

AMENDED



MAY 15, 2023

CITY COUNCIL MEETING AGENDA

Pre-Agenda Meeting – 6:00 p.m. – City Hall 2nd Floor Conference Room

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

227 S. Center Street, Statesville, NC

-
- 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. Receive a presentation from representatives of the Mayor's Youth Advisory Council.
 - 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 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 May 01, 2023 Pre-Agenda and City Council meeting minutes. *(Fugett) Pg. 8***
 - B. Consider approving a request to demolish the existing structure located at 113 Garfield Street. *(Sigmon) Pg. 23***
 - C. Consider approving 2nd reading of AX23-05, an ordinance to annex the property located at the corner of James Farm Road and Glenway Drive. PIN #4745-78-7821 Falls Park (James Glen Multi-Family) property. *(Ashley) Pg. 28***
 - D. Consider approving a contract with Samet Corporation for the construction of the Airport Terminal building. *(Ferguson) Pg. 29***

- E. Consider approving Budget Amendment #2023-32 to move the interest accrued up to \$30,000 on a \$500,000 grant from the North Carolina SCIF Fund. *(Ferguson) Pg. 30*
- F. Consider approving a request to transfer an insurance reimbursement in the amount of \$32,500 to the Police Department and approval of Budget Amendment #2023-33. *(Onley) Pg. 32*

REGULAR AGENDA

- IX Conduct a public hearing and consider approving first reading of AX23-07, an ordinance to annex PIN #4753-99-3612, a property located at 413 Twin Oaks Road submitted by Clayton Homes of Statesville. *(Ashley) Pg. 34*
- X Conduct a public hearing and consider approving first reading of rezoning request ZC23-05, Greenbriar Ridge, Tax Parcel #4754-23-6335; a proposal for a major amendment to the concept plan for the rezoning of approximately 87.39 acres located on E. Greenbriar Road; zoned R-8CZ Cluster for the Greenbriar Ridge subdivision. *(Ashley) Pg. 42*
- XI Conduct a public hearing and consider approving a Resolution of Closure and Declaration of Withdrawal to permanently close a portion of Wall Street. *(Harrod) Pg. 60*
- XII** Conduct a public hearing and consider approving first reading of TA23-07 Text Amendments to the Unified Development Code filed by the City of Statesville to amend Article 3 Zoning, Section 3.04 Zoning District Regulations; Table 3-1 Use Matrix. Article 5. Supplemental Regulations Performance/Standards for Specific Uses, Section 5.04 Primary Uses and Structures, to include subsection III. Tobacco Shops; Article 6. Development Standards, Section 6.05 Lighting, 1-4; and amend definitions section for: Hookah, Vape, E-Cigarette, Cigar and Cigarette Shop/Lounge, Tobacco Paraphernalia and Tobacco Product to address the lighting standards and zoning districts pertaining to such uses. *(Ashley) Pg. 72*
- XIII Conduct a public hearing and consider approving first reading of TA23-08, Text Amendments to the Unified Development Code filed by the City of Statesville to amend Article 2. Development Review Process, Section 2.01 Application Process, Table 2-1: Summary of Application Procedures, Article 3. Zoning, Section 3.04 Zoning District Regulations, M. O-1-Office Single Lot District, N. O & I-2-Office and Institutional District, O.-1 – Neighborhood Service District, P. B-2 – Neighborhood Business District, Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures, Z. Dwellings, Planned Multi-family Dwellings and Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, B. Residential Density, 2. to clarify regulations for Duplexes, Townhomes and Multi-family in O-1, O & I-2, B-1, and B-2 Zoning Districts. *(Ashley) Pg. 77*
- XIV Consider approving first reading of an ordinance to prohibit camping and improper use of City property. *(Onley) Pg. 85*
- XV Consider authorizing the upset bid procedure for 1203 Free Nancy Ave (PIN 4745-54-1924.000) and 1213 Free Nancy Ave (PIN 4745-43-9618.000). *(Pierce) Pg. 88*

XVI Receive the Fiscal Year 2023-2024 recommended budget from the City Manager and Staff and set a public hearing on the budget for June 5, 2023 at 7:00 p.m. Consider setting Board Workshop Sessions on June 6, 2023, June 7, 2023, and June 8, 2023 from 4:00 p.m. to 7:00 p.m. (Smith) Pg. 107

XVII City Manager's Report

XVIII Advisory Boards and Commissions Meeting Minutes Pg. 108
04/12/2023 Airport Commission Meeting Minutes

XIX Other Business

XX Closed Session (After Pre-Agenda if needed)

XXI 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.

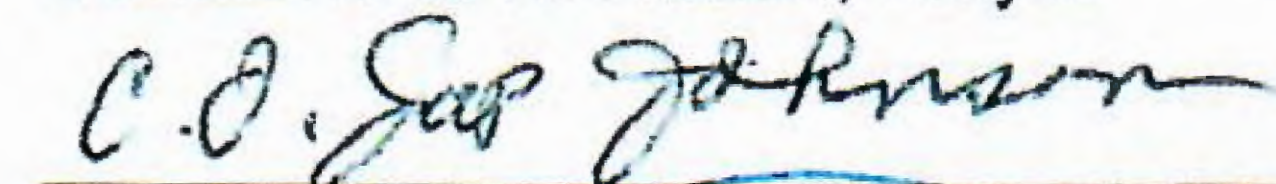
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

Accepted this the 1st day of February, 2021.

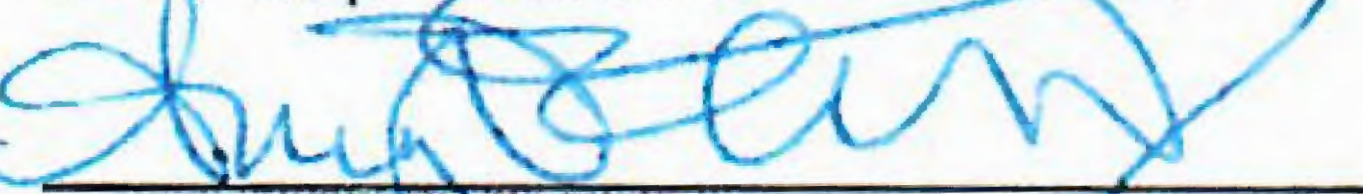
I affirm that I have read and understand the City of Statesville Code of Ethics this the 19th day of September, 2022.



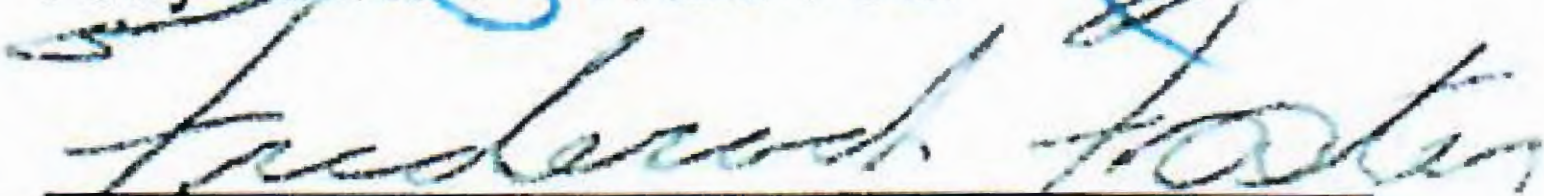
Constantine H. Kutteh, Mayor




C.O. "Jap" Johnson – Ward Two



Amy Lawton – Ward Four



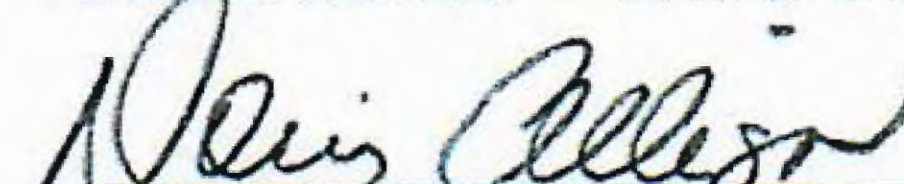
Frederick Foster – Ward Six



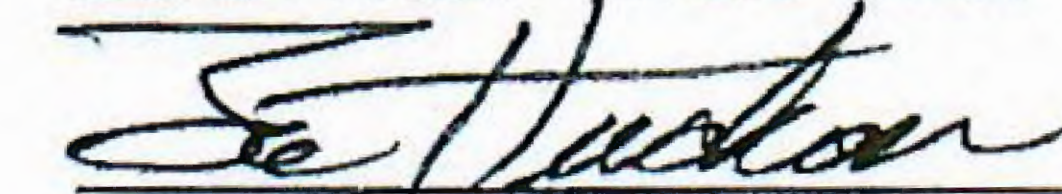
Kimberly Wasson – At Large



David Jones – Ward One



Doris Allison – Ward Three



Joe Hudson – Ward Five



Steve Johnson – At Large

SPECIAL PRESENTATION

TO: City Council
FROM: Mayor Constantine H. Kutteh
DATE: May 3, 2023

TO BE REPORTED: May 15, 2023
(Date of Council Meeting)

Representatives from the Mayor's Youth Advisory Council will review their activities from the past six months. The YAC is made up of students from the following middle schools: American Renaissance Middle, East Middle, Oakwood Middle, Third Creek, Troutman, and West Middle. The Mayor's Youth Advisory Council was formed in 2021 in response to feedback that there are very few activities for young people in our community.

MINUTE BOOK , PAGE

CITY OF STATESVILLE PRE-AGENDA MEETING MINUTES – MAY 01, 2023

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

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

Council Absent: Wasson

Staff Present: Ron Smith, Fugett, Messick, Pierce, Harrell, E. Kurfees, Nesbit, Ferguson, Shelton, Holman, Gregory, Griggs, G. Kurfees, Onley, Ashley, Tart, Weatherman, NaKayla Griffin

I Call to Order

Mayor Kutteh called the meeting to order. He announced that Council will go into Closed Session following the meeting to discuss a Personnel matter.

Mayor Kutteh reviewed the following agenda.

II Invocation

III Pledge of Allegiance

IV Adoption of the Agenda

V Code of Ethics

VI Presentations & Recognitions

1. Proclamation – National Police Week – May 14-20, 2023 & Peace Officers Memorial Day-May 15, 2023
2. Proclamation – National Public Works Week - May 21–27, 2023 - “Connecting the World Through Public Works”
3. Proclamation – National Travel & Tourism Week - May 7-14, 2023
4. Mayor’s Cup Award - Present the 2022 Mayor’s Cup Award to Blueharbor Bank.

Presentation on the Green Street Cemetery by Juli Moore, Director of the Iredell County Library.

Mayor Kutteh stated that Ms. Moore will report on the historic significance of the cemetery and the Green Street/Garfield Street district as well as the recent ground-penetrating radar survey conducted at the site. He added that the woods that were cleaned up are actually on private property and not really a part of the cemetery, even though there are graves there. Mr. Todd Scott obtained permission from the owner for the City to clean that area up. The local chapter of the NAACP has made a financial grant to continue the work at the site.

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 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 April 17, 2023 Pre-Agenda and City Council meeting minutes.**
- B. **Consider approving 2nd 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)**
- C. **Consider approving 2nd 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)**
- D. **Consider approving a resolution directing the City Clerk to Investigate a Petition of Annexation of AX23-07 from Clayton Homes of Statesville for PIN #4753-99-3612 for the property located at 413 Twin Oaks Road; Receive the City Clerk's Certificate of Sufficiency; Consider approving a resolution setting the date of May 15, 2023, for a public hearing for the petition for annexation. (Ashley)**
- E. **Consider approving 2nd reading of annexation request AX23-04, an ordinance to annex the 3 properties located on Whites Mill Road Drive, PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605; Larkin Front 9 (True Homes LLC) properties. (Ashley)**
- F. **Consider approving Samet Corporation to be the Prime Contractor for the construction of the new Airport Terminal Building. (Ferguson)**
 Airport Manager John Ferguson stated that the Terminal Building will be constructed using a new method called Construction Management at Risk (CMR). This is where a contractor is selected by qualifications instead of low bid. The contractor will work side by side with the architect to produce the drawings for the building. The contractor then solicits bids for the subcontract work, thus giving the city the lowest construction cost possible. Three firms were interviewed, G.L. Wilson, Samet, and Barnhill Construction. Samet was chosen due to their extensive experience in the CMR process and their high usage of local subcontractors and high usage of HUB subcontractors. Samet will also be working with Mitchell Community College with their Electrical and HVAC students to give them on-the-job experience. Estimated completion of the building is January 2025. Previously Council approved receipt of the funds for the construction of the Terminal building in the amount of \$9.7 million. This is a 100% grant from the SCIF funds.
- G. **Consider approving the Community Appearance Commission's request to purchase five sculptures to install at the proposed locations. (Griggs)**
 Mayor Kutteh said that the Statesville Community Appearance Commission is requesting to install four sculptures in the streetscape area of downtown Statesville and one sculpture in Mac Anderson Park. The Community Appearance Commission has chosen a proposed location and an alternate location for each sculpture in the downtown area. The Commission already has the budgeted funds available to

purchase the first four listed sculptures. The sculpture proposed for 746 Shelton Avenue will be funded jointly by the Statesville Housing Authority and the Community Appearance Commission.

REGULAR AGENDA

- IX Conduct a public hearing and consider approving first reading of AX23-05, an ordinance to annex the property located at the corner of James Farm Road and Glenway Drive. PIN #4745- 78-7821 Falls Park (James Glen Multi-Family) property. (Ashley)**

Mayor Kutteh stated that the request has been submitted by Elevation Acquisition & Development on behalf of Falls Park LLC. The parcel is approximately 16.73 acres and is located at the corner of James Farm Road and Glenway Drive. The property is the site of the proposed James Glen Multi-Family Development. The James Glen Multi-Family Development consists of 11 buildings and 264-units. 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; and is zoned R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District. The applicant requests voluntary annexation to utilize city water and sewer services.

- X Consider approving a resolution to take over the maintenance of the abandoned Green Street Cemetery. (Smith)**

Mayor Kutteh stated that 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 over the maintenance of the cemetery.

City Council moved this item to the Consent Agenda.

- XI Consider approving a request from Waves Entertainment and All-American Stage, Sound and Lights, LLC to move the previously approved Second Saturday Festivals to Downtown Statesville. (Griggs)**

Parks & Recreation Director Richard Griggs stated that Waves Entertainment and All-American Stage, Sound, and Lights, LLC were previously approved to host a series of Second Saturday Festivals at Martin Luther King, Jr. Park. The event is growing, and the applicants would like to move the event to Downtown Statesville on Broad Street from Mulberry to Meeting Street (Plan B). The City would remain a co-sponsor of the event and provide in-kind services, including police personnel. Event dates include July 8, August 12, September 9, and October 14, 2023. DSDC has reviewed the event application and are in favor of the festival in the Downtown area. City in-kind services would primarily be personnel related (i.e., delivery and pickup of barricades, trash receptacles, police presence, etc.), if co-sponsored. The estimated cost of services is roughly \$2,000 for a one-day event, the bulk of which is to pay for four police officers. When the event was held last year at the park, the City covered the cost of two officers. If the Police Department has recommended four officers for these events, then he recommends requesting that Waves Entertainment split the cost of the officers as is required for other events. The hours for the street closures will be from 2:00 p.m. to 7:00 p.m. with dismantle hours from 7:00 p.m. to 10:00 p.m. City Council is okay with both Options A and B but not using the church parking lot.

City Council moved this item to the Consent Agenda.

- XII Receive a report on the current state of parking in Downtown Statesville, key issues, and possible solutions. (Marlow-DSDC)**
- XIII Consider approving a financing proposal for the Municipal Operations Center (Warehouse) and Fire Station 1. (Smith)**
- XIV City Manager's Report**
- XV Advisory Boards Meeting Minutes**
 - 02/15/2023 Technical Review Committee Meeting Minutes
 - 03/01/2023 Technical Review Committee Meeting Minutes
 - 03/15/2023 Technical Review Committee Meeting Minutes
 - 03/28/2023 Planning Board Meeting Minutes
 - 04/05/2023 Historic Preservation Commission Meeting Minutes
 - 04/13/2023 Downtown Design Review Committee Meeting Minutes
- XVI Other Business**
- XVII Closed Session**

Council member Foster made a motion to move to Closed Session to discuss a Personnel matter, seconded by Council member Hudson. The motion carried unanimously.

Mayor Kutteh stated that while in Closed Session, City Council discussed a Personnel matter, 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 – MAY 01, 2023
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.

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

Council Absent: Wasson

Staff Present: Ron Smith, Fugett, Messick, Pierce, Harrell, E. Kurfees, Nesbit, Ferguson, Shelton, Holman, Gregory, Griggs, G. Kurfees, Onley, Ashley, Tart, Weatherman, NaKayla Griffin

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 stated that Items X and XI on the Regular Agenda were moved to the Consent Agenda at the Pre-Agenda Meeting. He asked for a motion on the amended agenda.

Council member J. Johnson made a motion to approve, seconded by Council member Foster.

V Code of Ethics

On behalf of Council member Allison, who has laryngitis, Mayor Kutteh thanked all staff who worked on removing a fallen tree after hours on Friday in the South Statesville's Park.

Mayor Kutteh thanked all that were involved in dealing with the downtown fires.

VI Presentations & Recognitions

Mayor's Cup Award - Present the 2022 Mayor's Cup Award to Blueharbor Bank.

Mayor Kutteh presented the Mayor's Cup Award to Blue Harbor Bank. Blueharbor Bank was selected to receive the Mayor's Cup Award for improving the appearance of Statesville at 108 North Tradd Street. The Mayor's Cup is awarded each year by the Community Appearance Commission to the person or business that has made a significant contribution to improving the appearance of Statesville.

Proclamation – National Police Week – May 14-20, 2023 & Peace Officers Memorial Day-May 15, 2023

Mayor Kutteh read and presented the proclamation to Statesville Police Sgt. Kevin Brookshire, Asst. Police Chief John Ivarsson, and Police Chief David Onley.

Proclamation – National Public Works Week - May 21–27, 2023 - “Connecting the World Through Public Works”

Mayor Kutteh read and presented the proclamation to Assistant City Manager Scott Harrell and Public Works Director Mark Taylor.

Proclamation – National Travel & Tourism Week - May 7-14, 2023

Mayor Kutteh read and presented the proclamation to Statesville Convention & Visitors Bureau members: Debbie Williamson, Jimmy Patel, Michelle Hepler, Donald Hicks, and Executive Director Cindy Sutton.

Presentation on the Green Street Cemetery by Juli Moore, Director of the Iredell County Library.

Good evening, I'm Juli Moore the Director of the Iredell County Public Library and I am here to provide an update on the Green Street Cemetery Ground Penetrating Radar Survey.

As a librarian, I strive to provide accurate information, which is difficult in a time where people rely heavily on the internet, and often don't fact check to see if their source is reliable or credible. There has been a lot of misinformation spread about this project and I hope to clear up some of this misinformation tonight.

This project has a lot of moving parts, collaborating agencies, and a variety of parameters which we need to be mindful of. In my opinion, a lot of the confusion comes from the County and the City being two separate entities. I am appreciative and excited that we are able to work together on this incredible preservation project. The County, specifically the Library is managing the grant and the City is responsible for the care and upkeep of the Green Street Cemetery. For the citizens this is irrelevant but from the standpoint of how each organization proceeds and the parameters in which the County and City operate it is not.

I loved what Vivian Williams said during the public comment period on April 17, 2023 at the City Council meeting, "This is phase 1, part A of the project," or how I like to refer to it, the first step of many. The Library is involved in the first step but moving forward the Library will not be a part of the additional steps the City takes unless our assistance or partnership is requested, as we do not want to overstep our bounds.

Grants are wonderful and complicated all at the same time. Grants provide the opportunity to have an impact or meet a specific need, but each grant has guidelines the recipient must follow to a T in conjunction with their organizations and partnering organizations operating procedures.

In case there are people in attendance this evening that are not familiar with the Green Street GPR Survey I will take a few minutes to provide some background information. The Iredell County Public Library applied for a \$20,000 Large Project Grant through NC Humanities last year and was awarded the grant in September 2022. The grant requires a 2 to 1 match, and the \$40,000 match is being provided in-kind.

The \$20,000 the Library received from NC Humanities will pay for the cost of the GPR survey in the amount of \$5,970 and materials and supplies in the amount of \$14,030. The matching funds provided in-kind by the Library and our community partners which include the City of Statesville, the Statesville Branch of the NAACP, and Downtown Statesville total \$53,430, well above the \$40,000 required. The Library and the community partners are providing

goods and services as opposed to money, while working collaboratively together and building relationships. This is a great time to point out that everyone working on this project is contributing their time, services, and expertise in addition to their regular duties and not in lieu of.

The NC Humanities Large Project grant funding period runs from November 1, 2022 through June 30, 2023. No funds were allowed to be expended nor could work be completed that was counted toward the in-kind match prior to November 1, 2022.

Len Strozier from Omega Mapping Services was awarded the contract to survey the cemetery. In order to select Omega Mapping, the Library was required to provide three quotes to the County's Purchasing & Contracts manager. Once the quotes were reviewed and Omega Mapping was selected, the contract had to be reviewed, approved, and signed. Once we had a signed contract, we contacted Omega Mapping to schedule the GPR survey based on their availability.

Approximately 70% of the survey has been completed to date. Mr. Strozier started the survey on Friday, March 24, 2023 and worked through Thursday, March 30, 2023. As of March 30th, Mr. Strozier had marked 1,673 graves with orange flags and documented 143 graves with tombstone markers for a total of 1,816 graves. The library has since identified nine more graves that had markers that had been grown over for a total of 152 graves with markers at this point.

The area behind the funeral home required further clearing and cleaning in order for Mr. Strozier to accurately complete the survey. The City of Statesville began clearing out this area on Wednesday, April 19, 2023 and the cleaning and clearing is estimated to be completed this week. This was a huge undertaking, requiring the removal of trees and overgrowth. Not to mention that prior to starting the survey we had to obtain approval from the owner of the land behind the funeral home to be able to clear it and conduct the survey.

I contacted Teddy Boller at Iredell County Solid Waste and inquired as to how many loads of debris were brought to the landfill from Green Street and what the associated costs were. Mr. Boller reported that 18 truckloads of debris were hauled from Green Street Cemetery with a chargeable weight of 29,280 lbs. or 14.64 tons, with a chargeable cost of \$585.60. The County approved waiving the tipping fees that the City would normally be charged. Once the cleanup is complete, we will schedule a time for Mr. Strozier to return and survey the remaining area along Elm Street and the area behind the funeral home. Mr. Strozier recorded the GPS coordinates of the 1,673 graves that he flagged up to this point. Once the survey is complete, he will provide a map of the cemetery with the location of each burial.

On Wednesday, April 12th from 12-5, the Library hosted a community service program, along with their partners, inviting members of the community to replace each flag with a permanent marker. A total of 35 community members assisted with this project throughout the day, including library staff, city staff, and members of the NAACP. In 5 hours, 1,400 flags were removed and replaced with permanent markers. The next day, Thursday, April 13th, Library employees Joel Reese and Shellie Taylor returned to install the remaining markers and a couple of community members showed up to assist.

The permanent markers were selected on the recommendation of Mr. Strozier. In the future, if the markers are grown over with grass their location will be easily identified with a metal detector. Also, if at some point small flat brick or stone markers are installed for each

unmarked burial the permanent metal markers should remain in place. The flat stone markers would not be able to be easily found if covered with grass, but the bolts would be able to be easily located as mentioned above.

Once the survey is complete, the Library will order the additional markers needed and host another program, inviting the community to participate again. Let me just say that installing the markers is very physical work. There were several community members that stopped by and offered moral support and kind words but were not physically able to assist with this aspect of the project. I will admit that I was sore for several days after installing quite a few markers.

After the additional markers are ordered and we know how much grant funding is available to work with the Library will meet with their community partners to determine the best sign options to present to the public for feedback and approval through 2 community forums. The forums will be held at City Hall and have been scheduled for May 16th and May 30th.

This project has been an honor and a privilege to work on. One of the things I love most about my job is the opportunity to have a positive impact on the community that I serve and have called home for 20 years, but this does not go without challenges. As with any project, program, and/or service that the library offers it is always hard to communicate and get the word out to the public. As I hope most of you know, the library is so much more than books and that message is not always heard or seen. This project has been no different, we have communicated updates through email, newsletters, on social media, in the newspaper, through our community partners, and by offering programs just to name a few. But if the community does not have email or check email on a regular basis, does not partake in social media, have access to the internet, get the newspaper, or come to the library, all the community is not reached.

I also want to express my great appreciation to the City of Statesville, the Statesville Branch of the NAACP, Downtown Statesville, library staff, the community, County Administration, and Iredell County Solid Waste. Without the support and collaboration of all these organizations and people this project would not be possible.

After the GPR survey grant project through NC Humanities is wrapped up the Statesville NAACP has committed to assist with the cost of cleaning and repairing the headstones in the cemetery.

Thank you for your time and attention and I am happy to answer any questions at this time.

Council member Allison thanked Ms. Moore and all those working on this project for everything they have done.

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 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 April 17, 2023 Pre-Agenda and City Council meeting minutes.

- B. Consider approving 2nd 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)*
- C. Consider approving 2nd 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)*
- D. Consider approving a resolution directing the City Clerk to Investigate a Petition of Annexation of AX23-07 from Clayton Homes of Statesville for PIN #4753-99-3612 for the property located at 413 Twin Oaks Road; Receive the City Clerk's Certificate of Sufficiency; Consider approving a resolution setting the date of May 15, 2023, for a public hearing for the petition for annexation. *(Ashley)*
- E. Consider approving 2nd reading of annexation request AX23-04, an ordinance to annex the 3 properties located on Whites Mill Road Drive, PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605; Larkin Front 9 (True Homes LLC) properties. *(Ashley)*
- F. Consider approving Samet Corporation to be the Prime Contractor for the construction of the new Airport Terminal Building. *(Ferguson)*
- G. Consider approving the Community Appearance Commission's request to purchase five sculptures to install at the proposed locations. *(Griggs)*
- X Consider approving a resolution to take over the maintenance of the abandoned Green Street Cemetery. *(Smith)*
- XI Consider approving a request from Waves Entertainment and All-American Stage, Sound and Lights, LLC to move the previously approved Second Saturday Festivals to Downtown Statesville. *(Griggs)*

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

REGULAR AGENDA

- IX Conduct a public hearing and consider approving first reading of AX23-05, an ordinance to annex the property located at the corner of James Farm Road and Glenway Drive. PIN #4745-78-7821 Falls Park (James Glen Multi-Family) property. Planning Director Sherry Ashley stated that the request was submitted by Elevation Acquisition & Development on behalf of Falls Park LLC. The parcel is approximately

16.73 acres and is located at the corner of James Farm Road and Glenway Drive. The property is the site of the proposed James Glen Multi-Family Development. The James Glen Multi-Family Development consists of 11 buildings and 264-units. 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; and is zoned R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District. The applicant requests voluntary annexation to utilize city water and sewer services.

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.

Chris Lemack with Elevation Acquisition & Development Group in Huntersville stated he would answer any questions Council has. There were no questions.

Council member Allison made a motion to approve first reading of AX23-05, seconded by Council member Hudson. The motion carried unanimously.

XII Receive a report on the current state of parking in Downtown Statesville, key issues, and possible solutions. (Marlow-DSDC)

Brittany Marlow reported information regarding the supply, demand, parking survey results, current issues, and potential short-term and long-term solutions for parking issues in Downtown Statesville.

Mayor Kutteh asked how many spaces were occupied out of the available 880 spaces. Marlow replied that 64% was the highest number occupied. She said there is still a lot of parking available at that point, but it is just on the outskirts.

XIII Consider approving a financing proposal for the Municipal Operations Center (Warehouse) and Fire Station 1. (Smith)

Mitch with Davenport Public Finance stated they have been assisting City staff to pursue financing for its two most current construction projects. A Request for Proposals (RFP) for a Direct Banking Loan financing was distributed on March 13, 2023 to over 50 lending institutions to fund the Fire Station 1 and the Municipal Operations Center. The institutions were asked to provide proposals for an Installment Financing to be secured by a Deed of Trust on the projects of up to \$12,000,000 with options for both 15- and 20-year terms. The City received six proposals for the 15-year option and three proposals for the 20-year option. The Truist Bank proposals provided the only interest rates that are held firm for a closing in mid-July, while the rest of the interest rate proposals received are subject to change until late May/early June. Final maturity on the loan would be 6/1/2038 (15-year term) or 6/1/2043 (20-year term). The total financing for the 15-year term is \$13,429,997 and the 20-year term is \$14,553,467. There are positives and negatives for each term. Based on Davenport's review of the proposals, analysis, and discussions with City Staff and Bond Counsel, Davenport recommends that the City move forward with the Truist 10-year par call interest rate option for either the 15-year or 20-year term. The Truist proposal provides the only interest rates that are locked through a potential closing date of mid-July. The 10-year par call prepayment option provides the lowest interest rate with a known prepayment cost and ability to refinance for debt service savings (subject to market rates). May 22nd, 2023, the Municipal Operations Center Project bids are received. At the June 5th meeting, the Council will hold a public hearing to consider adopting Preliminary Findings and Final Resolution establishing the final not to exceed total borrowing amount and other terms or conditions. The application for financing must be submitted by June 6, 2023, to the Local Government Commission.

