



**STATESVILLE CITY COUNCIL MEETING**

**July 31, 2025 – 4:00 p.m. - Pre-Agenda Meeting –Statesville Civic Center**

**August 4, 2025 - 6:00 p.m. - Regular Meeting – Statesville City Hall**

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Adoption of the Agenda**
- V. Code of Ethics and Front and Center Strategic Plan p. 3**
- VI. Presentations & Recognitions**

**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 July 10, 2025 Pre-Agenda and the July 14, 2025 Regular Meeting Minutes. (E. Kurfees) p. 7**
- B. Consider approving Budget Amendment #2026-03 for the transfer of \$370,000.00 from appropriated fund balance to the Statesville Police Department Capital Account for the purchase of the BATT X armored vehicle. (Onley) p. 23**
- C. Consider approving Budget Amendment #2026-4 to transfer funds from the Fund Balance to the Fire Station 5 Project Fund. (G. Kurfees) p. 27**
- D. Consider approving a 25 year ground lease for the construction of a hangar for Crosswinds Aerospace. (Ferguson) p.31**
- E. Consider passing a resolution directing the City Clerk to investigate a petition of annexation, AX25-06 filed by Mr. Richard Bollerup for his parcel located at 2110 E Greenbriar Road, receive the City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of August 18, 2025, for a public hearing for the petition of annexation. (Kirkendall) p. 61**
- F. Consider approving the second reading of the proposed text amendment TA25-01 by Downtown Statesville Development Corporation to allow Drinking Establishments in the Central Business (CB) Zoning District. (Kirkendall) p. 71**
- G. Consider passing the second reading of Rezoning Request ZC25-11 for The Oaks at James Farm; property located at the intersection of Jane Sowers Road and James**

**Farm Road to rezone from Iredell County R-20 (Single-Family Residential) District to City of Statesville R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District. (Caulder) p. 75**

**H. Consider approving the second reading of an ordinance to regulate begging, panhandling, or soliciting contributions. (Onley) p. 81**

### **REGULAR AGENDA**

**VIII. Receive an update on the Monroe Street Redevelopment Corridor. (Caulder) p. 89**

**IX. Consider passing the second reading of Rezoning Request ZC25-10 River Hills PUD; for located on U.S. Highway 64 between East Broad Street and River Hill Road for a major amendment to the approved concept plan. (Caulder) p. 95**

**X. Consider passing second reading approving a Revised Development Agreement for River Hill's Planned Unit Development (PUD; ZC25-10) for properties located on US 64 between East Broad Street and River Hill. (Ashley) p. 105**

**XI. Consider appointing two regular members to the Board of Adjustment. (Kirkendall) p. 153**

**XII. Consider approving a request to waive annexation for Kelly Farm to receive a connection to City Water services. (Vaughan) p. 169**

**XIII. City Manager's Report**

**XIV. Advisory Boards Meeting Minutes**

**1. June 12, 2025 Design Review Committee Minutes p. 175**

**XV. Other Business**

**XVI. Closed Session (Following Pre-Agenda)**

**XVII. Adjournment**

## **RESOLUTION 01-25**

### **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.



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

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



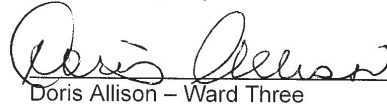
Constantine H. Kutteh, Mayor



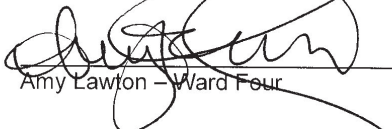
David Jones, Mayor Pro Tem – Ward One



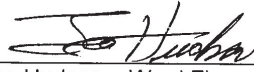
C.O. "Gap" Johnson – Ward Two



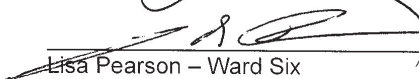
Doris Allison – Ward Three



Amy Lawton – Ward Four



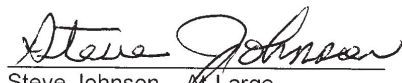
Joe Hudson – Ward Five



Lisa Pearson – Ward Six



Kimberly Wasson – At-Large



Steve Johnson – At-Large

# FRONT & CENTER

## VISION

Statesville will be a vibrant regional center that provides a higher quality of life for ALL.

## MISSION

City of Statesville will serve with integrity, provide sound resource management, and equitably deliver high-quality public services.

**our** we value our city staff  
**core** we value quality & creativity  
**values** we value & encourage opportunity  
 we value engagement we value integrity



### DEVELOPING OUR TEAM

Description: The City of Statesville recognizes that its employees are its most valuable asset and resource for realizing the city's vision. Capable and professional employees are essential for delivering high-quality customer service and managing the long-term needs of the community.

#### STRATEGIC INITIATIVES

1. Attract and retain a talented, engaged workforce responsive to the needs of our growing community.
2. Invest in employee professional development to promote continuous learning and improvement in our service delivery.



### CONNECTING OUR CITY

Description: The City of Statesville strives to provide high-quality services and utilities for today's needs while also planning for the future needs of residents, businesses, and industry.

#### STRATEGIC INITIATIVES

1. Proactively maintain existing infrastructure assets and systems to ensure current quality and long-term viability.
2. Invest in critical public infrastructure to align with land use plan goals and accommodate future growth citywide.



### CONNECTING OUR COMMUNITIES

Description: The City of Statesville supports vibrant communities and safe neighborhoods with opportunities for employment, recreation, engagement, and housing.

#### STRATEGIC INITIATIVES

1. Provide reliable, high-quality public safety to ensure the wellbeing of residents, businesses, and visitors.
2. Expand access to enriching cultural, recreational, and open space amenities.
3. Promote the development of a range of housing types throughout our community and housing stability for residents.

**MINUTE BOOK 31, PAGE**  
**STATESVILLE CITY COUNCIL PRE-AGENDA MEETING MINUTES – July 10, 2025**  
**CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 4:00 P.M.**

**Council Present:** Mayor Kutteh presiding, Jones, Lawton J. Johnson, Wasson, Hudson, Pearson (virtual), S. Johnson, Allison, S. Johnson

**Council Absent:** None

**Staff Present:** Ron Smith, Messick, E. Kurfees, Bridges, Hubert, Griggs, Vaughan, Kirkendall, Pierce, G. Kurfees, Harrell, Caulder, Dunford, Onley, Leis, Gregory

**Others:** Robertson

**I. Call to Order**

Mayor Kutteh called the meeting to order.

Mayor Kutteh stated that he had lunch with some baseball players that played at Jennings Park. The value of sewer to Jennings Park allowed 500 people staying 5 nights in Statesville Hotels and eating meals here.

Mayor Kutteh stated that we have a contract matter and a personnel matter to discuss during closed session.

**II. Invocation** (Only at the Regular Meeting)

**III. Pledge of Allegiance** (Only at the Regular Meeting)

**IV. Adoption of the Agenda** (Only at the Regular Meeting)

**V. Code of Ethics and Front and Center Strategic Plan** (Only at the Regular Meeting)

**VI. Presentations & Recognitions** (Only at the Regular Meeting)

1. Introduction of the SPD Junior Ambassadors
2. Recreation Month Proclamation

**VII. Public Comment** (Only at the Regular Meeting)

**VIII. CONSENT AGENDA**

All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member 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 June 12, 2025, Pre-Agenda Meeting Minutes and the June 16, 2025, Regular Meeting Minutes.** (E. Kurfees)

There were no changes to the minutes.

**B. Consider passing the second reading of a Rezoning Request ZC25-06; for the properties located along Turnersburg Highway.** (Kirkendall)

**C. Consider passing the second reading of TA25-02 Shopping Center Signs Text Amendment to the Unified Development Code filed by the City of Statesville to amend Article 6 Development Standards, Section 6.07 Sign Regulations, Section C. Definitions, Table 6-13: Permitted Sign Standards by Zoning District and I. Exempt Signs. (Ashley)**

**D. Consider approving the Budget Amendment #2026-01 for the Waterline Replacement Project Additive Bid. (Vaughan)**

Mayor Kutteh stated that the funding we received for the waterline was not sufficient, so this is the remainder of the funding for the waterline project.

**E. Consider approving Budget Amendment 26-02 moving funds for the design of Phases 3 & 4 of the Municipal Operations Center (MOC) project to the MOC project fund. (Harrell)**

Mayor Kutteh stated that this is design funds for Phase 3 of the MOC. We have allocated \$500,000 for this design and need to add the funds into the project fund.

Mayor Kutteh asked about the general fund percentage. Harrell stated that this is investment earnings. Smith stated that 65% of the project comes from enterprise funds.

**F. Consider approving an additional officer requested by Iredell-Statesville Schools for a new SRO position. (Onley)**

Mayor Kutteh stated that Iredell-Statesville Schools has requested a School Resource Officer at both NB Mills and East Elementary instead of splitting the one officer between the schools.

**G. Consider approving a resolution in support of federal funding for Head Start for I-CARE. (Duncan)**

Mayor Kutteh stated that Mr. Duncan has asked the City to approve the resolution in support of the funding to I-CARE that may be cut by the federal funding.

**H. Consider approving a resolution authorizing the donation of a surplus Plymovent exhaust removal system to Iredell-Statesville Schools. (G. Kurfees)**

Chief Kurfees stated that the system from the old station is of no use to the City. The School system needs the exhaust removal system because they keep the fire truck near the classroom.

**I. Consider approving Utility Line Construction Services as the primary contractor and Sumter Utilities as the secondary contractor for a purchase order amount of \$1,500,000.00 for a minimum of 2 (two) of 5 (five) possible years as their contract term. (Leis)**

Mayor Kutteh stated that we need to get another contractor so that UPA can get some assistance.

Leis stated that we went out to bid for this contract. We asked to get a primary and secondary contractor. This gives an option to keep us moving if our primary contractor is unavailable.

**J. Consider approving the semi-annual write-off of approximately \$87,354.74 in utility accounts. (Dunford)**

Mayor Kutteh stated that this is the utility write-off for July 2023-December 2023. We had a 99.73% collection of utility bills. We recovered some of that funding.

Council Member Jones asked if the change of policy has reduced the write-offs yet? Gregory stated that we are not where the new policy has been able to see a change. She stated that utility cut-offs are down and less than they have ever been. There has been substantial improvements since introducing the new policy.

**K. Consider approving a resolution assigning the previous West Iredell Water Corporation agreement to Energy United Water Corporation and authorize the City Manager to establish a new bulk water allocation and rate with Energy United Water Corporation. (Vaughan)**

Mayor Kutteh stated that West Iredell Water Corporation has been acquired by Energy United. We are in the process of negotiating a bulk rate with Energy United Water.

