corridor (H-115)*, *General Business (B-5)*, *Light Industrial (LI)* and *Heavy Industrial (HI)* general use zoning districts.

Per Section 3.04 (M) *Zoning District Regulations - O-1 - Office Single Lot District* of the UDC, the purpose of the O-1 district is to: *provide a high-quality environment for professional offices and services conducted entirely within buildings. This district also allows converting residential homes into compatible office uses while maintaining the residential characteristics.*

In reviewing the request, staff has the following observations:

- A. Broadcasting facilities (i.e., transmission and receiving stations) are not permitted based on the current definition of the land use. Staff approval of a Zoning Compliance Permit authorizing development of a *Radio and Television Station and Studio* land use does not automatically permit development of transmission/receiving facilities.

- B. *Radio/Television Transmitting or Receiving Facility* is defined in Section 9.02 of the UDC as: *the use of land, buildings, or structures for the above-ground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas except accessory radio or television receiving antennas and dishes.*

The use falls within the *Communication Tower* land use category, permitted within the O-1 general use zoning district subject to supplemental regulations of Section 5.04 (T) of the UDC. Such facilities would be permitted separately.

- C. Development of office space, television/radio production facilities, studios, dressing rooms appears consistent with the purpose and intent of the district as defined within the UDC.

**2. Previous Council or Relevant Actions:** N/A

**3. Budget/Funding Implications:** N/A

- 4. Consequences for Not Acting:** The current UDC language remains as-is and Radio and Television Stations and Studios would not be allowed in the O-1 District.

- 5. Department Recommendation:** Staff recommends approval to allow Radio and Television Stations and Studios in the O-1 District since they are similar land uses within the O-1 District. However, Transmitting and Receiving Towers are not automatically guaranteed. Towers must meet the supplemental regulations in Section 5.04 of the UDC to be approved.

- 6. Manager Comments:** Concur with department's recommendation.

- 7. Next Steps:** If first reading of the proposed ordinance is approved, the second reading will be on May 1, 2023.

**8. Attachments:**

1. Proposed Ordinance
2. Section 5.04 Communication Towers



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, SECTION(S) 3.04 ZONING DISTRICT REGULATIONS - TABLE 3-1 USE MATRIX FOR RADIO AND TELEVISION STATIONS AND STUDIOS**

**TA23-04**

**WHEREAS**, Planning Staff has accepted an application for an amendment to the Unified Development Code (UDC) proposing to allow *Radio and Television Stations and Studio* land use within the Office Single Lot (O-1) general use zoning district; and

**WHEREAS**, Staff have determined the proposed amendment is reasonable and allows for a use of property that is consistent with other similar land uses currently permitted within the district;

**WHEREAS**, The amendments are the minimum necessary to accomplish the goals of the adopted City of Statesville Land Development Plan;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Statesville that the Unified Development Code (UDC) be amended as follows:

1. Section 3.04 *Zoning District Regulations – Table 3.1 Use Matrix* be amended as follows:

Use	O- 1	O & I-2	B- 1	B- 2	B- 3*	B- 4*	CB	CBP/ H- 115	B- 5	LI	HI
Radio and television stations and studio	X					X	X	X	X	X	X

This ordinance was introduced for first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the \_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the \_\_\_\_ day of \_\_\_\_\_, 2023, 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 \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Brenda Fugett, City Clerk

CITY OF STATESVILLE

\_\_\_\_\_  
Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
Leah Gaines Messick, City Attorney

## **T. Communication Towers**

1. The regulations and requirements of this section are intended to provide for the location and development of commercial broadcast, non-commercial residential, and amateur radio service telecommunications towers, antennas, and antenna supporting structures, and are in addition to any applicable regulations set forth in Federal Communications Commission (FCC) regulations, Federal Aviation Administration (FAA) regulations and the statutes of the State of North Carolina. All references to height include antennas, support structures and all appurtenances measured from ground level to the highest point of said structures.

### **2. Generally**

- a. All towers and antennae must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission or such governing agency guidelines as may be established by named agencies. All towers and antennae must be updated and brought into conformity with such standards and regulations within six (6) months of their adoption.
- b. They shall be erected and located to eliminate damage to adjacent properties in case of collapse. Antennas, guy wires, guying anchors, electrical equipment and energy transfer components shall be installed according to manufacturer's specifications using sound engineering and safety practices.
- c. They shall not interfere with air traffic or air travel to or from any existing or proposed airport.
- d. Antennas and supporting structures shall be installed in a manner that meets or exceeds manufacturers installation instructions.
- e. Antennas and supporting structures shall be installed so as to prevent safety hazards to persons on or off the property under any circumstances which reasonably can be anticipated.
- f. A building permit shall be required for any antenna or antenna supporting structure extending more than thirty-five (35) feet above the ground level and any freestanding antenna or antenna supporting structure extending more than twenty-five (25) feet above ground level. The Director may require submission of documentation to verify compliance with any specific applicable building or electrical code(s).
- g. Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- h. The base of the tower shall be screened on all sides with a Buffer Yard consisting of four (4) understory trees and six (6) shrubs per fifty (50) linear feet.
- i. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding views.
- j. All towers and antennae shall be equipped with an anti-climbing device such as a six (6) foot wall, fence, or other appropriate devices to prevent unauthorized access.
- k. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color or colors

that is identical to or closely comparable with the supporting structure and/or surrounding area so as to make the antenna and related equipment as visually unobtrusive as possible.

- I. The required landscaped buffer shall be implemented in connection with a permitted project in order to:
  - (1) Screen the tower to enhance aesthetic appeal;
  - (2) Control or direct vehicular and pedestrian movement;
  - (3) Reduce glare;
  - (4) Buffer noise; and
  - (5) Establish privacy.

### **3. Commercial Antennas**

- a. Antennas shall be set back from property lines a distance equal to or greater than one-half ( $\frac{1}{2}$ ) the height of the antenna and supporting structure or fifty (50) feet from front, rear and side yard setbacks, whichever is greater.
- b. Co-location shall be required when feasible.
- c. Transmitters on water towers shall be permitted within any zoning district.
- d. Shall not be located within three hundred (300) feet of an existing dwelling within a R-A or R-20 zoning district.
- e. Shall not be located within three hundred (300) feet of a R-15, R-10, R-8, R-5, M, MF, O-1, O & I-2, B-1 or B-2 zoning district, unless concealed within a church steeple, farm silo, or other architectural details.
- f. Shall not be located within one thousand five hundred (1,500) feet of another communication tower in a R-A, R-20, CB, CBP, B-3, B-5, LI or HI zoning district, unless concealed within a church steeple, farm silo, or other architectural details or located on top of existing structures exceeding fifty (50) feet in height.
- g. The base of the tower shall be screened on all sides with a Buffer Yard consisting of four (4) understory trees and six (6) shrubs per fifty (50) linear feet.
- h. An applicant for a building permit for a commercial antenna system shall provide an engineering report specifying the following information:
  - (1) Detailed structural plans for the antenna and the support system; and
  - (2) An engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the Federal Communications Commission (FCC). An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antennas.