Mayor Kutteh asked if these are annual payments. Mitch replied they are the total monthly payments, and they are semi-annual payments. Mayor Kutteh asked if there is a monthly payment option because it would make some difference in the amount of interest paid. Mitch replied he could ask for monthly and it would make a small difference, but whether the City does better or not depends on where interest earning rates are at compared to its loan rates.

Council member Jones asked Ron Smith if when he was looking at the overall budget and the general fund balance, capital improvement stuff forecasted out, what gives the city the most flexibility? The 15 year or the 20 year with a 10-year call option? Smith replied that since staff used the 5% planning rate, that gives us... to me these are such favorable comparisons to that. He said his personal preference has been the 15 year because as Mitch said, the difference in that first 10 years, each year is nominal and we are already seeing better than expected returns, through the reappraisal. What I think we are going to see is future growth that surpasses what I think is in the planning model for our next 10 years. Either one of them, in my opinion, we can support and gives us enough flexibility to do it. I would prefer getting it over with early and getting us to that point that after 10 years we have the flexibility to refinance.

Council member S. Johnson asked if this project is going to be done in phases regarding the warehouse. Smith replied that this is the garage. The \$2 million from the fire station and what we hope will be around \$8 million for the garage. The rest of that project will be handled through the Electric Utility Department, so that is going to be together, but the construction costs are split.

S. Johnson asked if the remainder of the project related to the warehouse is going to be funded out of enterprise funds or will we have to borrow more money that will have to be serviced out of the General Fund. Smith replied that it will probably be a mix of funds as we get to them. The next phase of the warehouse or the bigger warehouse project is the actual conversion of the garage to a warehouse. I think that is going to be made up with various funds because everybody uses it. Then we will get into the retrofit, or potential replacement, of the current electric building, which is the most money in the future phases, but this is about 3 years out. This will be partially funded by enterprise funds, if not entirely by enterprise funds and will depend on what staff are going to be in the building.

Mayor Kutteh asked if it was considered to take some component for the General Fund, because it seems as if we are going to have another significant cost of issuance that could have been consumed in large part in this one if we had done 15 instead of 12 now for example. Mitch replied that the current project for what we are calling the warehouse is Phase One. It is a combination of General Fund and Electric Fund. The \$10 million for this phase is just the General Fund. Then I believe they're scheduled up to maybe five total phases, and there could be in the capital planning model we've looked at, there's additional borrowings for the General Fund in future years for those future phases. The reason why we can't necessarily get ahead of that and borrow for more of those phases right now is because we must get approval from the Local Government Commission for all our debt financing. The reason why we cannot necessarily get ahead of that and borrow for more of those phases right now is because we must get approval from the local government commission for all our debt financing. One of the findings they must make is that a borrowing is adequate, but not excessive and to make that finding, they look to

see what the project bids are. Do we have a fixed firm cost for the project? Phase One is the only phase right now that we have a Fixed Cost for, of the General Fund components, so that would preclude us from borrowing for these future projects.

Smith said it would be all but impossible to get to that point, because if you remember how we are doing the warehouse project, we are starting with this, and then we must shift to build out the entire project, so it is probably a six or eight or longer year total build out on that campus.

Mayor Kutteh asked what is in the budget for cost of issuance and is that generally a percentage of the issuance? Because if not, then we are paying more in the lender's counsel fees. I don't know if you pay them that much more for 15 million than you do for 10 million. Mitch replied that they are generally mostly fixed costs related to the financing, so whether that fee is a lender's counsel fee, that is Truist's counsel fee I do not see that vary much with the size of the loan. It tends to be fixed. The other costs of issuance are all generally fixed within a range. Title insurance components and when we must get title insurance or things related to real estate can vary based upon the low amount loan amount.

Mayor Kutteh stated that it looks to him as if our cost of issuance is going to be excessive over time by doing a phase. If we're going to spend 175,000 the next time when we borrow two or three or five and another 170,000, then suddenly, 4.04 is not as generous as it sounds. Mitch pointed out there is also the possibility of combining with other projects as Council does other projects in the General Fund. What Council would normally do is try to time them like it did with the fire station and the warehouse so they can be done at the same time to minimize the total amounts.

Mayor Kutteh said he likes the deal, the 15-year option. He likes the fact that the 4.04 is not much more than their MWC number, so that's pretty good. He just does not like the fact that a year from now, or two years from now, or whenever we get around to it, but he does not like paying a big number for the same kind of service.

Council member S. Johnson said he does not like being told that Council must do this by Friday, May 5th or the City cannot be guaranteed this rate or these terms. Why was this not presented two weeks ago? The other thing is, if this is going to be paid all out of the operational budget, then why are we not paying at least some of it out of that cash reserve so that we can reduce the budgetary impact in subsequent years like I've been arguing, but every time I bring that up, we need to think more strategically in terms of the context of the budget, but it seems like now we're on the verge of borrowing \$12 million with no discussion at all about the context of the budget. If it needs to work one way, it needs to work both ways. If we did pay some of that money down here and you were on the 20-year, if you paid half of it down, we could save \$300,000 a year and that gives us more latitude to do some other things. When we finally get the numbers on the revaluation, I think we're looking at about 6.1 million in new money. I'll go down my list of budget items again. A million for the police that we have already committed to, and I'm not willing to back out of that, I think that was absolutely necessary. We have \$300,000 for the pay study. If Ron goes through, and I'm not going to throw the percentage out because I do not want to box him, the pay raise, which is surely needed because our folks have been taking it on the chin the last couple years like the rest of us, and believe me, in my small business getting help is a competitive market right now. You have to pay them a pretty good rate or you're not going to get good help. So that was \$1.8 million.

Then we're going to eliminate the solid waste fee, and if we do this, we're down to a little bit about \$2 million. And for heaven's sake, we're hitting the folks with a 31% tax increase. We hadn't even spoken of any potential tax relief on that. So that brings me down to what's the expected increase in sales tax revenues in terms of real dollars. Do we know that yet?

Ron Smith replied that he did not remember the exact number, but staff is assuming it will be relatively flat this year, but again, this year has been a growth year as they have been for the last three or four.

Mayor Kutteh added, that even under this 15-year scenario, we're going to need \$3.5 million to pay it off at the end of 10-years. One option then will be to go to the fund balance and just say, we don't need to finance it further, we have gotten our benefit from the financing part of this, if we're still in good shape, we would have that. That is what I see of some of the flexibility of that cash reserve or General Fund balance.

Council member S. Johnson said one last consideration he had was that the manager put 1.4 in, and my interpretation of that is operational capital needs, but at 6% inflation, if it holds up, and it looks like it sure is not transitory. Folks, the price, everything doubles about every eight years. That 1.4 in four or five years is not going to be enough money. You are going to have to have some latitude in this budget to add to that or you are going to begin to fall behind again on operational capital needs.

Council member S. Johnson asked what the drop-dead deadline is with the LGC. Mitch replied that they are going to the LGC July 11th meeting, and our application will be due to them on June 6th, and there is a preliminary letter that must be sent by May 26th.

Ron Smith stated that the quick turnaround is because Truist is the only one that has given us a true rate that has not got some level of risk associated with it, because we have a closing that is in July, so that is really what is driving that deadline, they are only willing to hold it for so long.

Mitch stated that Truist's original proposal was not held firm until after this Council meeting. Staff went back to them and asked them to give us another proposal that would be held firm until after this meeting. They originally were going to do tomorrow, and we were able to push it out to Friday.

Mayor Kutteh stated that he does not know if this plays into it at all, but he would guess that Council would have normally received the budget message and the budget at this meeting, so some of these questions about how the budget looks would have been known contemporaneously with this information, because I think all of us are not nervous about the budget, but interested in what has been proposed for salaries and capital needs and how does that work in, and what other revenue sources have you found. I guess we are relying on the City Manager saying that what he knows as City Manager about the budget is consistent with what has been proposed here, and that he has incorporated the first year's payment into the budget and can present Council a budget that balances with that.

Ron Smith replied that is correct. He has looked at the future projects and in the Capital Improvement Plan there is a Fire Station 5, a Police Department expansion, all the future phases of this project, and others. He said these are the ones just off the top of my head that he knows the prices are not going down and all the flexibility that we have by shifting that \$10 million or so over from Fund Balance to float these projects over time, we need

that flexibility. There are going to be opportunities, I think, to buy down like with the Fire Station, probably to buy down on the Fire Station 5, on the PD and do that type of thing. He said he has been cautious because he sees all these projects and there is momentum behind the projects, because Council has said you want to do these things over the next five years and staff is trying to figure out a way to make sure we can make those happen. This is a good budget year, but it is at least partway due to the very good reappraisal that we have seen.

Mayor Kutteh stated that now would be a good time to see if we can get a motion from the Council and then if we get a motion and a second, we can continue our discussion further and come to some conclusion about that.

Council member Jones made a motion to accept the 15-year term with a 10-year Par Call, seconded by Council member Foster.

Council member Allison stated that say, Council is in a delicate situation right now and to have all these banks and only one decided to work with us, and we need them, they don't need us. There are going to be what ifs, we can deal with the what ifs, but if we lose this opportunity now, we are going backwards, and we do not have time to go backwards. The economy is pretty good right now, so we need to move on to what is good right now and move it forward.

Council member S. Johnson said he understands these things, but what he is trying to move forward with is a discussion about why there is a rush to borrow the entire amount that is being paid for out of the General Fund. The City should shift as much as it can to the enterprise funds, and if we do use some of that fund balance to pay it down, then we can start building that money for the next project that is going to come out of the General Fund.

Council member Jones stated that if we lock in at this rate now, most likely the rates are going to rise as well as the cost. It will give us the flexibility to use our cash to pay for those projects. To Council member Lawton's point, as long as we are staying within our fund balance guidelines of somewhere between 25 and 30%, we should be good. Council member Foster agreed.

Mayor Kutteh called for a vote on the motion. The vote on the motion was as follows:

Ayes: Jones, Foster, Allison, Lawton, Hudson

Nays: S. Johnson, J. Johnson

Motion Carried: 5-2 (Wasson Absent)

Council member S. Johnson stated that he supports the project, he just thinks there is a better way to finance it. Mayor Kutteh said he believes that all of Council agrees with Council member S. Johnson that the enterprise funds bear their fair share of the project. Mitch said that part of this first phase is being born by the Electric Fund. He would like for Council and staff to look more carefully at the electric and other enterprise funds that may be able to participate in the rest of the warehouse complex project.

XIV City Manager's Report

Ron Smith apologized that Council did not receive the budget tonight, but Council will receive it at the May 15th meeting.

On June 20th, there is going to be a Housing Symposium that the Statesville Housing Authority has initiated with Central Regional Council and the City as co-sponsors. We are going to work with them to talk about the state of housing similar to what Matthew had talked about a month and a half or so ago, but on a larger scale, interactive. The entire Council is invited. He will get more information out on that a little bit closer to the date.

Saturday, May 6th from 10:00 a.m. to 12:00 p.m. there is going to be a cleanup of the Free Nancy Branch at Mac Anderson Park, so in the same vein as the community cleanups Adopt a Street, they are going to do a project out at Mac Anderson Park.

XV Advisory Boards Meeting Minutes

02/15/2023 Technical Review Committee Meeting Minutes

03/01/2023 Technical Review Committee Meeting Minutes

03/15/2023 Technical Review Committee Meeting Minutes

03/28/2023 Planning Board Meeting Minutes

04/05/2023 Historic Preservation Commission Meeting Minutes

04/13/2023 Downtown Design Review Committee Meeting Minutes

XVI Other Business - None

XVII Closed Session - None

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

Constantine H. Kutteh, Mayor

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Marci Sigmon, Planner II

DATE: May 01, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request to demolish the existing structure located at 113 Garfield Street.

- 1. Summary of Information:** The structure located at 113 Garfield Street was constructed ca. 1925 and is owned by the Statesville District of the Western North Carolina Conference of the A.M.E. Zion Church. The building historically served as the district office of the presiding elder over the Western North Carolina Conference of the A.M.E. Zion Church.

The owner is requesting to demolish the building due to severe disrepair. The building is experiencing structural issues with the supporting wood joists decaying and the interior floors falling in. The exterior of the structure has been renovated by adding vinyl siding. The church will clear the debris where the building once stood and sow the area in grass seed when demolition is complete.

- 2. Previous Council or Relevant Actions:** The Statesville Design Review Committee recommended the demolition of the structure at a called meeting on April 26, 2023. All demolitions in the Downtown Statesville Overlay Area require approval by the city council.
- 3. Budget/Funding Implications:** N/A
- 4. Consequences of Inaction:** The applicant will not be able to demolish the structure, therefore creating a nuisance and hazard on the property.
- 5. Staff Recommendation:** Staff recommends the demolition of the structure located at 113 Garfield Street.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If approved, the applicant will obtain a demolition permit to remove the existing structure and sow the area with grass when demolition is completed.
- 8. Attachments:**
1. Aerial photograph.
 2. Site photographs.

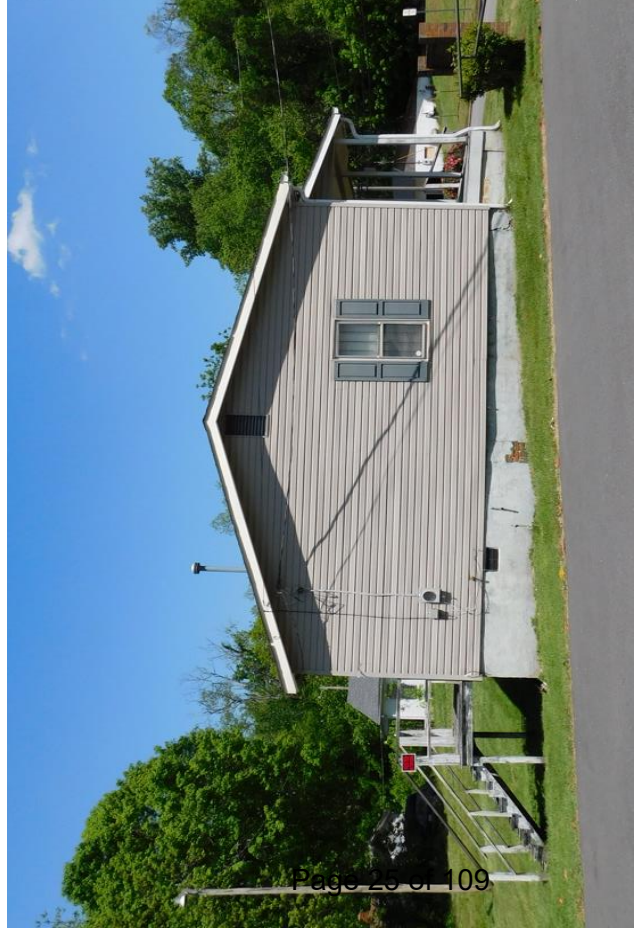
113 Garfield Street



Front Elevation



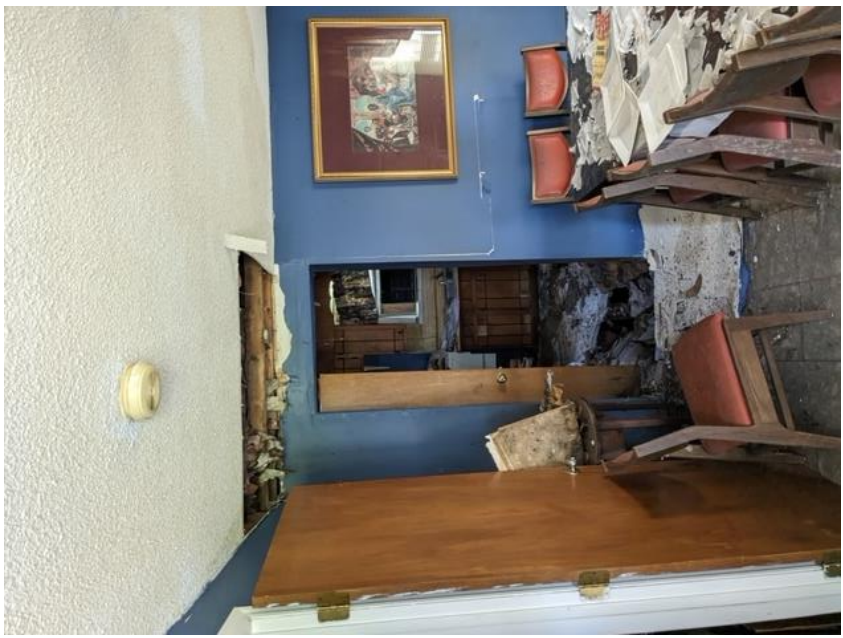
Rear Elevation



West Elevation



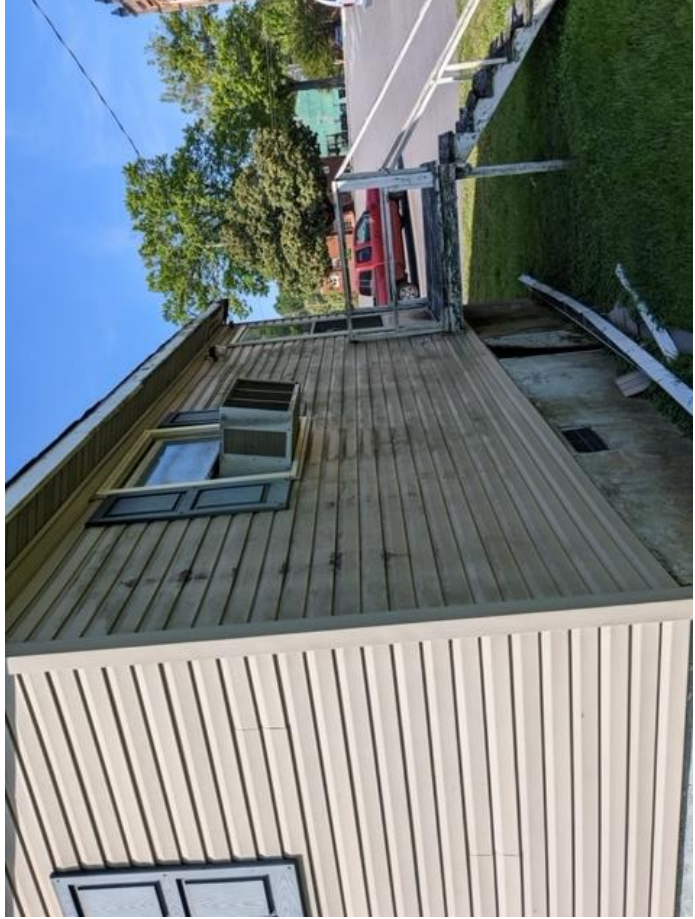
East Elevation



113 Garfield Street – Conditions Provided by Applicant



Supporting Beams
Failing



CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: April 19, 2023

ACTION NEEDED ON: May 1, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of AX23-05, an ordinance to annex the property located at the corner of James Farm Road and Glenway Drive. PIN #4745-78-7821 Falls Park (James Glen Multi-Family) property.

- 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. The property is the site of the proposed James Glen Multi-Family Development. The James Glen Multi-Family Development consists of 11 buildings and 264-units. 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 zoned R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District. The applicant requests voluntary annexation to utilize city water and sewer 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). The public hearing for the annexation was held on May 1, 2023, and Council approved the first reading with a unanimous vote. Chris LaMack representing the applicant was the only person to speak at the hearing.
- 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). Both Iredell Water Corporation and City of Statesville water is available, 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 approving 2nd reading of the ordinance to annex the property located at the corner of James Farm Road and Glenway Drive.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If 2nd reading is approved, the annexation will become effective on May 31, 2023.
- 8. Attachments:** In previous packet, no changes.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Ferguson, Airport Manager
DATE: May 3, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a contract with Samet Corporation for the construction of the Airport Terminal building.

- 1. Summary of Information:** After a selection process, Samet Corporation was selected based on qualifications of the firm. Guaranteed Maximum Price for the cost of the building will be determined soon. The contract has been reviewed by the City Attorney and the Architect, Lyndsey Architecture.
- 2. Previous Council or Relevant Actions:** Approved selection of the Contractor at the May 1, 2023 Council meeting.
- 3. Budget/Funding Implications:** 100% grant from the NC SCIF Funds.
- 4. Consequences for Not Acting:** Building not constructed.
- 5. Department Recommendation:** Airport management recommends approval.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** Contractor will establish a Guaranteed Maximum Price for the construction of the building and will establish a construction schedule as determined by the architectural plans.
- 8. Attachments:** Contract will be provided separately.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Ferguson, Airport Manager
DATE: May 3, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving Budget Amendment #2023-32 to move the interest accrued up to \$30,000 on a \$500,000 grant from the North Carolina SCIF Fund.

- 1. Summary of Information:** Per State policy, interest that accrues on SCIF funds must be used for the stated purpose of the grant. This grant was used for hangar improvements and land acquisition at the airport. This BA will move the interest that has accrued so that 100% of the funds can be expended. These funds were used to purchase property on Eldorado Road and hangar improvements to include LED lighting, replace hangar insulation, hangar door replacement, and concrete steps to a hangar.
- 2. Previous Council or Relevant Actions:** Approved to receive the funds.
- 3. Budget/Funding Implications:** The airport has expended 100% of the grant funds.
- 4. Consequences for Not Acting:** N/A
- 5. Department Recommendation:** Airport staff recommends approval.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** Transfer the funds.
- 8. Attachments:** BA #2023-32

May 15, 2023
FISCAL YEAR 2022-2023

Airport Fund

DESCRIPTION: To receipt Investment Earning revenues and to appropriate cooresponding expenditures in the Airport SCIF Fund

APPROVED BY CITY COUNCIL:

Michelle Holman

Interim CFO

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: David Onley, Chief of Police
DATE: May 8, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request to transfer an insurance reimbursement in the amount of \$32,500 to the Police Department and approval of Budget Amendment #2023-33.

- 1. Summary of Information:** The City of Statesville received an insurance reimbursement check in the amount of \$32,500 for police vehicle #199 that was totaled last year in a vehicle collision. The Police Department is requesting those funds be placed in account # 010-5100-74.00 for the purchase of a replacement vehicle. The Police Department will utilize these funds and funds existing in its vehicle maintenance account 010-5100-15.03 to pay for a replacement vehicle and upfit.
- 2. Previous Council or Relevant Actions:** No prior Council action.
- 3. Budget/Funding Implications:** Costs associated with the purchase of a replacement vehicle will be covered by the insurance reimbursement amount and existing funds in the department's vehicle maintenance account.
- 4. Consequences for Not Acting:** Failure to permit this request will not allow the agency to replace the police vehicle and maintain a fully operational fleet.
- 5. Department Recommendation:** Staff recommend approving the request to transfer insurance reimbursement funds to the Police Department to purchase a replacement vehicle.
- 6. Manager Comments:**
- 7. Next Steps:** If approved, staff will locate a new or used vehicle to replace vehicle #199.
- 8. Attachments:**
 1. BA #2023-33

CITY OF STATESVILLE
BUDGET AMENDMENT #2023-33
May 15, 2023
FISCAL YEAR 2022-2023

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Airport Fund					
010.0000.380.10.00	Revenue	Insurance Proceeds	-	32,500	32,500
Total Revenues			<u>62,975,044</u>	<u>32,500</u>	<u>63,007,544</u>
010.5100	Expenditure	Capital Outlay - Equipment	1,200,616	32,500	1,233,116
Total Expenditures			<u>62,975,044</u>	<u>32,500</u>	<u>63,007,544</u>

DESCRIPTION: To receipt Insurance Proceed revenues and to appropriate cooresponding expenditures in the Police Department.

Budget Officer

APPROVED BY CITY COUNCIL:

City Clerk



Interim CFO

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 2, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving first reading of AX23-07, an ordinance to annex PIN #4753-99-3612, a property located at 413 Twin Oaks Road submitted by Clayton Homes of Statesville.

- 1. Summary of Information:** The property being considered for annexation has been submitted by Clayton Homes of Statesville. The parcel requesting annexation is approximately .5 acres and is located at 413 Twin Oaks Road (see *attached Location Map and GIS Aerial Photo*).

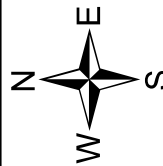
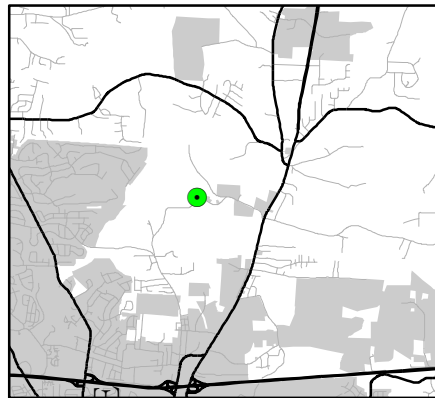
The applicant has placed a manufactured home on the property (see *attached Boundary Survey and Site Photos*). The parcel being requested for annexation is located in the Iredell County zoning jurisdiction; and is currently zoned Iredell County RA (Residential Agricultural) (see *attached Current Zoning & Utilities Map*).

A City-initiated rezoning request will follow the annexation process; staff and the property owner support a zoning designation of RA (Residential Agricultural) District, which mirrors the designation assigned to the neighboring lot located inside the City limits (see *attached Current Zoning and Utilities Map*). The applicant requests voluntary annexation to utilize city electric and water services.

- 2. Previous Council or Relevant Actions:** As noted above, a city-initiated rezoning action will follow the annexation.
- 3. Budget/Funding Implications:** The current tax value of the parcel requesting annexation is \$11,250. The applicant estimates that the project value would be approximately \$196,000. City of Statesville electric and water services are available, a private septic system will be installed.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes. Without annexation, the property owner could still access water at 2½ times the rate.
- 5. Department Recommendation:** The department recommends approving first reading of the ordinance to annex the property at 413 Twin Oaks Road.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If approved, the 2nd reading will be on June 5, 2023.
- 8. Attachments:**
1. Location Map
 2. Boundary Survey
 3. GIS Aerial Photo Map
 4. Site Photo
 5. Current Zoning & Utilities Map
 6. Ordinance

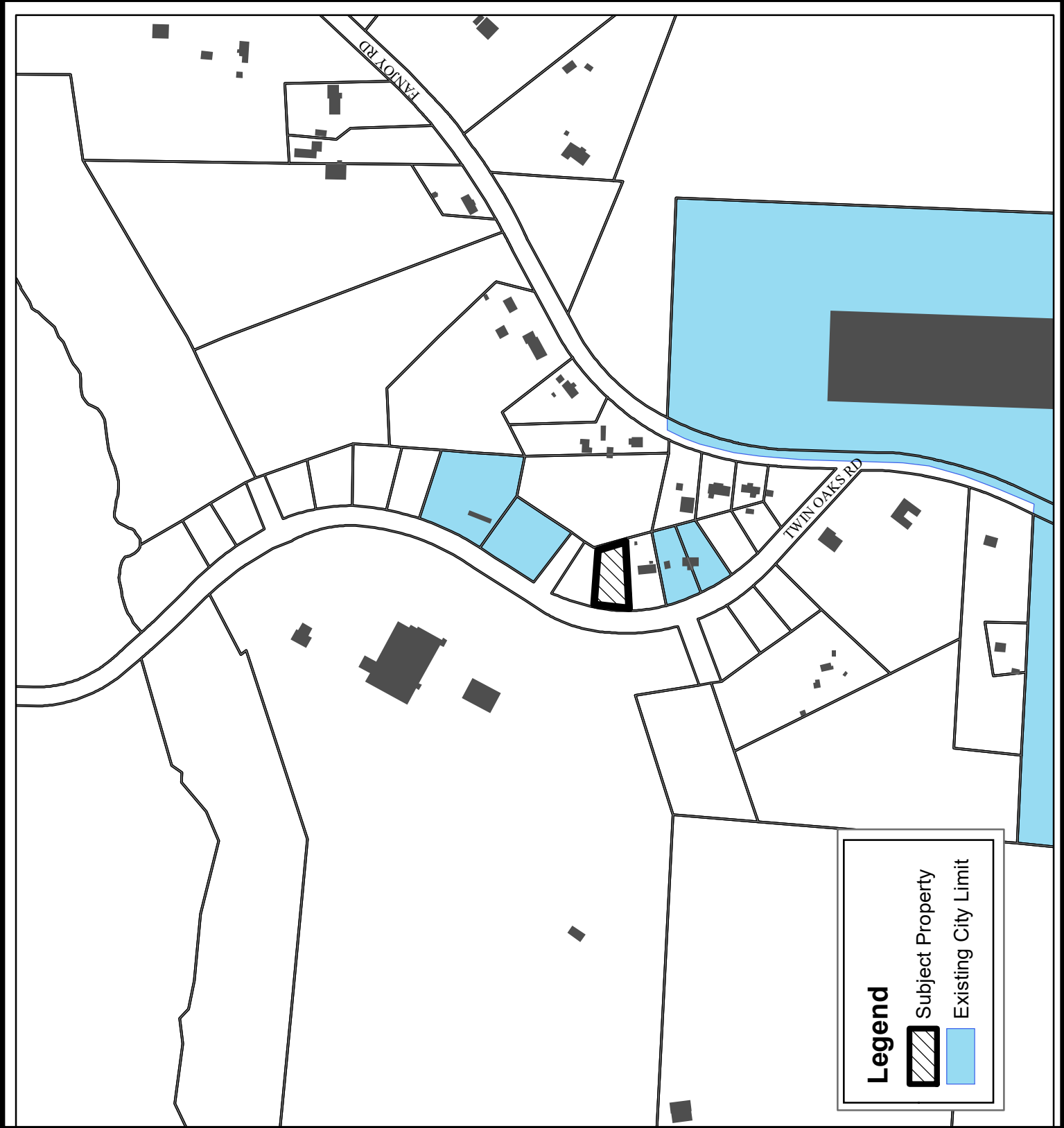
City of Statesville Planning Department

Clayton Homes of Statesville
AX23-07
PIN # 4753-99-3612



0 345 690 Feet

1 inch = 416.666667 feet



Legend
 Subject Property
 Existing City Limit

Notice

- Property subject to any easements and right of way on record, and all NC2007 easements and rights of way.
- This survey is subject to any facts that may be disclosed by a full and accurate title search.
- Area determined by coordinate computations.
- No NGS or NC2007 Horiz. Control Monument found within 2,000 feet of the site.