Smith stated that as a part of the agreement we may be using the tower on Hwy 90 for pressure purposes. We will bring a formula to Council to get to the bulk rate.

## **REGULAR AGENDA**

**IX. Conduct a public hearing and consider approving an economic incentive for an expansion project known as Project Ace 25. (Bosser)**

Mayor Kutteh stated that a local company wants to expand, and we all agreed that the investment may be higher. Construction will begin in December 2025.

**X. Conduct a public hearing and consider approving the first reading of the proposed text amendment by Downtown Statesville Development Corporation to allow Drinking Establishments in the Central Business (CB) Zoning District. (Kirkendall)**

Kirkendall stated that DSDC said that many businesses were looking to come downtown, but we do not allow Drinking Establishments in the Downtown zoning district. After some research, all other towns in our area allow these types of establishments in their downtown zoning districts.

Mayor Kutteh asked if the ABC Permit process changes with this text amendment. Kirkendall stated that the planning department signs off on the zoning on the ABC permit, but this does not have anything to do with changing the ABC permit.

Council Member Allison asked about the time of day that individuals are allowed to drink? Messick stated that the hours by State 7 AM to 2 AM.

Council Member Lawton asked if you could do this everywhere else in the city. Smith stated that yes, and this text amendment can clear up some ambiguity in the city code.

Council Member Allison asked if the business is responsible for the customers and if we are liable. Messick stated that this reduces our liability.

Council Member Jones stated that trash in the alleyway may be increased because of this change. It needs to be addressed.

Council Member Allison asked about the safety of the City to Chief Onley. Chief Onley stated that he is fine with the change as long as the business is run legally.

**XI. Conduct a public hearing and consider passing a first reading of an ordinance AX25-04 Dairi-O to annex the four parcels located along Turnersburg Highway between Harbor Freight and Fairview Baptist Church. (Kirkendall)**

Mayor Kutteh stated that this is the annexation for the rezoning application previously in the agenda.

Smith stated one thing that has risen is that the Hwy 21 project has been delayed 5 years. Dairi-O was under the impression that this project would be started. We are helping facilitate some conversations with DOT and Dairi-O or some temporary arrangement before 2030.

Council Member Jones stated that the last CRTPO meeting that DOT has a shortfall of \$5 billion.

**XII. Conduct a public hearing and consider passing the first reading of Rezoning Request ZC25-11 for The Oaks at James Farm; property located at the intersection of Jane Sowers Road and James Farm Road to rezone from Iredell County R-20 (Single-Family Residential) District to City of Statesville R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District. (Caulder)**

Caulder stated that this is a project for townhomes at the corner of James Farm and Jane Sowers. He is proposing to put 104 townhomes on the 16 acre parcel. It is in the Tier 2 growth area and in compliance with the 2045 Land development Plan. This is in the Jane Sowers Strategic Growth Area. He does not believe that this development will be too contentious.

**XIII. Conduct a public hearing and consider passing the first reading of Rezoning Request ZC25-10 River Hills PUD; for located on U.S. Highway 64 between East Broad Street and River Hill Road for a major amendment to the approved concept plan. (Caulder)**

Caulder stated that River Hills had to remove the townhomes from the project due to difficulty with lending. There will be cottage homes, single family homes, and commercial. The Planning Board suggest that the developer build the 57 single-family homes instead of the townhomes. If he can find a developer, then we can convert the homes to townhomes. The developer stated that he cannot find a quality builder for townhome.

Robertson stated that the Planning Board voted in 5 to 1. He stated that he voted against it because it was not like a PUD since the townhomes were removed.

Council Member Wasson asked about the number of townhomes approved. Caulder stated that that there are 120 and 104 townhomes recently approved in Statesville.

Council Member Allison is concerned about the lack of workforce homes. Caulder stated that the cottages will still be in the plan.

Council Member Jones asked if we are at risk for not fulfilling for Complete Neighborhood 2. Caulder stated that this is a PUD so it allows flexibility.

Smith stated that we have previously approved as a PUD and the design has changed drastically since it was first brought to us.

**XIV. Conduct a public hearing and consider approving a Revised Development Agreement for River Hill's Planned Unit Development (PUD; ZC25-10) for properties located on US 64 between East Broad Street and River Hill. (Ashley)**

Caulder stating that the development agreement will be brought up if the rezoning is approved.

Smith asked Caulder to send us the most up to date information.

Messick stated that there is no default clause.

A majority of the council members are concerned this project would be violating the PUD.

**XV. Consider approving an ordinance to regulate begging, panhandling, or soliciting contributions. (Onley)**

Chief Onley stated that there have been some complaints about panhandling or soliciting. An outside agency will have to fill out a permit and pay a fee. The PD can vet the company to see if they are legitimate. This allows Iredell County non-profits to go door to door. The ordinance restricts the times and if you have a no soliciting sign then it would be illegal.

Mayor Kutteh stated that he believes that the fee should be higher than \$15. Messick stated that the fee should cover staff time in implementing the program.

**XVI. Consider appointing three regular members and one alternate member to the Planning Board. (Caulder)**

**XVII. Consider appointing two regular members to the Design Review Committee. (Sigmon)**

Mayor Kutteh stated that there are 2 openings on this board.

**XVIII. City Manager's Report**

**XIX. Advisory Boards Meeting Minutes**

1. Board of Adjustment Meeting Minutes, May 6, 2025
2. Statesville Regional Airport Commission Meeting Minutes, May 14, 2025
3. ABC Board Meeting Minutes, May 27, 2025

**XX. Other Business**

**XXI. Closed Session (After Pre- Agenda)**

Mayor Kutteh called for a motion to move into closed session to discuss a personnel issue and a contract issue.

**Council Member Allison made a motion to go into closed session, and the motion was seconded by Council Member Hudson. The motion passed unanimously.**

Coming out closed session, Mayor Kutteh stated that a contract matter and a personnel matter were discussed and no decisions were made.

**XXII. Adjournment**

**Council Member Allison made a motion to adjourn. The motion was seconded by Council Member Jones. The motion passed unanimously.**

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Emily Kurfees, City Clerk

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Constantine H. Kutteh, Mayor



**MINUTE BOOK 31, PAGE**  
**STATESVILLE CITY COUNCIL REGULAR MEETING MINUTES – July 14, 2025**  
**CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.**

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

**Council Absent:** Lawton

**Staff Present:** Ron Smith, Messick, E. Kurfees, Bridges, Hubert, Griggs, Vaughan, Kirkendall, Pierce, G. Kurfees, Harrell, Caulder, Dunford, Onley, Leis, Gregory, Francica, Shoemaker, Leis, Wiles, Ashley,

**I. Call to Order**

Mayor Kutteh called the meeting to order.

**II. Invocation**

The City Clerk led the invocation.

**III. Pledge of Allegiance**

Mayor Kutteh led the Pledge of Allegiance.

**IV. Adoption of the Agenda**

Mayor Kutteh stated that Item B is postponed until October 20. He asked for a motion on the amended agenda.

**Council Member S. Johnson made a motion to approve the amended agenda. Council Member J. Johnson seconded the motion. The amended agenda was adopted unanimously.**

**V. Code of Ethics and Front and Center Strategic Plan**

**VI. Presentations & Recognitions**

**1. Introduction of the SPD Junior Ambassadors**

Nakaya Griffin introduced the SPD Junior Ambassadors. Each Ambassador introduced themselves. She stated that the group is working to address homelessness in the city.

Council Member Wasson and Allison thanked the Ambassadors.

**2. Recreation Month Proclamation**

Mayor Kutteh called the Recreation and Parks team to the podium to receive the proclamation. Kali Bailey stated that their team loves to work for the City.

**3. Staff Promotions**

Mayor Kutteh stated that Cynthia Dunford recently got promoted to Assistant Finance Director. He wanted to recognize her for her efforts in the last budget. Mayor Kutteh stated that Vinnie Francica completed a 240 hour training course. Only 60 people completed the course this semester. Finally, he stated that we learned that Cody Leis will be receiving an award at the annual Electricities Conference. Mayor Kutteh stated that the Fire, Recreation, and Police always

attend the community events and he is thankful for that. Mayor Kutteh recognized Assistant Chief Galliher for his promotion.

**VII. Public Comment**

No speakers signed up to speak during public comment.

**VIII. CONSENT AGENDA**

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- B. Consider passing the second reading of a Rezoning Request ZC25-06; for the properties located along Turnersburg Highway. (Kirkendall)**  
**This item was removed from the agenda.**
- C. Consider passing the second reading of TA25-02 Shopping Center Signs Text Amendment to the Unified Development Code filed by the City of Statesville to amend Article 6 Development Standards, Section 6.07 Sign Regulations, Section C. Definitions, Table 6-13: Permitted Sign Standards by Zoning District and I. Exempt Signs. (Ashley)**
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- F. Consider approving an additional officer requested by Iredell-Statesville Schools for a new SRO position. (Onley)**
- G. Consider approving a resolution in support of federal funding for Head Start for I-CARE. (Duncan)**
- H. Consider approving a resolution authorizing the donation of a surplus Plymovent exhaust removal system to Iredell-Statesville Schools. (G. Kurfees)**
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- K. Consider approving a resolution assigning the previous West Iredell Water Corporation agreement to Energy United Water Corporation and authorize the**

**City Manager to establish a new bulk water allocation and rate with Energy United Water Corporation. (Vaughan)**

**Council Member Allison made a motion to approve the consent agenda. Council Member Hudson seconded the motion. The motion passed unanimously.**

## **REGULAR AGENDA**

**IX. Conduct a public hearing and consider approving an economic incentive for an expansion project known as Project Ace 25. (Bosser)**

Craig Goodson with Iredell County Economic Development Corporation (IEDC). He is requesting an economic development incentive for Kooks Headers located in the Statesville Business Park. They are considering a 90,000 sq ft expansion. The investment will be \$7,400,000 and be operational by December 2026. The IEDC is requesting a grant for 5 years and an average of \$29,000 a year.