### **4. Amateur Radio Antennas**

- a. Shall be erected and placed to eliminate damage to adjacent properties in case of collapse.
- b. Shall not interfere with air traffic or air travel to or from any existing or proposed airport.
- c. Allowable height shall be in accordance with NCGS 160D-905.



## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** April 4, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Conduct a public hearing and consider approving first reading of TA23-05: Text Amendments filed by the City of Statesville to amend the City Code, Chapter 21 Streets and Sidewalks, Article III, Improvements, Construction, Etc., Sections 21-83. Through 21-86. and the Unified Development Code, Article 1. Administration, Section 1.02 Purpose, Section 1.03 Interpretation, Section 1.04 Responsibilities for Application of Code, Section 1.05 Exemptions, Article 8. Public Facilities Requirements, Section 8.06 Streets, B. Street Design, G. Other Improvements. and Article 9 Definitions.**

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- 1. Summary of Information:** On February 20, 2023, City Council conducted a work session regarding when and where curbs, gutters and sidewalks would be required. Several recommendations were provided by Planning and Engineering staff that including moving sidewalks, curbs, and gutters from the city code to the Unified Development Code, require sidewalks, curbs and gutters on both sides of all public streets, build sidewalks curbs and gutters or pay fee in lieu, Fee in Lieu to be approved by city engineer with review criteria, and remove alternate Industrial Street Standard.

Following up from the workshop, the next is to amend the City Code and the Unified Development Code. Therefore, staff has drafted an ordinance for consideration, see attached. New language is highlighted and underlined and language to be removed is shown as strike-through.

The proposed amendment meets the recommendations from the February work session regarding curbs, gutters, and sidewalks. It also includes updated language for Greenway Paths, and Roadway Improvements outside of a Traffic Impact Analysis (TIA).

In conclusion, sidewalks, curbs, and gutters will be required on both sides of all existing and new streets except for existing residential lots, minor subdivisions 3 lots or less or if a fee in lieu of request is approved by the city engineer subject to the review criteria. Road improvements outside of a TIA will meet the requirements of the UDC and Mobility + Development Plan. Fee in lieu requests are approved by City Engineer. The intent of these amendments is to apply the city's requirements fairly and to implement the goals of the 2019 Mobility + Development Plan and the goals of the 2045 Land Development Plan which are to provide walkable neighborhoods, provide multi-modal opportunities and greenways, provide

health benefits, provide alternative transportation modes, and provide environmental, economic, and quality of life benefits.

2. **Previous Council or Relevant Actions:** On March 28, 2023, the Planning Board voted unanimously to recommend approval.
3. **Budget/Funding Implications:** There are no budget implications based on this request other than the newspaper notice.
4. **Consequences for Not Acting:** The current UDC language would remain subjective with waivers requested on a case-by-case basis which makes it difficult to facilitate the goals of the Mobility + Development Plan and the Land Development Plan.
5. **Department Recommendation:** The department recommends approving the text amendment as presented.
6. **Manager Comments:** Concur with department's recommendations.
7. **Next Steps:** If first reading of the draft ordinance is passed, the second reading will be on May 1, 2023.
8. **Attachments:**
  1. Proposed Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 21 STREETS AND SIDEWALKS, ARTICLE III, IMPROVEMENTS, CONSTRUCTION, ETC., SECTIONS 21-83. THROUGH 21-86. AND THE UNIFIED DEVELOPMENT CODE, ARTICLE 1. ADMINISTRATION, SECTION 1.02 PURPOSE, SECTION 1.03 INTERPRETATION, SECTION 1.04 RESPONSIBILITIES FOR APPLICATION OF CODE, SECTION 1.05 EXEMPTIONS, ARTICLE 8. PUBLIC FACILITIES REQUIREMENTS, SECTION 8.06 STREETS, B. STREET DESIGN, G. OTHER IMPROVEMENTS, AND ARTICLE 9. DEFINITIONS**

**TA23-05**

**WHEREAS** there is a need to clarify where sidewalks, curb and gutter will be constructed or fee in lieu payment required instead with development; and

**WHEREAS** the city's Comprehensive Transportation Plan referred to as the Mobility + Development Plan has been updated in 2019 and provides recommendations for multi-modal transportation improvements; and

**WHEREAS** there is inconsistent or conflicting language regarding sidewalks, curb and gutter and fee in lieu payment in the City Code and Unified Development Ordinance compared to the Comprehensive Transportation Plan (referred to as the Mobility + Development Plan); and

**WHEREAS** the city would like to clarify and update the standards for Greenway Paths; and

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Statesville that the City Code, Chapter 21 and the Unified Development Code, Articles 1. Administration, Article 8. Public Facilities Requirements, and Article 9. Definitions be amended as follows:

- **Amend the City Code, Chapter 21 Streets and Sidewalks, Article III, Improvements, Construction, Etc., Sec. 21-83. through Sec. 21-86 by deleting it in its entirety as follows:**

~~Sec. 21-83. Sidewalks, curb and gutter.~~

~~Sidewalks shall be required in accordance with specifications approved by the city engineer on one (1) side of all existing city and/or state maintained local and minor streets in residential, commercial and industrial zones except where the lot being improved is surrounded on all sides by streets without such curb, gutter and sidewalk or where sidewalk exists on the opposite side of said street.~~

~~Sidewalks, curb and gutter shall be required on both sides of all existing city or state maintained thoroughfares, arterial or collector streets except in such cases where topography or drainage features make it impractical to do so. In such cases the city engineer shall determine such exceptions.~~

~~Sidewalks, curb and gutter shall not be required for improvements in industrial districts where city council has approved use of the alternate industrial street standard.~~



- ~~Sec. 83.1. Sidewalks and roadway improvement plan; fee in lieu of sidewalks, curbs and gutter~~
- ~~(a) The city manager and his designee shall prepare a sidewalk master plan setting forth the city's plan for sidewalks and curbs and gutters on all city streets in the City of Statesville. A sidewalk master plan shall be approved by the city council and may be amended from time to time by the city council.~~

~~(b) Sidewalks and curbs and gutters shall be required for all development adjacent to streets designated on the sidewalk master plan, subject to subsection (c) below on either one (1) or both sides of the street.~~

~~(c) the city engineer or his designee grants an exemption from the sidewalk and/or curbs and gutters requirement pursuant to [section 21-83](#) for any development adjacent to a street designated in the sidewalk master plan then in that event the developer shall be required to pay a "fee in lieu of" to the city based upon the city's current published per-foot schedule of fees for the installation of sidewalks and/or curbs and gutters. This payment shall be placed into a fund and used for the installation and maintenance of sidewalks and/or curbs and gutters situated within I.~~

