

MINUTE BOOK , PAGE

CITY OF STATESVILLE PRE-AGENDA MEETING MINUTES – APRIL 17, 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, S. Johnson

Council Absent: Fred Foster

Staff Present: Ron Smith, Fugett, Messick, Pierce, Harrell, E. Kurfees, Nesbit, Taylor, Ashley, Gregory, Shelton, G. Kurfees, Onley, Griggs, Andy Smith, Hull, Moore

I Call to Order

Mayor Kutteh called the meeting to order and advised that a Closed Session would be held following the Pre-Agenda meeting to discuss pending litigation, contracts, consult with the Attorney and to maintain the Attorney/Client privilege.

Mayor Kutteh stated that Item E on the Consent Agenda and Item XII on the Regular Agenda had been removed.

II Invocation

III Pledge of Allegiance

IV Adoption of the Agenda

V Code of Ethics

VI Presentations & Recognitions

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.

Mayor Kutteh reviewed the following Consent 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)*

- B. Consider approving 2nd 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)*
- C. Consider approving 2nd 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)*
- 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)*
- 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 WITHDRAWN BY OWNER
- 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)*
- 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)*
- H. Consider re-appointing three existing members of the Stormwater Advisory Commission for another term. There are no other applications on file. *(Moore)*
- I. Consider approving an engineering services contract for the Water Treatment Plant Caustic Tanks Replacement and Building Repair and Budget Amendment #2023-31. *(Vaughan)*
- J. Consider approving a Resolution to take complete ownership of the abandoned Green Street Cemetery. *(Smith)* **FOR INFORMATION ONLY**
City Attorney Messick stated that when Council is ready to approve a resolution for this then it needs to be filed with the Register of Deeds office that the City is taking over the maintenance of the cemetery.

REGULAR AGENDA

IX Conduct a public hearing and consider approving an economic incentive to a company known as Project Pivot. (Bossert)

Mayor Kutteh stated that the economic incentive will be in the amount of up to \$106,795 over five years and is based on an investment by the company of up to \$5,728,000.

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)

Sherry Ashley stated that 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.

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)

Ashley stated that 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 step is to amend the City Code and the Unified Development Code. Therefore, staff has drafted an ordinance for consideration. 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). 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. The department recommends approving the text amendment as presented.

~~**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)**~~

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)

Mayor Kutteh stated that in 2016 when the diverging interchange and round-about 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. 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. 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.

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

Mayor Kutteh stated that 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. 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 do not extend to the county line, and thereby do not 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. 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.

XV City Manager's Report

XVI Advisory Boards and Commissions Meeting Minutes

XVII Other Business

XVIII Closed Session

Council member J. Johnson made a motion to move to Closed Session to discuss pending litigation, contracts, consult with the Attorney and to maintain the Attorney/Client privilege, seconded by Council member S. Johnson. The motion carried unanimously.

Mayor Kutteh stated that while in Closed Session, City Council discussed pending litigation, contracts, consulted with the Attorney and no action was taken.

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

Constantine H. Kutteh, Mayor

Brenda Fugett, City Clerk

MINUTE BOOK , PAGE

CITY OF STATESVILLE COUNCIL MEETING MINUTES – APRIL 17, 2023

CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.

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

Council Absent: Foster

Staff Present: Ron Smith, Fugett, Messick, Pierce, Harrell, E. Kurfees, Nesbit, Taylor, Ashley, Gregory, Shelton, G. Kurfees, Onley, Griggs, Ivarsson, Ferguson, Robinson, Matheson, Barnette, Luna-Jackson

I Call to Order

Mayor Kutteh called the meeting to order.

Mayor Kutteh stated that Item E and Item XII have been removed.

Mayor Kutteh advised that no action will be taken on Item J. He explained that the Green Street Cemetery has been abandoned since the mid-1900s. The City of Statesville voted in 1961 to take possession of the abandoned cemetery but failed to execute the ordinance or register it with the Iredell County Register of Deeds. The Resolution from 1961 is not signed and was never recorded with the Register of Deeds. Given the time lapse, Council must adopt a new resolution in order to have it on file at the Register of Deeds for the City to take over and maintain the cemetery. The City Attorney is working on the new resolution which will be on the next Council meeting agenda for Council approval.