• This survey plot does not show any unrecorded, written or unwritten easements, dedications or other encumbrances. Such encumbrances could exist on this property and not appear on this plot. Accordingly, users of this plot are warned to remain alert for the existence of such unrecorded burdens not shown herein.

• This plot was drawn for the exclusive use of the party named herein. Said certificates do not extend to any unnamed person without an express recertification by the surveyor naming said person.

• The Global Navigation Satellite System (GNSS) was used to perform to geospatial positioning accuracy standards, part 2 standards for geodetic networks at the 95% confidence accuracy classification (95% confidence) using real time kinematic.

I, Ted M. Benbow, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and that the following information was used to perform the survey, and that this map meets the requirements The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).

Class of Survey: CLASS A
Positional Accuracy: 0.07'
Type of GPS Field Procedure: RTR
Date of Survey: 03/29/2023
Datum/EPOCH: NAD83 (2011)
Published/Flow-Control Use: WRS
GEOD Model: 2016
Combined Grid Factor: 0.9997796
Units: US Survey Feet

Witness this my original signature, registration number and

and this 30th day of March, 2023 A.D.

Ted M. Benbow
Ted M. Benbow NC PLS L-3175
Firm License # C-1268



TED BENBOW
Land Surveying

Proudly Surveying Iredell County
Since 1989
630 SIGNAL HILL DRIVE EXT., STA 755/116, NC 28625
PHONE (704) 878-9661
www.boundarydevelopment.com

Flood Hazard Area Certificate

According to mapping provided by the Federal Emergency Management Agency and shown on the Digital Flood Insurance Rate Map (DFIRM) Panel 4753, Iredell County North Carolina, effective date: 3/16/2006, the property shown herein is not located within a special flood hazard area. The property is entirely within an area designated "Zone X - other areas". Areas determined to be outside the 0.2% annual chance floodplain: areas outside future conditions 1% annual chance floodplain.

Zoning

ZONING: RA (Iredell County)
Building Setbacks
Front - 35'
Side - 15'
Rear - 35'

Boundary Survey For: Clayton Homes

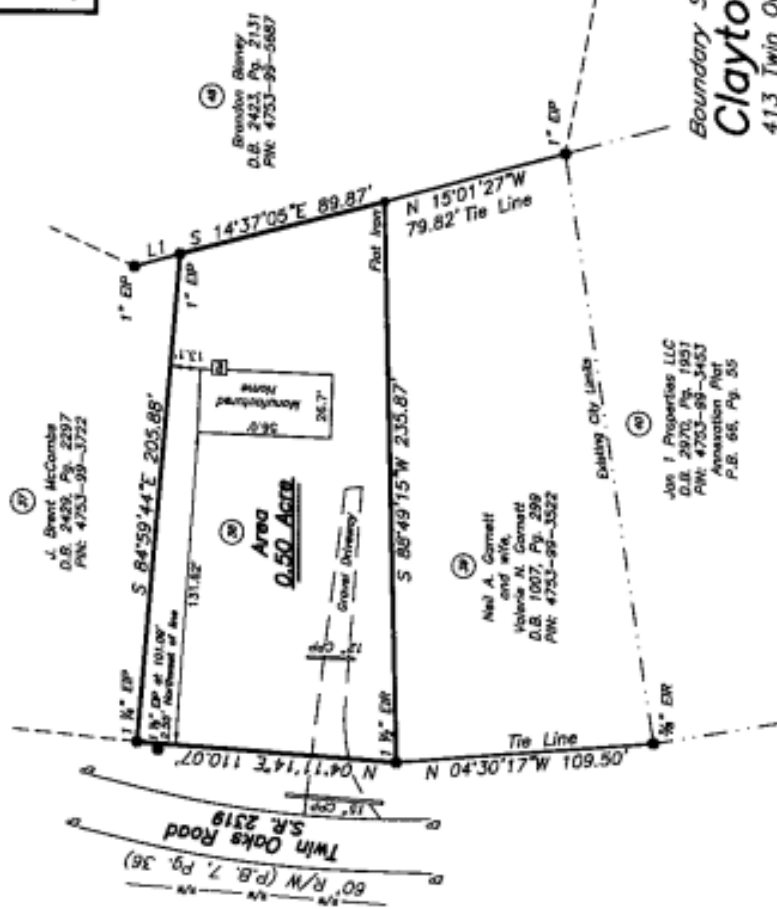
413 Twin Oaks Road, Statesville
Chambersburg Township, Iredell County, NC
Owners of Record: CMH Homes, Inc.
Deed Reference: D.B. 2917, Pg. 487
Plat Reference: P.B. 7, Pg. 36
PIN: 4753-99-3612
Job Number: 230397.DWG (230397.CRD)
Field Work: 03/29/2023
Plat Date: 03/30/2023 Drawn By: DP



GRAPHIC SCALE - 1" = 50'

Unless otherwise indicated, all distances shown are grid distances. To convert to ground distance, divide the grid distance by the combined factor.

Course	Bearing	Distance
L1	S 15°27'35" E	20.12' Tie Line



Jon J. Properties LLC
D.B. 2973, Pg. 193
PIN: 4753-99-3453
Assessment Plat
P.B. 66, Pg. 55

Neil A. Gornall
and wife,
Valerie N. Gornall
D.B. 1007, Pg. 299
PIN: 4753-99-3522

J. Brent McCombs
D.B. 2426, Pg. 2297
PIN: 4753-99-3722

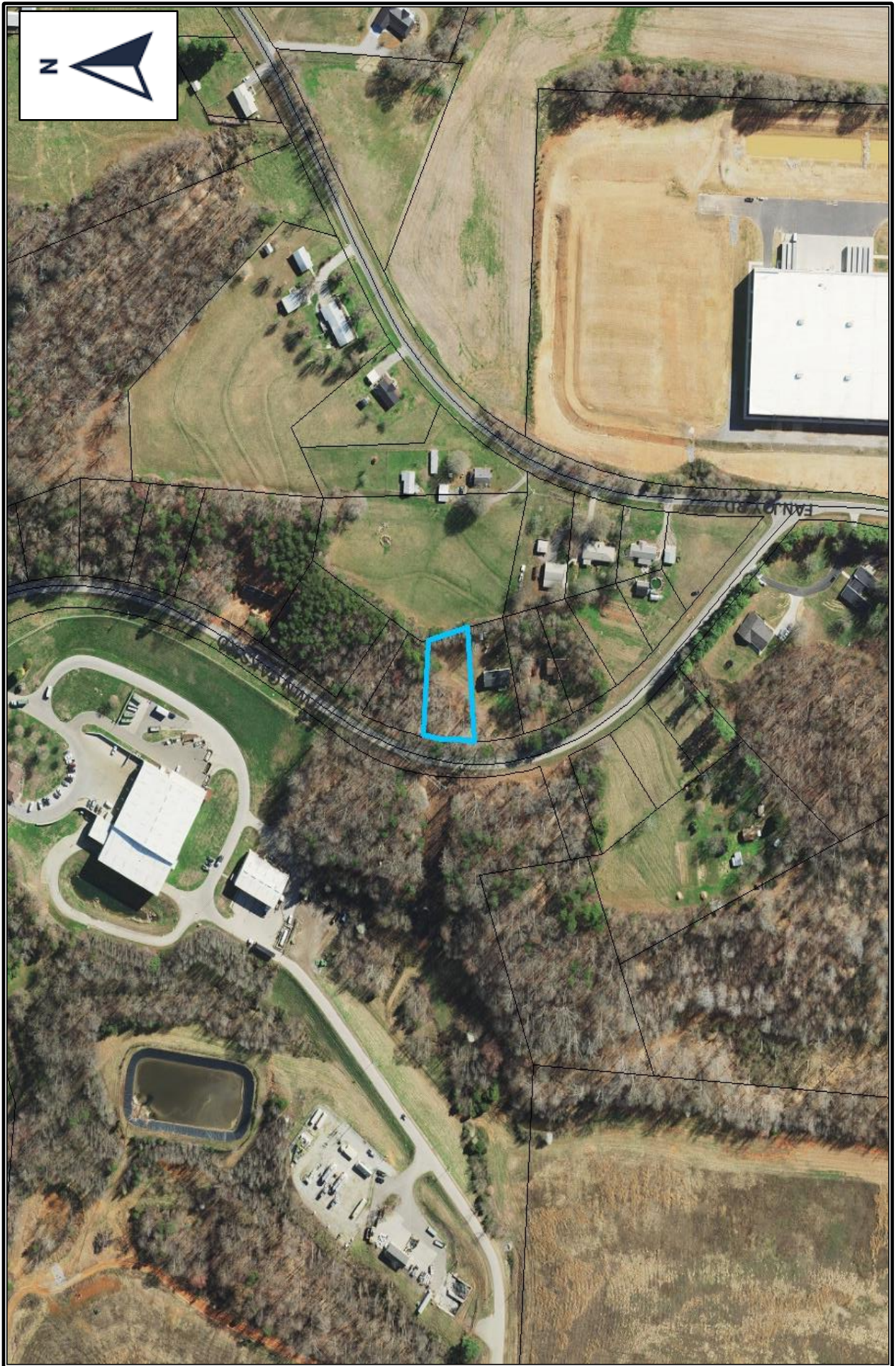
Brandon Boney
D.B. 2423, Pg. 2131
PIN: 4753-99-3687

Legend

- EXISTING MONUMENT FOUND AS INDICATED
- ELECTRIC METER
- EXISTING IRON PIPE AS SHOWN
- EXISTING IRON ROD AS SHOWN
- PARCEL IDENTIFICATION NUMBER
- EDGE OF PAVEMENT
- R/W
- RIGHT OF WAY
- NOT TO SCALE
- CORROGATED PLASTIC PIPE
- LINE SURVEYED
- LINE NOT SURVEYED
- RIGHT-OF-WAY LINE
- GRAVEL DRIVE LINE
- CITY LIMITS LINE

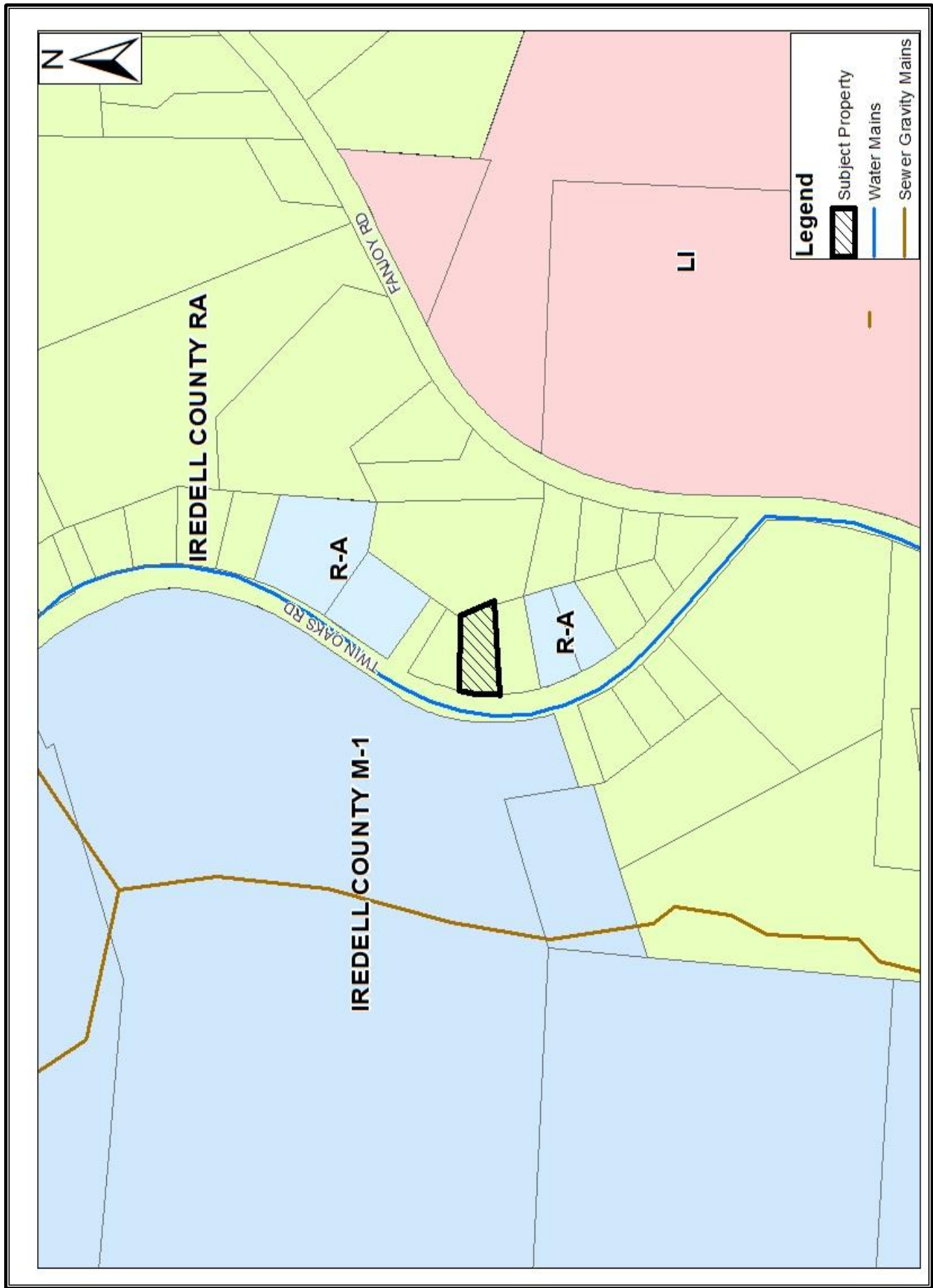


Vicinity Map, NTS





Site Photo – AX23-07 Clayton Homes of Statesville
PIN # 4753-99-3612
View from Twin Oaks Road looking East onto subject parcel.



Case No. AX23-07 Clayton Homes of Statesville
Current Zoning & Utilities Map – PIN # 4753-99-3612

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

**Clayton Homes of Statesville
AX23-07
4753-99-3612**

WHEREAS, the Statesville City Council has petitioned under G.S. 160A-58.1, to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Statesville City Hall at 7:00 o'clock p.m. on the 15th day of May 2023 after due notice by publication on the 5th day of May 2023; and

WHEREAS, the Statesville City Council finds that the area described therein meets the standards of G.S. 160A-58. 1(b), to wit:

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

WHEREAS, the Statesville City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Statesville City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED BY the Statesville City Council of the City of Statesville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described noncontiguous territory is hereby annexed and made part of the City of Statesville, as of the 30th day of June 2023 at 11:59 p.m.

Description

All of these certain lots or parcels of land situated in Iredell County, North Carolina and more particularly described as following:

Being a 0.50 acre tract of property described in Deed Book 2917, Page 487; lying in Chambersburg Township, Iredell County, North Carolina; bounded by natural boundaries and/or lands now or formerly owned by and/or in possession of persons as follows: on the North by J. Brent McCombs (Deed Book 2429 Page 2297), on the East by Brandon Blaney (Deed Book 2423 Page 2131), on the South by Neil A. Garnett and wife, Valerie N. Garnett (Deed Book 1007 Page 299), and on the West by Twin Oaks Road (S. R. 2319) being more particularly described by courses and distances at the surface according to a survey plat titled Boundary Survey for Clayton Homes, being job number 230397, with a plat date of March 30th 2023 by Ted M. Benbow, PLS L-3175, as follows:

BEGINNING at a 1 1/2" existing iron rod at the right-of-way for Twin Oaks Road (S.R. 2319) and being the southwest corner of subject property;

THENCE with Twin Oaks Road (S.R. 2319), North 04 degrees 11 minutes 14 seconds East for a distance of 110.07 Feet to a 1 1/4" existing iron pipe THENCE with McCombs line, South 84 degrees 59 minutes 44 seconds East for a distance of 205.88 Feet to a 1" existing iron pipe; THENCE with Blaney line, South 14 degrees 37 minutes 05 seconds East for a distance of 89.87 Feet to an existing flat iron; THENCE with Garnett line, South 88 degrees 49 minutes 15 seconds West for a distance of 235.87 Feet to the point of beginning.

Property Address: 413 Twin Oak Road, Statesville, NC 28625

Section 2. Upon and after June 30, 2023 at 11:59 p.m., the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Statesville and shall be entitled to the same privileges and benefits as other parts of the City of Statesville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Statesville shall cause to be recorded in the office of the Register of Deeds of Iredell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Iredell County Board of Elections, as required by G.S. 163-288.1.

The Ordinance was introduced by a first reading by Council member _____, seconded by Council member _____, and unanimously carried on the 15th day of May 2023.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the 5th day of June 2023 and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:

NAYS:

The Ordinance to be in full force and effect from and after the 30th day of June 2023 at 11:59 p.m.

City of Statesville

Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

APPROVED AS TO FORM:

Leah Gaines Messick, City Attorney

CITY COUNCIL ACTION REQUEST

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

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

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving first reading of rezoning request ZC23-05, Greenbriar Ridge, Tax Parcel #4754-23-6335; a proposal for a major amendment to the concept plan for the rezoning of approximately 87.39 acres located on E. Greenbriar Road; zoned R-8CZ Cluster for the Greenbriar Ridge subdivision.

1. Summary of Information:

Rezoning Request

D.R. Horton, Inc. (applicant), on behalf of Chelsea L. Sharpe Heirs & Bettye Tull (owners), is requesting significant changes (major amendment) to the concept map for Greenbriar Ridge development; an 87.39-acre parcel of property, which was recently rezoned from R-A and R-8 MFM to R-8 CZ Cluster Subdivision on October 3, 2022 to provide a single-family residential development utilizing the Cluster Subdivision development pattern (*see attached Location and Current Zoning & Utilities maps*).

The major significant changes are as follows:

1. Development Phasing Lines moved.
2. Units developed in phases changed:
 - Phase 1 - From 99 units to 150 units
 - Phase 2 - From 145 units to ~~90 units~~ (Revised to 92 units) (~~loss of 4 lots,~~ revised loss of 2 lots)
3. Shifted position of stormwater ponds
4. Public street layout changed
5. Creek crossing changed
6. Alteration to walking trail
7. Walking trail not showing in Phase 1
8. Portion of building lots have been repositioned or have a change in size
(See amended concept plan)

Evaluation

The proposed project site is on approximately 87.39 wooded acres primarily located along the north side of East Greenbriar Road, generally between Industrial Drive and South Greenbriar Road in southeast Statesville (*see attached Aerial Photo Map and Site Photos*). The property was originally rezoned on October 3, 2022, and annexed on December 31,

2022. There are the remnants of an existing home and outbuilding on the property that will require demolition permits. The intent is to amend the concept plan (major amendment) that will allow them to make changes to Open Space location, Public Road layout, Walking Trail routing and relocation of Development Phasing Lines.

The significant changes are as follows:

1. Some of the Open Space areas were decreased while some were increased, but the applicant attests that the project still meets the open space requirements. ~~Need to provide a table for open space on the plan.~~ Table has been provided.
2. Some of the public streets inside the development have been moved, some removed, and some added. The creek crossing on the west side, near BMP A (sediment pond) has been removed, while a new creek crossing has been added on the Northeast side, near Open Space C (on the concept plan). A new cul-de-sac has been added to the Northwest end of Road L, close to the entrance from Ora Drive. It is important to note that the entrance to Ora Drive has not been changed.
3. The creek crossing for the walking trail near BMP B has been removed and the trail will now continue along the West side of the creek to a new creek crossing where the new road crosses the creek due Northeast of the former location.
4. Building lots 72 thru 93 have been moved around to accommodate the revisions.
5. BMP C and BMP D (stormwater ponds) have been shifted.
6. Finally, the development phasing lines have been re-drawn, shifting most of phase 1 toward the Eastern part of the development. ~~Phase 1 does not include the walking trail as specified in the conditions of approval and the buffer in Northwest corner near Ora Drive cannot be part of the lots.~~ The concept plan has been revised since the Planning Board meeting. The walking trail is within Phase 1 and the 15 ft. buffer between lots 86, 97, 98 and the adjacent property is in compliance.

- 2. Previous Council/Relevant Actions:** City Council approved the original rezoning request on October 3, 2022 (see attached original conditions). The Planning Board at their April 25, 2023, meeting voted unanimously to approve the major amendment with the following conditions: Contingent upon the applicant meeting all the former conditions of the original rezoning (see original conditions) along with providing a table for open space calculations, greenway must be constructed as part of Phase 1 and the buffer must be outside of lots. The applicant has since submitted a revised concept plan with these corrections.
- 3. Budget/Funding Implications:** The current total taxable value of the subject parcel is approximately \$460,610. The applicant estimates that the current tax value plus estimated costs of land development construction is \$17.5 million. City water, sewer and electrical services are available. The city will need to provide sanitation, fire, and police services as requested.
- 4. Consequences for Not Acting:** The original approval would remain in place and the site would have to be developed to the original plan.
- 5. Department Recommendation:** The concept plan still exceeds the required active open space and will provide a substantial amount of constructed greenway that will become part of a designated corridor between Kimbrough Park to the Fourth Creek Greenway and beyond. In addition, the project continues to meet the density requirements and lot standards of the Unified Development Code. Although some of the public roads and stormwater ponds have been slightly shifted or changed, they still meet the requirements.

No Ingress or egress points were changed. Finally, the change to the greenway trail is minimal and should have no detrimental effect on the project.

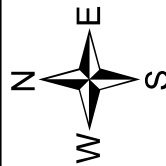
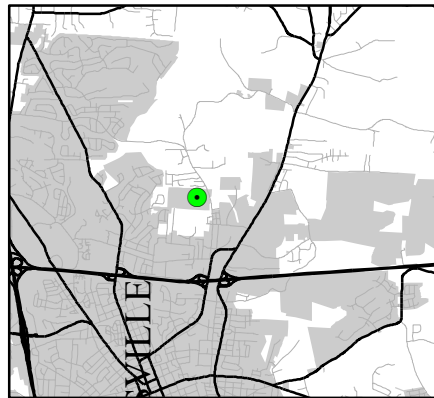
This is a procedural step per Section 2.07 (c) of the UDC, therefore substantial changes must be approved by the Planning Board and City Council.

Staff recommends **approval** of the major amendment contingent upon the applicant meeting all the former conditions of the original rezoning (see attached original conditions).

6. **Manager Comments:** Concur with department's recommendation.
7. **Next Steps:** If approved, the second reading would be on June 5, 2023.
8. **Attachments:**
 1. Location Map
 2. Current Zoning & Utilities Map
 3. Aerial Photo Map
 4. Site Photos
 5. Original Concept Plan
 6. Amended Concept Plan with highlighted changes
 7. 2045 LDP Land Use & Character Map
 8. Complete Neighborhood 2 Intent & Characteristics Sheet
 9. Ordinance
 10. Planning Board Consistency Statement
 11. Zoning Consistency Statement
 12. Original Conditions
 13. Certification of Mailed Notices

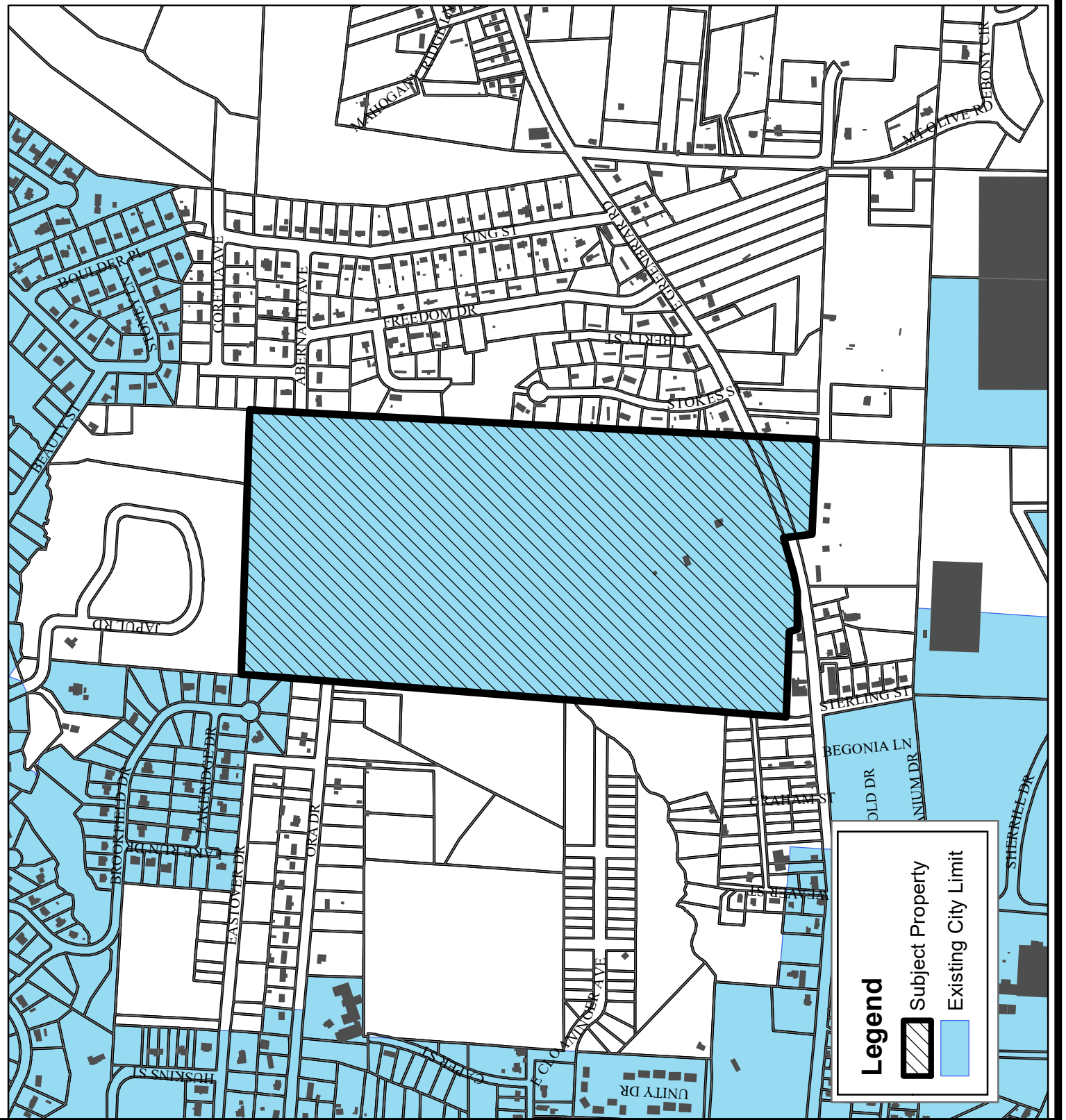
City of Statesville Planning Department

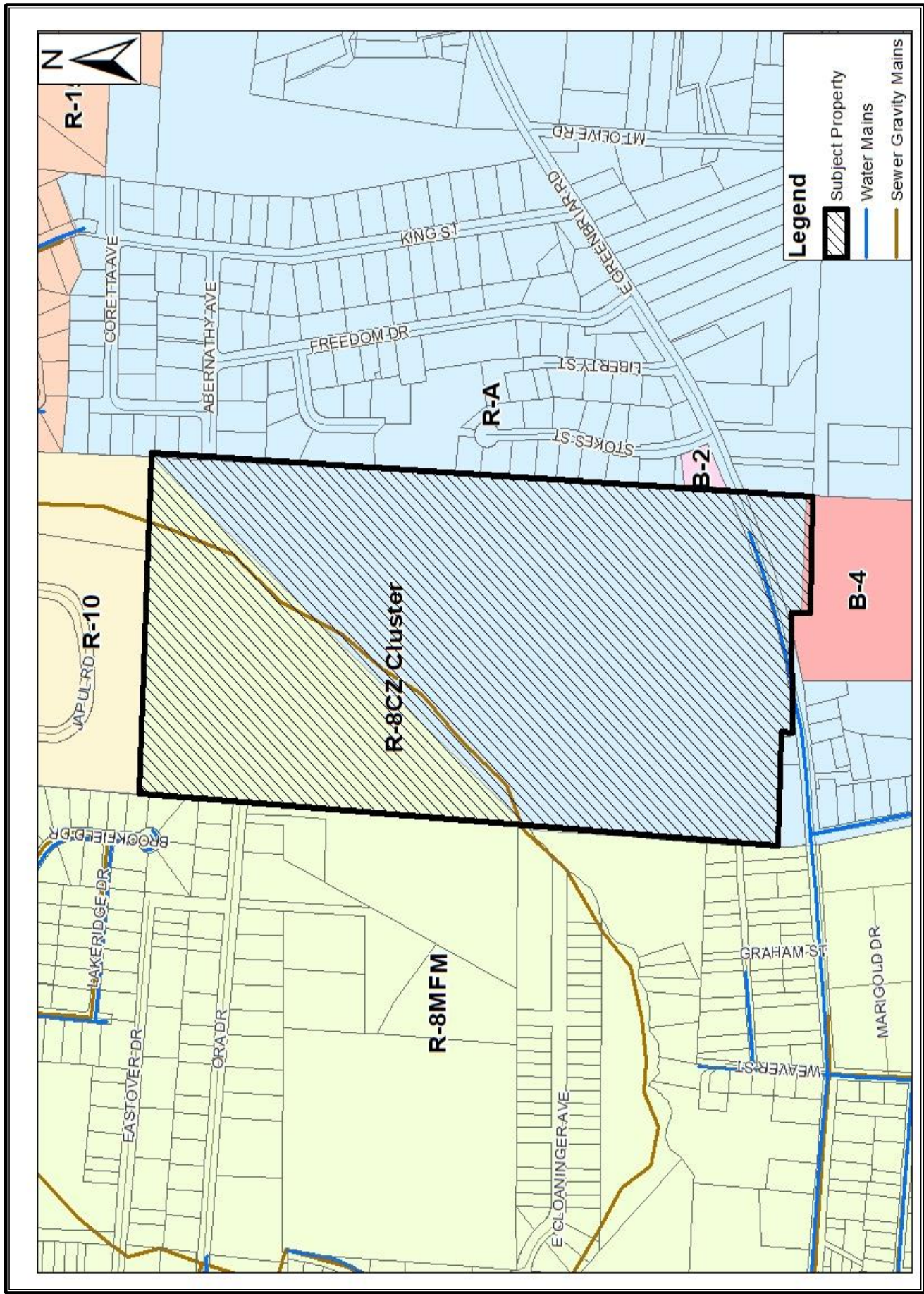
Greenbriar Ridge
ZC23-05
PIN # 4754-23-6335