~~(d) In the event that the state department of transportation does not allow curb and guttering on a state highway within the sidewalk master plan a "fee in lieu of" will not be required for curb and guttering.~~

~~e) This payment for a "fee in lieu of" by a developer shall not release the developer from providing any required rights-of-way and/or easement dedication.~~

~~(f) The provisions of [section 21-83](#) of this Code are subject to those provisions set forth in subsections (a), (b), (c), (d) and (e) of this section.~~

~~Sec. 21-84. Sidewalks crossing existing driveways.~~

~~In such cases where sidewalks are being installed across existing driveways, such driveways shall be cut and sidewalks installed in accordance with specifications approved by the city engineer.~~

~~Sec. 21-85. Handicapped ramps, drive entrances required.~~

~~In cases where new primary structures are constructed on lots abutting existing city or state maintained streets, new and existing curb and gutter shall be constructed with appropriate handicapped ramps and driveway entrances in accordance with specifications approved by the city engineer.~~

~~Sec. 21-86. Additional pavement at right-of-way required.~~

~~Additional right-of-way and pavement shall be required when existing or newly platted lots abut city or state maintained roads and the city's thoroughfare plan indicates improvements to said streets are planned. The owner shall construct at his cost such additional improvements including dedication of necessary right-of-way for widening of pavement areas.~~

- **Amend the Unified Development Code, Article 1. Administration, Section 1.02 Purpose A. as follows:**

A. Implement the Comprehensive Plan, which includes the Land Development Plan; and the Mobility + Development Plan;

G. Facilitate a safe and efficient multi-modal transportation system for all users;

~~G.~~ H. Ensure that the density, design, location and uses of land help achieve a compatible mix of land uses that create sustainable residential neighborhoods and a vibrant economy that provides opportunities for all residents;

~~H.~~ I. Assure the adequate provision of facilities and services to new land developments in conformance with the Comprehensive Plan and [Article 8](#);

~~I.~~ J. Assure the provision of needed open spaces through dedication, reservation, or other means for recreational; and

~~J.~~ K. Assure equitable and uniform procedures and standards for land development.

- **Amend the Unified Development Code, Article 1. Administration, Section 1.03 Interpretation, E. Relationship to Other Codes and Plans, 6.**

6. Relationship to Other Regulations and Codes. This Code establishes many, but not all, of the standards and procedures for development. Other portions of the ~~Municipal~~ City Code, as well as other standards, shall apply to development, including, but not limited to, adopted building codes, fire codes, utility, street, sidewalks, and drainage design and construction standards.

- **Amend the Unified Development Code, Article 1. Administration, Section 1.04 Responsibilities for Application of Code, D. City Engineer, 4. as follows:**

4. Decide on all ~~sidewalk waivers.~~ fee in lieu requests for road improvements, sidewalks, curb, and gutter.

- **Amend the Unified Development Code, Article 1. Administration, Section 1.05 Exemptions as follows:**

**C. Fee In Lieu for Road Improvements, Curbs, Gutters, or Sidewalks**

The property owner and/or developer may have the option to pay a fee in lieu, at the discretion of the City Engineer, for curbs, gutters, and sidewalks if the required improvements meet one or more of the following criteria:

1. If the adjacent road or roads are within limits of NCDOT Controlled Access Right of Way (Partial or Fully Controlled) if no additional conditions are imposed by NCDOT. Curbs, gutters and sidewalk will be required in NCDOT Full Access Rights of Way, unless criteria 2 or 3 apply.

2. If the improvements will exceed the threshold of Nationwide Permit 14 by causing a loss of greater than 1/2 acre of non-tidal waters of the United States or a loss greater than 1/3 acre of tidal waters of the United States.
3. If topography or drainage features make it impractical to construct, or if the improvements will create a safety hazard that cannot be reasonably mitigated by common practices (i.e., fencing, guardrail, signage, etc.)

#### **G. D. City Initiated Requests**

The City Manager, Mayor, Planning Board or City Council may initiate a request for any development permit on behalf of the City. Such requests shall not be subject to fees but shall otherwise follow the same procedures established herein.

- **Amend Article 8. Public Facilities Requirements, Section 8.06 as follows:**

#### **Section 8.06 Streets, Sidewalks and Greenway Paths**

- **Amend Article 8. Public Facilities Requirements, Section 8.06 Streets, B. Street Design, 1. and 11. as follows:**

1. Street Design, Generally: The standards established by this Section shall apply to all public and private streets in the City of Statesville and its ETJ. The City of Statesville's Comprehensive Plan and NCDOT Comprehensive Transportation Mobility + Development Plan shall serve as a guide for the location and scale of future arterial and collector streets.

- a. Roadway Improvements not associated with a Traffic Impact Analysis shall be installed per the City Code, the Unified Development Code, and/or the Mobility + Development Plan on the project side of the road or roads adjacent to the subject property or properties. If the improvements required by the Mobility + Development Plan require a divided cross section, only the Curb and Gutter and Sidewalk are required to be installed. The City Engineer may approve a fee in lieu request per Section 1.05 Exemptions.
- b. Additional right-of-way and pavement shall be required when existing or newly platted lots abut city or state-maintained roads and the city's ~~thoroughfare~~ Mobility + Development plan indicates improvements to said streets are planned. The owner shall construct at his cost such additional improvements including dedication of necessary right-of-way for widening of pavement areas.
- c. Street and sidewalk design and construction shall be in conformance with the current regulations of the City of Statesville and the North Carolina Department of Transportation. Exceptions to the requirements of this section shall be obtained in writing from the City Engineer and/or NCDOT.

11. Curbs and Gutters: Curbs and gutters shall be required ~~by the Council~~ for any existing or new streets development, except where ~~Council~~ the City Engineer has approved use of the alternate Industrial Street Standard. ~~a fee in lieu of request Per Section 1.05 Exemptions.~~ All curbs and gutters shall be constructed per the City of Statesville Street Specifications and Details. ~~of concrete, shall be a minimum width of~~



~~two (2) feet, and shall be designed with an L-back with a six (6) inch curb height. Valley curb on residential streets, subject to approval by the City Engineer. Eligible streets will have less than 100 dwellings, and the valley curb will be required to convey stormwater runoff without overtopping.~~

- **Amend the Unified Development Code, Article 8. Public Facilities Requirements, Section 8.06 Street, G. Other Improvement, 1. Sidewalk and Pedestrian Paths standards as follows:**

#### G. Other Improvements

##### 1. Sidewalks.

a. Sidewalks shall be required in accordance with specifications approved by the city engineer on ~~one (1) both sides~~ of all existing and new city or state maintained ~~local~~ streets except for existing residential lots, minor subdivisions with three (3) lots or less or where the City Engineer has approved a fee in lieu of request per Section 1.05(C)?

b. Easements: Sidewalk easements shall be a minimum of ten (10) feet in width if adjacent to a public street or land. The minimum width of the sidewalk easement between the rear or side lot lines of a parcel shall be fifteen (15) feet, unless approved otherwise by the City ~~Council~~ Engineer.

c. ~~Design: Walkways~~ Sidewalks shall be designed accordance with specifications approved by the city engineer and the Americans with Disabilities Act, provided that the ~~Council~~ City Engineer may approve a different standard for walkways across private property.

d. In such cases where sidewalks are being installed across existing driveways, such driveways shall be cut, and sidewalks installed in accordance with specifications approved by the city engineer.