II Invocation

The City Clerk gave the invocation.

III Pledge of Allegiance

Mayor Kutteh led the pledge of allegiance.

IV Adoption of the Agenda

Council member Jones made a motion to approve the amended agenda, seconded by Council member Hudson. The motion carried unanimously.

V Code of Ethics

VI Presentations & Recognitions

1. **Proclamation** – Administrative Professionals Week, April 23-29 and Administrative Professionals Day, April 26.

Mayor Kutteh read the proclamation and presented it to those AP's in attendance: Debra Matheson - Public Works Department, Carissa Barnette - Airport, Emily Kurfees – City Manager, Tammy Robinson – Police Department, and Robin Sprinkle – Parks & Recreation Department.

2. **Proclamation** – Municipal Clerks Week, April 30 - May 6

Mayor Kutteh read the proclamation and presented it to City Clerk Brenda Fugett, and Emily Kurfees, the Deputy City Clerk.

3. **Presentation** – Chief's Citation

Chief Onley presented the department's Life Saving Award to Trooper Seth Stevenson.

VII Public Comment

Betty Soto – 198 Barnyard Lane, stated that she does genealogy searches. She spoke about the Green Street cemetery and encouraged Council and citizens to continue the work.

Vivien Williams – 1215 McLaughlin Street – Thanked everybody for their work on the Green Street cemetery. She believes that there should be a committee to work with the professionals so they can relay the information to the neighborhoods.

Timothy Smith – 241 Garfield – Thanked everybody for what work has been done on the Green Street cemetery.

G. Carson – 512/513 S. Center Street – Stated that she is speaking for her father. There is a crack in the wall on South Center Street and it is a safety issue. She asked if there is any grant money available to fix it and also, they would like to put a mural on it as well if possible. Mayor Kutteh replied that the City Manager had just made Council aware of this today and staff will be in touch with her about it.

Celia Gentry – 226 Valley Brook Lane, Troutman – Asked Council five questions that the community and she needs answers to:

1. When will the project manager give an update on the process of the GPR to the community?
2. Will the community have any input before major purchases are made?
3. If and when a design is implemented, will there be diversity?
4. We are not seeing any input from the African American community on the Black Heritage Project.

(The speaker said that she had five questions, but the above are all that she stated)

Tracy Watkins – 1911 East Greenbriar Road – Asked what the plans are on Hull and Wall Street. Mayor Kutteh advised that the property is under contract but has not been closed on. There have been proposals that a Light Industrial development will go there, but the City has nothing to do with that, it is up to the owner of the property. The property has been annexed and rezoned by the City. Mr. Watkins asked if the homes in the area would be affected or would the developer want to buy them out. Mayor Kutteh replied that the Planning Department Director, Sherry Ashley could show him what she has from the property developer.

Annette Roark – 495 Sullivan Road – Spoke about Collier's Lake and the deterioration of the lake and what could be done to bring it back to a sustainable lake.

Sam McDowell – 951 Sherwood Lane – Gave a brief history of Collier's Lake and asked the City to reject all offers on the surrounding City owned property and to designate it as a community park.

Mayor Kutteh stated that the City wants the public's ideas and participation on how it can make any of these projects better.

Council member Allison stated that the City is doing what they can with the Green Street cemetery project. She told those interested to organize their committee and to take it to their Council member, who is Council member Foster, to find out what they can do to help.