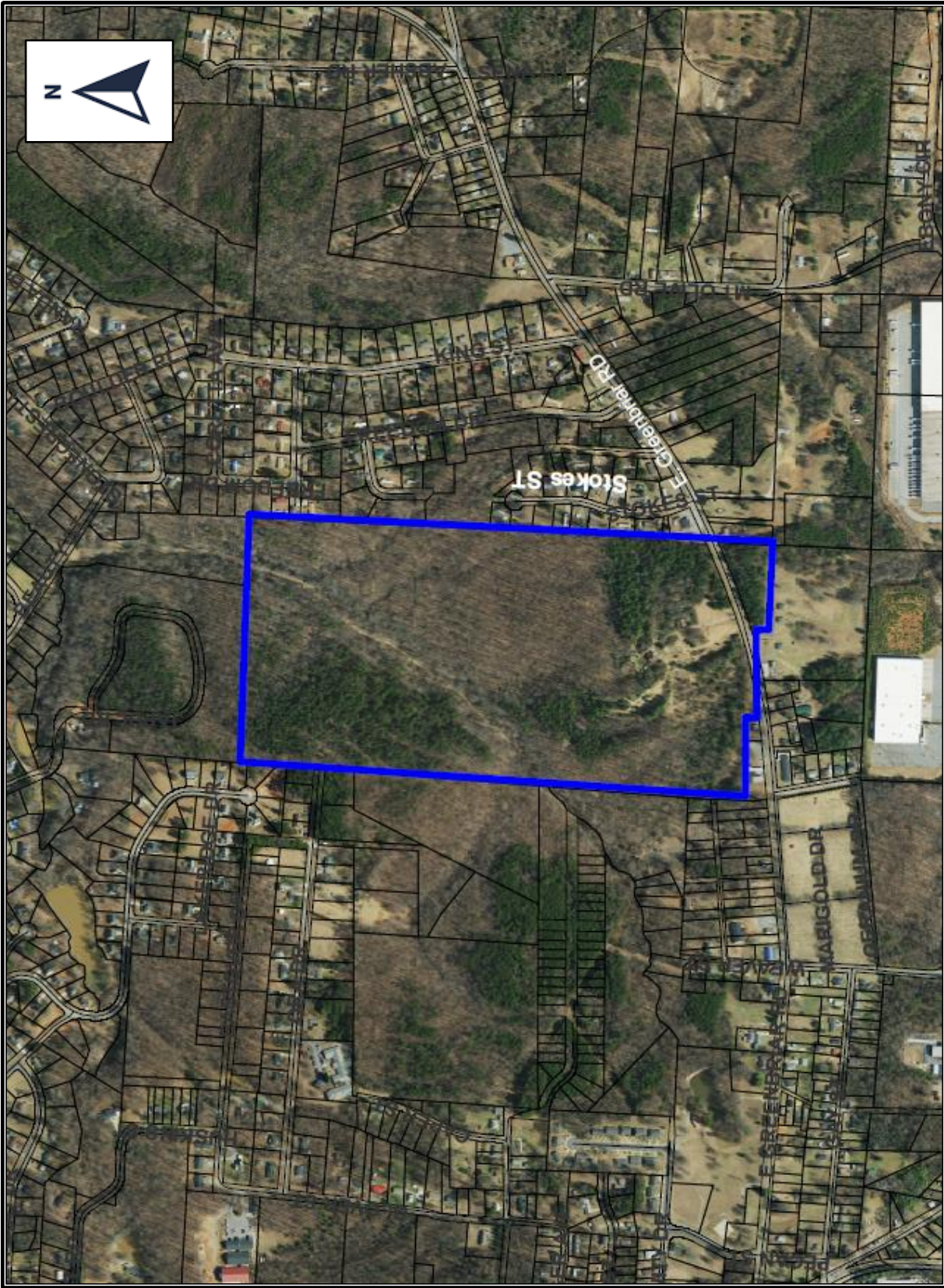
0 550 1,100 Feet

1 inch = 666.666667 feet





Case No. ZC23-05
 Current Zoning & Utilities Map – PIN # 4754-23-6335



Case No. ZC23-05 Sullivan Farm
Aerial Photo Map – PIN # 4754-23-6335

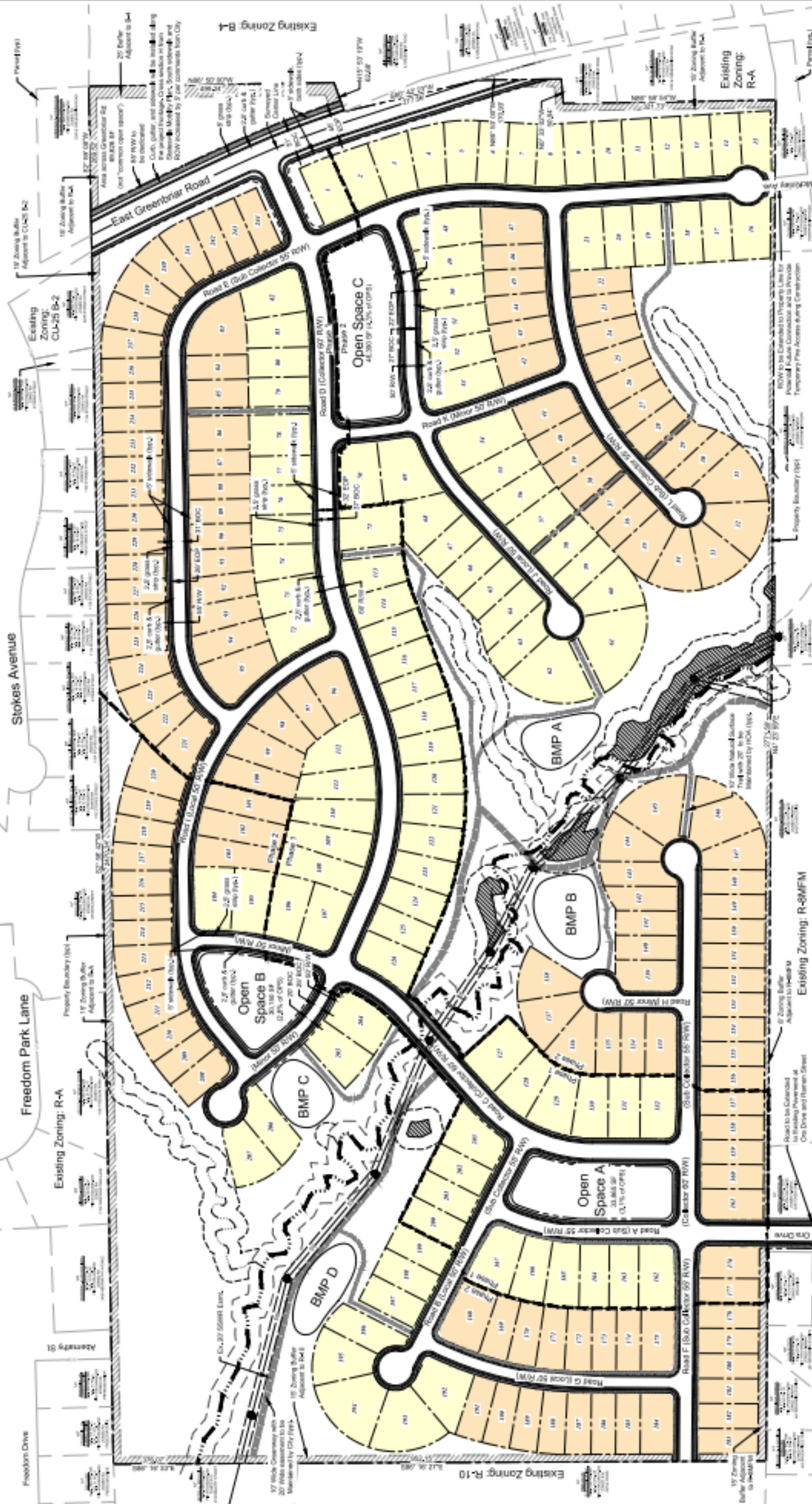
Site Photos – ZC23-05 Greenbriar Ridge
(PIN # 4754-23-6335) E. Greenbriar Road



View from E. Greenbriar Road looking east onto the property



View from E. Greenbriar Road looking west onto the property



I, _____, printed name, applicant, agree to adhere to the above conditions placed on receiving cash RZO _____ as adopted by City Council at the _____ city of _____, 2002.

Applicant (signature) _____ Date _____

Open Space Programming

[illegible][illegible]

Dawn Report A:
Landscape Park
Swinging Monkeys

Dawn Report B:
Puzzling Open Space
Dog Walk

Dawn Report C:
~~Playground~~
Cafeteria
Pool

DATE:	
DESIGN BY:	
DRAWN BY:	
CHECKED BY:	
APPROVED BY:	

REV	REVISION DESCRIPTION	DATE	CHANGED BY	DECODED BY	APPROVED BY
2	Revising drawing sheet contents	05/07/20	AMC	AMC	
1	Revising drawing sheet contents	05/07/20	AMC	AMC	

D.R. HORTON *America's Builder*
8001 Arrowridge Boulevard
Charlotte, NC 28273

MERRICK.

□ □ □ □
□ □ □ □
□ □ □ □

200 S. McDOWELL STREET, SUITE 306
DALLAS, TEXAS 75202
PHONE: 754-9550

I, _____ (printed name), applicant, agree to adhere to the above conditions placed on rezoning case #ZC _____ as adopted by City Council on the _____ day of _____, 202 ____.

Applicant (signature) _____ Date _____

Rezoning Conditions

1. Residential Density shall be a maximum of 279 units per acre and a maximum of 244 total residential units.
2. Exterior materials will include fiber cement/siding material and shutters, brick, or stone.
3. Additional landscaping to screen the back of lots from traffic.
4. Additional opaque landscape buffer of evergreen trees and shrubs will be provided along East Greendriest Road to screen the backs of lots from traffic.
5. 10 minimum driveway, trail and 20 road easement dedicated to the City for use by the public and will be open to the public following construction. The trail will meet the greenway, stairwells of the City of Statesville.
6. Multifamily lot per the requirements of the City of Statesville Mobility & Development plan.
7. The lot will be used for a multifamily development as per the City of NC DOT.
8. Analysis will be required by the developer at the time of site plan approval.
9. Zoning buffer North of Ora Drive, adjacent to lots 176-183, to be increased from 8' to 15'.
10. Greenway to be constructed as part of Phase One.
11. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code.
12. The developer will provide a two-car garage.
13. A community swimming pool will be provided.
14. Developer will install and maintain speed calming devices along Ora Drive with 70% of approval from the homeowners along Ora Drive. Speed calming devices will be approved by NC DOT. If 70% of approval of homeowners along Ora Drive do not agree to the calming devices, the developer will not be responsible for installing them.

Development Data	Tract/Parcel Number	4754-236335	8.61
	Zoning Jurisdiction	City of Statesville	8.61
	Zoning Classification	R-A R-8(RFM)	8.61
	Proposed Zoning	R-8 C2 Cluster	1.30
	Surveyed Total Site Acreage	87.39 ac.	520.000 sq. (190 lots)
	Greenland R.W. Dedication	1.14 ac.	520.000 sq. (190 lots)
	Density and Dimensional Standards:	6,000 +/- or greater	215
	Minimum Lot Width:	50'	4.94
	Typical Lot Depth:	125'	29
	Maximum Building Height:	35'	
Dwelling Units per Acre:	2.75		
60' wide lots	140 (58%)		
60' wide lots	102 (42%)		
Total lots:	242		
Building Setbacks:			
Front:	25'	79 Lots at 50 W	
Side Yard:	5' (12.5 corner lots or match adj. across front)	71 Lots at 60 W	
Rear Yard:	25'	61 Lots at 50 W	
		31 Lots at 60 W	

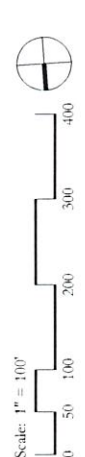
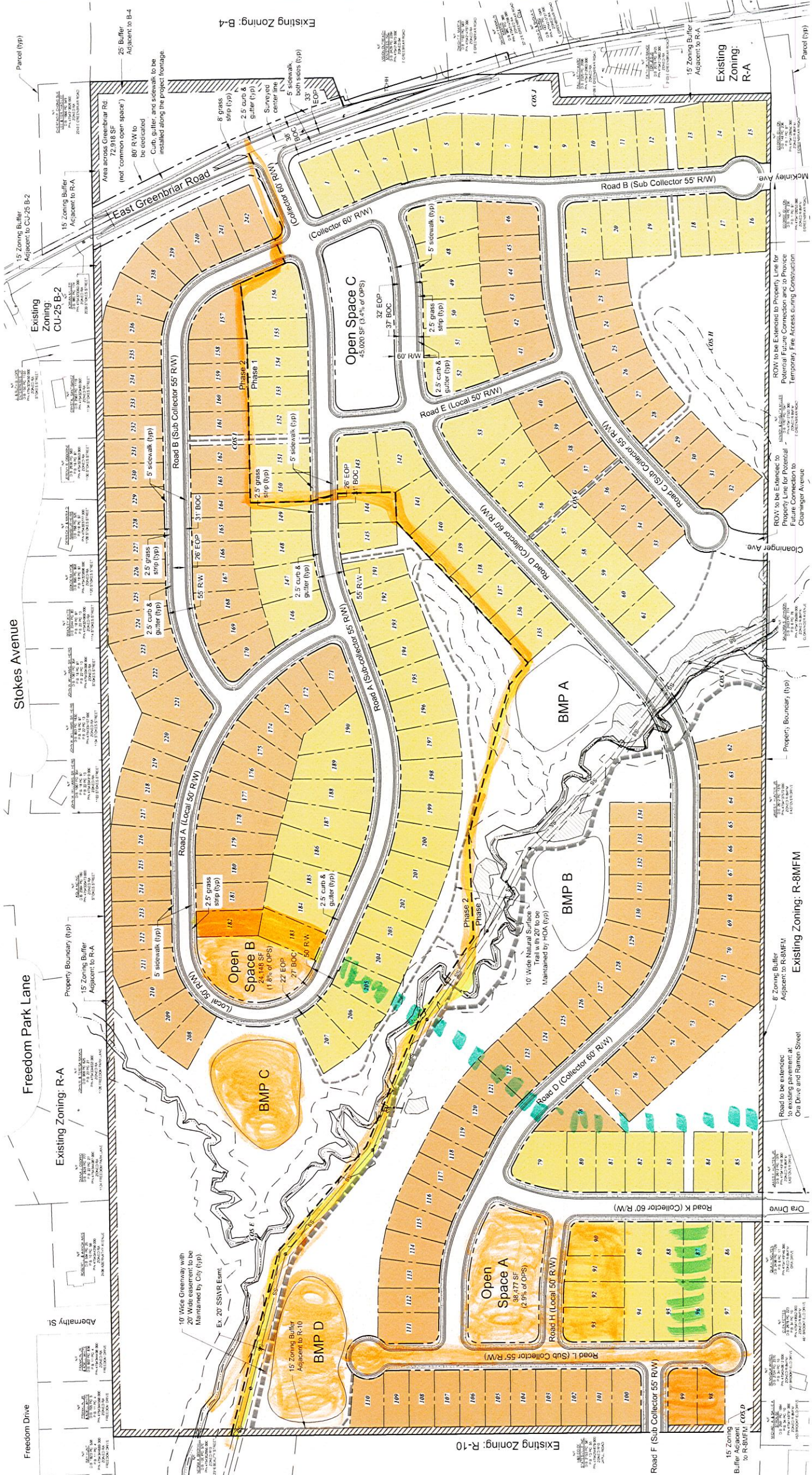
The diagram illustrates a park layout with various open space areas. The areas are labeled as follows:

- Wetlands (Irishmogue, disconnection)
- Williams Stream Buffer (25' unstriped)
- Perennial Stream
- Perennial Stream Buffer (25' from centerline per JDC)
- Impervious Stream
- Proposed Greenway Trail Alignment
- Proposed Stream Channel and Natural Connectors
- Construction Phasing Line

The diagram also includes a legend for the different types of open space areas:

- Open Space A
- Landscaped Park
- Sitting Benches
- Open Space B
- Passive Open Space
- Dog Park

The diagram shows the layout of the park, including the stream, wetlands, and various open space areas. The stream is shown as a winding line, and the wetlands are shown as a shaded area. The open space areas are shown as different colored and patterned regions.



Parcel #	Area (sq. ft.)
221	11,686
222	6,768
223	7,117
224	6,913
225	6,713
226	6,852
227	6,953
228	6,054
229	6,055
230	6,056
231	6,057
232	6,058
233	6,059
234	6,060
235	6,260
236	7,354
237	7,311
238	7,311
239	7,311
240	6,847
241	6,250
242	8,125

Parcel #	Area (sq. ft.)
199	8,176
200	8,176
201	8,176
202	8,329
203	7,650
204	7,650
205	8,193
206	8,989
207	8,989
208	7,324
209	7,324
210	7,324
211	7,573
212	6,303
213	6,270
214	6,166
215	6,260
216	6,647
217	6,650
218	6,650
219	6,599
220	7,986

Parcel #	Area (sq. ft.)
177	8,347
178	8,184
179	8,271
180	8,999
181	8,322
182	7,762
183	7,850
184	8,831
185	9,599
186	10,927
187	10,236
188	9,993
189	9,448
190	10,931
191	6,946
192	7,527
193	7,850
194	7,650
195	7,862
196	8,776
197	8,776
198	8,776

Parcel #	Area (ac ft.)
155	7.545
156	17.446
157	9.887
158	6.097
159	6.100
160	6.100
161	6.100
162	6.100
163	6.100
164	6.100
165	6.107
166	6.347
167	6.896
168	7.350
169	7.052
170	7.682
171	9.007
172	6.594
173	6.375
174	7.066
175	7.662
176	8.150

Parcel #	Area (ac. ft.)
133	6,250
134	6,250
135	7,200
136	7,200
137	7,200
138	7,200
139	7,200
140	7,200
141	8,805
142	10,863
143	10,400
144	7,430
145	6,634
146	9,285
147	8,616
148	8,539
149	7,470
150	7,470
151	7,632
152	7,470
153	7,470
154	7,470

Parcel #	Area (ac. ±)
111	7.832
112	6.385
113	6.793
114	6.793
115	6.793
116	6.688
117	6.250
118	6.250
119	6.438
120	6.793
121	6.793
122	6.557
123	6.250
124	6.250
125	6.250
126	6.250
127	6.713
128	7.369
129	7.369
130	7.369
131	6.356
132	6.250

Parcel #	Area (sq. ft.)
89	7,481
90	7,973
91	6,521
92	6,738
93	8,842
94	7,553
95	7,420
96	7,314
97	6,575
98	6,210
99	6,964
100	6,964
101	6,110
102	6,110
103	6,110
104	6,110
105	6,110
106	6,110
107	6,110
108	6,110
109	6,097
110	6,897

Parcel #	Area (sq. ft.)
67	6,294
68	6,606
69	7,159
70	7,931
71	9,229
72	8,610
73	7,480
74	7,000
75	6,250
76	6,250
77	6,250
78	9,417
79	11,167
80	7,482
81	7,500
82	7,500
83	7,500
84	7,500
85	7,500
86	7,520
87	7,476
88	7,479

Parcel #	Area (ac. f.)
45	6,250
46	8,575
47	9,649
48	8,378
49	7,793
50	7,454
51	8,162
52	9,705
53	13,748
54	8,163
55	7,498
56	7,321
57	7,193
58	7,200
59	7,200
60	7,200
61	7,200
62	7,591
63	7,105
64	6,292
65	6,293
66	6,293

Parcel #	Area (sq. ft.)
23	6,542
24	6,542
25	6,542
26	6,542
27	6,542
28	6,528
29	6,125
30	6,125
31	6,346
32	6,181
33	6,110
34	6,125
35	6,125
36	6,210
37	6,554
38	6,541
39	6,594
40	8,075
41	7,996
42	6,610
43	6,690
44	6,420

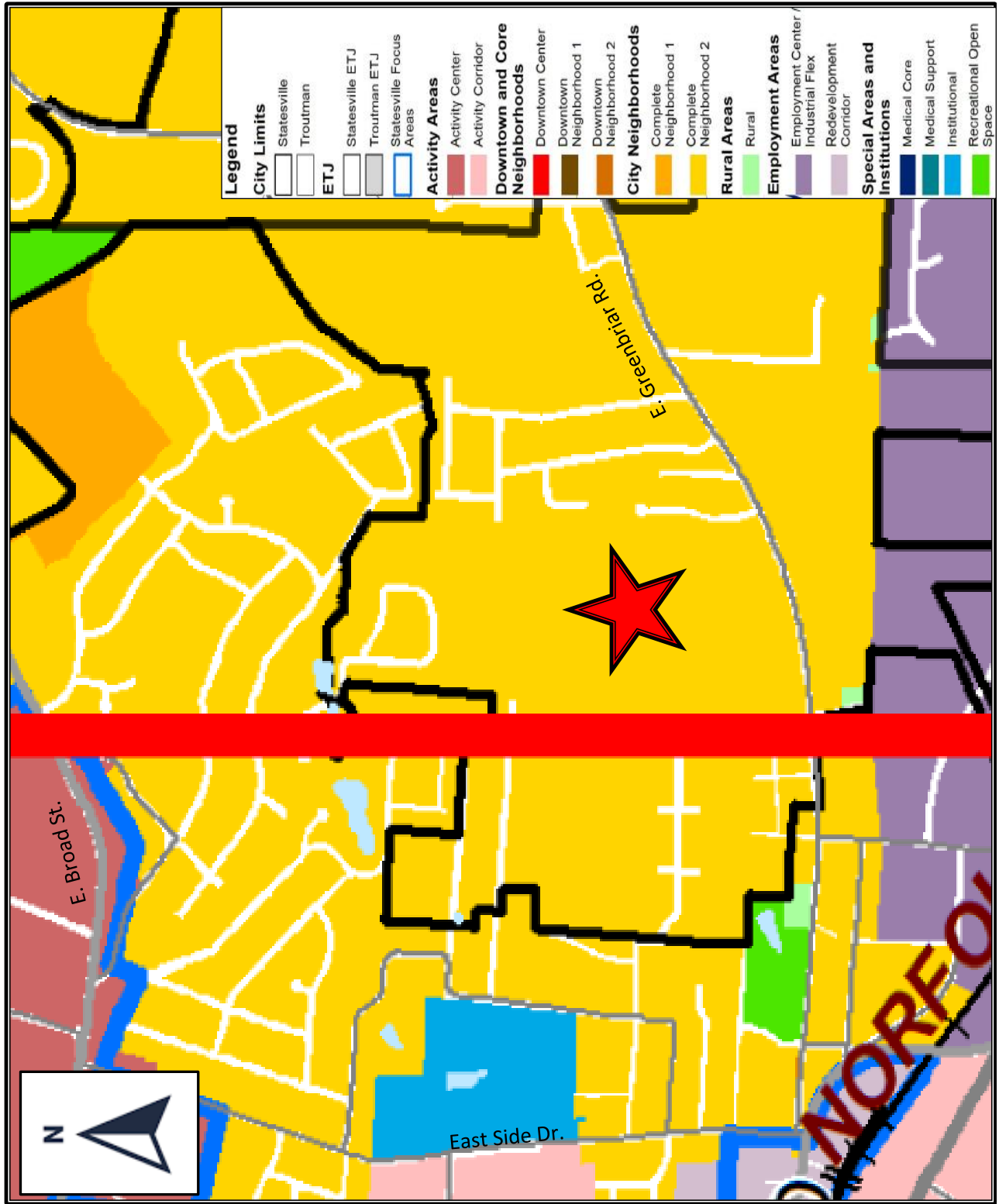
Parcel #	Area (sq. ft.)
1	8,751
2	7,032
3	7,361
4	7,551
5	8,133
6	7,784
7	7,500
8	7,366
9	7,223
10	7,493
11	7,496
12	7,499
13	7,762
14	7,710
15	8,039
16	6,826
17	7,480
18	7,650
19	9,771
20	7,350
21	8,822
22	6,714



REV	REVISION DESCRIPTION	DATE	BY	APP
2	Revising drawing title to match	05/07/23	JMC	JMC
1	Revising requirements to match	04/07/23	JMC	JMC

DESIGN BY:	
DRAWN BY:	
CHECKED BY:	
APPROVED BY:	
DATE:	

[illegible]



2045 Land Use & Character Map – ZC23-05 Greenbriar Ridge
Tax Parcel Map # 4754-23-6335

Subject Parcel location – 

Complete Neighborhood 2

Character Intent

Complete Neighborhoods 2 are opportunities for new neighborhoods built using traditional neighborhood designs that provide a mix of residential uses. These neighborhoods are best designed as master planned neighborhoods that use a traditional grid or modified grid network, shorter block lengths, and pedestrian pathways connecting residences to internal and external destinations. Typically, a larger portion of neighborhoods will be dedicated to single-family detached homes. A variety of housing type choices (see page 36) including multifamily are also appropriate when they are clustered near centralized locations like amenity areas, commercial centers, thoroughfares and intersections, including a central thoroughfare that can service the higher density, or when they are a part of a live-work or mixed-use cluster within a larger planned neighborhood. Sidewalks, multi-use paths, on-street parking, and narrow street designs prioritize walking and biking through neighborhoods and accommodate connections to adjacent uses. These neighborhoods should also include parks and community open spaces accessible to neighborhood residents and preferably to the public. Pockets of community-serving institutional uses like schools, community centers and churches are also appropriate. Limited use of neighborhood-scale, multistory commercial and office centers is appropriate in this character area when clustered along major thoroughfares and street corners.

Pattern & Form

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

Opportunities

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

Primary Uses

Residential

Secondary Uses

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

Form Characteristics

Building Height	One to three stories
Building Orientation	Residences oriented towards the primary street, 0-30 ft setbacks
Building Types	Single family detached homes, limited use of a variety of housing type choices (see page 37), and multifamily in centralized locations, limited use of neighborhood-scale and multistory commercial or office centers in centralized locations, and institutional buildings.
Street Character	Local streets with sidewalks on both sides and street trees, off-street pedestrian and bike circulation connections (trails and paths)
Parking Character	Alley parking preferred for residential, some on-street parking, neighborhood nonresidential uses share small surface lots



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR THE REZONING OF APPROXIMATELY 87.39 ACRES LOCATED ON E. GREENBRIAR ROAD; ZONED R-8 CZ CLUSTER SUBDIVISION FOR A MAJOR AMENDMENT TO THE CONCEPT PLAN FOR GREENBRIAR RIDGE SUBDIVISION TO REARRANGE SOME OF THE INTERNAL STREETS AND RELOCATE COMMON OPEN SPACE.