##### 2. ~~Sidewalks and Pedestrian~~ Greenway Path Standards:

a. ~~Required: Sidewalks or pedestrian~~ Greenway paths shall be required ~~along all streets in accordance with the Mobility + Development Plan, except where Council has approved use of the alternate Industrial Street Standard~~ the City Engineer has approved exemptions exceptions.

b. ~~Surrounding Areas: Sidewalks or pedestrian paths shall be required along all streets located within the City or ETJ in accordance with the Comprehensive Transportation Plan,~~ unless otherwise approved by the City Council ~~exemptions exceptions are approved by the City Engineer.~~

c. ~~Design: Walkways~~ Greenway paths shall be designed in accordance with specifications approved by the city engineer and the Americans with Disabilities Act, provided that the ~~Council~~ City Engineer may approve a different standard for walkways across private property.

d. ~~Location: All required walkways~~ Greenway paths shall be located within a dedicated right-of-way or access easement. ~~A median strip of grass or landscaped area at least two and one-half (2.5) feet wide shall separate all sidewalks from adjacent curbs unless approved by the City Engineer.~~

e. Easements: ~~Sidewalk and~~ Greenway path easements shall be a minimum of ten twenty (10 20) feet in width if adjacent to a public street or land. ~~The minimum width of the sidewalk/greenway path easement between the rear or side lot lines of a parcel shall be fifteen (15) feet, unless approved otherwise by the City Council Engineer.~~

- **Amend the Unified Development Code, Article 8. Public Facilities Requirements, Section 8.06 Street, G. Other Improvements, 4. Utilities as follows:**

d. ~~Where the alternate Industrial Street Standard has been approved, road shoulders shall be sloped away from the edge of pavement at one-half (1/2) inch per twelve (12) inches, for a minimum distance of six (6) feet, followed by a six-foot wide ditch with 3:1 sides.~~

- **Amend Article 9. Definitions, Comprehensive Transportation Plan as follows:**

*Comprehensive Plan* - the most recently adopted Comprehensive Plan of the City of Statesville, NC, which includes the Land Development Plan, Comprehensive Transportation Plan, Downtown Study, facility master plans, area plans and other documents addressing Statesville's future that are adopted by the City Council.

~~Comprehensive~~ *Transportation Plan* - The most recently adopted plan for public streets, bicycle and pedestrian facilities, transit, freight and aviation facilities throughout the City's jurisdiction referred to as the Mobility + Development Plan.

*Mobility + Development Plan* - The most recently adopted plan for public streets, bicycle and pedestrian facilities, transit, freight and aviation facilities throughout the City's jurisdiction.

- **Amend the Unified Development Code in its entirety to replace the words "Comprehensive Transportation Plan" with "Mobility + Development Plan".**
- **Amend the Unified Development Code in its entirety to replace the words "Municipal Code" with "City Code".**

This ordinance was introduced for first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the \_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:  
NAYS:

The second and final reading of this ordinance was heard on the \_\_\_\_ day of \_\_\_\_\_, 2023, and upon motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried, was adopted.

AYES:  
NAYS:

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Mark Taylor, PE, Public Works Director  
**DATE:** April 04, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving the design of improvements at the intersection of W. Water Street, W. End Avenue, and N. Meeting Street and authorize staff to solicit construction bids.**

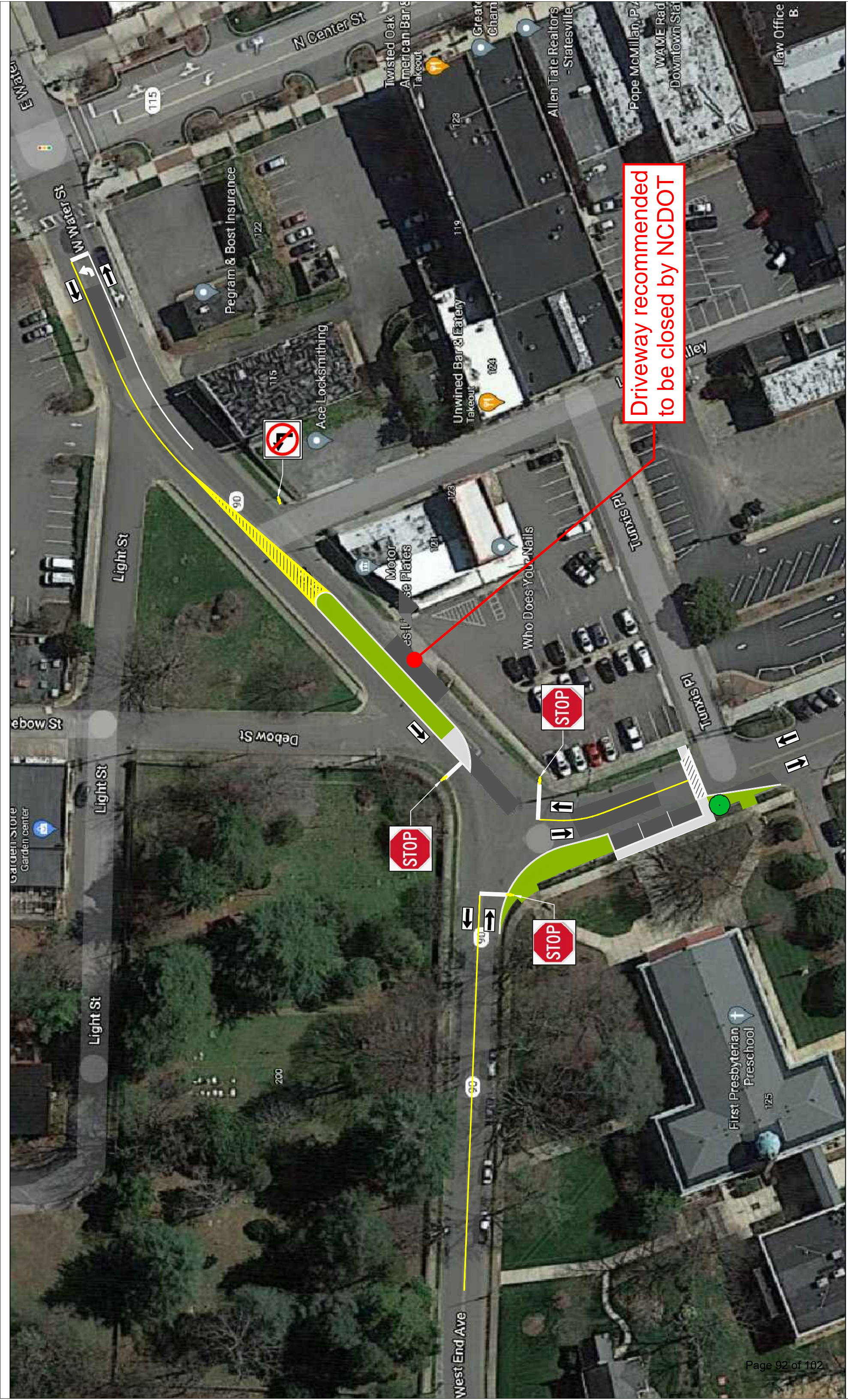
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1. **Summary of Information:** City Staff has taken feedback from the February 7, 2022 Special Council Meeting and has developed a plan to improve the safety of the subject intersection. City Staff has coordinated with NCDOT for their recommendation and subsequent approval of improvements.