**Mayor Kutteh opened the public hearing. Hearing no one came to speak, he closed the public hearing.**

Mayor Kutteh called for a motion on this item. **Council Member Hudson made a motion to approve the economic incentive agreement. Council Member Allison seconded the motion. The motion passed unanimously.**

**X. Conduct a public hearing and consider approving the first reading of the proposed text amendment by Downtown Statesville Development Corporation to allow Drinking Establishments in the Central Business (CB) Zoning District. (Kirkendall)**

Kirkendall stated that this text amendment is requested by DSDC because several businesses asked to sell alcohol as a main use. Currently, restaurants can only serve alcohol in CBC zoning district. City Council voted to allow the social district the 'Ville in downtown Statesville.

After some research, all neighboring towns allow drinking establishments in their downtown. At the last DSDC Board meeting, the board unanimously approved the text amendment as presented.

Mayor Kutteh stated that in all the business zoned districts, drinking establishments are allowed by right.

Council Member Pearson asked where drinking establishments are allowed in downtown. Kirkendall stated that areas outside the CB district already allow drinking establishments.

**Mayor Kutteh opened the public hearing.**

Matthew Pierce, DSDC Executive Director, stated that the DSDC is an economic development organization for downtown. He stated that this text amendment will allow DSDC to recruit additional businesses. He stated that the code is ambiguous about drinking establishments and this text amendment helps to remove the ambiguity. Pierce stated that approximately 20 people in the room were in support of the text amendment.

Council Member Allison asked if CBD can be sold downtown with alcohol. Pierce stated that CBD stores cannot be in the CB district. Mayor Kutteh stated that the ABC board still has to give the business a permit to sell alcohol.

**Mayor Kutteh closed the public hearing and asked for a motion.**

**Council member S. Johnson made a motion to approve the text amendment as presented. Council Member Jones seconded the motion.**

Council Member Jones stated that his concern is the trash and how trash is disposed of downtown. He recommends that DSDC takes a look at this issue to ensure everyone is treated fairly. Council Member S. Johnson asked to add this to the motion. **The amended motion is as follows: to approve the text amendment as presented review the trash and waste management policy of downtown to ensure all businesses are treated fairly.**

Council Member Wasson asked if the business will be automatically added to the social district. Mayor Kutteh stated that you have to ask to be added to the social district.

**Mayor Kutteh asked for a vote on the motion. The motion carried unanimously.**

- XI. Conduct a public hearing and consider passing a first reading of an ordinance AX25-04 Dairi-O to annex the four parcels located along Turnersburg Highway between Harbor Freight and Fairview Baptist Church. (Kirkendall)**

Kirkendall stated that this parcel is in the ETJ and the owners filed on behalf of Dairi-O. He showed the site photo and the current zoning map. Staff recommends to annex the property because it is in the Tier 1 Growth area.

**Mayor Kutteh opened the public hearing. Asked if anyone came to speak, hearing none, he closed the public hearing.**

**Council Member Allison made a motion to approve the first reading. Council Member Jones seconded the motion. The motion passed unanimously.**

**The second reading was postponed to October 20<sup>th</sup>.**

- XII. Conduct a public hearing and consider passing the first reading of Rezoning Request ZC25-11 for The Oaks at James Farm; property located at the intersection of Jane Sowers Road and James Farm Road to rezone from Iredell County R-20 (Single-Family Residential) District to City of Statesville R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District. (Caulder)**

Caulder stated that the applicant is Chris LaMack for this project at the corner of James Farm Road and Jane Sowers Road. They are asking for the parcels to be rezoned to R-5MF CZ. This is a conditional rezoning request and it will be tied to the concept plan and conditions. Caulder discussed the subdivisions that are around the site. He stated that the only reason they chose R-5 is that they have a 20 foot lot width. Caulder presented the concept plan with 104 townhomes.

The Land Development plan shows this to be complete neighborhood 2. The parcel is in Tier 2 Growth Area. It is also in the Janes Sowers North Strategic Focus Area.

The applicant has offered the following conditions:

1. Development shall meet all requirements under the R-8MF zoning classification except the minimum lot width, which shall be 20'.
2. James Farm Road and Jane Sowers Road frontage shall include curb and gutter, a sidewalk, a minimum 8' street yard, including required street trees and landscaping.
3. In addition to condition 2, an enhanced street yard with a 50% increase in required street trees and 25% increase in street yard landscaping will be provided along James Farm Road to hide the rear of the townhomes from street view.
4. Proposed stormwater pond shall be landscaped and fenced with a 4' high decorative fencing (compliant with the city code), around the retention pond. The landscaping shall be decorative and permanently maintained, chain link fencing is prohibited.
5. Tree species adjacent to multi-story buildings shall be small canopy trees so as to provide adequate clearance for emergency fire equipment.
6. Developer shall be required to have a TIA completed before site plan review and install road improvements per the approved TIA.
7. Developer shall reserve 55' from center line along the Jane Sowers Road ROW for future dedication to NCDOT if the Jane Sowers Road interchange is approved on their STIP, or if Jane Sowers Road is otherwise expanded in the future. In addition, the developer shall also reserve 40' from the center line along the James Farm Road ROW for future dedication to NCDOT.
8. Building materials may include brick, stone, cementitious siding, vinyl, asphalt shingles, metal roofing and similar materials. The front façade shall consist of at least two different materials, one of which shall be brick or stone.
9. Developer shall provide enhanced landscaping at each entrance to the development.
10. Developer must provide HOA documents prior to recording the subdivision plat, both of which shall be recorded with Iredell County. HOA to maintain all common areas including landscaped entrances, open space, street trees, trails, and SCM ponds.
11. Stub street to adjacent property to the east will be paved with curb & gutter no more than 150' from centerline of main collector road. The existing grade from James Farm Road to the eastern boundary includes a 15' change in elevation. Civil drawings will include grading to get the end of this road as low as possible without the need for a retaining wall. Final civil plans will also include the future tie-in to a minimum of 50' inside the adjacent property or to such a distance where it meets the existing grade.
12. There is a unit range of 104 – 112 units.
13. Developer shall dedicate a 55' public right-of-way from the end of the cul-de-sac at the Southern point for possible future connection to neighboring property.

Staff recommend approval of the rezoning request because the property complies with the Land Development Plan.

Council Member Allison asked about guest parking. Caulder stated that parking on the side of the street is allowed.

Council Member Pearson stated that her main concern is the increased traffic. Caulder stated that a TIA will be required through DOT.

Council Member S. Johnson asked how you can enter the neighborhood. Caulder stated that there are 2 entrances off each main road, and they will stub a road at the end to go into the Redwood neighborhood.

**Mayor Kutteh opened the public hearing.**

Chris LaMack, applicant, stated that this is the only neighborhood that has access to both Jams Farm Road and Jane Sowers Road in the area. He stated that he has taken the speed limit issue brought up by the citizens and took the request to NCDOT. He set up a petition to show NCDOT that the speed limit needs to be reduced. Chief Onley has given the support for the reduced speed limit. He stated that his intention is to keep the old trees at the corner of Jane Sowers. He stated that the price point of these homes will be more manageable for first time homebuyers.

Lydia Mayberry, James Farm Road, is against the development. She stated that she has lived on James Farm Road since 1987. She stated that the wildlife and farms have disappeared because of the increased development. She stated that the speed limit needs to be lowered on James Farm Road regardless of the development. She asked for additional police presence on the road.

**Mayor Kutteh closed the public hearing.**

Council Member S. Johnson asked if there would be an entrance on Jane Sowers Road. Mr. LaMack stated there will be. Mr. LaMack stated that he will upfit the road to any requirements by the TIA.

Council Member Wasson asked Chief Onley about the call volume on James Farm Road. Chief Onley stated that there have been limited traffic calls. The city does not have jurisdiction over the traffic yet. He is sending a letter to DOT to reduce the speed limit.

Council Member Allison stated that she is concerned about the traffic. Mr. LaMack stated he will upfit the road to NCDOT standards.

Council Member Pearson asked for the price point of the townhomes. Mr. LaMack stated that the price isn't fully decided.

**Council Member Jones made a motion to approve the rezoning request and read the consistency statement into the record.**

**The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because: In addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: The 2045 Land Development Plan (LDP) projects the property as suitable for Complete Neighborhood 2 and shows it in a Tier 2 Growth Tier area. In addition, this parcel is also located in the Jane Sowers North Strategic Focus Area according to the (LDP). The Complete Neighborhood 2 calls for a mix of housing types including single-family homes, patio homes, townhomes, and small multi-family developments.**

**Council Member Allison seconded the motion.**

Council Member S. Johnson stated that he supports the motion because it similar to the other developments.

**Mayor Kutteh called for a vote on the motion. The motion passed unanimously.**

**XIII. Conduct a public hearing and consider passing the first reading of Rezoning Request ZC25-10 River Hills PUD; for located on U.S. Highway 64 between East Broad Street and River Hill Road for a major amendment to the approved concept plan. (Caulder)**

Caulder stated that this development has been brought before you previously, but this is a major change. The majority of the conditions have been continued from the previous request. No citizens attended the community meeting. The new site plan increases the single family homes by 57 homes, the cottage homes by 9 units, and eliminates the townhomes. The live/work units and the retail space will remain the same.

Caulder stated that the Land Development Plan calls for this area to be complete neighborhood 2 and staff believes that the neighborhood still provides this. Caulder reviewed the conditions. 9 is the only one that is changed. Staff recommends to approve the rezoning request.

**Mayor Kutteh opened the public hearing.**

Nate Bowman, the applicant, stated that he owns the land and something will be happening on the land. He stated that the market for apartments went down and then the townhome developer left because there were not enough comparable properties. He is asking for flexibility.

**Mayor Kutteh closed the public hearing.**

Council Member S. Johnson asked that if staff is confident that the variety of homes will still meet the ordinance of a PUD. Caulder stated that the ordinance states a PUD is a development with residential and commercial components.

Council Member Allison is in support of the development and wants them to bring the development to Statesville.

**Council Member Allison made a motion to approve the rezoning request and read the consistency statement into the record.**

**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 concept plan still exceeds the required active open space and will provide a substantial amount of constructed greenway. In addition, the project continues to meet the density requirements of the Unified Development Code and will provide a diverse selection of housing for the area (still have the cottage homes and live/work units). Although some of the public roads have been slightly shifted or changed, they still meet the requirements and should have no detrimental effect on the project. No ingress or egress points were changed. In addition, the 2045 Land Development Plan places the properties in a Complete Neighborhood 2, Tier 2 growth area**

**Council Member Jones seconded the motion.**

Council Member Jones stated that he was concerned that the development would now violate the PUD. Staff corrected his definition of the PUD. He stated that he reviewed the properties that were for sale in Statesville. There were only 18 townhomes for sale and the market is trending down.