**ZC23-05
Chelsea L. Sharpe Heirs & Bettye Tull Property
East Greenbriar Road
PIN #4754-23-6335**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on May 15, 2023 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance for a major amendment to the concept plan for the Greenbriar Ridge subdivision to rearrange some of the internal streets and relocate common open space; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on May 5, 2023 and May 12, 2023, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was duly held in accordance with law, and all persons present were given an opportunity to be heard on said proposed ordinance prior to any action being taken thereon by the City Council;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described property as noted be changed as particularly set out below, said property being more particularly described as follows:

LEGAL DESCRIPTION

The land referred to herein below is situated in the County of Iredell, State of North Carolina, and is described as follows:

A parcel of land lying and being in the City of Statesville, Chambersburg Township, Iredell County, North Carolina and being more particularly described as follows:

For a Point of Reference, COMMENCE at an existing N.G.S. monument designated "RAMADA", having NC Grid Coordinates of N: 742,379.98 E: 1,447,173.67. Thence South 85° 06' 53" East 4,717.62' to an existing iron pipe, having NC Grid Coordinates of N: 741,978.22 E: 1,451,874.15, at the PLACE AND POINT OF BEGINNING. Thence North 04° 23' 59" East 2,771.59' to an existing iron pipe, thence South 86° 16' 27" East 952.15' to an existing iron pipe, thence continue South 86° 16' 27" East 376.07' to a set iron rod, thence South 02° 58' 42" West 2,470.34' to an existing ¾" iron pipe, thence South 02° 48' 11" West 66.58' to an existing iron rod with cap, thence

South 02° 59' 08" West 269.52' to an existing ¾" iron pipe, thence North 86° 50' 00" West 499.24' to an existing iron rod, thence North 15° 53' 19" West 62.68' to an existing iron pipe, thence South 80° 42' 23" West 277.56' to a calculated point in the centerline of East Greenbriar Road, thence run North 86° 53' 00" West 170.93' to an existing iron rod, thence North 00° 33' 02" West 50.04' to a pinch top existing iron pipe, thence North 86° 46' 22" West 110.56' to an existing iron rod, thence North 86° 58' 54" West 321.73' to the PLACE AND POINT OF BEGINNING. Containing 3,804,830 square feet or 87.35 acres, more or less. Subject to the portion of land lying within County Maintained right-of-way of East Greenbriar Road (S.R. 2320).

Property Address: E. Greenbriar Road, Statesville NC

This ordinance was introduced for first reading by Councilmember _____, seconded by Councilmember _____, 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 Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

Ayes:
Nays:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2023.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
Leah Gaines Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk



To: Statesville Planning Board

From: Herman Caulder, Asst. Planning Director

Date: April 25, 2023

Subject: Zoning Consistency Statement – Planning Board

Case: ZC23-05 Greenbriar Ridge

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

- ☐ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: The major amendment of moving the streets and open space meets the 2005 Land Development Plan that suggests that the property subject to the rezoning request is suitable for Medium Density residential with a maximum density not exceeding 6 dwelling units per acre. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 2, which is intended primarily for residential development and recommends many of the features—gridded street network, connectivity between neighborhoods, pedestrian/bicycle facilities and planned open space—proposed in the requested Concept Plan. At the proposed gross density of 2.79 dwelling units per acre, the proposed development is significantly less dense than the maximum density defined for Medium Density development by the 2005 LDP, as well as than the approximately five du/acre that the base R-8 zoning district would permit. Additionally, this project fills in a substantial gap between existing neighborhoods and provides beneficial improvements to both sides of E. Greenbriar Road that includes a portion of a multi-use path recommended in the Mobility + Development Plan. Finally, the concept plan exceeds the required active additional open space and will provide a substantial amount of constructed greenway that will become part of a designated corridor between Kimbrough Park to the Fourth Creek Greenway and beyond.
- ☐ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the City's comprehensive land use plan**. The change in conditions the Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: _____
- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Todd Lange, Planning Board Chairman

Date: Herman Caulder, Asst. Planning Director



To: Statesville Planning Board

From: Sherry Ashley, Planning Director

Date: May 15, 2023

Subject: Zoning Consistency Statement – City Council

Case: ZC23-05 Greenbriar Ridge

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

☒ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: The major amendments meet the 2045 Land Development Plan which projects the parcel as suitable for Complete Neighborhood 2, which is intended primarily for residential development and recommends many of the features—gridded street network, connectivity between neighborhoods, pedestrian/bicycle facilities and planned open space—proposed in the requested Concept Plan. Additionally, with the major amendments, this project fills in a substantial gap between existing neighborhoods and provides beneficial improvements to both sides of E. Greenbriar Road that includes a portion of a multi-use path recommended in the Mobility + Development Plan. Finally, the concept plan exceeds the required active additional open space and will provide a substantial amount of constructed greenway that will become part of a designated corridor between Kimbrough Park to the Fourth Creek Greenway and beyond.

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

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

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director

Original Conditions
ZC 22-03

Revised Rezoning Conditions

1. Residential Density shall be a maximum of 2.79 units per acre and a maximum of 244 total residential units.
2. Exterior architectural materials will include vinyl siding fiber cement-type siding material and shutters, brick, and or stone.
3. Minimum 5' sidewalks will be provided on both sides of all internal streets.
4. Additional Opaque Landscape Buffer of Evergreen Trees and Shrubs will be Provided along East Greenbriar Road to Screen the Backs of lots from Traffic
5. 10' minimum greenway trail and 20' easement dedicated to the city for use by the public and will be open to the public following construction. The trail will meet the greenway standards of the City of Statesville.
6. A multi-use trail per the requirements of the City of Statesville Mobility & Development Plan.
7. Driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis will be required by the developer at time of site plan approval.
8. Zoning buffer North of Ora Drive, adjacent to lots 176-183, to be increased from 8' to 15'
9. Greenway to be constructed as part of Phase One
10. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code.
11. Each home will be provided a two-car garage
12. A community swimming pool will be provided.
13. Developer will install and maintain speed calming devices along Ora Drive with 70% of approval from the homeowners along Ora Drive. Speed calming devices will be approved by NCDOT.



To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council members:

The purpose of this letter is to certify that the adjacent property owners of PIN 4754-23-6335 located on E. Greenbriar Road per case #ZC23-05 Greenbriar Ridge, were mailed notice of this rezoning request on April 11, 2023.

Thank you,

A handwritten signature in dark red ink, appearing to read "H. Caulder", with a long horizontal flourish extending to the right.

Herman Caulder
Assistant Planning Director

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Genesis Harrod, Senior Planner
DATE: May 2, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving a Resolution of Closure and Declaration of Withdrawal to permanently close a portion of Wall Street.

- 1. Summary of Information:** Mr. Holden Sabato, on behalf of SL Statesville LLC, had petitioned for NCDOT, and now the City, to abandon a portion of Wall Street (see GIS Vicinity Map and Abandonment Survey attached). 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.

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

- 2. Previous Council or Relevant Actions:** On December 5, 2023, Council passed the *Resolution in Support* of the NCDOT maintenance abandonment process and the *Resolution of Intent to Close*, which began the public notification process and scheduled the public hearing on January 9, 2023. The hearing was held, and council approved the closing contingent upon the recombination of the two parcels to ensure access prior to closing. However, after the public hearing, staff was contacted by Mr. West Hunter (Iredell Partners, LLC) who owns property along Wall Street. Mr. Hunter did not get notification of the hearing. Therefore, the process must be started over. The applicant agreed to restarting the abandonment process and giving proper notice to all property owners.
- 3. Budget/Funding Implications:** N/A
- 4. Consequences for Not Acting:** Wall Street would remain and be maintained by the City. The city would not abandon the portion of Wall Street, which in turn would affect the proposed layout of the proposed industrial development along Wall Street.

5. **Department Recommendation:** Section 8.06 A.5. c. of the UDC states that “streets should connect with those already dedicated in adjoining or adjacent subdivisions”, thus Wall Street has a grade separation intersection recommended to connect to Barkley Road W., as stated in the 2019 Mobility + Development Plan (see attached, 3.10). However, Landson Drive is proposed to be extended through the industrial development and stubbed for a future connection to Barkley Road (see attached, 3.12b). The review criteria in Section 2.13 of the UDC (see attached) are met by pursuing the maintenance abandonment process, as neighborhood access is not restricted nor is health and safety impacted, since the remaining portion of Wall Street will remain intact. It was brought to our attention that Mr. Hunter would not have access to his property abutting Wall Street, if the current portion of Wall Street indicated is abandoned as written. It is possible for the applicant to proceed with their abandonment farther down the roadway, to provide access to Wall Street to Mr. Hunter’s property. Therefore, staff’s recommendation is favorable to abandon a portion of Wall Street, but to what extent will depend upon the findings of the public hearing.
6. **Manager Comments:** Concur with staff’s recommendation.
7. **Next Steps:** The survey and extent of the abandonment may need to be revised. If the *Resolution to Close* and *Declaration of Withdrawal* documents are approved, they must be recorded by the applicant along with the fully signed abandonment plat at the Iredell County Register of Deeds.
8. **Attachments:**
 1. Resolution to Close (with metes and bounds descriptions & survey)
 2. Declaration of Withdrawal (with metes and bounds descriptions & survey)
 3. GIS Vicinity Map
 4. a. Collector Street: Mobility + Development Recommendations, 3.10
b. Intersection and Interchange: Mobility + Development Recommendations, 3.12b
 5. Section 2.13 of the UDC

RESOLUTION NO. ____
RESOLUTION OF STREET CLOSING

RESOLUTION BY THE CITY COUNCIL OF STATESVILLE, NORTH CAROLINA OFFICIALLY CLOSING WALL STREET AS MORE FULLY DESCRIBED ON THE ATTACHED EXHIBIT A AND SHOWN ON THE ATTACHED SURVEY PREPARED BY BOHLER ENGINEERING NC, PLLC DATED APRIL 12, 2023.

WHEREAS, the City Council by Resolution No. 52-22, at its regular meeting on the 15th day of May, 2023, gave notice of its intention to close those certain portions of Wall Street as more fully described on the attached Exhibit A and shown on the attached survey prepared by Bohler Engineering NC, PLLC dated April 12, 2023, Exhibit B, and called for a public hearing thereon. The portion of the street described is not necessary for the reasonable means of ingress, egress or regress for property owners in the vicinity of the affected street and the closing of said street is not contrary to the public interest.

WHEREAS, such Resolution of intention was published in the Statesville Record & Landmark on April 21, 2023, April 28, 2023, May 5, 2023, May 12, 2023; and

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

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

WHEREAS, the public hearing was held on May 15, 2023 concerning the closing and no opposition to the closing was heard; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that Wall Street as more fully described in Exhibit A and shown on the attached survey prepared by Bohler Engineering NC, PLLC dated April 12, 2023 be closed to the general public use.

This the _____ day of _____, 2023.

ATTEST:

Brenda Fugett, City Clerk

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

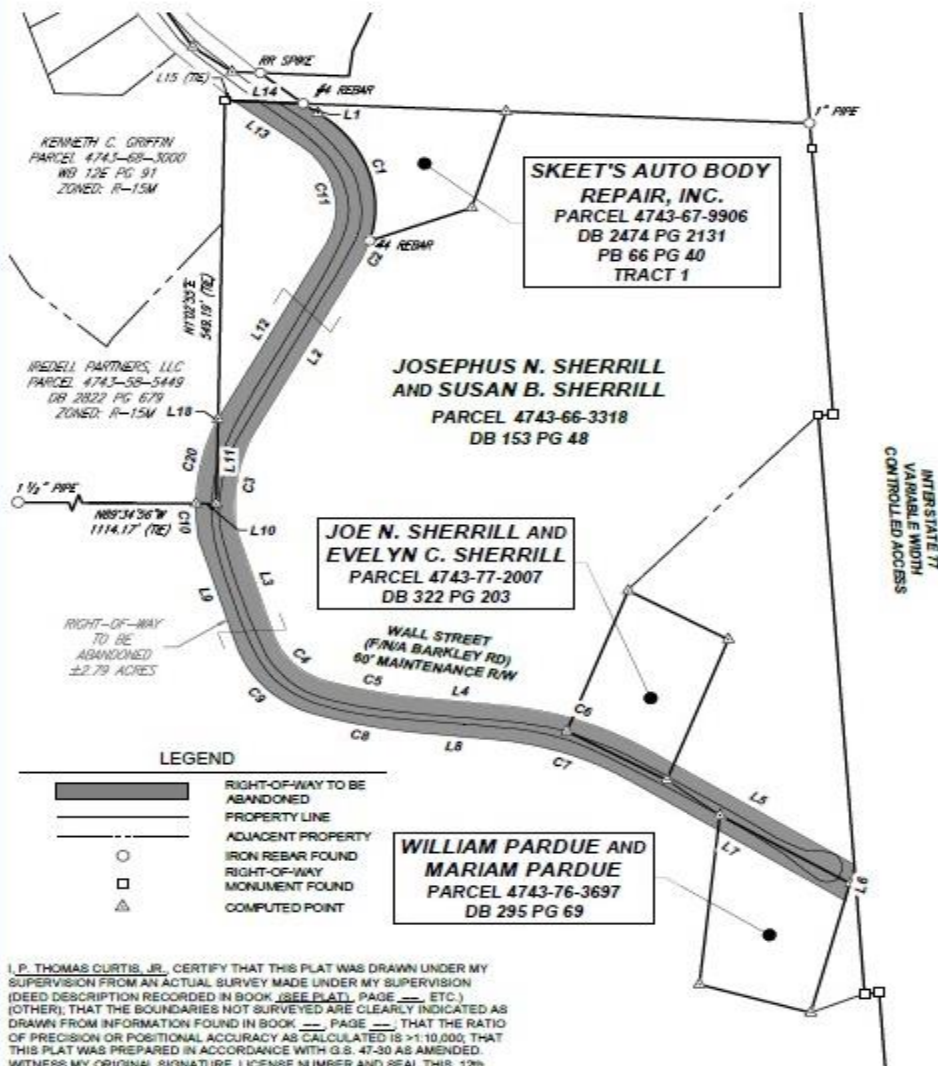
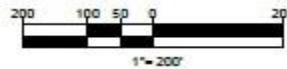
EXHIBIT A: LEGAL DESCRIPTION
WALL STREET

Beginning at L1 on the northeastern right of way of east Wall Street with a bearing of North 53° 00' 07" West having a distance of 27.86 feet to a found \$4 rebar. Thence; radius 194.85' of curve C1 having distance of 251.05' with chord bearing N19°54'49"W and chord 234.04'. Thence; C2 of radius 194.85' having a distance of 50.37' with chord bearing S24°24'09"W and chord 50.23'. Thence; L2 South 28° 41' 39" West having a distance of 334.28 feet to a point. Thence; radius 295.47' of curve C3 having distance of 164.78' with chord bearing S07°47'24"W and chord 162.66'. Thence; L3 South 17° 32' 12" East having a distance of 185.50' feet to a point. Thence; radius 121.94' of curve C4 having distance of 120.15' with chord bearing S44°49'31"E and chord 115.35'. Thence; radius 805.32' of curve C5 having distance of 138.74' with chord bearing S78°16'59"E and chord 138.57'. Thence; L4 South S84° 06' 50" East having a distance of 135.20 feet to a point. Thence; radius 527.33' of curve C6 having distance of 241.25' with chord bearing S70°50'36"E and chord 239.15'. Thence; L5 South 57° 53' 40" East having a distance of 369.49 feet to a point. Thence; L6 South 12° 55' 40" West having a distance of 63.53 feet to a point. Thence; L7 North 57° 53' 40" West having a distance of 390.44 feet to a point. Thence; radius 467.33' of curve C7 having distance of 213.80' with chord bearing N70°50'00"W and chord 211.94'. Thence; L8 North 84° 06' 50" West having a distance of 135.57 feet to a point. Thence; radius 865.32' of curve C8 having distance of 149.70' with chord bearing N78°17'39"W and chord 149.51'. Thence; radius 181.94' of curve C9 having distance of 178.90' with chord bearing N44°56'12"W and chord 171.78'. Thence; L9 North 17° 32' 12" West having a distance of 189.74 feet to a point. Thence; radius 355.47' of curve C10 having distance of 61.02' with chord bearing N04°05'48"W and chord 60.94'. Thence; L10 South 89° 34' 56" East having a distance of 31.32 feet to a point. Thence; L11 North 01° 02' 55" East having a distance of 145.97 feet to a point. Thence; L12 North 28° 41' 39" East having a distance of 332.73 feet to a point. Thence; radius 134.85 feet of curve C11 having distance of 211.90 feet with chord bearing N12°34'46"W and chord 190.76 feet. Thence; L123 North 53° 00' 07" West having a distance of 117.03 feet to a point. Thence; L123 South 87° 36' 03" East having a distance of 120.37 feet to a point and place of beginning.

EXHIBIT B

NOTES

1. AREAS COMPUTED BY COORDINATE METHOD.
2. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
3. THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.



I, P. THOMAS CURTIS JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE PLAT, PAGE , ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DERIVED FROM INFORMATION FOUND IN BOOK , PAGE , THAT THE RATIO OF PRECISION OF POSITIONAL ACCURACY IS CALCULATED TO BE 1:100,000; THAT THIS PLAT WAS DRAWN IN ACCORDANCE WITH THE RULES AS AFORESAID; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12th DAY OF APRIL, 2023.



P. THOMAS CURTIS JR., PLS L-5434
pcurtis@bohlereng.com

WALL STREET ABANDONMENT EXHIBIT
FOR
SL STATESVILLE LLC
CITY OF STATESVILLE, REDELL COUNTY, NORTH CAROLINA

FILE NO. NCA220008	BOHLER //		1807 S. TRYON STREET, SUITE 310 CHARLOTTE, NC 28203 P1 604.272.2400 - FAX 604.272.2401 www.bohlerengineering.com NCSEA P1152			
DATE 04/12/2023						
FIELD DATE —	CREW CHIEF —	DRAWN PTC	REVIEWED PL	APPROVED PTC	SCALE 1" = 200'	DWG. NO. 1 OF 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N53° 00' 07" W	27.86'
L2	S28° 41' 39" W	334.28'
L3	S17° 32' 12" E	185.50'
L4	S84° 06' 50" E	135.20'
L5	S57° 53' 40" E	389.49'
L6	S12° 55' 40" W	63.53'
L7	N57° 53' 40" W	390.44'
L8	N84° 06' 50" W	135.57'
L9	N17° 32' 12" W	189.74'
L10	S89° 34' 56" E	31.32'
L11	N01° 02' 55" E	145.97'
L12	N28° 41' 39" E	332.73'
L13	N53° 00' 07" W	117.03'
L14	S87° 36' 03" E	120.37'
L15	N28° 41' 39" E	5.79'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	194.85'	251.05'	N19°54'49"W	234.04'
C2	194.85'	50.37'	S24°24'09"W	50.23'
C3	295.47'	164.78'	S07°47'24"W	162.66'
C4	121.94'	120.15'	S44°49'31"E	115.35'
C5	805.32'	138.74'	S78°16'59"E	138.57'
C6	527.33'	241.25'	S70°50'36"E	239.15'
C7	467.33'	213.80'	N70°50'00"W	211.94'
C8	865.32'	149.70'	N78°17'39"W	149.51'
C9	181.94'	178.90'	N44°56'12"W	171.78'
C10	355.47'	61.02'	N04°05'48"W	60.94'
C11	134.85'	211.90'	N12°34'46"W	190.76'
C20	355.47'	145.06'	N12°30'41"E	144.06'



04/12/2023

WALL STREET ABANDONMENT EXHIBIT FOR SL STATESVILLE LLC CITY OF STATESVILLE, REDELL COUNTY, NORTH CAROLINA							
FILE NO. NCA220000	BOHLER // 1527 S. TRYON STREET, SUITE 310 CHARLOTTE, NC 28203 PH 980.272.1400 • FAX 980.272.1401 www.bohlerengineering.com NCBSLS 141132						
DATE 04/12/2023	FIELD DATE —	CREW CHIEF —	DRAWN PTC	REVIEWED PL	APPROVED PTC	SCALE N/A	DWG. NO. 2 OF 2

**STATE OF NORTH CAROLINA
COUNTY OF IREDELL**

DECLARATION OF WITHDRAWAL

THIS DECLARATION OF WITHDRAWAL was made and entered this 15th day of May, 2023 by the City of Statesville, a municipal corporation duly chartered with its principal office in Statesville, Iredell Couty, North Carolina.

W I T N E S S E T H:

WHEREAS, SL Statesville LLC has requested that a portion of Wall Street located in the City of Statesville be closed; and

WHEREAS, a full description of the streets to be closed is highlighted on the attached Exhibit "A" and shown on a survey prepared by Bohler Engineering NC, PLLC, dated April 12, 2023, which is attached hereto as Exhibit "B" and the portions to be closed are not necessary for other property owners in the vicinity of the affected streets to have ingress, egress or regress to their property and are not contrary to the public interest; and

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

NOW, THEREFORE, BE IT RESOLVED and in consideration of the premises and for the purpose set forth above and under and by virtue of the provisions of North Carolina General Statute 160A-299, the City of Statesville by this instrument declares that certain portion of Wall Street highlighted on Exhibit "A" and shown on a survey prepared by Bohler Engineering NC, PLLC dated April 12, 2023, which is attached hereto as Exhibit "B", hereby closed and the same is hereby withdrawn from public use to which it was heretofore dedicated.

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

CITY OF STATESVILLE

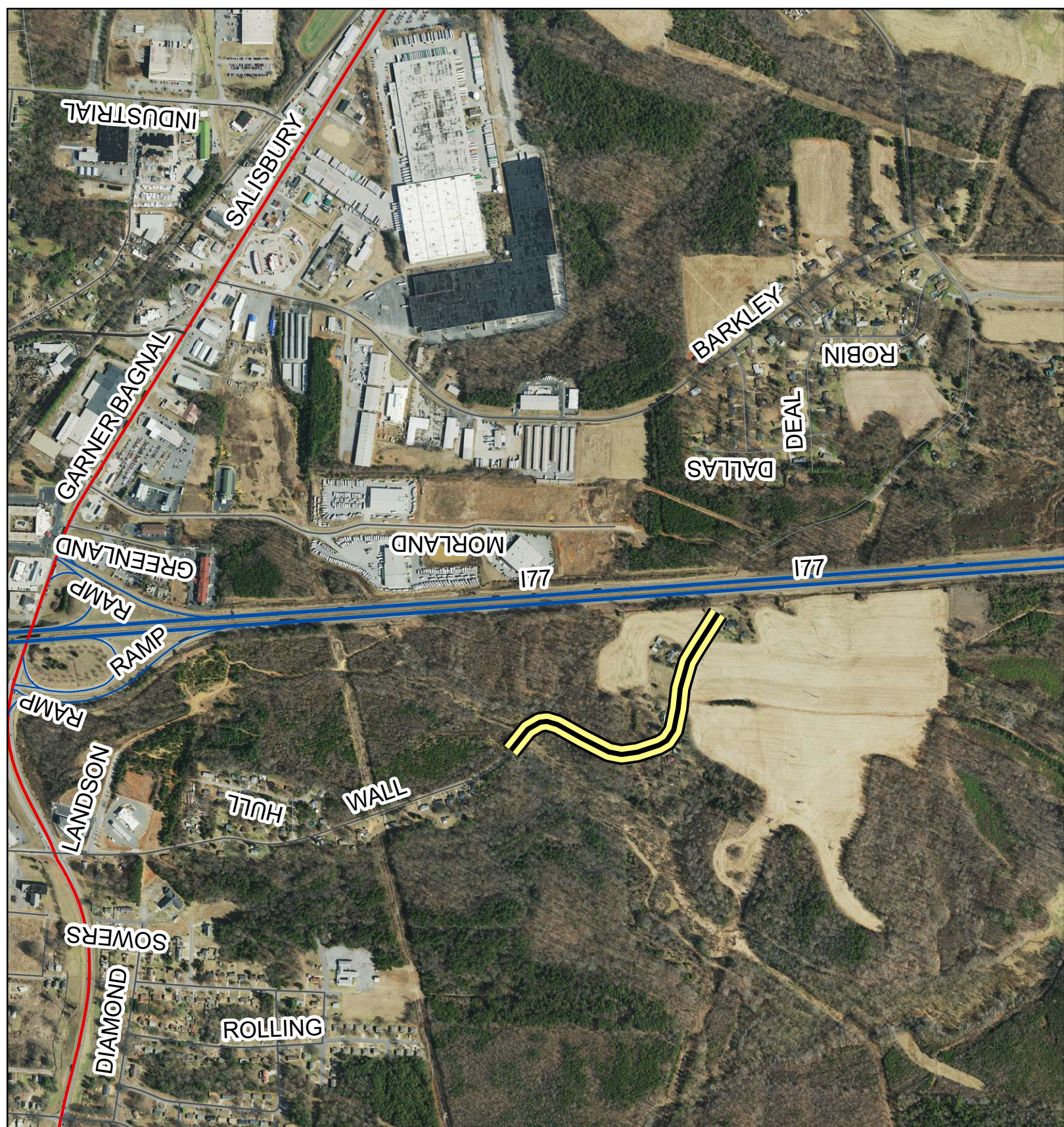
By: _____
Constantine H. Kutteh, II, Mayor

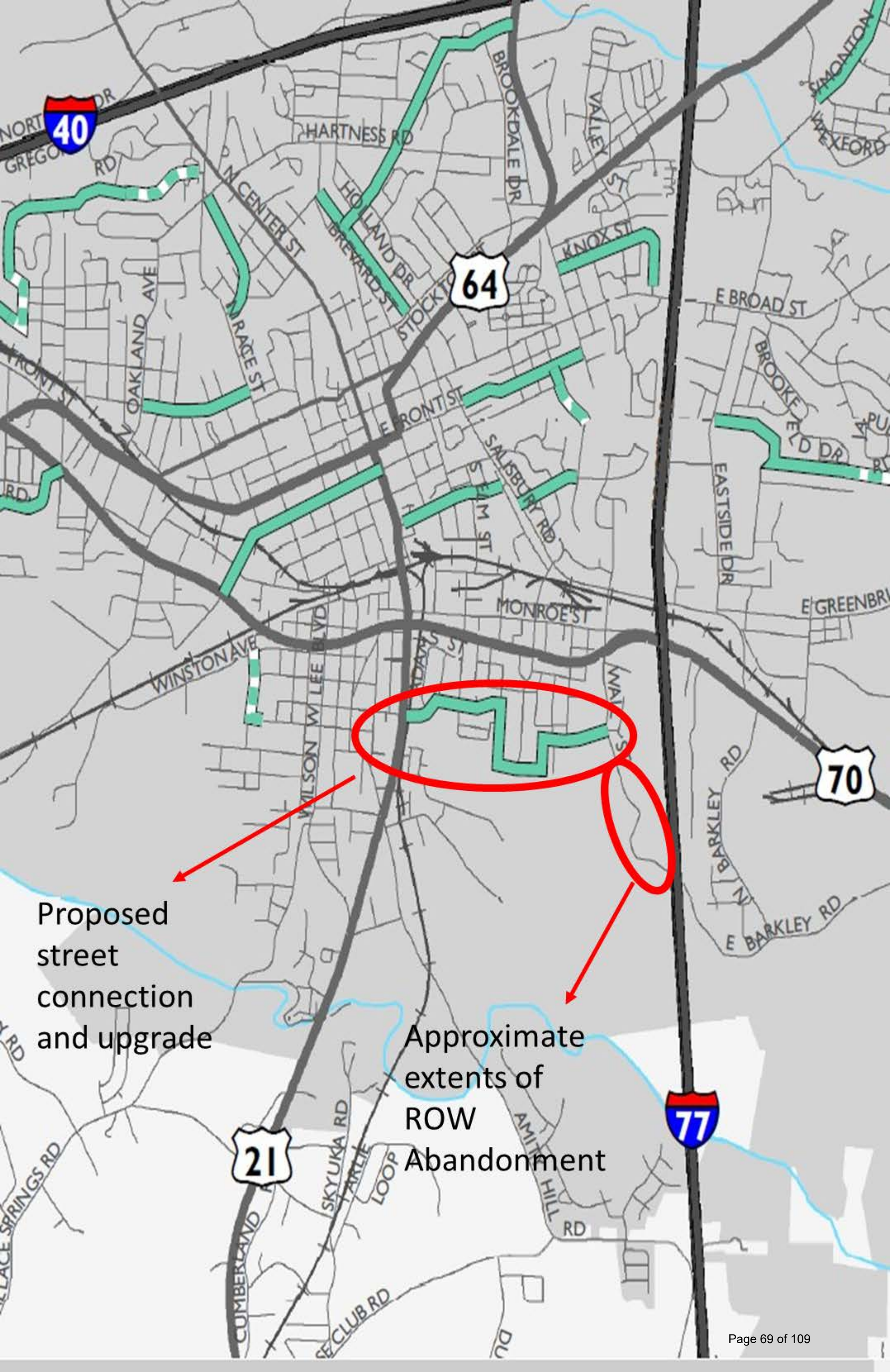
ATTEST:

Brenda Fugett, City Clerk

EXHIBIT A: LEGAL DESCRIPTION
WALL STREET

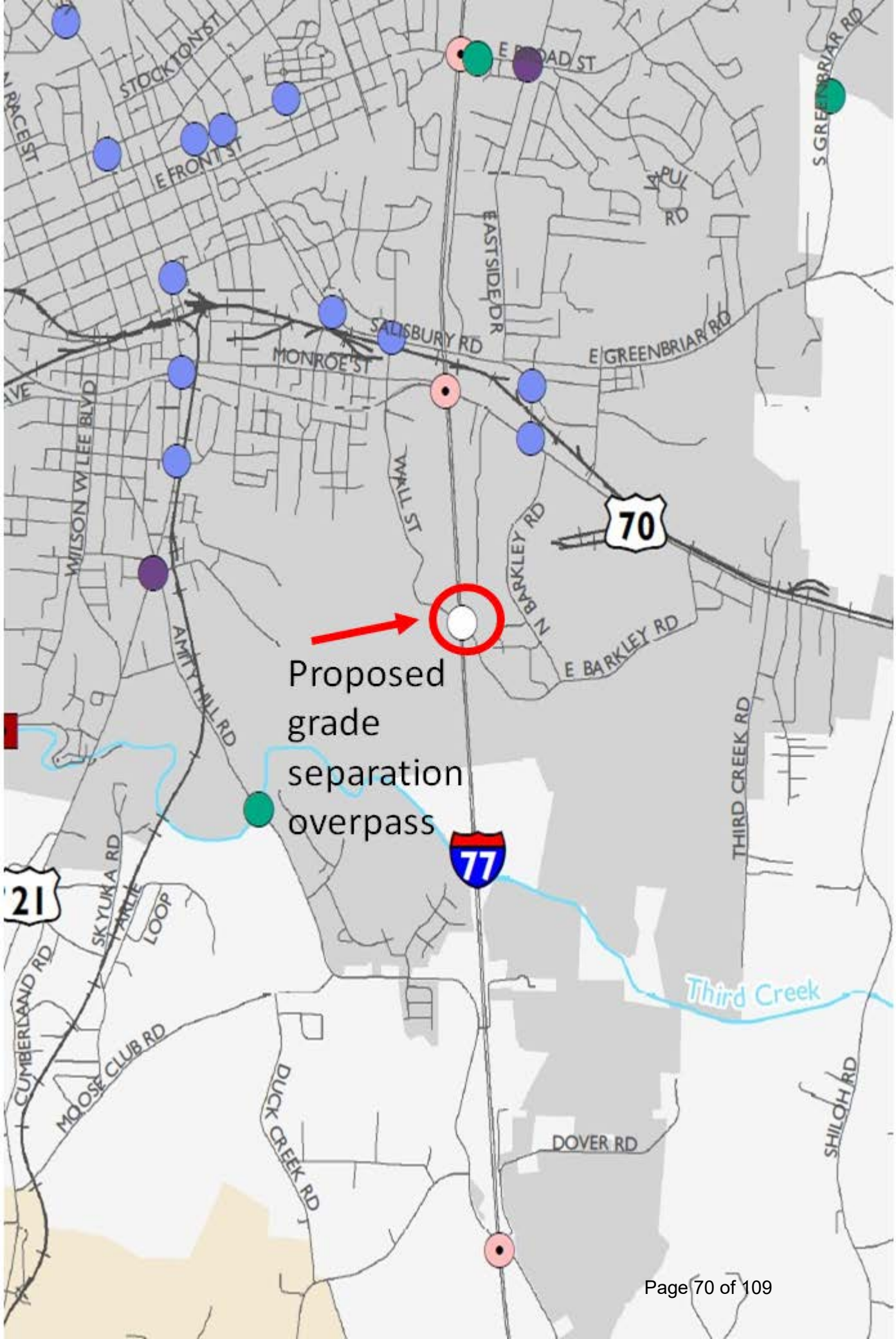
Beginning at L1 on the northeastern right of way of east Wall Street with a bearing of North 53° 00' 07" West having a distance of 27.86 feet to a found \$4 rebar. Thence; radius 194.85' of curve C1 having distance of 251.05' with chord bearing N19°54'49"W and chord 234.04'. Thence; C2 of radius 194.85' having a distance of 50.37' with chord bearing S24°24'09"W and chord 50.23'. Thence; L2 South 28° 41' 39" West having a distance of 334.28 feet to a point. Thence; radius 295.47' of curve C3 having distance of 164.78' with chord bearing S07°47'24"W and chord 162.66'. Thence; L3 South 17° 32' 12" East having a distance of 185.50' feet to a point. Thence; radius 121.94' of curve C4 having distance of 120.15' with chord bearing S44°49'31"E and chord 115.35'. Thence; radius 805.32' of curve C5 having distance of 138.74' with chord bearing S78°16'59"E and chord 138.57'. Thence; L4 South S84° 06' 50" East having a distance of 135.20 feet to a point. Thence; radius 527.33' of curve C6 having distance of 241.25' with chord bearing S70°50'36"E and chord 239.15'. Thence; L5 South 57° 53' 40" East having a distance of 369.49 feet to a point. Thence; L6 South 12° 55' 40" West having a distance of 63.53 feet to a point. Thence; L7 North 57° 53' 40" West having a distance of 390.44 feet to a point. Thence; radius 467.33' of curve C7 having distance of 213.80' with chord bearing N70°50'00"W and chord 211.94'. Thence; L8 North 84° 06' 50" West having a distance of 135.57 feet to a point. Thence; radius 865.32' of curve C8 having distance of 149.70' with chord bearing N78°17'39"W and chord 149.51'. Thence; radius 181.94' of curve C9 having distance of 178.90' with chord bearing N44°56'12"W and chord 171.78'. Thence; L9 North 17° 32' 12" West having a distance of 189.74 feet to a point. Thence; radius 355.47' of curve C10 having distance of 61.02' with chord bearing N04°05'48"W and chord 60.94'. Thence; L10 South 89° 34' 56" East having a distance of 31.32 feet to a point. Thence; L11 North 01° 02' 55" East having a distance of 145.97 feet to a point. Thence; L12 North 28° 41' 39" East having a distance of 332.73 feet to a point. Thence; radius 134.85 feet of curve C11 having distance of 211.90 feet with chord bearing N12°34'46"W and chord 190.76 feet. Thence; L123 North 53° 00' 07" West having a distance of 117.03 feet to a point. Thence; L123 South 87° 36' 03" East having a distance of 120.37 feet to a point and place of beginning.





Proposed
street
connection
and upgrade

Approximate
extents of
ROW
Abandonment



Proposed
grade
separation
overpass

Section 2.13 – Abandonment of Streets, Easements or Plats

F. Review Criteria

Prior to approval, the City Council shall find that:

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

G. Decision Maker

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

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 2, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving first reading of TA23-07 Text Amendments to the Unified Development Code filed by the City of Statesville to amend Article 3 Zoning, Section 3.04 Zoning District Regulations; Table 3-1 Use Matrix. Article 5. Supplemental Regulations Performance/Standards for Specific Uses, Section 5.04 Primary Uses and Structures, to include subsection III. Tobacco Shops; Article 6. Development Standards, Section 6.05 Lighting, 1-4; and amend definitions section for: Hookah, Vape, E-Cigarette, Cigar and Cigarette Shop/Lounge, Tobacco Paraphernalia and Tobacco Product to address the lighting standards and zoning districts pertaining to such uses.

- 1. Summary of Information:** The City of Statesville Planning Department is recommending an amendment to the text of the Unified Development Code to address Hookah, Vape, E-Cigarette, Cigar and Cigarette shops and Bar/lounges as well as the lighting thereof. The proposed amendment to 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, to include subsection III. Tobacco Shops; Article 6. Development Standards, Section 6.05 Lighting, 1-4; and amend definitions section for: Hookah, Vape, E-Cigarette, Cigar and Cigarette Bar/Lounge, Tobacco Paraphernalia and Tobacco Product limits the zoning districts and prohibits certain lighting (*see proposed ordinance*).

This text amendment addresses vape shops, hookah bars and tobacco shops, including their intended use, which zoning districts to allow them and the lighting standards thereof. The amendment delineates between a “shop”, which is intended for its “primary” use to be the sell of such products and a “bar/lounge” whose “primary” use is to allow the consumption of such products. Definitions are provided for the following:

1. Hookah, Vape, E-Cigarette, Cigar and Cigarette Bar/Lounge
2. Tobacco Paraphernalia
3. Tobacco Product
4. Tobacco Store

It is noted that state law does not permit the sell of food or alcohol in a business whose primary purpose is to allow the consumption of such products. The city already has several existing tobacco shops that sell these products, and they are currently allowed in the B-2, B-

3, B-4, CB, CBP, CB/H-115, B-5 and LI districts. The amendment would only allow them in the B-4 and B-5 districts with supplemental regulations. Finally, lighting would not be allowed to define, outline, or highlight any architectural feature of the building such as windows, doors, roof lines, eaves, awnings, railings, etc. Neon and LED signs would be allowed in windows as long as they are consistent with applicable sign regulations (see *proposed ordinance*). Changes/new text are highlighted and underlined and text to be removed is stricken through.

2. **Previous Council or Relevant Actions:** On April 25, 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 and vape shops, hookah bars and tobacco shops would be allowed in B-2, B-3, CB CBP/H-115 and LI Zoning Districts.
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 2nd reading will be on June 5, 2023.
8. **Attachments:**
 1. Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, 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, TO INCLUDE SUBSECTION III. TOBACCO SHOPS; ARTICLE 6 DEVELOPMENT STANDARDS, SETCTION 6.05 LIGHTING, 1-4; AND AMEND DEFINITIONS SECTION FOR: TOBACCO SHOP, TOBACCO PARAHERNALIA AND TOBACCO PRODUCT TO ADDRESS THE LIGHTING STANDARDS AND ZONING DISTRICTS PERTAINING TO SUCH USES.

TA23-07

WHEREAS, The City of Statesville Planning Department is recommending an amendment to the text of the Unified Development Code (UDC), addressing Hookah, Vape, E-Cigarette, Cigar and Cigarette Shop/Lounge and the location and lighting thereof; 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	R-A	R-20	R-15	R-15M	R-10	R-10M	R-8	R-8M	R-8MF	R-5	R-5M	R-5MF	O-1	O-1&	O-2	O-3*	O-4*	CB	CBP/H	B-5	LI	HI
													I-2						115			
Tobacco Shop (includes Hookah and Vape). (see Section 5.05)																X	X	SR	X	X	SR	X

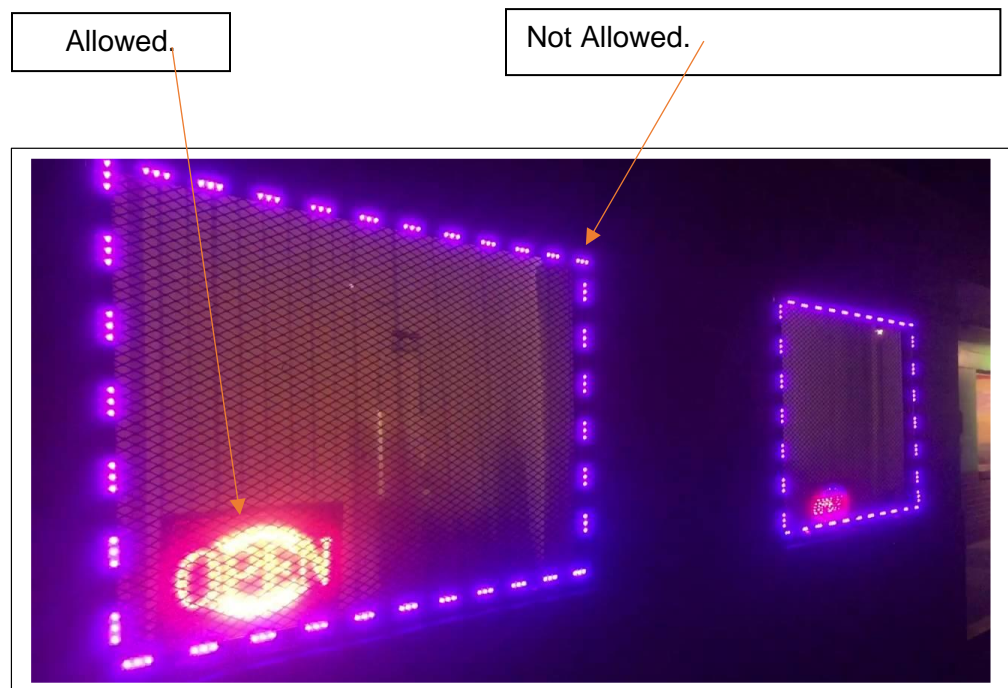
2. Section 5.04 Primary Uses and Structures – III. Tobacco Shop be amended as follows:

III. Tobacco Shop

1. An establishment intended for the sale of tobacco products (see definition) and tobacco paraphernalia (see definition). This may also include hookah, vape, e-cigarette, cigar and cigarette sales. If on-site consumption is allowed, the use may not involve the on-site consumption of alcohol or food (i.e., bar and/or restaurant) consistent with North Carolina state regulations. A grocery store, convenience store, or similar retail use that sells tobacco products or tobacco paraphernalia as an ancillary sale is not included in this definition.
2. Use of neon and LED lighting shall be prohibited consistent with Section 6.05.
3. Shall not be located within 1,500 feet from another Tobacco Shop.

3. Section 6.05 Lighting

1. All outdoor lighting shall comply with the performance standards contained in Section 5.05(1) of the Code.
2. Outdoor lighting shall be so located as not to directly reflect on adjacent property, or on public streets in such a manner as to adversely affect the enjoyment of adjacent property or endanger the motorist traversing such public streets. This shall be achieved by a number of methods including, but not limited to, shielding, orientation and lumen cast.
3. Lighting of Windows and Architectural Features: Lighting is prohibited from being used to define, outline or highlight windows or architectural features of the building (i.e. windows, doors, roof lines, eaves, ownings, railings, etc.). This prohibition shall not extend to the use of neon or LED signage in a window consistent with applicable sign regulations (see example below).



4. Lighting of Businesses and Landscaped Areas: Lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building façade, plantings and away from adjoining properties, public or private rights-of-way, and the night sky. Where building faces are illuminated, lighting fixtures must be integrated within the architectural design of the buildings.

• 4 . Section 9.02 Definitions – amend as follows:

Tobacco Shop (includes Hookah and Vape) – An establishment dedicated to the retail sale of tobacco, tobacco products (see definition), and/or tobacco paraphernalia (see definition) as its primary source of income, meaning more than 50 percent of gross monthly sales. The sale of products shall include e-cigarettes, hookah and vape products/cartridges. If consumption is allowed, the use may not involve the on-site consumption of alcohol or food (i.e., bar and/or restaurant) consistent with North Carolina state regulations. A grocery store, convenience store, or similar retail use that sells tobacco products or tobacco paraphernalia as an ancillary sale is not included in this definition.

Tobacco Paraphernalia – Any equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means into the body of tobacco, tobacco products (see definition), or other controlled substances. Items or devices classified as tobacco paraphernalia include, but are not limited to: pipes, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs and devices for holding burning material. Lighters and matches are excluded from the definition of tobacco paraphernalia.

Tobacco Product – Any product in leaf, flake, plug, liquid (such as e-cigarette liquid, vape cartridges, hookah products), or any other form, containing nicotine or tetrahydrocannabinol derived from the tobacco or hemp plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed. Absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means. For the purposes of this Code, this term excludes any product that has been specifically approved by the United States Food and Drug Administration for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

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.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

ATTEST:

Brenda Fugett, City Clerk

Leah Gaines Messick, City Attorney

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: May 2, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving first reading of TA23-08, Text Amendments to the Unified Development Code filed by the City of Statesville to amend Article 2. Development Review Process, Section 2.01 Application Process, Table 2-1: Summary of Application Procedures, Article 3. Zoning, Section 3.04 Zoning District Regulations, M. O-1-Office Single Lot District, N. O & I-2-Office and Institutional District, O.-1 – Neighborhood Service District, P. B-2 – Neighborhood Business District, Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures, Z. Dwellings, Planned Multi-family Dwellings and Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, B. Residential Density, 2. to clarify regulations for Duplexes, Townhomes and Multi-family in O-1, O & I-2, B-1, and B-2 Zoning Districts.

- 1. Summary of Information:** Due to continued growth within and around the city, additional requests for Townhomes and Multi-family Developments are being made. In reviewing several of these projects, staff has discovered there is some ambiguity in the language for Townhomes and Multi-family developments in the O-1, O & I-2, B-1, and B-2 Zoning Districts. In the City's UDO, Townhomes and Multi-family developments are uses allowed in these districts. However, the density is what is ambiguous.

Staff thinks the intent may have been to allow the O-1, O & I-2, B-1, and B-2 districts to be considered a MF zone however the code does not indicate this. So, staff has consistently been interpreting the code to allow density as follows:

Overall acreage divided by 5,000 sq. ft. to get number of units permitted. Staff used this interpretation based on the language in the code which allows the use and the language that states minimum lot size if used for residential purposes in 5,000 sq. ft. B-2 does not specify.

In addition, another interpretation could be that there are no density limitations in these districts.

However, after further discussion with management, I think the intent was to allow these districts to be MF zones. In staff's opinion, the best option is to remove any ambiguity by amending the code to allow the O-1, O & I-2, B-1 and B-2 to use the R-5MF Density calculations. Calculations in the R-5MF District are as follows:

Townhomes- Overall acreage divided by 5,000 sq. ft. to get number of Townhome units permitted. May reduce lot size from 5,000 sq. ft. to 2,000 sq. ft. for open space trade-off.

Example - 10 acres = 435,600 divided by 5,000 sq. ft. = 87.12 or 87 Townhomes units

87 units reduce from 5,000 sq. ft. to 2,000 sq. ft. = 261,000 sq. ft. of open space (5.99 acres)

Multi-family - Minimum lot size 7,500 sq. ft. for units 1 and 2, plus 2,500 sq. ft. for each additional unit. Example - 100 units would require 5.79 acres.

2. **Previous Council or Relevant Actions:** On April 25, 2023, the Planning Board voted 6 to 1 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 ambiguous, and staff would continue to interpret the multi-family in these districts by division of overall acreage by 5,000 sq. ft.
5. **Department Recommendation:** The department recommends approving the text amendment as presented.
6. **Manager's Comments:**
7. **Next Steps:** If first reading of the draft ordinance is approved, the 2nd reading will be on June 5, 2023.
8. **Attachments:**
 1. Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ARTICLE 2. DEVELOPMENT REVIEW PROCESS, SECTION 2.01 APPLICATION PROCESS, TABLE 2-1: SUMMARY OF APPLICATION PROCEDURES, ARTICLE 3. ZONING, SECTION 3.04 ZONING DISTRICT REGULATIONS, M. O-1 – OFFICE SINGLE LOT DISTRICT, N. O & I-2 – OFFICE AND INSTITUTIONAL DISTRICT, O. B-1 – NEIGHBORHOOD SERVICE DISTRICT, P. B-2 – NEIGHBORHOOD BUSINESS DISTRICT, ARTICLE 5. SUPPLEMENTAL REGULATIONS/PERFORMANCE STANDARDS FOR SPECIFIC USES, SECTION 5.04 PRIMARY USES AND STRUCTURES, Z. DWELLINGS, PLANNED MULTI-FAMILY DWELLINGS AND ARTICLE 6. DEVELOPMENT STANDARDS, SECTION 6.02 DENSITY AND DIMENSIONAL STANDARDS, B. RESIDENTIAL DENSITY, 2. TO CLARIFY REGULATIONS FOR DUPLEXES, TOWNHOMES AND MULTI-FAMILY IN O-1, O&I-2, B-1 AND B-2 ZONING DISTRICTS

TA23-08

WHEREAS, City Council would like to clarify the regulations for Duplexes, Townhomes and Multi-family development in the O-1, O & I-2, B-1 and B-2 Districts by amending the Unified Development Ordinance:

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Articles 2. Development Review Process, Article 3. Zoning, Article 5. Supplemental Regulations/performance standards for Specific Uses, and Article 6. Development Standards be amended as follows:

- Amend Article 2. Development Review Process, Section 2.01 Application Process, Tale 2-1 Summary of Application Procedures as follows:

Table 2-1: Summary of Application Procedures

Action	Recommending Agency	Decision Maker	Decision Type	Applicable Sections	Notice	Public Hearing
Other Development Applications						
Multi-family Development in R-8MF & R-5MF	TRC & Planning Board	City Council	Quasi-Judicial	2.15	Publication, letter, sign	Yes

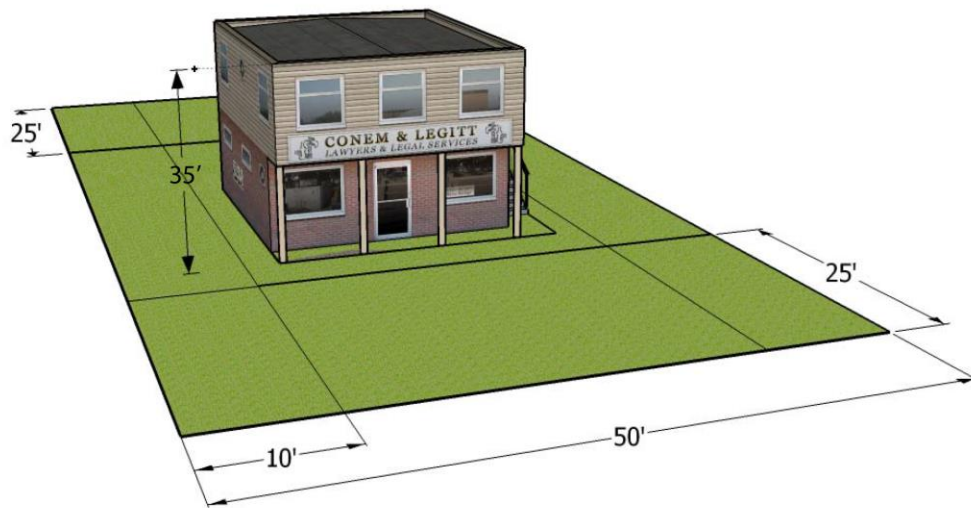
- Amend Article 3. Zoning, Section 3.04 Zoning District Regulations, M. O-1 – Office Single Lot District, N. O & I-2 – Office and Institutional Complex District, O. B-1 – Neighborhood Service District, P. B-2 – Neighborhood Business District as follows:

M. O-1 - Office Single Lot District

Purpose: The purpose of this district is to provide a high-quality environment for professional offices and services conducted	DIMENSIONAL AND RATIO STANDARDS:	
	Minimum Lot Size	5,000 sq. ft. (see note 2)

<p>entirely within buildings. This district also allows converting residential homes into compatible office uses while maintaining the residential characteristics.</p> <p>Authorized Uses: Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a variety of office and institutional uses not principally engaged in sales of goods.</p>	Minimum Lot Width (at front setback line)	50 ft.
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-12: Minimum O-1 Typical Building Envelope (Single-Family Residence) – figure not to scale.



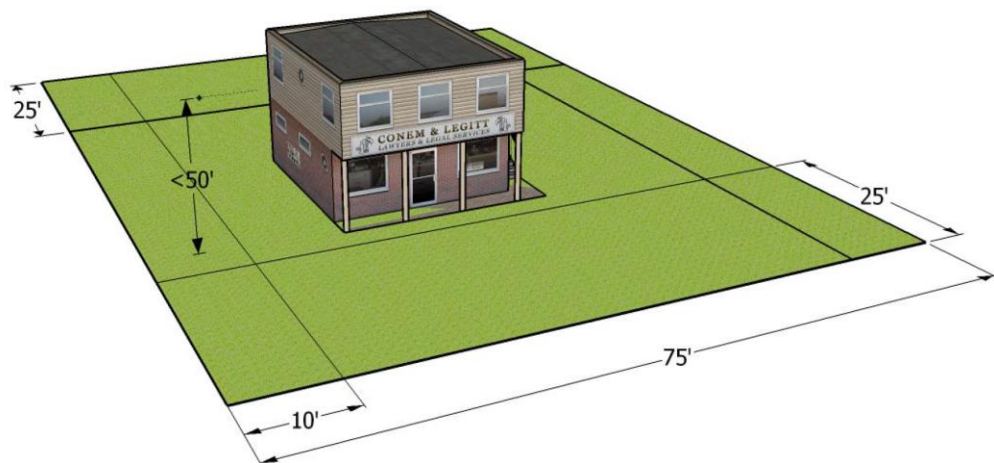
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Parcels zoned O-1 used for residential purposes shall meet the minimum 5,000 sq. ft. minimum lot size for the district. **O-1 used for Multi-family or Townhomes shall meet the R-5MF standards.**
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half ($\frac{1}{2}$) the front yard requirement.
4. Residential density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

N. O & I-2 - Office and Institutional Complex District

<p>Purpose: The purpose of this district is to accommodate larger office and institutional development, including office parks and complexes with increased impacts on surrounding land uses, such as increased traffic.</p> <p>Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a variety of office and institutional uses not principally engaged in sales of goods.</p>	DIMENSIONAL AND RATIO STANDARDS:	
	Minimum Lot Size	10,000 sq. ft. (see note 2)
	Minimum Lot Width (at front setback line)	75 ft.
	Front Setback:	25 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	50 ft.

Figure 3-12: Minimum O&I-2 Typical Building Envelope (Single-Family Residence) – figure not to scale.



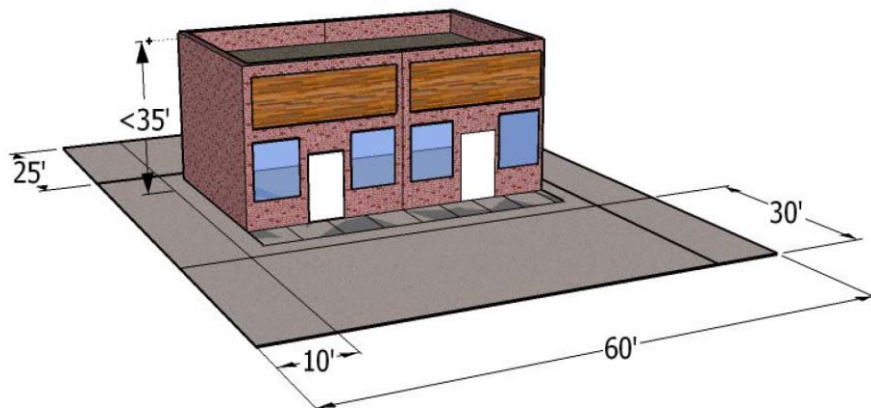
Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. Parcels zoned O&I-2 used for residential purposes shall meet the minimum 5,000 sq. ft. minimum lot size. **O&I-2 used for Multi-family and Townhomes shall meet the R-5MF standards.**
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half ($\frac{1}{2}$) the front yard requirement.
4. Residential density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

O. B-1 - Neighborhood Service District

<p>Purpose: The purpose of this district is to accommodate commercial activities that provide services to the residents of a particular neighborhood, such as limited personal services and everyday retail needs.</p> <p>Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes the sale of goods and services at a neighborhood scale.</p>	DIMENSIONAL AND RATIO STANDARDS:	
	Minimum Lot Size	6,000 sq. ft. (see note 2)
	Minimum Lot Width (at front setback line)	60 ft.
	Front Setback:	30 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 3
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	35 ft.

Figure 3-12: Minimum B-1 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

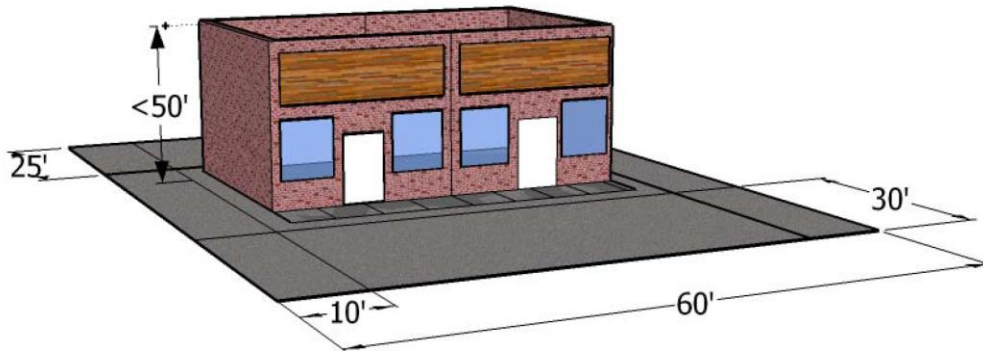
1. Development shall comply with additional development standards as contained in Article 6.
2. Parcels zoned B-1 used for residential purposes shall meet the minimum 5,000 sq. ft. minimum lot size. **B-1 used for Multi-family and Townhomes shall meet the R-5MF standards.**
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half ($\frac{1}{2}$) the front yard requirement.

4. Residential density shall be in accordance with the provisions of Section 6.02 (B) of this Ordinance.
5. On-site wastewater disposal shall be provided by public utilities (i.e. water and sewer).

P. B-2 - Neighborhood Business District

<p>Purpose: The purpose of this district is to accommodate commercial activities along collector streets and thoroughfares, including the provision of goods and services to the local community.</p> <p>Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which includes professional and institutional offices and convenience and retail stores.</p>	DIMENSIONAL AND RATIO STANDARDS:	
	Minimum Lot Size	6,000 sq. ft.
	Minimum Lot Width (at front setback line)	60 ft.
	Front Setback:	30 ft.
	Corner Lot Setback (lot with frontage on 2 streets):	See note 2
	Side Setback:	10 ft.
	Rear Setback:	25 ft.
	Maximum Height Limit:	50 ft.

Figure 3-12: Minimum B-2 Typical Building Envelope (Single-Family Residence) – figure not to scale.



Development Notes:

1. Development shall comply with additional development standards as contained in Article 6.
2. **B-2 used for Multi-family and Townhomes shall meet the R-5MF standards.**
3. When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

- **Amend Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures, Z. Dwellings, Planned Multi-family Developments as follows:**

Z. Dwellings, Planned Multi-Family Developments

A planned multi-family development, which shall contain two (2) or more multi-family buildings, three (3) or more duplexes or any combination of units thereof, established on a single development tract, using a unified design elements and coordinated organization of open space and service areas and developed according to an approved site plan, may be permitted subject to the following:

1. **Planned multi-family development** shall only be allowed in the R-8MF Medium Density Multi-Family Residential District, and the R-5MF High Density Multi-Family Residential District, the O-1 Office Single Lot District, the O&I-2 Office and Institutional Complex District, the B-1 Neighborhood Service District and the B-2 Neighborhood Business District subject to the following requirements:

- **Amend Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, B. Residential Density 2. as follows:**

2. Multi-Family and Townhomes

R-8MF minimum lot size 12,000 sq. ft. for units 1 and 2, plus 4,000 for each additional unit. Example: 100 units would require 9.27 acres

R-5MF, O-1, O&I-2, B-1 and B-2 minimum lot size 7,500 sq. ft. for units 1 and 2, plus 2,500 ft. for each additional unit. Example: 100 units would require 5.79 acres.