The current design maintains the drive access to Water Street from the City-owned lot adjacent to the DMV office. NCDOT recommended closing this driveway, stating, "If the City wants to get the most safety improvement from this project, I suggest closing the driveway on W. Water Street that serves the parking area at DMV. This parking lot is also served from Tunxis Place off Meeting Street. This would reduce the potential conflict points drastically and would provide a wider/longer green area to improve drivers' perception." See attached letter from

2. **Previous Council or Relevant Actions:** Council first provided guidance on this item on August 2, 2021. This item was again discussed at the Pre-Agenda Meeting on December 20, 2021 and removed from that evening's Regular Agenda. This item was most recently discussed at the February 7, 2022 Special Council Meeting.
3. **Budget/Funding Implications:** Project will be paid for out of the General Fund, pending Council Approval. Staff estimates the project will cost approximately \$75,000.00.
4. **Consequences for Not Acting:** Subject Intersection and adjacent driveways continue to function as they are currently operating.
5. **Department Recommendation:** Staff recommends approving the design of the intersection improvements and requests Council reconsider closing the existing driveway off W. Water Street.
6. **Manager Comments:** Concur with the recommendation from staff, with the request to reconsider closing the driveway.
7. **Next Steps:** If the design is approved, staff will prepare and advertise the contract.
8. **Attachments:**
  - Figure depicting Option C
  - Email from NCDOT indicating concurrence with the proposed intersection modifications and recommending driveway closure.





Driveway recommended to be closed by NCDOT

## MEETING ST & WATER ST / OPTION C



## Cory Sloan

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**From:** Spurlin (DRMP), Todd M <ext-tmspurlin@ncdot.gov>  
**Sent:** Wednesday, January 25, 2023 4:32 PM  
**To:** Cory Sloan; Naraidu, Roy R  
**Cc:** Mark Taylor; Steve Bridges; Scott Harrell  
**Subject:** RE: [External] Water and Meeting Street Intersection

[NOTICE: This message originated outside of the City of Statesville mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

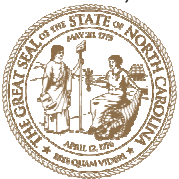
Cory,  
Thank you for scheduling the meeting this afternoon regarding the Water and Meeting Streets intersection safety project. I wanted to send an email to confirm that NCDOT concurs with your plan to improve the safety of this intersection by adjusting the lanes and striping. I did want to mention one item of concern since this is a safety improvement project. If the City wants to get the most safety improvement from this project, I suggest closing the driveway on W. Water Street that serves the parking area at DMV. This parking lot is also served from Tunxis Place off Meeting Street. This would reduce the potential conflict points drastically and would provide a wider/longer green area to improve drivers' perception.

Either way we will be awaiting the encroachment submittal in the portal and will process as soon as possible.

Thanks

**Todd M. Spurlin**  
(Acting) District Engineer  
Division 12, District 2

North Carolina Department of Transportation  
704 380 6040 office  
[ext-tmspurlin@ncdot.gov](mailto:ext-tmspurlin@ncdot.gov)  
124 Prison Camp Road  
Statesville, NC 28625



## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** April 5, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving additional funds in the amount of \$47,000 to hire a consultant to Design, Engineer and Permit plans to upgrade the Brookdale Dam for the New Connector Road, Project #U-6054**

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#### **1. Summary of Information:**

##### **Background**

Back in 2016 when the diverging interchange and round-a-bout and were being constructed at US21, I-40, Free Nancy Avenue and Carolina Avenue, the city requested that Kimley Horn study the functionality of US 21 (Sullivan Road). Due to several factors such as the spacing of the interchange, and the geometric configurations of the improvements, significant queuing issues were found in the 2020 horizon years (Congestion Management agreed with the study).

At the time Carolina Avenue collected traffic from a very large multi-use land area located west of US 21. There currently are no options for directly connecting this area to US 21 without using existing neighborhood streets such as Lakeview Drive. The proposed solution to address connectivity, the high volumes traveling north to west and tight spacing between the intersections was to provide relief through another connection known as the new connector road (see attached map).

Therefore, the city applied for Surface Transportation Block Grant Direct Attributable funds (STBG-DA) in 2017 as follows:

Federal Funds	\$1,881,975 (69%)
City match	<u>\$ 845,525 (31%)</u>
	\$2,727,500 Total Project Cost

There were cost increases and in 2019 the city applied for additional STBG-DA funds called Shortfall Funds as follows:

Federal Funds	\$1,312,069 (80%)
City match	<u>\$ 262,414 (20%)</u>
	\$ 1,5744.83 Total Shortfall Funds

Plans were approved by NCDOT and the consultant (TGS Engineering) was preparing to request right-of-way certification to move forward with right-of-way acquisition and utility relocation. Then NCDOT and Dam Safety requested that the city perform a Spillway Capacity analysis for the Brookdale Dam.



The city hired Meade Gunnell at a cost of \$6,412.50 to perform a Spillway Capacity analysis for the Brookdale Dam and a preliminary design to submit to Dam Safety for review.

The city was informed by Dam Safety that they do not accept preliminary reviews, therefore the upgrades need to be designed, engineered and submitted to Dam Safety for approval. Therefore, staff is requesting approval to spend \$47,000 for design, engineering and permitting to move the project forward. If approved, there will need to be a cost estimate to determine the additional cost to construct the upgrades.