Council Member Wasson stated that the City is looking for affordable housing. She would like to see the development try to have the affordable housing.

**Mayor Kutteh called for a vote on the motion.**

**Ayes: Wasson, Jones, Allison, Hudson, Pearson, S. Johnson**

**Nays: J. Johnson**

**The motion passed 6 to 1.**

**XIV. Conduct a public hearing and consider approving a Revised Development Agreement for River Hill's Planned Unit Development (PUD; ZC25-10) for properties located on US 64 between East Broad Street and River Hill. (Ashley)**

Ashley reviewed the site plan and the code definition for the PUD. The code requires a development agreement for PUDs. She provided an overview of the development agreement terms. Staff recommend to approve the development agreement contingent on the rezoning request. She stated that Council should request the revised development agreement.

**Mayor Kutteh opened the public hearing. Hearing no one came to speak, he closed the public hearing.**

Council Member Pearson asked if the Phased plan would start at the proposed time. Bowman stated that we can start within four months if we have a builder.

**Council Member Allison made a motion to approve the first reading on the development agreement Council member Jones seconded the motion.**

**Ayes: Wasson, Jones, Allison, Hudson, Pearson, S. Johnson**

**Nays: J. Johnson**

**The motion passed 6 to 1.**

**XV. Consider approving an ordinance to regulate begging, panhandling, or soliciting contributions. (Onley)**

Chief Onley stated that the department has had more complaints for businesses soliciting. After reviewing other cities' policies, Statesville is one of the few that do not have a permit requirement. He stated that we are looking for to do a permit that they are required to have their ID on them when they are soliciting or panhandling. Chief Onley stated that with the cost of the equipment and staff time, the permit fee should be \$50.00.

Council Member S. Johnson asked if the fee would cover staff time and equipment. Chief Onley stated that it would take 100 permits to get the initial cost back. He stated that it would be included in the fee schedule.



Council Member Wasson asked why we are not charging the same as Mooresville. Chief Onley stated that the does not feel comfortable stating he can show the cost for \$100. Messick stated that the cost of the permit must mirror the costs of issuing the permit.

Chief Onley stated that the ordinance does not affect non-profits in the Iredell County.

Council Member Allison thanked Chief Onley for his work on this ordinance.

**Council Member Allison made a motion to approve the ordinance. Council Member Hudson seconded the motion. The motion passed unanimously.**

**XVI. Consider appointing three regular members and one alternate member to the Planning Board. (Caulder)**

Caulder stated that John Furlow is serving on a different board and we do not like people serving on 2 boards

Mayor Kutteh stated we will nominate 3 regular members to the Planning Board first.

**Council Member Jones made a motion to nominate Mark Tart and Cory Sloan.**

**Council Member J. Johnson and Wasson nominated Roger Bejcek.**

**Council Member S. Johnson nominated Tammy Wyatt.**

**Council Member Allison nominated Darrin Rucker**

**After the first vote, Messick stated that Roger Bejcek received the most votes. Darrin Rucker, Mark Tart, and Cory Sloan all tied.**

**After the second ballot, Mark Tart received the most number of votes. Darrin Rucker received the second highest, and Cory Sloan received the least amount of votes.**

**Mayor Kutteh stated that Roger Bejcek, Darrin Rucker, and Mark Tart will be the regular members and Cory Sloan will be the alternate member.**

**XVII. Consider appointing two regular members to the Design Review Committee. (Sigmon)**

Mayor Kutteh stated that we need to nominate 2 members to the DRC. Mayor Kutteh nominated all four appointees to the board.

**Messick tallied the votes. She stated that John Marshall and Elena Sollazzo received the most number of votes.**

**XVIII. City Manager's Report**

Smith stated that the sink hole project at Tradd and Front Streets will be pushed back till the middle of August due to a waterline issue.

**XIX. Advisory Boards Meeting Minutes**

1. Board of Adjustment Meeting Minutes, May 6, 2025

2. Statesville Regional Airport Commission Meeting Minutes, May 14, 2025
3. ABC Board Meeting Minutes, May 27, 2025

**XX. Other Business**

Council Member Pearson stated that we have a difficult position as council member than. She stated that we need to stand behind our council and our staff. She stated that the Affordable Housing Fund was supposed to be on the agenda tonight and is concerned that it was not on the agenda. She would like the housing market to be fair for all citizens.

Council Member Wasson stated that her top priorities were housing and crime. She thanked Chief Onley for his work in the crime reduction. She stated that we count on our housing partners to work with us. Statesville Housing Authority has banned Council Member Wasson from the housing authority property. She stated that she did not do any of the things that the Housing Authority claims she did. Council Member Wasson stated that she received a letter that she is banned from the housing authority property. She would like the Statesville Housing Authority Board to work closer with the Council. She stated that her family lives on the Housing Authority property and both her family and herself have been targeted by the Housing Authority.

**XXI. Closed Session (After Pre- Agenda)**

**XXII. Adjournment**

**Council Member Allison made a motion to adjourn. Council Member Jones seconded the motion. The motion passed unanimously.**

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Emily Kurfees, City Clerk

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Constantine H. Kutteh, Mayor

# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** David Onley, Chief of Police  
**DATE:** 7/23/2025 4:49 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving Budget Amendment #2026-03 for the transfer of \$370,000.00 from appropriated fund balance to the Statesville Police Department Capital Account for the purchase of the BATT X armored vehicle.**

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

Statesville City Council approved the purchase of an armored vehicle for the Statesville Police Department during the FY2026 budget planning sessions. The funds required to purchase the vehicle are located in the appropriated fund balance and require a budget amendment to transfer those funds.

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

Purchase was previously approved during FY2026 budget planning session.

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** Provide reliable, high-quality public safety to ensure the wellbeing of residents, businesses, and visitors.

**Strategic Plan Values:** N/A

The purchase of an armored vehicle provides enhanced staff safety while executing high risk operations.

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

Funding will be obtained from appropriated fund balance as previously approved.

### **5. Consequences for Not Acting:**

Staff will be continue to require assistance from outside agencies thus delaying the capability to immediately respond to adverse situations.

### **6. Department Recommendation:**

Staff recommends approving the transfer of \$370,000.00 from the appropriated fund balance to the Statesville Police Department capital account.

### **7. Manager Comments:**

This was a budgeted expense that was to be taken out of fund balance. Therefore, this is primarily an accounting action and I recommend approval of the budget amendment.

**8. Next Steps:**

Once funds are transferred, a purchase order will be submitted to the company to begin building the vehicle. The approximate turnaround time is 9 months.

**9. Attachments:**

1. BA #2026-03 PD Armored Vehicle

## FISCAL YEAR 2025-2026

*DESCRIPTION: To appropriate funds to cover purchase of armored vehicle approved at retreat.*

Chief Finance Officer

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager

**FROM:** Glenn Kurfees, Fire Chief

**DATE:** 7/25/2025 10:41 AM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving Budget Amendment #2026-04 to transfer funds from the Fund Balance to the Fire Station 5 Project Fund.**

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

Funds for the purchase of property for Fire Station 5, as well as the renovation of the existing structure for use as a temporary station, have been earmarked in the Fund Balance. This budget amendment will transfer those funds into the newly established Fire Station 5 Project Fund to support land acquisition and initial improvements.

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

Council approved the land purchase in closed session on May 15, 2025.

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** Attract and retain a talented, engaged workforce responsive to the needs of our growing community.

**Connecting Our City:** Invest in services and critical public infrastructure to align with land use plan goals and accommodate future growth citywide.

**Connecting Our Communities:** Provide reliable, high-quality public safety to ensure the wellbeing of residents, businesses, and visitors.

**Strategic Plan Values:** We value Quality and Creativity

The acquisition and development of Station 5 directly support the City of Statesville's Strategic Plan by enhancing public safety services and ensuring adequate response coverage for current and projected growth. As residential and commercial development continues in Statesville, Station 5 will improve emergency response times and reduce operational strain on other stations. This investment aligns with long-term infrastructure planning and supports our commitment to protecting the life, health, and property of our citizens.

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

No additional funds are included in this request.

### **5. Consequences for Not Acting:**

We will be unable to close on the property and initiate the process of opening Fire Station 5 in temporary quarters, which is essential to address the current service gap.

**6. Department Recommendation:**

Staff recommends approving the budget amendment to allow for the purchase of the property and to move forward with the Fire Station 5 project.

**7. Manager Comments:**

Recommend approving the budget amendment to purchase land for FS#5.

**8. Next Steps:**

If approved, the property closing will proceed, and we will begin the construction design process for remodeling the existing house and building the apparatus bay.

**9. Attachments:**

1. BA #2026-04 Fire Station 5



## FISCAL YEAR 2025-2026

*DESCRIPTION: To appropriate funds to establish Fund 327 for land acquisition and budget for Fire Station 5 project.*

*Cynthia Dunford*  
Chief Finance Officer

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** John Ferguson, Airport Director  
**DATE:** 7/23/2025 4:37 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving a 25 year ground lease for the construction of a 70x70 hangar for Crosswinds Aerospace.**

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

Crosswinds Aerospace is a busy flight school currently on the airport. They desire to build a 70x70 hangar on the south end of Taxiway B4 across from the Civil Air Patrol. The hangar will be used for aircraft storage and maintenance of their aircraft. The flight school will move into the new terminal when the terminal is completed. The value of aircraft in their fleet is \$650,000 and will increase to \$800,000 with the acquisition of another aircraft within the year.

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

Approved nearly identical ground lease for another entity in May 2025.

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** N/A

**Strategic Plan Values:** We value and encourage Opportunity

This new hangar will add to the Statesville tax base and provides future pilots for the aviation industry.

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

Annual airport income of \$5,040.00 per year and increase fuel sales.

### **5. Consequences for Not Acting:**

Entity would locate elsewhere.

### **6. Department Recommendation:**

Airport management recommends approval.

### **7. Manager Comments:**

Recommend approving this ground lease.

### **8. Next Steps:**

Construction would start October 2025.