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.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

ATTEST:

APPROVED AS TO FORM

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: David Onley, Chief of Police
DATE: May 04, 2023

ACTION NEEDED ON: May 15, 2023.

(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving first reading of an ordinance to prohibit camping and improper use of City property.

1. **Summary of Information:** The City of Statesville has seen a rise in the use of City properties to camp, store personal property and erect temporary shelters. To address this increase, surrounding cities have enacted ordinances prohibiting the misuse of city properties. The attached ordinance will allow officers to address the public safety concerns surrounding camping, creating campfires or bonfires, storing personal property and other prohibited activities.

The Statesville Police Department remains dedicated to working with community partners to assist individuals in need of temporary shelter. Passage of this ordinance will not diminish these efforts but will enhance our ability to address this growing issue.

2. **Previous Council or Relevant Actions:** No prior Council action.
3. **Budget/Funding Implications:** Costs associated with the posting of signage.
4. **Consequences for Not Acting:** Failure to pass the ordinance will prevent city employees from removing individuals and items from city properties.
5. **Department Recommendation:** Staff recommends approving the ordinance to prohibit camping and improper use of city properties.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, staff will begin educating the public and notifying those in violation of the ordinance.
8. **Attachments:**
 1. Ordinance

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II OF THE CODE OF THE CITY OF STATESVILLE, TO PROHIBIT CAMPING AND IMPROPER USE OF CITY PROPERTY

WHEREAS, the City of Statesville has seen an increase in city property being utilized to camp and/or store personnel items; and

WHEREAS, this activity has created a public nuisance for the citizens of Statesville ; and

WHEREAS, prohibiting improper use and camping on City of Statesville Property will increase safety for the residents of Statesville and those visiting the city.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Chapter 14, Article II of the Code of the City of Statesville be amended by adding the following to the official ordinance file maintained by the City Clerk:

Sec. 14- ____ - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Camp or camping. Use of city property, public streets, sidewalks, rights-of-way, and public parking lots for living accommodation purposes such as sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or placing any tents or a temporary shelter on such property for living accommodation purposes.

Public Park. All municipal parks, public playgrounds, public plazas, attractions, and monuments.

Public property. All public or municipal buildings, facilities, structures, properties upon which the buildings, facilities or structures are located, lots, parcels, and any other public properties.

Storing personal property. Leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, pushcarts for personal belongings, or backpacks, unattended for any substantial prolonged length of time. The term "storing personal property" shall not include parking a bicycle or other mode of transportation.

Temporary shelter. Tents, tarps, or any type of structure or cover that provides partial shelter for persons, animals, or personal property from the elements.

Sec. 14- ____ - Prohibited activities.

(a) It shall be unlawful for anyone to camp or store personal property on any public property owned by the City including public parks, public streets, public rights-of-way, and sidewalks.

(b) It shall be unlawful to place tents, temporary shelters or other camping gear on public property owned by the City regardless of whether the tents are occupied and/or contain bedding or camping gear except in locations designated for camping by the City Council.

(c) It shall be unlawful to leave a tent or temporary shelter or to store personal property as defined above on any public property owned by the City.

(d) It shall be unlawful to light or use a campfire or bonfire on public property except in a location designated by the City Council for such use.

Sec. 14-____. - Enforcement and penalties.

(a) *Public nuisance.* Any activity prohibited under this article is hereby declared to constitute a public nuisance. Anyone camping attempting to camp or placing any tent or temporary shelter on city property in making preparations to sleep or store personal belongings without written permission to do so, shall be directed by any duly sworn law enforcement officer or city employee having authority to do so to cease such activity and to remove any camping gear or personal belongings from city property. Any duly sworn law enforcement officer or city employee may summarily remove any tent, temporary shelter, bedding, or personal belongings from city property.

(b) *Extinguishing campfire or bonfire.* Lighting or using a campfire or bonfire on city property poses a potential danger to the public and unless permitted to do so, any person lighting or using a bonfire on city property shall be directed to stop, to extinguish any burning material, and to remove same once that can be safely done. Any duly sworn law enforcement officer or city employee may summarily extinguish any burning material.

(c) A violation of this article may be punishable as a Class 3 misdemeanor subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days pursuant to G.S. 14-4 and G.S. 160A-175.

(d) *Applicable state law.* A violator of this article is also subject to arrest for violation of state trespass statutes G.S. 14-159.12.

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.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

Leah Gaines-Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Matthew L. Pierce, Assistant to the City Manager
DATE: May 04, 2023

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider authorizing the upset bid procedure for 1203 Free Nancy Ave (PIN 4745-54-1924.000) and 1213 Free Nancy Ave (PIN 4745-43-9618.000).

1. Summary of Information:

- 1203 Free Nancy Ave (PIN 4745-54-1924.000) and 1213 Free Nancy Ave (PIN 4745-43-9618.000) (i.e., “the properties”) lie south of Interstate 40 along Free Nancy Avenue.
- The properties are zoned [B-4 \(“Highway Business District”\)](#).
- Lane Construction currently has a lease on the properties until July 2024.
- The Statesville Greenway runs along the southern and western portion of 1213 Free Nancy Ave (PIN 4745-43-9618.000).
- Arneson Park Associates Partnership donated PIN 1213 Free Nancy Ave / PIN 4745-43-9618.000 to the city “for recreation and park uses.”
- Sale of the properties is conditioned upon the following:
 - retention of twelve (12) existing parking spots,
 - addition of eight (8) additional parking spots,
 - buyer must provide and install a minimum of six (06) directional signs to the greenway as well as hours of use (sunrise to sunset),
 - City will retain an easement of approximately fifty feet from top of bank on the western portion of PIN 4745-54-1924.000, and
 - the southern portion of 1213 Free Nancy Ave/PIN 4745-43-9618.000 will be separated from the remaining portion of the parcel and will be retained by the City as City property.

2. Previous Council or Relevant Actions:

- July 15, 2010—Receipt of donation of 1203 Free Nancy Ave / PIN 4745-54-1924.000
- December 13, 2012—Receipt of donation of 1213 Free Nancy Ave / PIN 4745-43-9618.000

3. Budget/Funding Implications:

Jai Amba Maa (JAM) Hospitality Statesville has made an introductory offer of \$650,000 for the properties. Unless otherwise specified, proceeds from the sale will be added to the General Fund.

4. **Consequences for Not Acting:** Council is at liberty either to initiate or not initiate the sales process for this parcel. If Council does not proceed with sales process, parcel will remain within the City's portfolio.
5. **Department Recommendation:** Initiate the upset bid procedure for PIN 4745-54-1924.000 and PIN 4745-43-9618.000.
6. **Manager Comments:** Recommend moving through the upset bid process.
7. **Next Steps:** The City Clerk to advertise the sale of the property per NCGS § 160A-269 requirements, accepting bids until no further qualifying upset bids are received. City staff will also have the property posted on MLS.
8. **Attachments:**
 1. Resolution Authorizing Upset Bid Process for PIN 4745-54-1924.000 and PIN 4745-43-9618.000
 2. Offer to Purchase and Contract from Jai Amba Maa (JAM) Hospitality Statesville
 3. Recombination Plat for PIN 4745-54-1924.000 and PIN 4745-43-9618.000
 4. Minute Book 24, Pages 1, 8; City of Statesville Pre-Agenda Minutes from July 15, 2010
 5. North Carolina General Warranty Deed for 1203 Free Nancy Ave / PIN 4745-54-1924.000
 6. Minute Book 24, Page 525-8, City of Statesville Pre-Agenda Minutes from December 13, 2012
 7. North Carolina General Warranty Deed for 1213 Free Nancy Ave / PIN 4745-43-9618.000 (Book 2464, Page 1337-40)

**RESOLUTION AUTHORIZING THE UPSET BID PROCESS FOR
PIN #4745-54-1924.000 AND PIN #4745-43-9618.000**

WHEREAS, the City of Statesville owns certain properties, 1203 Free Nancy Ave (PIN 4745-54-1924.000) and 1213 free Nancy Ave (PIN 4745-43-9618.000), located along Free Nancy Ave; and

WHEREAS, North Carolina General Statute §160a-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the city has received an offer to purchase the property described above, in the amount of \$650,000, submitted by jai amba maa (jam) hospitality Statesville; and

WHEREAS, Jai Amba Maa (JAM) hospitality Statesville has paid the required five percent (5%, \$32,500) deposit on its offer;

THEREFORE, THE CITY COUNCIL OF THE CITY OF STATESVILLE RESOLVES THAT:

1. The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute §160a-269.
2. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the City Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.
7. The terms of the final sale include
 - the conditions for the sale as laid out in the offer to purchase and contract by Jai Amba Maa (JAM) hospitality Statesville,
 - That the City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - that the buyer must pay with cash at the time of closing.
8. The city reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Adopted May 15, 2023

ATTEST:

City of Statesville

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

OFFER TO PURCHASE AND CONTRACT

Jai Amba Maa (JAM) Hospitality Statesville, (a North Carolina limited liability company) or assigns as Buyer, hereby offers to purchase and City of Statesville (a North Carolina municipality) as Seller, upon acceptance of said offer, agrees to sell and convey, all of that parcel of land described below, together with any buildings and improvements thereon (referred to as "the Property"), upon the following terms and conditions:

1. PROPERTY: A portion Iredell County PIN 4745-43-9618.000, more commonly known as 1213 Free Nancy Ave and all of Iredell County PIN 4745-54-1924.000, more commonly known as 1203 Free Nancy Ave, Statesville, North Carolina.

Deed Reference: Iredell County, NC Deed Book 2464, Page 1337 (PIN 4745-43-9618.000)
Iredell County, NC Deed Book 2087, Page 2451 (PIN 4745-54-1924.000)

2. PURCHASE PRICE: The purchase price is \$ 650,000 and shall be paid as follows:

(a) \$ 32,500 EARNEST MONEY DEPOSIT paid by check upon execution of this contract, to be deposited and held by Buyer's Attorney until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise terminated. In the event of breach of this contract by Seller, upon Buyer's request, all earnest money shall be returned to Buyer, but such return shall not affect any other remedies available to Buyer for such breach. In the event this offer is accepted and Buyer breaches this contract, then all earnest money shall be forfeited to Seller, but receipt of such forfeited earnest money shall not affect any other remedies available to Seller for such breach.

(b) \$ 617,500 Remainder of the purchase price paid in cash, certified check or wired funds due at closing.

3. CONDITIONS:

(a) At the time of execution of this offer to purchase, there are twelve (12) parking spaces available. Buyer must maintain those twelve parking spaces and create eight (8) additional parking spaces for a total of twenty (20) parking spaces if Buyer ever develops the land. Maintenance of these parking spaces shall be the Buyer's responsibility and all parking space shall be maintained in a similar or better condition as of the signing of this offer to purchase. These twelve (12) parking spaces shall, pursuant to deed restrictions at closing, be dedicated to the City for public use of the greenway and recreational space during daylight hours.

(i) By signing this offer to purchase, Buyer agrees to such deed restrictions being added at closing. The eight (8) additional parking spaces shall be in a similar location to the twelve (12) parking spaces currently in existence.

(ii) Buyer agrees that these deed restrictions shall run with the land and that these parking spaces shall be forever dedicated for City use of the greenway space during daylight hours.

(b) Buyer agrees to provide and install a minimum of six (6) directional signs to the greenway noting the way to the trailhead as well as noting that greenway usage is from sunrise to sunset.

(c) All deeds of trust, liens and other charges against the Property, not assumed by Buyer, must be paid and satisfied by Seller prior to or at closing such that cancellation may be promptly obtained following closing. Seller shall remain obligated to obtain any such cancellations following closing.

(d) Title must be delivered at closing by Special Warranty Deed, and must be fee simple marketable title, free of all encumbrances except: ad valorem taxes for the current year; utility easements, access easements, right of way and unviolated restrictive covenants; and such other encumbrances as may be assumed or specifically approved by Buyer. The Property must have legal access to a public right of way.

(e) By signing this offer to purchase, Buyer understands and agrees that there is a billboard currently on the Property owned by Arneson Park Associates Partnership. This billboard will remain the property of Arneson Park Associates Partnership, will be surveyed out, and will not be conveyed to the Buyer at closing. Buyer understands that they are accepting the property with the billboard on it and that any development of the Property will have to be completed around the billboard.

(i) Reference to the billboard will be made in the deed at time of closing as excepted out of the Property conveyance.

(f) Buyer understands that there is currently a NCDOT right of way on the property, and that Seller will make best efforts to abandon the right of way either before or simultaneously with closing on the Property.

(g) Buyer acknowledges that Lane Construction Company, at the time of signing this offer to purchase, has a lease on the property. Buyer understands that it shall honor the terms and conditions of the lease agreement with Lane Construction Company through the term of the lease agreement. The lease agreement is attached as Exhibit A.

(h) Buyer acknowledges the existence of a Duke Power Right of Way across the property and any development of Buyer will have to be in accordance with the current Duke Power Right of Way across the Property.

(i) Seller shall retain an easement of approximately 50' from the top of the bank on the Western portion of PIN 4745-54-1924.000. This easement shall be surveyed and recorded prior to or simultaneous with closing on this Property. This easement shall be referenced in the deed and Buyer shall honor the easement with any future development.

(j) Buyers are only purchasing a portion of 1213 Free Nancy Ave/ PIN 4745-43-9618.000. The southern portion of 1213 Free Nancy Ave/ PIN 4745-43-9618.000 will be separated from the remaining portion of the parcel and will be retained by the City as City property. This will be surveyed out at closing.

4. PRORATIONS AND ADJUSTMENTS: Unless otherwise provided, the following items shall be prorated and either adjusted between the parties or paid at closing: (a) Ad Valorem taxes on real property shall be prorated on a calendar year basis up until the date of Closing (b) all utilities shall be paid by Seller through date of Closing (c) any lease payments credited to Seller through date of Closing.

5. CLOSING EXPENSES: Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Agreement, excise tax (revenue stamps) and Broker's commissions. Buyer shall pay recording costs, costs of any title search, title insurance, the cost of a new survey and inspection expenses. Each party shall pay its own attorney's fees.

6. EVIDENCE OF TITLE: Seller agrees to use its best efforts to deliver to Buyer as soon as reasonably possible after the acceptance of this offer, a copy of survey, and deed relating to the Property in possession of or available to Seller.

7. LABOR AND MATERIAL: Seller shall furnish at closing an affidavit and indemnification agreement in form satisfactory to Buyer's title insurance company showing that all labor and materials, if any, furnished to the Property within 120 days prior to the date of closing have been paid for and agreeing to indemnify Buyer and Buyer's title insurance company against all loss from any cause or claim arising there from.

8. PROPERTY INSPECTIONS:

(a) Property Inspection: Seller agrees to use best efforts to deliver to Buyer copies of all leases, studies, reports, surveys and other information currently in Seller's possession. Buyer shall have the option of inspecting or obtaining, at Buyer's expense, third party inspections to determine whether utilities, zoning, environmental matters, soil conditions, title and survey matters are suitable for Buyer's intended use. Inspections must be completed on or before August 15, 2023. If the results of those inspections are not acceptable to Buyer, at Buyer's sole discretion, Buyer may terminate this contract by giving written notice of termination to Seller on or before 5:00 PM EST August 15, 2023 and Buyer shall be entitled to retain all of the earnest money deposit. Should buyer terminate after this inspection date, then all Buyer earnest money shall be forfeited.

(b) Acceptance: CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN AS IS/WHERE IS CONDITION. The Property is being conveyed by Seller in AS IS/WHERE IS condition without representation or warranty, express or implied, as to the condition thereof, the merchantability thereof or the fitness thereof for any particular use or purpose, and Seller is under no obligation to repair any portion of the Property.

9. REASONABLE ACCESS: Seller will provide reasonable access to Buyer or Buyer's representatives for the purposes of inspection and/or evaluation of the Property. Buyer will hold Seller harmless for its actions or the actions of its employees or agents.

10. CLOSING: Closing shall be defined as the date and time of recording of the deed. All parties agree to execute any and all documents and papers necessary in connection with closing and transfer of title on or before August 31, 2023 at the office of Buyer's attorney, or as designated by Buyer. Seller may elect to close in escrow via overnight delivery of documents. The deed is to be made to Buyer or as directed by Buyer.

11. POSSESSION: Possession shall be delivered at Closing.

12. ASSIGNMENT: Buyer may assign this contract only with the written consent of Seller, but if assigned, then this contract shall be binding on the assignee and his heirs and successors.

13. PARTIES: This contract shall be binding upon and shall inure to the benefit of the parties, Buyer and Seller and their heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.

14. ENTIRE AGREEMENT: This contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties.

15. EXECUTION: This offer shall become a binding contract when signed by both Buyer and Seller. This contract is executed under seal in signed multiple originals, all of which together constitute one and the same instrument, with a signed original being retained by each party, and the parties adopt the word "SEAL" beside their signatures below. This offer remains open for acceptance by Seller for five (5) days after the date signed by Buyer, and the offer shall terminate if it is not so accepted. Seller shall promptly return to Buyer a signed counterpart of this contract after Seller signs it.

16. INDEMNITY: The Seller indemnifies and holds harmless the Buyer and the Buyer's heirs, assigns, successors, employees, officers, agents or any related party to Buyer, from any and all actions, causes of action, suits, claims and losses of any nature relating to or from the operations or activities of Buyer subsequent to the closing date. The Buyer indemnifies and holds harmless the Seller and the Seller's heirs, assigns, successors, employees, officers, agents or any related party to Seller, from any and all actions, causes of action, suits, claims and losses of any nature relating to or from any and all conditions of the Property existing at the closing date.

Seller: **City of Statesville, a Municipal Corporation**

Buyer:

By: _____ (SEAL)

Name: _____

Title: _____

By:  (SEAL)

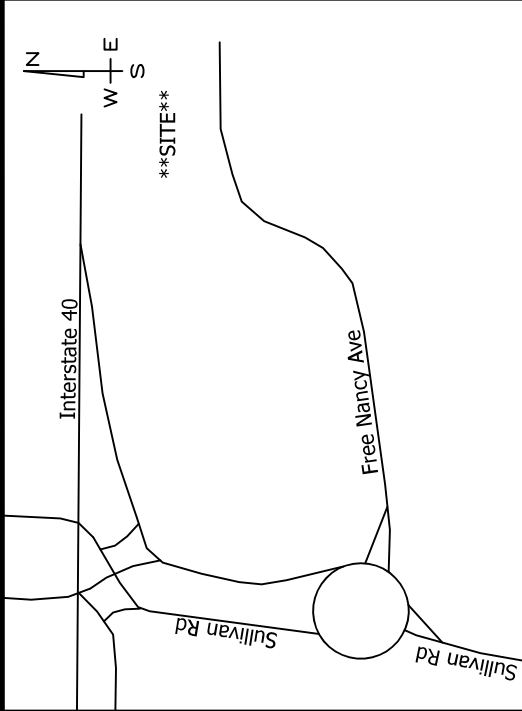
Name: Jay (Jimmy) Patel

Title: Managing Member

Address: 1137 Morland Drive,
Statesville, NC 28677

Date: _____, 2023

Date: May 3, 2023



Vicinity Map - Not to Scale

LINE	BEARING	DISTANCE
L1	N 63° 55' 15" W	30.17'
L2	S 05° 23' 30" W	31.10'
L3	S 34° 02' 34" W	60.04'
L4	S 34° 07' 14" W	36.04'
L5	S 34° 05' 33" W	96.82'
L6	N 80° 09' 20" E	26.00'
L7	N 55° 54' 27" W	116.64'
L8	N 09° 46' 17" W	111.50'
L9	S 09° 39' 58" E	88.08'
L10	S 55° 57' 18" E	116.79'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	243.39'	100.00'	94° 40' 25"	S 32° 51' 10" E	75.55'
C2	243.39'	100.00'	94° 40' 25"	S 32° 51' 10" E	75.55'
C3	243.39'	100.00'	94° 40' 25"	S 32° 51' 10" E	75.55'
C4	243.39'	100.00'	94° 40' 25"	S 32° 51' 10" E	75.55'
C5	243.39'	100.00'	94° 40' 25"	S 32° 51' 10" E	75.55'

NOTES:

1. THE SURVEYED IMPROVEMENTS DOES LIE WITHIN A FLOOD HAZARD AREA AS DETERMINED BY FLOOD MAP 3710474500, EFFECTIVE DATE 3/18/2008.
2. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS OR RIGHT OF WAYS OF RECORD WHICH MAY EXIST ACROSS SAID PROPERTY.
3. IRON PINS ARE SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
4. THE SURVEYED PROPERTY DOES NOT LIE WITHIN THE U.S. DEPARTMENTS OF INTERIOR'S NATIONAL REGISTER OF HISTORIC PLACES.
5. BROKEN LINES REPRESENT PROPERTY LINES WHICH ARE NOT ACTUALLY SURVEYED. THESE DASHED LINES WERE TAKEN FROM DEEDS OR OTHER SOURCES.

I HEREBY CERTIFY THAT THE PLAT FOR RECORDATION IS AN EXCEPTION TO THE SUBDIVISION ORDINANCE OF CITY OF STATESVILLE, NORTH CAROLINA.

PLANNING STAFF
STATESVILLE, NORTH CAROLINA

State of North Carolina
County of Iredell

I, _____, Review Officer of Iredell County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review officer

Date

CITY OF STATESVILLE - REGISTERED AGENT

Controlled Access
Interstate 40
Variable Width R/W Illustrated
Ref: Project #1-3819A

Controlled Access
Interstate 40
Variable Width R/W Illustrated
Ref: Project #1-3819A

PIN: 4745439618
CITY OF STATESVILLE
D.B. 2464, PG. 1337
ZONED: B-4
(56,016.32 SF.)
(1.286 AC.)

PIN: 4745541924
CITY OF STATESVILLE
D.B. 2087, PG. 826
ZONED: B-4

PIN: 4745539852
DEPARTMENT OF TRANSPORTATION
D.B. 2083, PG. 826
ZONED: B-4

PIN: 4745541924
CITY OF STATESVILLE
D.B. 2087, PG. 2451
ZONED: B-4
(53,324.48 SF.)
(1.224 AC.)

D.B. 2085, PG. 483
Existing NCDOT R/W
To be Abandoned
(9,351.85 SF.)
(0.215 AC.)

PIN: 4745439618
CITY OF STATESVILLE
D.B. 2464, PG. 1337
ZONED: B-4
(86,174.96 SF.)
(1.978 AC.)

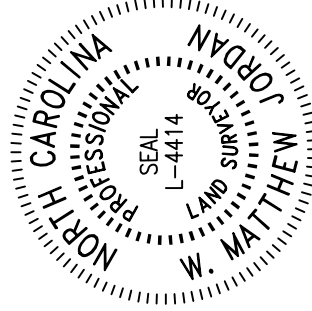
D.B. 470, PG. 195
68' Duke Power R/W

PIN: 4745433680
INGLES MARKETS INC
PARCEL 3 P.B. 67 PG. 97
ZONED: B-4

STATE OF NORTH CAROLINA
IREDELL COUNTY

I, W. MATTHEW JORDAN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE RATIO OF PRECISION IS 1: 10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 2087, PAGE 2451 & BOOK 2464, PAGE 1337 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS. 47-30 AS AMENDED IN ACCORDANCE WITH GS. 47-30 AS AMENDED. WITNESS MY SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 17th DAY OF APRIL, 2023.

I, W. MATTHEW JORDAN, HEREBY CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS A COURT RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTIONS TO THE DEFINITION OF SUBDIVISION IN ACCORDANCE WITH G.S. 47-30 (f)(1)(d).



Preliminary - Not For Recording
04-17-23

SURVEYOR REG. NO.: L-4414

LEGEND:

- EAT - EXISTING ANGLE IRON
- IRF - IRON PIPE FOUND
- IRS - IRON REBAR SET
- IRF - IRON REBAR FOUND
 NTS - NOT TO SCALE | RTB - REINFORCED CONCRETE PIPE | TBR - REINFORCED CONCRETE PIPE | R/W - RIGHT OF WAY | OB - OUTBUILDING | SD - STORM DRAIN | ● - COMPUTED POINT | ○ - LIGHT POLE | ⊙ - POWER POLE | ⊕ - WELL | ⊖ - MANHOLE |

Lot #	Owner Information	Total Area
New Lot 1	PT PIN: 4745439618 CITY OF STATESVILLE D.B. 2464, PG. 1337 ZONED: B-4	35,924.21 SF. 0.825 AC.
New Lot 2	PT PIN: 4745439618 CITY OF STATESVILLE D.B. 2087, PG. 2451 ZONED: B-4	204,867.61 SF. 4.703 AC.

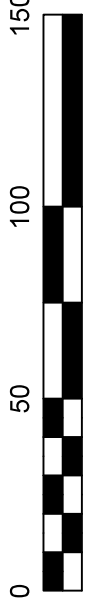
JORDAN GRANT

ENGINEERING • SURVEYING • PLANNING
JORDAN GRANT & ASSOCIATES, PLLC
P.O. BOX 151 * STATESVILLE, NC 28687
matt.grant@jordan-grant.com (704) 928-7919
FIRM # P-1227

RECOMBINATION PLAT FOR:

City of Statesville

DRAWN BY: JJC	CHECKED BY: WMJ
SCALE: 1"=50'	
DEED REF: 2087-2451 & 2464-1337	PIN NO: 4745541924 & 4745439618
DATE OF MAP: 04-17-23	SURVEY DATE: 04-03-2023
REVISION:	DRAWING FILE: 20230376-REC2
1203 & 1213 FREE NANCY AVE, STATESVILLE, NC 28677	STATESVILLE TOWNSHIP --- IREDELL COUNTY --- NORTH CAROLINA



PIN: 4745531226
MINI STORAGE 1109 INC
D.B. 1591, PG. 993
ZONED: B-4

OWNER / DEVELOPER
CITY OF STATESVILLE
PO BOX 111
STATESVILLE, N.C. 28687

**MINUTE BOOK 24 PAGE 001
CITY OF STATESVILLE PRE-AGENDA MEETING – July 15, 2010
CITY OFFICE BUILDING CONFERENCE ROOM – 4:30 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, Steele, Gregory, Eisele, Huggins, M. Johnson, Stallard, Matthews via speakerphone

Staff Present: Hites, Smyth, Pressley, Davis, Fugett, Cornelison, Currier, Cranford, Anderson, Salmon, Bullins, Miglin, Ashley, Hutchens, Triplett, Gaines

Media Present: D. Vieser – Charlotte Observer

Visitors: Mike Smith
LandDesign representatives: Beth Poovey, Matt Roper, Margot Nealon

I Call to Order

Mayor Kutteh called the meeting to order and led Council through the Consent Agenda as follows:

CONSENT AGENDA – All items below are considered to be routine by the 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. Approve minutes of the Budget Workshop meeting of May 26, 2010, the Budget Workshop meeting of June 1, 2010, the Pre-agenda meeting of June 3, 2010, and the Council meeting of June 7, 2010.**
- B. Consider a bid agreement to participate in joint purchasing with other towns and cities for utility materials, supplies and equipment.**

Finance Director Lisa Salmon explained the City presently buys utility poles from a contract based on a cooperative bid agreement with Electricities. Electricities provides administrative assistance to its Members in the bid and award process with all requirements of NCGS 143-129. The current agreement expired on June 30, 2010. The attached agreement covers July 1, 2010 thru June 30, 2013. The approval of this joint bid agreement will allow the City of Statesville to continue to realize savings due to the larger volumes purchased annually. Staff recommends continuing participation in cooperative bid agreement.

- C. Consider passing a motion to close selected streets in Downtown Statesville for the Statesville Criterium bicycle race on Friday, August 6, 2010.**
- D. Approve 2nd reading of TA10-02 filed by the City of Statesville to amend Section 90.2 Membership; Term: Vacancies, subsection 90.2.1 and Section 90.4 Jurisdiction and Voting.**

REGULAR AGENDA

II Receive a report regarding Streetscape progress from LandDesign.

Beth Poovey with LandDesign distributed and reviewed the Streetscape progress report with Council (report incorporated into the minutes by reference-Attachment

#2 in the amount of \$2,428,992.50 to APAC Atlantic, Thompson-Arthur Division, Inc.

Council member Steele asked if there is grant funding for this. Mr. Pressley stated there is and staff is in the process of verifying the consultant's figures are correct.

XVII Accept a land gift from the Board of Directors of Carmike Theaters.

City Manager Rob Hites reported Jim Zehr, representing Carmike Theaters, inquired if the City would have any need for the parking area at the old Carmike Theater on Free Nancy Drive. The NC Department of Transportation purchased the building and property parallel with the front building line for additional Interstate Right of Way. According to Mr. Zehr the structure should be demolished in August or September. Mr. Hites suggested the parking area would make an ideal staging area for persons using the newly paved walking trail. Mr. Hites stated the NCDOT reserved a right of way through the parking area to Free Nancy Drive and the City would be able to use the ROW as well. Mr. Zehr recommended the gift to the Carmike Board and they approved. Staff recommends acceptance of the property and deed preparation for execution by Carmike Theaters subject to a clear title.