VIII Consent Agenda

Mayor Kutteh stated that all items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member 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 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)**
- B. Consider approving 2nd 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)**
- C. Consider approving 2nd 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)**
- 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)**
- ~~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~~ WITHDRAWN BY OWNER
- 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)**

- 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)**
- H. Consider re-appointing three existing members of the Stormwater Advisory Commission for another term. There are no other applications on file. (Moore)**
- I. Consider approving an engineering services contract for the Water Treatment Plant Caustic Tanks Replacement and Building Repair and Budget Amendment #2023-31. (Vaughan)**
- J. Consider approving a Resolution to take complete ownership of the abandoned Green Street Cemetery. (Smith) FOR INFORMATION ONLY**

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

IX Conduct a public hearing and consider approving an economic incentive to a company known as Project Pivot. (Bosser)

Jenn Bosser, President and CEO of Iredell County Economic Development Corporation, thanked Mayor Kutteh and members of the City Council for the opportunity to present EPOC Solutions Ltd. DbA EPOC Enviro, also known as Project Pivot, for an economic development incentive request. Also in attendance is company representative Shaun Melrose, Vice President of North America and Chad Thomas, Vice President of Economic Development, Iredell EDC.

Bosser stated that EPOC Enviro is an Australian company and a global leader provider of sustainable PFAS (Per- and Polyfluorinated Substances) remediation technology. (PFAS or PFA's) are a group of forever-chemicals used to create products that resist heat, oil, stains, grease, and water. The company's technology is recognized as a naturally elegant PFAS solution that produces no waste, other than a high density PFAS concentrate ensuring zero environmental harm. The company selected the Statesville Commerce Center, a Class A speculative industrial building located off US Highway 70 and Barkley Road in Statesville for their first US manufacturing location.

Demand is already high for EPOC Enviro's product, with the company already securing a production schedule that is filled until 2024. The Statesville facility will employ up to 226 employees and build 150 150 SAFF® (Surface Active Foam Fractionation) units annually, and exclusively, for the US market.

In accordance with the City of Statesville Economic Development Policy, Iredell EDC requests an economic incentive grant to EPOC Enviro company for up to \$106,795 based on a capital investment total of \$5,728,000 and the minimum creation of 126 jobs, up to 226 jobs. The grant is performance based and would be payable over 5 years based on 80% of real property and 50% tangible personal property. Payment is tied to the assessed value of new tax increment generated from the private investment by the

company. The Iredell County Board of Commissioners are also considering an Economic Development Incentive Grant on Tuesday, April 18, 2023.

Mayor Kutteh asked if there was anyone present who wanted to speak on this item. Hearing none, he declared the public hearing closed and asked for a motion.

Council member Hudson made a motion to approve an economic incentive to be granted to EPOC Solutions Ltd. Dba EPOC Enviro (Project Pivot) for a capital investment of up to \$5,728,000 by December 31, 2025. The total incentive award would be a total of up to \$106,795 (or \$21,359 a year) paid out over a five-year period. The incentive is contingent on the contract being executed within 180 days from the date of the Public Hearing. Council member Jones seconded the motion and it carried unanimously.

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)

Sherry Ashley stated that 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.

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.

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. If first reading of the proposed ordinance is approved, 2nd reading will be on May 1, 2023.

Mayor Pro Tem Jones declared the public hearing open and asked if anyone wanted to speak.

Mark Sanger with WSIC, 1117 Radio Road, stated they are looking for property for a podcast studio.

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

Council member S. Johnson made a motion to approve 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, seconded by Council member Lawton. The motion carried unanimously.

- 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)**

Ashley stated that 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 step is to amend the City Code and the Unified Development Code. Therefore, staff has drafted an ordinance for consideration. 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). 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. The department recommends approving the text amendment as presented. If first reading of the draft ordinance is approved, 2nd reading will be on May 1, 2023.

In response to a request from Council member Jones, Ashley explained how this would be handled in already established industrial parks that still have lots that are not developed. Ashley said that if they were already classified an Alternative Industrial Street, then that would remain because that designation has already been given to it, but anything new would be required to install curb, gutter and sidewalk or pay the fee in lieu of.

Mayor Kutteh asked Public Works Director Mark Taylor if the City has started on the sidewalk build list yet. Mark Taylor replied that Stockton Street and Alexander Street are almost ready to come to Council for approval. They are waiting for cost estimates and information on a constructability issue on Stockton Street at Brookdale Drive.