2. **Previous Council/Relevant Actions:** Refer to summary information above.
3. **Budget/Funding Implications:** A total of \$1,113,351.50 has been committed by the city towards this project. The city to date has spent \$412,365.85 in consulting fees for preliminary engineering and \$6,412.50 in consulting fees for spillway capacity analysis and preliminary engineering of upgrades (Total of \$418,778.35).
4. **Consequences for Not Acting:** Funds would need to be returned and the project will be voided. The city will incur additional review fees from NCDOT on top of the amount spent to date. In addition, funds may be difficult to receive for a future request.
5. **Department Recommendation:** Staff recommends spending the \$47,000 to determine the additional expense of making the upgrades to the Dam to determine if project is still feasible. The current Planning fiscal year budget can accommodate the \$47,000 (out of Professional and Contracted Services).
6. **Manager Comments:** Concur with the department recommendation.
7. **Next Steps:** Once the design and engineering plans are complete, they will be submitted to Dam Safety for approval. A cost estimate will be provided to determine the additional cost to upgrade the dam. Council will again need to decide if they want to continue with the project.
8. **Attachments:**
  1. Proposal from Meade Gunnell
  2. Map of project



MEADE  
GUNNELL  
engineering

PO Box 790  
Cornelius, NC 28031  
704.655.7290

## Change Order Request No.1 Additional Services

To: Ms. Sherry Ashley	From:	Jerry Meade
Project Name: Brookdale Dam -IREDE-090	Project Number:	220101.440
Email:	Date:	December 9, 2022
Original Proposal No. 21-3273R1	Original Contract Amount:	\$ 3,250.00
Change Order Amount: \$ 47,000	Revised Contract Amount:	\$ 50,250.00

### SUMMARY OF REVISED SERVICES

Task 21-HEC-HMS Redesign Flow Verification for downstream piping .....	\$3,500.00
Task 22-Civil Engineering-Dam Construction Plans.....	\$12,500.00
Task 23-Geotechnical Engineering .....	\$15,000.00
Task 24-Surveying-Impoundment Capacity .....	\$7,500.00
Task 25-Breach Analysis & Emergency Action Plan .....	\$8,500.00

Tasks 23 and 24 will be sub-contracted. Our fees are based on cost + 15% plus project management time.

We will schedule Tasks 23 and 24 upon receipt of your notification to proceed. Response reviews and meetings will be billed separately.

The terms and conditions of this proposal, including the terms and conditions of the original proposal are:

Accepted this \_\_\_\_ day of \_\_\_\_, 2022

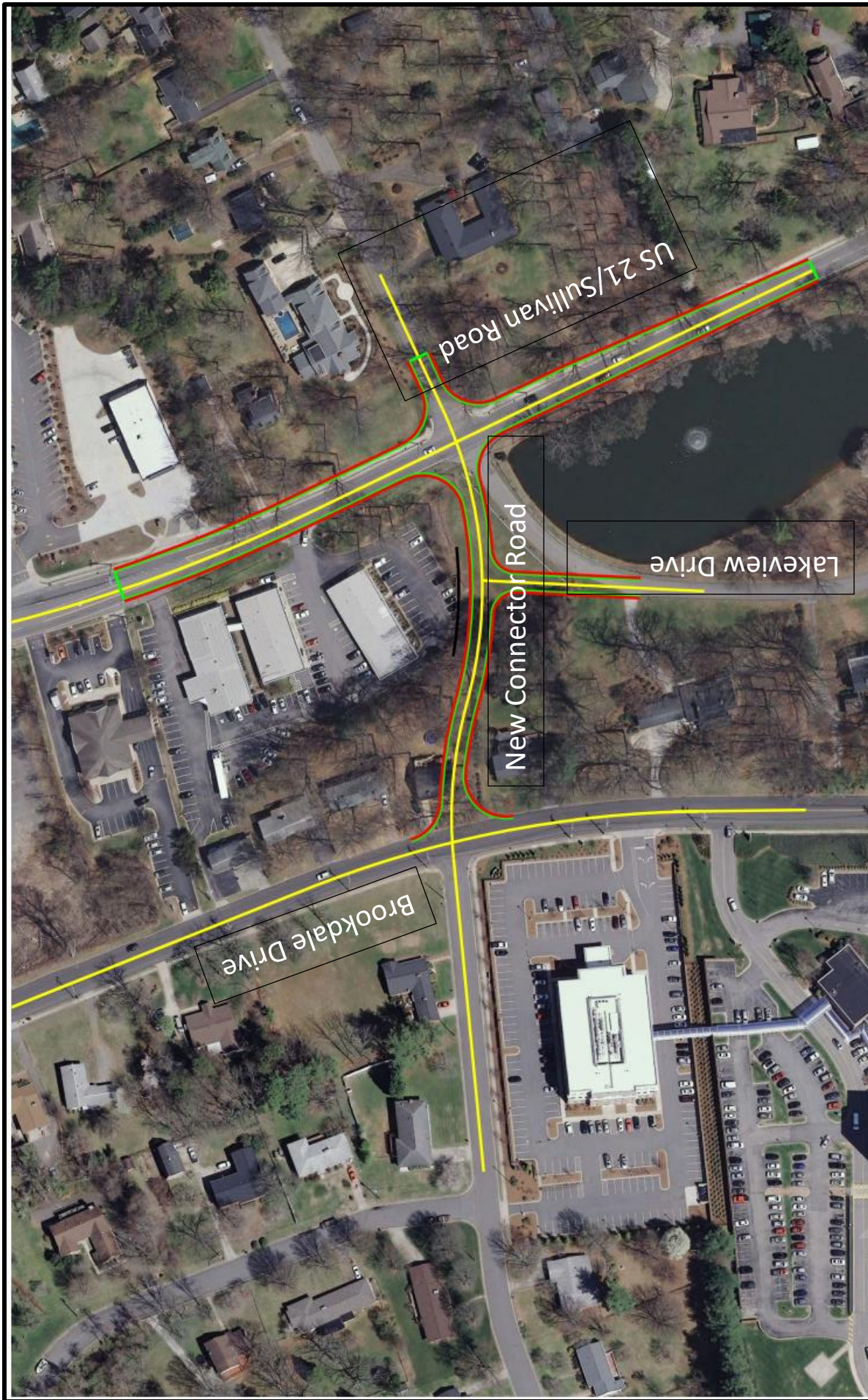
City of Statesville  
Firm or Corporation

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Authorization





## New Connector Road Project #U-6054



## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Genesis Harrod, Senior Planner  
**DATE:** April 4, 2023

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**ACTION NEEDED ON:** April 17, 2023  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving staff's recommendation that the City of Statesville remain within the CRTPO (Charlotte Regional Transportation Planning Organization) planning area.**

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- 1. Summary of Information:** The US Government has redefined the criteria for designation as an 'urban area' via the US Census Bureau. Because of this change in criteria, the Charlotte Urban Area has had Statesville and Marshville (in Union County) removed from its urban area. The City of Statesville is now its own urban area, separate from Charlotte.