XVIII Approve a resolution establishing a process for a "Shade Tree Corridor" program.

Rob Hites stated during the review of the Unified Development Ordinance (UDO) Council member M. Johnson requested that the staff develop a program that would re-establish and preserve the grand shade tree canopy along the main corridors to the downtown. As staff studied the issue we found that the City has been planting small ornamental trees under the power lines of these corridors for decades and very few large species of oaks have been replanted to replace the canopy that had been removed over the years. The "Shade Tree Corridor" would fundamentally change the way the staff has maintained the corridors. In addition to changing the plant species the Electric Department has been charged with determining the most cost effective method of removing aerial power lines from the corridors. This resolution establishes the approach to determining the feasibility of creating a "Shade Tree Corridor Preservation Program" and designates the corridors. In the last paragraph the Resolution states that the shade and ornamental trees shall be selected from an approved list for Street Rights of Way and all trees should be planted no closer than 7.5 feet from the edge of an easement located on private property.

Council agreed by consensus to move this item to the Consent Agenda.

XIX Receive a request from GSDC to approve an agreement to fund construction of a rail crossing and a guarantee of minimum payment for rail service for Providencia Inc.

Rob Hites reported Providencia Inc. will receive its raw material via rail service from Alexander Railroad. A rail crossing is required on the State maintained road in the West Business Park. Alexander Railroad has provided \$50,000 in funds to use in constructing the crossing. According to Mike Smith, that funding should cover the cost of designing and constructing the crossing. In addition to the crossing, Alexander Railroad requires a guarantee of a minimum of 500 cars service during the first three years of service. Should the company NOT require this level of service the City, County, Providencia and GSDC will each provide their "pro rata" share of the minimum level of service at a rate of \$200 per car. This is a similar agreement to one the governments entered into with Norfolk Southern several years ago. This agreement was drafted by Alexander Railroad and has been approved and executed by the County. Mr. Smith requests that



Doc ID: 013156470003 Type: CRP
Recorded: 10/21/2010 at 03:51:26 PM
Fee Amt: \$25.00 Page 1 of 3
Revenue Tax: \$0.00
Iredell County, NC
Brenda D. Bell Register of Deeds
BK 2087 PG 2451-2453

REVENUE STAMPS: \$ -0-
NO TITLE OPINION RENDERED

3

Excise Tax _____ Recording Time, Book Page _____
• Tax Lot No. _____ Parcel Identifier No. _____

✓ Mail after recording ELG - Box

This instrument prepared by- Edmund L. Gaines, Atty at Law, 316 E. Broad Street, Statesville, NC 28677

NORTH CAROLINA GENERAL WARRANTY DEED

This DEED made this 15th day of _____ October _____, 2010, by and between

CARMIKE CINEMAS, INC.
A Delaware corporation

CITY OF STATESVILLE,
a municipal corporation

ADDRESS:
P. O. Box 1111
Statesville, NC 28687

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Statesville, Inside Township, Iredell County, North Carolina, and more particularly described as follows:

BEGINNING at a mag nail set S 80° 12' 50" W 326.21 feet from a State right of way disc found at NC Grid Coordinates NAD83(NSRS 2007) N = 754,137.47 and E = 1,445,543.79, said mag nail set also being on the western line of the property of the Arenson Park Associates as described in that deed recorded in Deed Book 915, Page 1170, Iredell County Registry; and running thence with the line of the Arenson Park Associates property S 09° 47' 09" E 208.45 feet to a mag nail set; and running thence S 42° 32' 25" E 18.91 feet to a point on the right of way of Free Nancy Avenue; and running thence with the curve of the right of way of Free Nancy Avenue, said curve having a bearing of S 40° 37' 42" W, a chord distance of 73.81 feet and a radius of 320 feet and a length of 73.98 feet to a point; and continuing thence with the right of way of Free Nancy Avenue S 34° 02' 52" W 60.05 feet to a nail set; and running thence N 55° 56' 58" W 116.79 feet to a PK nail; and running thence with a curve having a bearing of N 32° 50' 50" W, a chord distance of 75.55 feet, a radius of 96.39 feet, and a length of 77.63 feet to a mag nail; and running thence N 09° 44' 10" W 88.05 feet to a mag nail; and running thence N 09° 45' 57" W 76.25 feet to a mag nail; and running thence N 80° 12' 50" E 186.64 feet to a mag nail; and running thence N 80° 12' 50" E 15.34 feet to the point and place of BEGINNING, containing 1.225 acres, more or less, and being in accordance with that survey of Craig L. Long, Registered Surveyor, dated 9/28/10, a copy of which

is attached hereto as Exhibit A; and being a portion of that property conveyed to the Grantor by that deed recorded in Deed Book 603, Page 434, Iredell County Registry.

This property was originally conveyed to Essantee Theatres, Inc., by that deed recorded in Deed Book 603, Page 434, Iredell County Registry. Essantee Theatres, Inc. changed its corporate name to Carmike Carolinas, Inc. (See Deed Book 1322, Page 1523, Iredell County Registry.) Carmike Carolinas, Inc. was merged into the Grantor Carmike Cinemas, Inc. (See Articles of Merger, in Deed Book 2049, Page 139, Iredell County Registry.)

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND THE GRANTOR covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

CARMIKE CINEMAS, INC.,
a Delaware Corporation

By: Lee Champion
Lee Champion, Senior Vice President

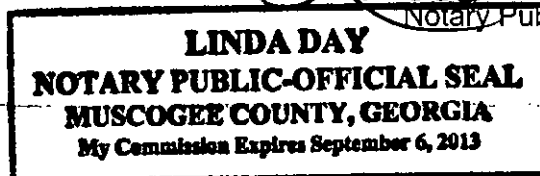
SEAL-STAMP

STATE OF GEORGIA - COUNTY OF MUSCOGEE:

I, Linda Day, a Notary Public of the County and State aforesaid, certify that **LEE CHAMPION** personally came before me this day and acknowledged that he is Senior Vice President of the **CARMIKE CINEMAS, INC.** a Delaware corporation, and acknowledged, on behalf of the **CARMIKE CINEMAS, INC.** the due execution of the foregoing instrument for the purposes herein expressed.

WITNESS my hand and official stamp or seal, this the 15th day of October, 2010

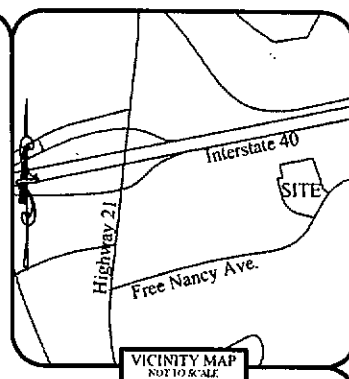
My Commission Expires:



I, Craig L. Long, certify that this map was drawn under my supervision from an actual survey made under my supervision; that the error of closure as calculated by latitudes and departures is greater than 1:10,000. That the deeds and maps noted were used as references. That the boundaries not surveyed are clearly indicated as drawn from information indicated; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 28th day of September, 2010.

Craig L. Long

Surveyor L-2993



NOTES

1. PROPERTY MAY BE SUBJECT TO OTHER COVENANTS, RESTRICTIONS, EASEMENTS OR RIGHTS-OF-WAY THAT MAY BE OF RECORD.
2. ALL DISTANCES SHOWN ARE SURFACE HORIZONTAL DISTANCES.
3. IRON PINS FOUND OR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
4. ALL AREAS SHOWN HEREON WERE COMPUTED USING THE COORDINATE COMPUTATION METHOD.

DEED REFERENCES: 560-369, 603-434, 681-152, 681-502, 2049-139

LEGEND

MONUMENT FOUND AS DESCRIBED

COMPUTED POINT

NAIL FOUND OR SET

OLD LOT LINES

R/W LINE

PROPERTY LINE

LINE NOT SURVEYED

SANITARY SEWER LINE

LINE TABLE		
LINE	LENGTH	BEARING
L1	26.00	N80°12'51"E
L2	15.34	N80°12'50"E
L3	18.91	S42°32'25"E
L4	36.03	S34°06'50"W

INTERSTATE 40

OLD R/W

NORTH PER NAD83(NSRS2007)

NC GRID COORDINATES
NAD83(NSRS 2007)
N=754,137.47
E=1,445,543.79

THE ARENSON PARK
ASSOCIATION
PIN: 4745439729
D.B. 915 PG. 1170

THIS MAP IS NOT A CERTIFIED SURVEY AND
HAS NOT BEEN REVIEWED BY A LOCAL
GOVERNMENT AGENCY FOR COMPLIANCE
WITH ANY APPLICABLE LAND
DEVELOPMENT REGULATIONS.

TOTAL REMAINING AREA
53,345 SQ. FT.
1.225 ACRES
CARMIKE CINEMAS, INC.
PART OF PIN: 4745540057
D.B. 603 PG. 434
D.B. 2049 PG. 139

THE ARENSON PARK
ASSOCIATION
PIN: 4745439729
D.B. 915 PG. 1170

68' DUKE POWER COMPANY R/W
PER DEED BOOK 470, PAGE 195

20' SEWER LINE EASEMENT
PER DEED BOOK 560, PAGE 369

68' DUKE POWER COMPANY R/W
PER DEED BOOK 470, PAGE 195

FREE NANCY AVENUE
80' PUBLIC R/W

60 30 0 60 120
SCALE OF DRAWING IS 1 INCH = 60 FEET

Survey By:
 Professional
Property
Services Inc.
1406 North Main Street
Mooresville, N.C. 28115
704-799-2292 Phone/Fax
980-721-6611 Mobile

Boundary Survey of:
1.225 Acres along
Free Nancy Avenue

- PROPERTY OF -
CITY OF STATESVILLE
PART OF PIN: 4745540057

092810-03
Job No.
DWL - FPS
Prepared By
9/28/10
Date

Statesville Greenway Boundary
DRAWING FILE NAME

SHEET
1
OF
1

MINUTE BOOK 24, PAGE 525

CITY OF STATESVILLE PRE-AGENDA MEETING – December 13, 2012

CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 4:30 P.M.

STATESVILLE, NORTH CAROLINA

Mayor Constantine H. Kutteh presiding:

Council Present: J. Johnson, West, Eisele, M. Johnson, Stallard, Gregory

Council Absent: Huggins, Matthews

Staff Present: Pressley, Fugett, Salmon, Gaines, Smyth, Bullins, Miglin, Currier, Pritchard, Harrell, Collins, Ashley, Hodges, Morris, Watts, Hudson, Davis

Media Present: Jim McNally-Statesville Record & Landmark

Others: 2

Call to Order

Mayor Kutteh called the meeting to order and advised there would be an Executive Session held following the pre-agenda meeting to discuss a property acquisition matter and an economic development matter and to preserve the attorney-client privilege for both. He stated item VII will be removed from the agenda and a request from Statesville Flying Service, Inc. to lease the City owned former Michael Waltrip hangar at the airport would be added in its place. Mayor Kutteh reviewed the Consent Agenda as follows:

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. Approve the minutes of the November 29, 2012 Pre-agenda Meeting and the December 03, 2012 City Council meeting.

B. Certify roster of personnel in the Fire Department.
There was no discussion regarding this item.

C. Consider approving a request to transfer \$6,520 from the Drug Seizure Fund for the purchase of an outdoor camera system and approval of Budget Amendment #19.

Chief Watts explained this system will replace the existing camera system that is no longer operational. It is a rapidly deployable, weather resistant pole camera made for covert crime surveillance and is designed to be covertly mounted to identify suspects in high crime areas including high drug areas or areas suffering reoccurring property crimes. The system uses a cellular modem which will require a standard data plan to be paid for through the departmental budget. The video evidence will be monitored and recorded at a determined police department location. The camera will be vital to conducting real time narcotics related surveillance in predetermined locations while reducing the danger to law enforcement personnel by conducting the surveillance at a remote location.

Consider accepting a land gift from Arneson Park Associates Partnership, represented by David L. Pressly, Jr.

Brendon Pritchard stated that David L. Pressly, Jr., representing Arneson Park Associates Partnership, contacted staff regarding donating some property off Free Nancy Avenue, to the City for recreation and park uses. The North Carolina Department of Transportation purchased a portion of their property fronting Interstate 40 for the widening project. The remainder of this property lies to the west, east and south of the property Carmike Theaters donated to the City. The portion of property to the east of our lot contains additional asphalt parking that adjoins our paved lot and the other parcels of land are adjacent to our Museum Greenway. Staff recommends that the property be accepted and a deed prepared for execution by Arneson Park Associates Partnership. Mr. Pritchard stated the total acreage is approximately 4.2 acres. Council members agreed there is no disadvantage to accepting this.

Council agreed by consensus to move this item to the Consent Agenda.

Conduct a courtesy hearing and consider adopting a Small Area Plan for the Brookdale Drive, Oakdale Drive and Hartness Road Corridors.

Sherry Ashley reminded City Council that they had requested that staff conduct a Small Area Plan for the Brookdale Road area due to a rezoning request submitted in December of 2011. The rezoning request for five parcels along Brookdale Drive, submitted by Mary Jo Crandall, Joseph Beaver and Edward Johnson was tabled until a small area plan could be completed. The Planning Board's recommendation is favorable with a unanimous vote as presented and three citizens asked questions during the Planning Board courtesy hearing. Mrs. Ashley briefly summarized the information contained in the Plan.

Council member Gregory asked how the residents in the area felt about this. Mrs. Ashley stated this will be the third public hearing for this and there has been some opposition but the residents see that it is necessary. Mayor Kutteh pointed out that regardless of what plan the City puts in place, the subdivision rules will protect the neighborhood even further.

Council member Eisele asked when the seven lots will be rezoned. Mrs. Ashley replied that she did not recommend it be done immediately. Mayor Kutteh asked if the approval of the Small Area Plan changes the zoning. Mrs. Ashley replied it did not and that Council must un-table the rezoning request for the five parcels along Brookdale Drive before they can be rezoned. Mrs. Ashley explained this is basically a ten year plan, does not change any zoning and when a rezoning request is received Council can refer to the plan to determine if this is something it wants to do. The plan also gives the neighborhood some assurance that properties probably will not be rezoned beyond the recommended logical boundary shown on the plan.

Consider a request from Brad Kesolowski/Penske Racing for assignment of the Evernham Hangar Lease.

This item was removed from the agenda

Page 528

Consider approving a request from the Statesville Flying Service to lease what is known as the "Michael Waltrip hangar" owned by the City of Statesville on a month to month basis at the rate of \$1,000 per month with a 30-day "notice to vacate" clause.

Mr. Collins explained this request was made previously in May but was removed from the agenda at that time. Staff recently received an offer from another party and realized there was still an offer on the table from the Statesville Flying Service for \$1,000 per month, on a month to

Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/16/2016 3:46:54 PM
Fee Amt: \$26.00 Page 1 of 4
Revenue Tax: \$0.00
Iredell County, NC
Ronald N. Wyatt Register of Deeds

BK 2464 PG 1337 - 1340

REVENUE STAMPS: \$ 0
Excise Tax

Recording Time, Book Page

NO TITLE OPINION RENDERED BY PREPARER

Parcel Identifier No.

Mail after recording to:

Prepared by Edmund L. Gaines, Attorney at Law, 316 East Broad Street, Statesville, NC 28677

NORTH CAROLINA GENERAL WARRANTY DEED

This DEED made this ____ day of August, 2015, by and between

GRANTOR(S)

The ARNESON PARK ASSOCIATES
PARTNERSHIP, comprised of David L. Pressly, Jr,
Penelope P. Pressly, Edwin A. Pressly, and
Rebecca A. P. Inglefield,
A North Carolina General Partnership

GRANTEE(S)

CITY OF STATESVILLE
a Municipal Corporation
PO Box 1111
Statesville, NC 28687

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Iredell County, North Carolina, and more particularly described as follows:

“LEGAL DESCRIPTION ATTACHED HERETO BY REFERENCE”

See the attached survey of Christopher S. Sparks, RLS, dated July 23, 2015, to which reference is made for a more particular description.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND THE GRANTOR covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Easements, rights of way and restrictions of record, if any.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

The Arneson Park Associates Partnership

By: David L. Pressly, Jr.
David L. Pressly, Jr.

Penelope P. Pressly
Penelope P. Pressly

Edwin A. Pressly
Edwin A. Pressly

Rebecca A. P. Inglefield
Rebecca A. P. Inglefield

NORTH CAROLINA - IREDELL COUNTY

I, Marilene Deato Wood a Notary Public of the County and State aforesaid, certify that David L. Pressly, Jr. personally came before me this day and acknowledged that he is partner of the Arneson Park Associates Partnership, and acknowledged, on behalf of the Arneson Park Associates Partnership the due execution of the foregoing instrument for the purposes herein expressed.

Marilene Deato Wood 12/4/16
Notary Public
My Commission Expires: March 7, 2017

NORTH CAROLINA - IREDELL COUNTY

I, Marilene Deato Wood a Notary Public of the County and State aforesaid, certify that Penelope P. Pressly personally came before me this day and acknowledged that he is partner of the Arneson Park Associates Partnership, and acknowledged, on behalf of the Arneson Park Associates Partnership the due execution of the foregoing instrument for the purposes herein expressed.

Marilene Deato Wood 12/4/16
Notary Public
My Commission Expires: March 7, 2017

NORTH CAROLINA - IREDELL COUNTY

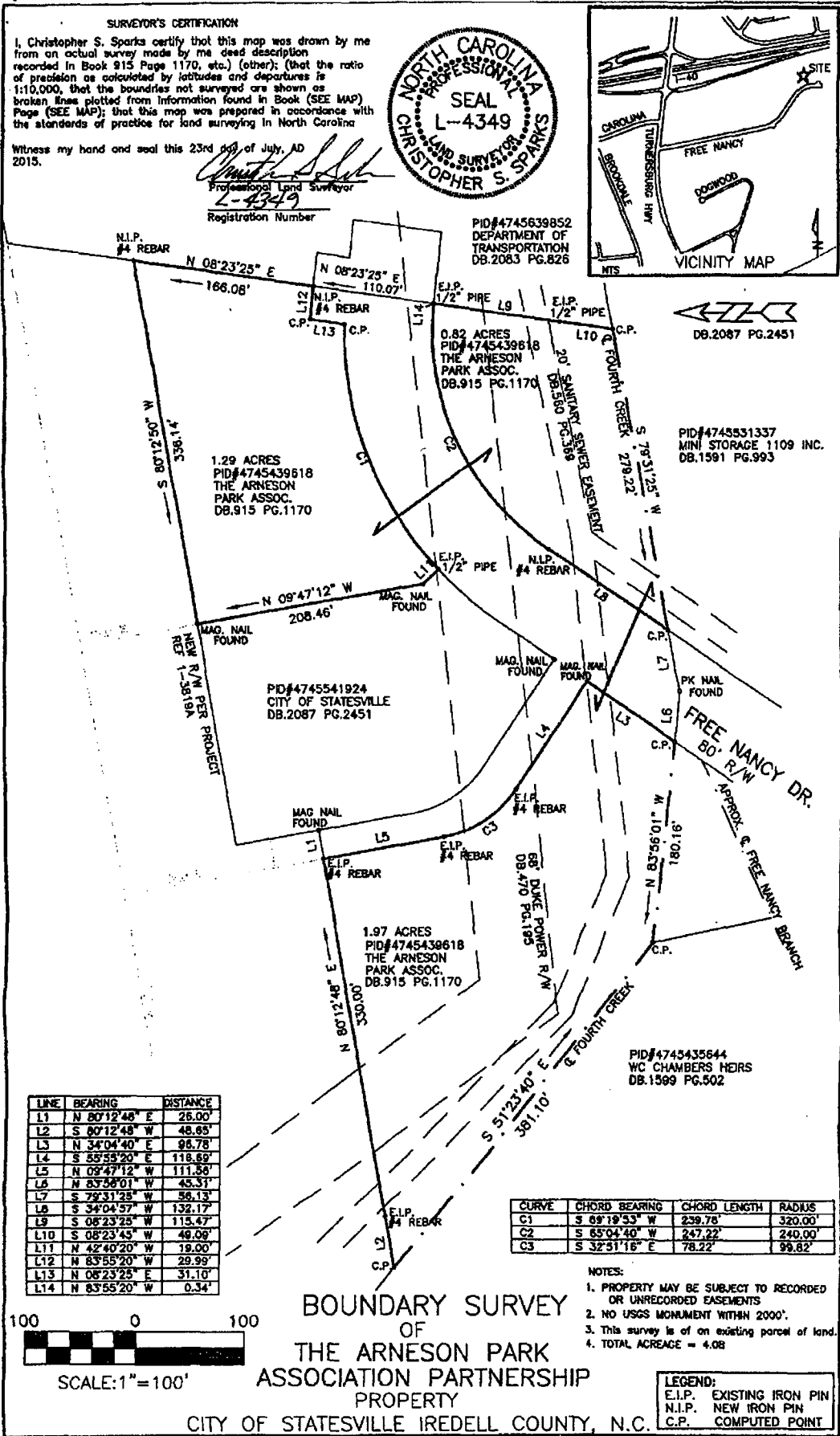
I, Anne E. Rodriguez a Notary Public of the County and State aforesaid, certify that Edwin A. Pressly personally came before me this day and acknowledged that he is partner of the Arneson Park Associates Partnership, and acknowledged, on behalf of the Arneson Park Associates Partnership the due execution of the foregoing instrument for the purposes herein expressed.

Anne E. Rodriguez
Notary Public
My Commission Expires: 2/9/19

NORTH CAROLINA - IREDELL COUNTY

I, Marilene Deato Wood a Notary Public of the County and State aforesaid, certify that Rebecca A. P. Inglefield personally came before me this day and acknowledged that he is partner of the Arneson Park Associates Partnership, and acknowledged, on behalf of the Arneson Park Associates Partnership the due execution of the foregoing instrument for the purposes herein expressed.

Marilene Deato Wood 12/4/16
Notary Public
My Commission Expires: March 7, 2017



THIS MAP IS NOT A CERTIFIED SURVEY
AND HAS NOT BEEN REVIEWED BY A
LOCAL GOVERNMENT AGENCY FOR
COMPLIANCE WITH ANY APPLICABLE LAND
DEVELOPMENT REGULATIONS.

The Arneson Park Assoc.
Pin#4745439618

TRACT #1

Beginning at an existing 1/2" pipe located on the northern right of way of Free Nancy Dr., the southeasterly most corner of the City of Statesville property (Db.915 Pg.1170), thence with the City of Statesville property N42°40'20" W a distance of 19.00' to an existing magnetic nail; thence N 09°47'12" W a distance of 208.46' to an existing magnetic nail; thence N 80°12'50" E a distance of 336.14' to a new #4 rebar; thence S 08°23'25" W a distance of 166.08' to a new #4 rebar being N 08°23'27" W a distance of 110.07' from an existing 1/2" pipe of Tract #3; thence N 83°55'20" W a distance of 29.99' to a computed point; thence S 08°23'25" W a distance of 31.10' to a computed point on the northern right of way of Free Nancy Dr.; thence with Free Nancy Dr. a curve turning to the left with an arc length of 245.78', with a radius of 320.00', with a chord bearing of S 69°19'53" W, with a chord length of 239.78'; which is the point of beginning, having an area of 56107.51 square feet, 1.288 acres

TRACT #2

Beginning at a computed point in the center of Fourth Creek on the northern right of way of Free Nancy Dr., being S 83°56'01" W a distance of 45.31' from a pk. nail in the centerline of the bridge crossing Fourth Creek; thence with Fourth Creek N 83° 56'01" W a distance of 180.16' to a computed point in Fourth Creek; thence N 51° 23'40" W a distance of 381.10' to a computed point in Fourth Creek; thence leaving Fourth Creek N 80°12'48" E a distance of 48.65' to an existing #4 rebar; thence N S0° 12'48" E a distance of 330.00' to an existing #4 rebar; thence S 09° 47'12" E a distance of 111.56' to an existing #4 rebar; thence with a curve turning to the left with an arc length of 80.38', with a radius of 99.82', with a chord bearing of S 32° 51'16" E, with a chord length of 78.22', to an existing #4 rebar; thence S 55°55'20" E a distance of 116.69' to an existing magnetic nail on the northern right of way of Free Nancy Dr.; thence S 34° 04'40" W a distance of 96.78'; which is the point of beginning, having an area of 85990.67 square feet, 1.974 acres

TRACT #3

Beginning at a computed point in the center of Fourth Creek on the southern right of way of Free Nancy Dr., being N 79°31'25" E a distance of 56.13' from a pk. nail in the centerline of the bridge crossing Fourth Creek; thence with Fourth Creek N 79°31'25" E a distance of 279.22' to a computed point in Fourth Creek; thence leaving Fourth Creek N08°24'31" E a distance of 49.10' to an existing 1/2" pipe; thence N 08°23'27" E a distance of 115.50' to an existing 1/2" pipe on the southern right of way of Free Nancy Dr. being S 08°23'27" E a distance of 110.07' from a new #4 rebar of Tract #1; thence with the southern right of way of Free Nancy Dr. N 83°55'20" W a distance of 0.34' to a computed point; thence with Free Nancy Dr. a curve turning to the left with an arc length of 259.71', with a radius of 240.00', with a chord bearing of S 65°04'40" W, with a chord length of 247.22' to a new #4 rebar; thence with Free Nancy Dr. S 34°04'57" W a distance of 132.17'; which is the point of beginning, having an area of 35935.97 square feet, 0.825 acres.

FOR BACK TITLE TO ALL THREE TRACTS DESCRIBED ABOVE SEE THAT DEED RECORDED IN DEED BOOK 915, PAGE 1170, IREDELL COUNTY REGISTRY.

RESERVATION OF BILLBOARD SPACE

There is a billboard located on the above described property. The grantor shall retain ownership of this billboard and shall be entitled to continue collecting the rents for the billboard. The Grantor reserves an easement access to the above described property and around the billboard site for the purposes of accessing the billboard and maintaining and replacing the billboard.

CITY COUNCIL ACTION REQUEST

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

ACTION NEEDED ON: May 15, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Receive the Fiscal Year 2023-2024 recommended Budget from the City Manager and staff and set a public hearing on the budget for June 5, 2023 at 7:00 p.m. Consider setting Board Workshop sessions on June 6, 2023, June 7, 2023, and June 8, 2023 from 4:00 p.m. to 7:00 p.m.

1. **Summary of Information:** The proposed budget will be presented at the meeting.
2. **Previous Council or Relevant Actions:** Council annually approves the City's Operating Budget as required by NCGS 159-13.
3. **Budget/Funding Implications:** This budget sets forth the expected revenues balanced against expected expenditures for the City's operating funds for Fiscal Year 2023-2024.
4. **Consequences for Not Acting:** Violation of NCGS 159-13 or begin the path to an interim budget under NCGS 159-16.
5. **Department Recommendation:** Receive the budget as presented, set the Public Hearing and determine workshop sessions.
6. **Manager Comments:** At the meeting I will go through the required budget message and the budget books will be presented after the meeting for your review. I will also identify dates and times for the budget review meetings.
7. **Next Steps:** Instruct City Clerk to make the Fiscal Year 2023-2024 Manager's Recommended Budget available for public viewing. Advertise Public Hearing 10 days in advance of June 5, 2023.
8. **Attachments:** None



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

The Statesville Airport Commission met on Wednesday, April 12, 2023, at the Statesville City Hall Conference Room.

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

Staff Present: John Ferguson

Others Present: Pete Sistare CATS, Bob Thompson, Victory Air, Jon McCalmont Parrish and Partners, David Crowder, Jet East, Angie Proctor, Jet East, Roger Ayscue, Civil Air Patrol, Scott Powell, Civil Air Patrol

Roll Call

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

Minutes of March 8, 2023 Meeting:

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

Airport Operations Report

Mr. Ferguson gave a brief update on the NCAA Airports Conference. There were 477 attendees and 42 exhibitors. Jet east is continuing to hire employees and they expect the first airplane to arrive for maintenance tomorrow. Currently the runway is closed for re-marking. PAPI's have been relocated to the new runway end as was the REIL's. Mr. Ferguson passed out a 3rd quarter financial report. Please note that \$200,000 was temporarily transferred to the airport improvement fund which will be reimbursed before June 30.

Terminal Contractor Selection Committee met on April 11 and selected Samet Contractors out of Greensboro. Barnhill Construction and G.L. Wilson were the other two firms that were interviewed. Samet will be working with Mitchell College Electrical students and HVAC students to get actual experience.

NCAA will host Legislative Day on April 25 if anybody is interested in attending. NCDOT Aviation will be visiting for their annual site visit. He will meet with staff on April 21. David Gagnon will take over Iredell Air Care.

Projects Update

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

- Target for safety area completion is May 1, 2023. Working with FAA for the flight check.

- Localizer is close to being installed. Clearway will be approved at the same time as flight check.
- 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 May. Engineer is looking into additional GPU connections.
- East Corporate Apron is nearly complete. The contractor has some small ponding areas they will have to correct. Sidewalk is soon to be installed. Finishing up the storm pond.
- Terminal Building- Architect expects to have 30% plans ready for the new contractor.
- Taxiway lighting project is 99% complete.

Old Business

Mr. Johnson said our elected officials are working hard to get us additional funds for needed projects.

Adjourn

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