**9. Attachments:**

1. KSVH Ground Lease

NORTH CAROLINA

IREDELL COUNTY

**LEASE**

THIS LEASE AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, by and between THE CITY OF STATESVILLE, a municipal corporation hereinafter called the "Lessor"; and **Crosswind Aerospace Inc.** hereinafter called the "Lessee";

WHEREAS, the City is owner and operator of Statesville Regional Airport (hereinafter "Airport") located in Statesville, Iredell County, North Carolina; and

WHEREAS, City is the owner of certain improvements on the Airport and

WHEREAS, Lessee wishes to construct a 4900 square foot metal aircraft hangar on airport land and enter into a twenty five-year lease for the purpose of aircraft maintenance and storage, and City is willing to lease the site shown on Exhibit A to Lessee on the terms and conditions provided and set forth in this Agreement;

NOW, THEREFORE, for and in consideration of the premises set forth above, and the covenants, agreements and conditions set forth below, City does hereby agree to lease the Site to Lessee, and Lessee does hereby agree to lease the Site from City, upon all the conditions and requirements set forth below, and City and Lessee do hereby furthermore agree as follows:

Exhibit A- Survey

Exhibit B- Hangar Construction Standards

Exhibit C- Fuel Farm Policy

Exhibit D- FAA Required Language

Exhibit E- Aircraft Value Waiver

The terms and conditions of this lease are as follows:

1. The term of this lease shall be for a period of twenty-five (25) years, to begin on \_\_\_\_\_.
2. The lease payments to be paid by the Lessee to the Lessor for the leased premises shall be \$5,040 per year based on a 18,000 sqft lot at \$0.28 per square foot. The lease payment for the first year of this lease shall be made immediately upon execution of this lease agreement for the period \_\_\_\_\_ through \_\_\_\_\_ and thereafter, the annual lease payment of \$5,040 each year shall be made on or before the second day of \_\_\_\_\_ of each year. The annual lease payment payable by Lessee for the Leased Premises shall be increased (but not decreased) at the beginning of each fifth anniversary of the Commencement Date based upon the

change in the Consumer Price Index for All Urban Consumers (CPI-U) published by the Bureau of Labor Statistics of the Department of Labor, All Items Index, U.S. City Average 1982-1984=100 with a not to exceed (6) six percent max per adjustment.

3. Upon the expiration of the lease, ownership of the hangar will revert to the City of Statesville. The Lessor, before entering into a new lease of the premises to a third party, shall give the Lessee an option of first refusal by offering to lease the hangar and premises to the Lessee upon the same terms, as the Lessor is agreeable to leasing the premises to a willing third party. Notice of the Lessor's intention to lease the premises and hangar to a third party shall be given in writing to the Lessee, and the Lessee shall have thirty (30) days from the date of such notice to lease the premises under these proposed terms. Should the Lessee not enter into a lease with the Lessor for the lease of the premises under the proposed terms within thirty (30) days of receiving written notice from the Lessor, the Lessor shall be free to lease the premises to a third party, and this option of first refusal shall be null and void, with respect to such party.

4. The Lessee shall, at its expense, construct upon the leased premises a steel frame metal close-sided airplane hangar with on-site parking, construction to be completed before December 31st, 2025. Lessee shall conform to the Minimum Hangar Construction Standards as shown in Exhibit B.

5. Upon completion of construction of the hangar referred to above, the Lessee shall furnish to the Lessor such written documentation and verification of the costs of construction.

6. The Lessee agrees that within thirty (30) days of the completion of the hangar to be constructed on the leased premises the Lessee shall have airplanes based in the hangar which based upon the valuations of the Iredell County Tax Office increase the tax base of the City of Statesville by no less than Five Million dollars (\$5,000,000). In the event the Lessee at anytime, thereafter, fails to maintain airplanes in its hanger having a tax value of at least five million dollars, the lease payment for that period shall be increased in an amount based upon the difference in the property tax received by the Lessor for the airplanes based there and the property tax the Lessor would have received had the airplanes based in the Lessee's hanger had a tax value of Five Million dollars. This condition can be waived by the Airport Commission if box is checked. ☒ See Exhibit E for waiver.

7. The Lessor may at its option, for just cause, terminate this lease any time before the end of the 25-year term by giving the Lessee 180 days written notice of its intent to do so. In

the event the Lessor exercises this option to terminate, the Lessor shall upon termination pay to the Lessee a sum of money equivalent to 1/25th of the fair market value of the hangar constructed (the leasehold improvement not taking into consideration the value of the land upon which the hangar is situated) for each year remaining in the lease term at that time; and upon such payment, the Lessee shall retain no further interests in the hangar or this lease.

Should the Lessor decide to terminate its lease under this provision, the fair market value of the hangar shall be determined by a qualified appraiser agreed upon by the parties, whose appraisal shall be binding on the parties. Should they be unable to agree upon an appraiser, each party shall select a qualified appraiser. The two appraisers selected shall then select a third appraiser, and the parties shall be bound by the average of the three appraisals. The Lessor and the Lessee shall bear equally the costs of all appraisals undertaken pursuant to this paragraph.

8. The Lessee may not place any buildings or improvements upon the leased premises without first obtaining the written approval and consent of the Lessor as to the plans and specifications of such a building and/or improvements.

9. Should the Lessee not complete construction of the hangar referred to above by July 1st, 2026, barring unforeseen circumstances, then this lease shall become automatically null and void.

10. The Lessee shall be permitted to sublease the hangar space, so long as the Lessee complies with the minimum standards for those subleasing hangar space as adopted and to be adopted by the Statesville Airport Commission and in effect at the time of such subleasing.

11. The Lessee may not assign this lease without first obtaining the written approval of the Lessor, which approval shall not be unreasonably withheld.

12. This is a triple net lease. The Lessee shall be solely responsible for the maintenance and repair of all buildings and/or improvements placed upon the leased premises and shall keep the buildings and/or improvements in a good state of repair, and painted, and shall keep the grounds clear so as not to detract from the general appearance of the airport project. The Lessee shall be responsible to pay for all lights, heat, or other utilities utilized by the Lessee on the premises, and for the payment of all ad valorem property taxes.

13. It is an express condition of this Agreement that, except where caused solely by its negligence, City, its elected officials, officers, agents and employees shall be free from any and all claims, debts, demands, liabilities or causes of action of every kind or character, whether

in law or in equity, by reason of any death, injury or damage to any person or persons or damage or destruction of property or loss of use thereof, whether it be the person or property of Lessee, its agents or employees, or of any third persons, from any cause or causes whatsoever arising from any event or occurrence in or upon the Leased Premises or any part thereof, or otherwise arising from Lessee's operations under and during the term of this Agreement; and Lessee shall indemnify, defend and save harmless the City, its elected officials, officers, agents and employees against and from any and all such claims, demands, debts, liabilities and causes of action (including attorneys' fees and costs). In any circumstances in which Lessee provides a defense to the City, it shall employ attorneys for such defenses that are acceptable to City. The provisions of this indemnity shall survive the termination of this Agreement.

A) Liability Insurance . Lessee shall maintain in force during the Term of this Agreement commercial general liability insurance - bodily injury and property damage liability - as shall protect the Lessee from claims of bodily injury and property damage in amounts acceptable to City. However, the amounts of this insurance shall not be less than \$1,000,000 bodily injury and property damage combined single limits each occurrence/aggregate. This insurance shall include coverage for products/completed operations, personal injury liability and contractual liability assumed under the indemnity provision of this Agreement. The City shall be named as an additional insured under the commercial general liability policy.

Lessee shall maintain aircraft liability insurance as would be standard for an aircraft maintenance and storage operation, including premises liability and property damage, covering all aircraft operated by and for Lessee at limits acceptable to the City but not less than \$1,000,000 each occurrence. All liability policies shall be occurrence based.

b) Fire and Extended Coverage . Lessee, at its own cost and expense, shall insure for fire and extended coverage risks the hangar and all Leasehold Improvements on the Leased Premises. Such insurance shall be in an amount equal to the full replacement value of the hangar and insurable value of such improvements. All fire insurance policies shall contain loss payable endorsements in favor of the parties as their respective interests may appear hereunder. Lessee agrees that any payments received from such insurance companies by reason of loss under such policy or policies shall be applied toward repair and reconstruction of the Leasehold



Improvements or paid to the City in accordance with Article VI hereof.

c) Certificates Evidencing Coverage: Insurer Acceptable to City . A certificate evidencing all insurance coverage required of Lessee under this Article V shall be filed with the City on or prior to the Commencement Date, and such certificate shall provide that such insurance coverage will not be canceled or reduced without at least thirty (30) days prior written notice to the City. At least ten (10) days prior to the expiration of any such policy, a certificate showing that such insurance coverage has been renewed shall be filed with the City. If such insurance coverage is canceled or reduced, the Lessee shall within fifteen (15) days after receipt of written notice from the City of such cancellation or reduction in coverage, file with the City a certificate showing the required insurance has been reinstated or provided through another insurance company or companies. The company or companies furnishing insurance pursuant to this Article V shall be qualified to issue insurance effective in the State of North Carolina and be of sound and adequate financial responsibility to fulfill their obligations hereunder, and to that end the selection of such insurance companies shall be subject to the approval of City, which approval shall not be unreasonably withheld.

d) Waiver of Subrogation . City and Lessee mutually agree that with respect to any loss which is covered by insurance then being carried by them respectively, or required to be carried hereunder, to the extent permitted by the applicable insurance policy or policies, the party carrying or required to carry such insurance and suffering any such loss hereby releases the other of and from any and all claims with respect to such loss and City's and Lessee's insurance companies shall have no right of subrogation against the other or any party hereto on account thereof.

14. The Lessee shall comply with the Fuel Farm policy for the Statesville Regional Airport (Exhibit C attached), if applicable.

15. The Lessee shall be responsible for and pay on behalf of the Lessor all costs associated with the clean up or containment of any actual or threatened discharge or escape of any pollutant, which occurred during the term of this lease including but not limited to any clean up containment or neutralization ordered by any government authority that resulted from the Lessees operations on the described premises. Pollutant is defined as any solid, liquid, gaseous,

or thermal irritant or contaminant including smoke, vapor, soot, fumes, acids, alkalis, chemical and waste.

16. The Lessee shall be subject to all Rules and Regulations of the Statesville Regional Airport Commission, and to the Policy of the Statesville Airport Commission for the Lease of Space for the Construction of Aircraft Hangars at the Statesville Regional Airport (attached as Exhibit B) ; to all ordinances adopted by the City of Statesville affecting the use and operation of the Statesville Regional Airport, as well as the demised premises; and to all the requirements of applicable federal, state and local statutes and regulations, and secure all permits and licenses required by such laws, ordinances or regulations.

17. The Lessee shall, and does hereby agree to keep, save, and forever hold harmless the Lessor from any liability of any kind for any bodily injury or property damage arising from or out of the use or occupancy of the demised premises by the Lessee, its agents, employees, guests, invitees, licensees, or others. Moreover, Lessee shall indemnify and defend Lessor and the leased property, at Lessee's expense, against all claims, expenses, and liabilities, including attorney's fees, which may be imposed upon, incurred by, or asserted against Lessor arising out of Lessee's use or occupancy of the demised premises.