CRTPO is an 'MPO' a Metropolitan Planning Organization and is the federally designated MPO for the Charlotte Urbanized Area. The planning area boundary of CRTPO includes Iredell, Mecklenburg, and Union counties. MPOs are federally designated transportation planning agencies for urbanized areas with populations greater than 50,000 people. There are around 400 MPOs throughout the USA. The 1962 Federal-Aid Highway Act required the urban transportation planning process, and in the 1970s MPOs were created to ensure the planning process would proceed as envisioned in 1962. CRTPO is comprised of 21 cities/towns and 3 counties.

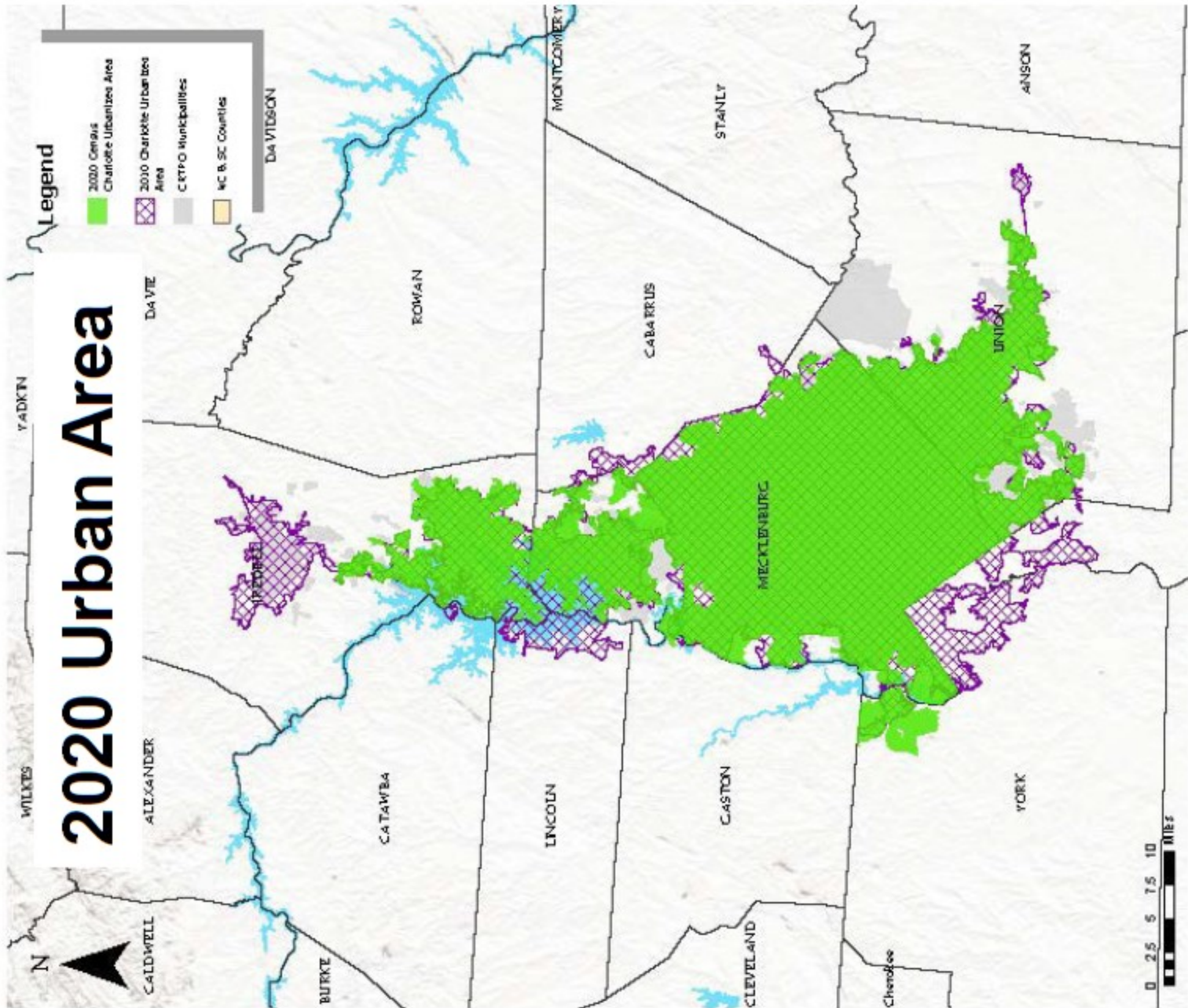
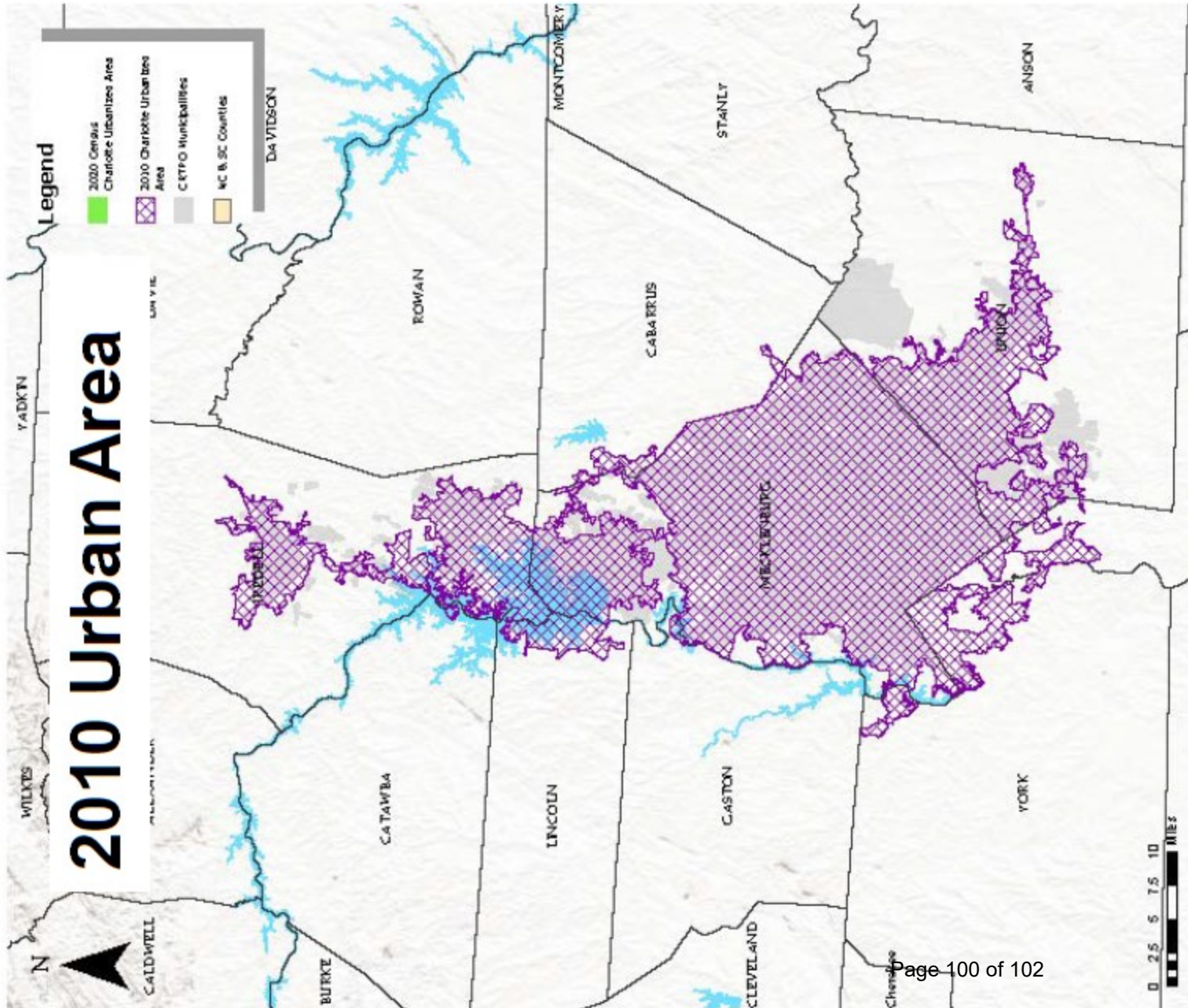
- 2. Previous Council or Relevant Actions:** The City of Statesville has been part of CRTPO since the 2010 census.
- 3. Budget/Funding Implications:** The City of Statesville has benefitted with hundreds of thousands of dollars through STBG-DA, TAP and Bonus Allocation funding for transportation projects.
- 4. Consequences for Not Acting:** If the City of Statesville does not decide to remain a member of CRTPO it would have a significantly diminished role in the project prioritization process that results in the Transportation Improvement Program, which is the principal means by which transportation improvements are funded. Also, the City will no longer be eligible to receive CRTPO's discretionary funds. Since joining CRTPO in 2013, the City has received \$5,027,000 in discretionary funds for five projects.