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

Council member Hudson made a motion to approve 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, seconded by Council member Lawton. The motion carried unanimously.

~~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)~~

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)

Sherry Ashley stated that 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>
	\$1,574,483 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.

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).

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.

If Council decides to abandon the project, all grant funds must be returned, and the project will be voided. Most likely it would be harder for the City to get the project back on the list in the future and in addition to the funds that the City has already spent on the preliminary design, utility plans and right-of-way plans, NCDOT will also have to be reimbursed for review fees in the amount of \$9,118.32 on top of what has been spent to date. The City will not be reimbursed for what it has spent to date.

The City Manager concurs with the department recommendation.

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.

Council member S. Johnson clarified if this action would give Council an idea on how much it is going to cost the city to enhance the integrity of the dam if the consultant determines that is necessary. Ashley replied that it will have to be upgraded to meet the current standards. Ashley said one alternative that the consultant suggested, but staff did not think that Council would consider, was to drain the lake and make it into a park instead of a lake.

Council member J. Johnson said he believes it would be best to walk away from this.

Council member J. Johnson made a motion to deny the request for 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.

Council member S. Johnson said he has been against this project from the beginning because it is just too much money for what the City is getting.

Mayor Kutteh asked how much the city has spent on this so far. Ashley replied that over \$420,000 has been spent that the city would not be reimbursed for, plus the city will have to pay back the \$9,118.32 as well if Council abandons the project.

Council member Lawton seconded the motion.

Council member S. Johnson asked if the city would face any consequences from the NCDOT if it abandons this project. Council member Jones replied that we will fall off of the priority list and the next project moves into its place.

Council member Jones stated he initially voted for the project for safety and access to the emergency room and now Iredell Memorial is expanding their emergency room, but he believes that this is still viable access to the emergency room.

Council member S. Johnson asked how traffic will turn left from this road. Ashley replied that there will be signal there.

The vote on the motion was as follows:

Ayes: J. Johnson, Lawton, S. Johnson

Nays: Jones, Wasson, Allison, Hudson

(Fred Foster absent)
Motion Fails: 4-3

Council member Jones made a motion to approve, seconded by Council member Allison. The vote on the motion was as follows:

Ayes: Jones, Allison, Wasson, Hudson
Nays: J. Johnson, Lawton, S. Johnson
(Fred Foster absent)
Motion Carried: 4-3

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

Senior Planner Genesis Harrod stated that 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. 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 do not extend to the county line, and thereby do not 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. 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 or High County RPO.

Council member Jones made a motion to approve staff's recommendation that the City of Statesville remain within the Charlotte Regional Transportation Planning

Organization planning area, seconded by Council member Allison. The motion carried unanimously.

Mayor Kutteh thanked City staff for their work on the Arbor Day celebration.

XV City Manager's Report

- Saturday – Drug Take Back Day at Walgreens located at 951 Davie Avenue from 10am-2pm
- Community Event about Violence Prevention – April 26th at the Civic Center at 5:30pm
- NC Litter Sweep – April 15-29
- Iredell's Happiest Day/Pancake Day – April 20th at the Civic Center from 6am-7pm (Boys and Girls Club Fundraiser)
- Key hires made in electric and planning, still vacancies to fill.
- Saturday – Drug Take Back Day at Walgreens located at 951 Davie Avenue from 10am-2pm
- Community Event about Violence Prevention – April 26th at the Civic Center at 5:30pm
- NC Litter Sweep – April 15-29
- Iredell's Happiest Day/Pancake Day – April 20th at the Civic Center from 6am-7pm (Boys and Girls Club Fundraiser)
- Key hires made in electric and planning, still vacancies to fill.

Council member Allison announced that every 3rd Monday of the month a Community Prayer meeting is held at the Bentley Center from 4pm-5pm.

XVI Advisory Boards and Commissions Meeting Minutes

XVII Other Business

XVIII Closed Session

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

Constantine H. Kutteh, Mayor

Brenda Fugett, City Clerk