18. The City operates the FBO on the Airport, including the General Aviation Terminal, hangars, and aircraft parking aprons, and maintains and operates aviation fuel storage and delivery facilities from which it sells and dispenses aviation fuel to aircraft owners and operators and itinerant aircraft owners and operators. As a corporate tenant of the Airport, Lessee's customers will qualify to purchase fuel from the City at the City's based discount on the City's retail price that the City establishes from time to time. Such fuel will be sold to and pumped into Lessee's customers by the City's FBO Staff. The movement of aircraft in and out of the Hangar shall be performed by Lessee's employees.

IN TESTIMONY WHEREOF, the parties have caused this instrument to be executed under hand and seal, individually and by authorized officers and by authority duly given, the day and year first written above.

CITY OF STATESVILLE

ATTEST:

By: \_\_\_\_\_  
Mayor

ATTEST:

LESSEE(s):

**NORTH CAROLINA - IREDELL COUNTY:**

Before me, a Notary Public for the County and State aforesaid, this date personally appeared \_\_\_\_\_, who acknowledged that she an employee of the CITY OF STATESVILLE, a municipal corporation, and that by authority duly given and as the act of the corporation this instrument was signed in its name by \_\_\_\_\_, its Mayor, sealed with its corporate seal, and attested by \_\_\_\_\_ as its Clerk.

WITNESS my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Exhibit A





## EXHIBIT B

### Minimum Standards for Construction of Aircraft Hangars

#### Section 1. - Purpose

#### Section 2. - Goals

#### Section 3. – General Provisions

#### Section 4. – Minimum Development Standards.

#### Section 5. – Notice to Proceed

#### Section 6. - Application.

Section 1. – Purpose The purpose of these Design Standards is to ensure development of consistent and high-quality infrastructure and to protect and enhance the investment of all those locating on the airport. These standards provide a basis for directing and evaluating the planning and architectural design of improvements to each piece of land. **THESE STANDARDS SHALL NOT SUPERCEDE ANY CITY, COUNTY OR FIRE DEPARTMENT BUILDING CODE REQUIREMENTS.**

Section 2. – Goals The following goals form the basis for these design standards:

BRANDING – To project the airport brand and aesthetic continuity within architectural and design standards.

ECONOMIC – To protect property values and enhance investment and the development of industry and jobs.

ENVIRONMENTAL – To conserve existing natural features and minimize adverse impact on the ecosystem.

FUNCTION – To encourage imaginative and innovative planning of facilities and sites and the flexibility to respond to changes in market demand.

SAFETY – To provide secure storage of aircraft, motor vehicles and equipment and to provide for a safe environment to allow for a productive workforce. VISUAL – To promote variety, interest, and high standard of architectural and landscape design.

Section 3. – General Provisions.

(1) Buildings may not be constructed on airport property, unless approved by the Airport Commission for conformance in each of the following areas:

(a) Current Airport Layout Plan (ALP).

(b) All applicable Building Restriction Lines (BRL) and height restrictions.

(c) Interference with any Airport or Federal Aviation Administration (FAA) radio or guidance equipment due to location of type of structure.

(d) Minimum structural standards as described in Section 5. 2

(e) Access to the proposed building, including any required easements, roads, or taxiways.

(f) An approved ground lease with the City of Statesville, or an approved sublease with an existing authorized tenant of the Airport. Such a lease includes all areas deemed necessary for the normal use of the building.

(g) Minimum separation beyond the outermost perimeter of the structure shall be in accordance with the ALP. This provision may be waived, in whole or in part, by the Airport Commission to facilitate operations or access. Requests for waiver must be in writing, shall state the reason for the waiver, and shall state in detail the mitigating measures with respect to potential adverse impacts to the ALP that may arise from granting the requested waiver.

(h) Proper filing of FAA Form 7460 with the FAA, with copies to the Airport Commission.

#### Section 4. – Minimum Development Standards

(1) General Requirements: This general section requires permits for the building, plumbing, mechanical, and electrical.

(a) All structures shall be designed and constructed in accordance with the Building, Plumbing, Mechanical and Electrical Codes as adopted by City of Statesville and Iredell County, North Carolina.

(b) All plans must be approved by all required local or state building inspection offices and all permits must be obtained before construction begins.

(c) All electrical, plumbing, and mechanical or any other work that is governed by Federal, State, or local licensing regulations will be performed only by individuals or companies so licensed.

(d) All construction shall be in compliance with all applicable zoning regulations, FAA regulations, height restrictions, and other regulations issued by any agency having jurisdiction over work or projects within the scope of these standards shall apply.

(e) The Airport Commission must approve the schedule for all work and the approved schedule shall become binding upon the applicants unless modification of the schedule has been approved in writing by Airport Commission.

(2) Special Requirements: The following are emphasized to promote safety, insurability of structures on airport properties, and to maintain the value of all airport properties.

(a) Footings and Foundations: Soil tests shall be performed at the location of any proposed structure and the design of the footing and foundation based on the results. Copies of the design and test results bearing the seal of a registered architect or engineer shall be submitted to the Airport Commission.

(b) Structural Strength and Materials: The Building Code currently adopted by City of Statesville and Iredell County shall apply as to allowable materials and structural strength

for the structural class or types as determined by use, seismic zone, wind and/or snow loads.

(c) Fire Rating: The fire ratings of structures used for the storage of aircraft, motor vehicles, and flammable or hazardous materials shall comply with the Building Code and any Federal, State or Municipal Fire Codes and are subject to the approval of the City Fire Department.

(3) Framing: All framings shall be of metal.

(3) Exterior:

(a) All exterior surfaces must be pre-finished aluminum, steel, Concrete Masonry Unit (CMU) or concrete construction. No painted wood or other material may be used. No galvanized metal shall be used on any exterior surface.

(b) All exterior materials and colors must be submitted to Airport Commission for approval before construction starts. A standard color will be identified and registered with Airport Commission.

(c) No wood or wood composite siding or roofing shall be allowed. Exceptions to the rule may be granted by the Airport Commission based on aesthetics or airport operational requirements. Requests for exceptions must be made in writing at time of initial plan review subject also to approval from the City of Statesville and Iredell County.

(d) The minimum gauge steel used for roofing shall be twenty-eight (28) and shall be factory finished in a color approved by Airport Commission and warranted by manufacturer as to color fastness for a minimum of twenty (20) years.

(e) Concrete: where CMU, poured in place or preformed concrete walls are used, the exterior shall be sealed and stained in a color approved by Airport Commission.

(f) All signage on hangars and leased property must have prior approval from the Airport Commission.

(4) Floor and Ramp Construction: All Floors and ramps must be constructed of concrete having a minimum of five (5) inch thickness or as approved and shall include reinforcement of a type approved by Airport Commission. Copies of the design and test results bearing the seal of a registered architect or engineer shall be submitted to the Airport Commission. A stiff broom finish is required on exterior ramps.

(5) Doors: Bi-fold doors are recommended because of their ease of operation. Approved swing out, overhead or sliding doors may be used. All pedestrian doors must be pre-finished metal construction.

(6) Drainage: The gradient of the finished floor of any proposed structure and the surrounding surfaces shall provide for positive flow of water into the existing airport storm sewer system. In areas where no storm sewer exists, the Airport Commission may require the installation of an inlet and pipe designed for anticipated maximum flow and loading to be installed and attached to the existing storm sewer system. An approved system of oil/water separators may be required to prevent contamination of surface or ground water resources.



(7) Oil/water Separators: Aviation repair and paint facilities, dealerships, fuel stations, equipment degreasing areas, and other facilities generating wastewater with oil and grease content are required to pre-treat these waters before discharging to the sanitary sewer system. Pre-treatment requires that an oil/water separator be installed and maintained on site.

(a) Oil/water separators shall be commercially manufactured and sized for the intended discharge rates for the facility where it is installed.

(8) Landscaping: The Statesville Regional Airport strives to achieve a pleasing aesthetic quality in the colors, design, uniformity, and structure of any new hangars developed on the Airport. As such, proposed hangar development must be approved by the Commission for conformity to aesthetic quality standards. The Commission can reject distasteful designs and color schemes at their discretion. The Airport Commission may require landscaping due to the location of the structure. All plans for landscaping shall be approved by the Airport Commission. Trees are not encouraged to be planted as they contribute to the attraction of birds.

(9) Utilities: Connection to electric, gas, sanitary sewer and telephone shall be the responsibility of the Lessee. All new electric, cable TV, Internet, and telephone lines shall be placed underground. Upon completion of construction, a plot plan showing the exact location of all Lessee installed utilities shall be given to Airport Commission.

(a) No trenching or excavation shall commence until all pipes and lines in the area have been located. Utility companies shall be contacted for locations. The Lessee shall be responsible for any damage to existing utilities or communication lines.

(10) Access: Airport Commission may require the Lessee to construct paved roadways, taxiways, and controlled access gates to provide access to the structure. Plans for any roadway or taxiway so required shall be submitted to Airport Commission for approval. Sidewalks and walkways connecting doorways to parking areas are required at each conventional hangar.

(11) Clean up and Reclamation: A covered dumpster or other appropriately covered receptacle shall be on site prior to construction and shall be used for all waste materials.

(a) All areas disturbed during hangar construction, including utility trenches, must be cleaned up, compacted, and covered with topsoil and compacted again. The entire area shall then be covered with sod or re-seeded by the Lessee.

(b) All areas around the hangar, apron, and ramp must be backfilled in a manner that will allow mowing over the edges of ramps and adjacent buildings.

(12) Hangar Size:

(a) T-Hangar Building Dimensions: All-metal 10-unit T-hangar dimensions include building and bi-fold doors, which shall be a completely integrated system to the following dimensions:

Hangar Feature	Minimum	Recommended
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Clear Door		
Width-Minimum	41'6"	47'8"
Overall Building Length	231'-0"	264'-0"
Overall Building Width	51'-0"	58'-0"
Stall Depth	33'-0"	38'-0"
Clear Door height	12'-0"	14'-0"
Clear Tail Width	21'-0"	23'-0"

All T-hangars will have, at a minimum, paved interior floors and paved taxi lanes to their units with sufficient width and clearance of other buildings as recommended by FAA planning guidelines. Automobile parking inside T-hangars is permitted when the occupying aircraft are in use.