Joining another RPO (an RPO is a Regional or Rural Planning Organization, depending on the geographic and demographic area in question) would be challenging because the city's corporate limits don't extend to the county line, and thereby don't extend to an RPO boundary. Thus, the city would need to get the county to agree to be part of the RPO too (at

least for that area to fill the gap between the city's corporate limits and the county line/RPO boundary). The two RPO options are the Northwest Piedmont RPO based in Winston-Salem or the High County RPO based in Boone. Joining an RPO would be the only other option for planning and funding given Statesville's current designation as an 'urban area' by the census bureau.

5. **Department Recommendation:** It is the Planning Department's recommendation that the city remain a member of CRTPO. The benefits to remaining in CRTPO are being able to play an active role in the project prioritization process, access to CRTPO discretionary funds, and the resources of CRTPO staff and their knowledge of funding processes and the metropolitan planning process. Staff recommends that the City of Statesville identifies more with the transportation needs of the Charlotte Region as opposed to the Northwest Piedmont of High County RPO.
6. **Manager Comments:** Concur with department's recommendation.
7. **Next Steps:** If the City declares to remain in CRTPO, Statesville will continue to be a member of CRTPO and continue to have access to all the benefits therein, as well as voting rights and funding opportunities. The Mayor or the Manager would need to write a formal letter declaring Statesville would like to remain in CRTPO to Robert Cook, Director of CRTPO.
8. **Attachments:**
  1. 2010 vs. 2020 Urban Area Boundary Map (2020 Charlotte Urban Area in green)









**Airport Commission  
Minutes  
City Hall– Conference Room  
March 8, 2023 – 12:00pm**

**The Statesville Airport Commission met on Wednesday, March 8, 2023, at the Statesville City Hall Conference Room.**

**Members Present:** Steve Johnson, Mike Colyer, Bob Saltzman, Gene Houpe Absent: David Bullins, David Stamey

**Staff Present:** John Ferguson

**Others Present:** Pete Sistare CATS, Bob Thompson, Victory Air, John McCalmont, Parrish and Partners

**Roll Call**

Chairman Steve Johnson called the meeting to order at 12:00 PM.

**Minutes of March 8, 2023 Meeting:**

Dr. Saltzman made a motion to approve the March 8, 2023, meeting minutes, seconded by Mr. Colyer. The motion carried unanimously.

**Airport Operations Report**

Mr. Ferguson briefed the Commission on the passing of Jones Barnes, owner of Iredell Air Care. Fuel sales for March 2023 were lower than March 2022. I believe that we had fewer air freight operations this year. Operations (take-offs and landings) are consistently higher than last year as counted by our ADS-B receiver. Mr. Ferguson presented the proposed schedule for selecting the contractor for the construction of the airport terminal building. The goal is to select a contractor by April and have a contract by May 3, 2023 to be included on the Council agenda for the May 15 Council meeting. Mr. Ferguson has hired two new full-time employees, one for the airport line technician and one for groundskeeper. Concerning the \$250,000 grant for hangar improvements, we have converted three hangars to LED lights, we constructed some concrete steps at the lower parking lot, and we have replaced the vinyl hangar door curtain that was damaged. Next projects will include replacing hangar insulation in two hangars and more LED hangar lights conversion. On April 25, 2023, the North Carolina Aviation Association is hosting an aviation legislative day for airport managers to meet their elected officials.

**Projects Update**

Mr. Jon McCalmont gave an update on the current construction projects.

- Contractor is getting close to re-installing the Localizer system soon.

- The North wall is finished. Retaining walls are going up on the runway safety area project. Runway remarking may occur in April 2023. Anticipating end of April for completion. Trees have been completely removed off of the west end.
- East Corporate hangar is close to going out to bid. Hangar will have a sprinkler system and not a foam system. Bids to be advertised in late April.
- East Corporate Apron is nearly complete. The contractor has some small ponding areas they will have to correct. Sidewalk is soon to be installed.
- Terminal Building- Architect expects to have 30% plans ready for the new contractor.
- Nearly complete with Eldorado Road land acquisition. This is an issue with one deed which the lawyers are working on.
- Looking at the week of April 10-14 to close the runway for re-marking.
- Mr. Johnson inquired about a staging area for equipment during the construction of the terminal building. The contractor will likely stage in the front grassy area. The airport line technicians will be operating out of an office trailer.

#### **Old Business**

None

#### **Adjourn**

Mr. Colyer moved to adjourn, and Dr. Saltzman seconded. Meeting ended at 12:28 PM.