(b) Conventional Hangar Building Dimensions: Minimum conventional hangar size shall be 50 feet by 40 feet. Larger hangar sizes may be constructed and are encouraged, but all hangars must first be shown on the Airport Layout Plan and approved by Airport Commission. All hangars must conform with the applicable City of Statesville, NC construction and Fire Code requirements. Conventional hangars must have common design elements which include:

1. Steel Construction for all columns, braces, rafters, and rods.
2. Metal siding and roofing.
3. Bi-fold doors recommended.
4. Clear-span interior construction and concrete floors.
5. Hangar apron shall be equal to the width of the hangar door, may be asphalt, and must connect to the existing taxi lanes.
6. Paved automobile parking spaces shall be provided, based upon the size, and expected occupancy of the proposed hangar. Rules of thumb include one parking space for each employee and one space for each 250 square feet of office space.

(13) Additional restrictions or requirements may be imposed by Airport Commission when, in their judgment, such restrictions or requirements are necessary to ensure safety, airport operations, aesthetics, or property value.

Section 5. – Notice to Proceed.

(1) When satisfied that all provisions of this directive have been, or will be fulfilled, the Airport Commission's designee will issue a letter notifying the Lessee to proceed with the approved work. All materials will be shared with the appropriate City and County departments.

(2) Any loss incurred due to work performed, material purchased, or subleases signed by Lessee prior to receipt of Notice to Proceed shall be the Lessee's responsibility.

#### Section 6. – Application.

Any applicant wishing to construct at the Airport, a facility in which to store the aircraft owned by the applicant shall, upon request to the Airport Manager and Airport Commission, be furnished a copy of this Statement of Policy and shall make application in writing to the City of Statesville Regional Airport Commission at the Statesville Regional Airport Statesville, NC. 28677 - tel. no. 704.873-1111, setting forth in detail the following:

- a) The name and address of the applicant.
- b) The proposed site desired; location of same; and specific purpose for which land is intended to be used.
- c) The names and the qualifications of the people to be involved in establishing and maintaining the proposed activities/facilities.
- d) The financial responsibility of the applicant to carry out construction of the proposed facilities, including proposed plans for financing, if any.
- e) The requested/proposed date for commencement of actual construction of the proposed facility and the proposed final completion date.
- f) Proposed specifications for the facility in the form of dimensions, total number of square feet, to be shown on a drawing which shall be submitted with the application.
- g) Estimated cost of the construction.

These standards shall apply to all properties in the ALP and are in addition to any other jurisdictional requirements including but not limited to zoning ordinances and building codes of the City of Statesville and Iredell County, North Carolina.

(1) Copies of all structural plans, site plans, and material specifications developed by a licensed architect and/or engineer shall be provided to the Airport Commission for review and approval and upon approval shall become the property of the Airport.

(2) The Airport Commission or designated agent shall make frequent inspections during the construction of any approved building. No changes to, or variation from approved plans and specifications shall be permitted unless approved in writing by the Airport Commission.

(3) Construction of the approved structure or material component thereof may not commence until the following documents or proofs thereof are submitted and approved by the Airport Commission:

(a) Contractor's Comprehensive General Liability Insurance and Automobile Liability Insurance policies in the amount not less than defined by Airport Commission.

(b) Contractor's Property Damage Liability Insurance shall be in an amount of not less than defined by Airport Commission.

(c) Property insurance upon the entire Work site.

(d) A Performance, Material and Labor Payment Bond that equals the value of the proposed project.

(4) Erection of temporary buildings must be approved in writing by Airport Commission as to type; use, design, and location on an individual basis for a specified term and that removal of temporary buildings will be done by the Lessee, at their expense, within fifteen days of the end of the approved term.

(5) In the event of any failure on the part of any Lessee to comply with Airport requirements or any failure to complete a construction project according to the approved plans and specifications, or within a reasonable time as determined by Airport Commission, shall be cause for management to revoke any ground lease with the Lessee of the project and require that the structure be removed from airport property. In addition to the forgoing remedies, the Airport Commission shall retain all other remedies provided by the lease term or provided by law.

## Exhibit C

### FUEL FARM POLICY STATESVILLE REGIONAL AIRPORT DATE: March 2, 2020

In accordance with the Federal Aviation Administration Policy concerning the self-fueling of aircraft, as per the Sponsor Assurances Paragraph 22f:

It (The Airport Sponsor) will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform. And has obtained such written permission from the Airport Manager.

Because the City is the Fixed Based Operator, it reserves the right to be the exclusive public fuel provider at the airport and has the right to deny any application for a fuel farm.

Existing Fuel farms installed on improved leaseholds are subject to the following requirements and criteria:

1. Fuel type: Jet A fuel only.
2. Storage: Only above ground storage tanks and mobile fuel trucks meeting current Federal, State and Local regulations including EPA and NFPA guidelines for the storage of fuel will be allowed.
3. A minimum flow fee for gross gallons delivered will be set by the Airport Commission and reviewed every other year. The Fuel Flowage Fee structure is shown in APPENDIX A. There is a minimum charge equal to 50,000 gallons per year for the privilege of self-fueling payable quarterly. If the fuel pumped is less than 50,000, the tenant will pay the difference by the end of the calendar year. Fuel flow usage resets every January 1. This can be waived if the tenant has aircraft valued at \$10 million or more based on the airport.
4. Billing: Billing will be done on a quarterly basis during a calendar year. Payments shall be due ten days from the date of the invoice. Payments received more than 30 days late may result in suspension or loss of fuel farm privileges. Insurance: In addition to the base lease insurance requirements, additional insurance such as environmental impairment coverage shall be maintained with the City as additional insured in amounts contained in APPENDIX C, as may be adjusted annually.

5. Rights to Fuel: The fueling of aircraft with Jet A fuel is restricted to aircraft owned or leased by the lessee and based at KSVH. Commercial dispensing of fuel products for sale under this Agreement is prohibited. Self-service activities must be performed by the owner or employees of the entity involved. Self-service activities cannot be contracted out to a third party. To confirm that individuals performing tasks on aircraft are employees of the individual or company conducting the self-service activity, the Sponsor may request clarifying information, such as payroll data.
6. Policy Oversight: The Statesville Airport Commission and Airport Manager are empowered to oversee the implementation of this policy. Violations of this policy may result in fines and/or the cessation of fuel privileges as established by the Airport Commission. The Sponsor may limit equipment, personnel, or practices that are unsafe, unsightly, or detrimental to the public welfare or that would affect the efficient use of airport facilities by others.
7. Rights: The rights granted under this addendum shall be subject to each term and condition of the underlying lease. It is the responsibility of the tenant to have properly trained personnel to fuel their aircraft. The tenant shall hold the City of Statesville harmless for any fueling incident or from damages thereof related to the fueling of tenants' aircraft.

## 8. FUELING AND DEFUELING AIRCRAFT

### *(A.) General Requirements.*

- (1) Excluding self-fueling operations above, all aviation fuels for sale on Airport property will be dispensed only by the City of Statesville. No other company, group, or individual will be allowed to transport, store, fuel or otherwise introduce petroleum products to the Airport property without the express written permission of the City and after approval of the City's Fire Marshal. Only then will this operation be allowed in areas designated by the City and which meet all operational and safety procedures and requirements.
- (2) No MOGAS (automotive fuel) will be brought onto Airport property for the purpose of transferring such fuels to any aircraft which is on the Airport and is not owned by the person dispensing such fuel. All uses of MOGAS will be in accordance with all applicable FAA and industry guidelines and regulations.
- (3) No fuel storage and/or dispensing equipment shall be installed or used at the Airport without the prior written approval of the City. All such equipment shall be kept in a safe and non-leaking condition.
- (4) No aircraft shall be fueled or defueled while the engine is running, or being warmed by applications of exterior heat, or while such aircraft is in a hangar or enclosed space except for turbine-powered helicopters, which may be hot fueled outside of the hangar so long as the pilot and fuel provider are familiar with and implement safety procedures for such fueling.
- (5) Smoking or lighting of an open flame is prohibited within 100 feet of any fueling operation.
- (6) No person shall operate any radio transmitter or receiver or switch electrical appliances off or on in an aircraft during refueling or defueling.

- (7) During refueling, the aircraft and the fueling dispensing apparatus shall both be grounded to a point or points of zero electrical potential.
- (8) No person shall use any material during fueling or defueling of aircraft which is likely to cause a spark or be a source of ignition.
- (9) Adequate fire extinguishers shall be within ready reach of all persons engaged in fueling or defueling aircraft.
- (10) Fueling hoses and equipment shall be maintained in a safe, sound and nonleaking condition and shall be approved by the National Board of Fire Underwriters in all respects and parts.
- (11) All hoses, funnels, and appurtenances used in fueling and defueling operations shall be equipped with a grounding device to prevent ignition of volatile liquids.
- (12) Persons engaged in the fueling and draining of aircraft fuel shall exercise care to prevent overflow of fuel. Persons responsible will take proper measures to remove any volatile liquid when it is spilled.
- (13) Any company, group or individual performing fueling, and defueling operations shall have accessible necessary containment and absorbent materials to contain the maximum potential of a spill.
- (14) All spills, more than 10 gallons, should be reported to the City immediately.

### **APPLICATION PROCESSING**

- A. Applications for Self-fueling Agreements shall be submitted to the Airport Administration (APPENDIX B).
- B. The applicant shall, at a minimum, submit the following documentation with the above referenced application:
  - 1. Application fee;
  - 2. An original copy of the certificate of insurance along with the appropriate endorsement, in the types and amounts outlined herein;
  - 3. A list of the personnel authorized by Applicant for fueling, along with applicable training records;
  - 4. Proof of ownership documentation for all fuel storage and dispensing equipment, and a description of said equipment and method of dispensing fuel to be utilized in conjunction with the Agreement;
  - 5. A list of aircraft to be fueled under this Agreement, along with copies of applicable Federal Aviation Administration (FAA) aircraft registration certificates or aircraft lease agreements for the aircraft to be self-fueled under the Agreement;
  - 6. If the above-mentioned equipment and/or aircraft are registered in the name of a corporation, LLC, Limited Partnership, or General Partnership, one of the following will be provided:
    - a. If registered in the name of a corporation, a copy of the Articles of Incorporation as filed with the State of North Carolina;
    - b. If registered in the name of a LLC, a copy of the Articles of Organization filed with the State of North Carolina;
    - c. If registered in the name of a limited partnership, a copy of the Certificate of Limited Partnership filed with the State of North Carolina; or

- d. If registered in the name of a general partnership, a copy of the written partnership agreement.
- 7. Aviation Fuel Quality Control Plan;
- 8. Fuel Service training program(s);
- 9. SWPPP co-permittee application (if applicable);
- 10. Fuel Storage inspection reports as may be required by regulating agencies;
- 11. Inspection reports of metering equipment in accordance with State of North Carolina requirements;
- 12. Spill Prevention Control and Countermeasures Plan.

#### **APPLICATION DENIAL & APPEAL**

Application Denial: The Airport Administration may deny any application if it is determined that the applicant does not meet the qualifications and standards set forth in these Rules & Regulations. An application may be denied for any one of the following:

- A. The proposed activities are likely to create a safety hazard at the Airport;
- B. The activities will require the City to expend funds, or to supply labor or materials because of the applicant's activities, or will result in a financial loss to the Airport;
- C. The proposed activities are not consistent with the Airport's Master Plan and/or Airport Layout Plan;
- D. The proposed activities are likely to result in a congestion of aircraft or buildings, a reduction in Airport capacity, or an undue interference with Airport Operations;
- E. The applicant or any of its principals have knowingly made any false or misleading statements while applying for this or any previously sought agreement;
- F. The applicant or any of its principals has a prior record of violating, including but not limited to, federal, state, or local laws, these Rules & Regulations, or Federal Aviation Regulations;
- G. The applicant or any of its principals have a history in the prior twenty-four (24) months of failing to make timely payments to the City;
- H. The applicant has not submitted or is unable to submit appropriate documentation supporting the proposed activity.

Application Denial Appeal: The Applicant shall have the opportunity to appeal the denial of an Application, suspension, or revocation of an Agreement by the Airport Administration subject to the following provisions:

- A. The applicant must provide written notice of appeal to the Airport Administration within ten (10) business days of said denial;
- B. The notice of appeal will be forwarded to the Airport Manager for review;
- C. A meeting will be scheduled within thirty (30) business days of receipt of the notice of appeal, to allow the applicant the opportunity to provide additional information and/or documentation as to why the denial, suspension or revocation of the Agreement shall be reversed or otherwise modified;
- D. If the applicant is not present at the scheduled meeting the denial, suspension or revocation shall remain unchanged;



E. The decision of the Airport Manager shall be final.

## **TERMINATION OF SELF-FUELING AGREEMENT**

A. The Self-Fueling Agreement may be cancelled by the Agreement Holder upon thirty (30) days written notice.

B. The Airport Administration may cancel the Agreement upon thirty (30) days written notice for non-compliance with these Rules & Regulations, including for non-payment of associated fees.

C. The City may terminate this Agreement immediately if the Agreement Holder fails to maintain the required insurance, or if the Agreement Holder commits any material breaches of this Agreement.

## **DEFINITIONS**

**Agreement** means the “Self-Fueling Agreement” entered into with the City of Statesville and Aircraft Operators. All Self Fueling Agreements contain and incorporate these Rules and Regulations for Self-Fueling for Aircraft Operators.

**Agreement Holder** means a person or entity that has a signed Self Fueling Agreement incorporating the Rules and Regulations with the City of Statesville.

**Airport** means the Statesville Regional Airport. (KSVH)

**Airport Administration** means the City of Statesville appointed Airport Manager or designated employees of the City of Statesville.

**Aviation Gasoline** means any fuel suitable for use in aviation reciprocating engines to include 80/87, 100, 100LL and 120 octane and all types of motor gasoline. Fuel specifications are provided in ASTM Specification D 910 as modified and Military Specification MIL-G-5572 as modified for aviation fuels.

**City** means the City of Statesville.

**Operator** means every lessee, licensee, or other person, firm or corporation exercising a right or privilege on the Airport pursuant to a Self-Fueling Agreement and including heirs, agents, or personal representatives. A Commercial Operator is a business, concession or service that provides goods or services to any person for compensation. An Operator is considered a commercial operator regardless of whether the business is for profit, nonprofit, not-for profit, charitable, or tax exempt.

**Fueling** means the storage, transfer and/or handling of fuel or fuel waste and byproduct at the Airport.

**Fuel Handler** means the Agreement Holder or bona fide employee authorized to store, transfer and/or handle fuel at the Airport in quantities greater than one hundred (100) U.S. gallons.

**Fuel Storage** means fuel storage tank (fixed or mobile), fuel caddy, fuel vehicle or other method of storage or containing fuel to be used in a self-fueling operation.

**Jet A** means any kerosene-based aviation fuel meeting ASTM Specification D 1655 as modified and Military Specifications MIL-T-5624P and MIL-T-5624L (Grade JP-4, JP-5, and JP-8) as modified used for commercial and military turbojet and turboprop aircraft engines.

**Personnel** mean bona fide employees of the self-fueling Agreement Holder.

**Premises** mean the leasehold or site occupied by Agreement Holder pursuant to the lease, license or any other agreement approved by and on file with the City of Statesville.

**Release** means any releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing, or dumping. Spill Prevention, Control and Countermeasure (SPCC) Plan means the document required by Title 40, Code of Federal Regulations, Section 112 that details the equipment, workforce, procedures, and steps to prevent, control and provide adequate countermeasures to a discharge.

**SWPPP** means Storm Water Pollution Prevention Plan.

## **APPENDIX A**

<b>Gallons</b>	<b>Rate</b>
0-50,000	\$ 0.20
50,000-100,000	\$ 0.20
100,001-150,000	\$ 0.15
150,001-200,000	\$ 0.15
200,001-250,000	\$ 0.10
250,001 -300,000	\$ 0.10
300,001+	\$ 0.05

Per gallon rates apply sequentially to each of the 6 tiers above

EXHIBIT A above shall be reviewed and adjusted annually by the Statesville Airport Commission and City Council

## APPENDIX B

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

Aircraft Owned or Leased by Applicant:

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Describe Proposed Facility Installation:

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX C

In addition to the base lease insurance requirements, additional insurance such as environmental impairment coverage shall be maintained with the City as additional insured in amounts contained in Exhibit C, as may be adjusted annually.

This policy was adopted by the Statesville City Council on March 2, 2020.

This policy was adopted by the Statesville Airport Commission on February 12, 2020.

## **EXHIBIT D**

### **EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION**

#### **PUBLIC USE AND FEDERAL GRANTS**

1     Equal Employment Opportunity     . Lessee assures that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment opportunities with Lessee.

2     Certification of Non-Discrimination . By the execution of this Agreement, the Lessee acknowledges that the City is obligated by, and this Agreement is subordinate to, certain assurances given to the Federal Aviation Administration in exchange for the receipt of Federal funds, and in recognition thereof certifies as follows:

“We, the supplier of goods, materials, equipment or services covered by this bid or contract, will not discriminate in any way in connection with this contract in the employment of persons, or refuse to continue the employment of any person, on account of the race, creed, color or national origin of such persons. We also agree that we will offer and provide our services on a reasonable and not unjustly discriminatory basis, to all users of the airport that wish to engage our services and will charge reasonable, and not unjustly discriminatory prices, for each service, as required by Federal Aviation Administration Grant Assurance No. 22.”

3     Federal Grants and Public Use     . The parties acknowledge that the Airport will be operated as a public airport, subject to the provisions of the Federal Aviation Act of 1958, so that nothing contained in this Agreement shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 of the Federal Aviation Act of 1958. The City reserves the right to further develop or improve, as it sees fit, the Airport, its landing area, and taxiways, and to construct other airports, regardless of the desires or views of Lessee and without interference or hindrance therefrom. This Agreement shall be subordinate to the provisions of any existing or future agreement between the City and the United States of America, including instrumentalities thereof, relative to the operation or maintenance of the Airport, the execution of

which has been or may be required as a condition precedent to the expenditure of federal funds in developing the Airport.

4     Non-Discrimination . Lessee for itself, its successors, and assigns, as part of the consideration hereof, does hereby covenant and agree that to the extent within its power:

(a)     No person shall be excluded from participation in, denied the benefit of, or be otherwise subjected to discrimination in the use of the Airport's facilities, including the Leased Premises, because of his or her race, color, sex, or national origin.

(b)     In the construction of any improvements on, over or under the Airport and the furnishing of services thereat, no person shall be excluded from participation in, or denied the benefits of such construction or service, or otherwise be subjected to discrimination, because of his or her race, color, sex, or national origin.

(c)     Lessee shall use the premises in compliance with all the requirements imposed by or pursuant to 49 CFR Part 21, as said regulations now or hereafter provide.

(d)     Lessee, for itself, its heirs, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the Leased Premises for a purpose involving the provision of similar services or benefits, the Lessee, shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Offices of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(e)     In the event of breach of any of the above nondiscrimination covenants, the City shall have the right to terminate this Agreement and to re-enter and repossess the Leased Premises and hold the same as if said Agreement had never been made or issued. This provision shall not be effective until the procedures of Title 49, Code of Federal Regulations, Part 21 have been followed and completed including exercise or expiration of appeal rights.

5     Modifications to Comply with Federal Laws, Regulations or Agreements . Should the

United States or any instrumentality thereof having authority to do so require that any provision of this Agreement that is in violation of any federal law or regulation or any provision of an existing grant agreement between the City and the United States or any instrumentality thereof be changed or deleted or should any such change or deletion be required in order for the Airport either to continue as a part of the National Airport System Plan or to retain its eligibility to participate in AIP and similar successor federal programs or to avoid forfeiture of previous financial assistance, the City may give the Lessee notice that it elects that any such change or deletion be made. Lessee shall then elect either to consent to any such change or deletion or to terminate this Agreement. Such election shall be made in writing and delivered to the City within thirty (30) days of the date the City gave notice to the Lessee of its election that any such change or deletion be made.

6 Compliance with Americans with Disabilities Act of 1990 . Lessee shall fully comply with all applicable provisions of the Americans With Disabilities Act of 1990, P.L. 101-336, 104 Stat. 327 (ADA), expressly including, but not limited to, all requirements otherwise imposed on the City regarding the Leased Premises and invitees of Lessee, insofar as the Leased Premises is considered a place of public accommodation and invitees or employees are covered by the services, programs, and activity provisions of Title II of ADA.

7 Recapture by United States Government . It is understood and agreed between the parties hereto that this Agreement shall be terminated if the United States of America, in exercising any right it may have to recapture under the terms of the instrument conveying the premises to the City, requires such termination, and further that this Agreement shall be subject and subordinate to the provisions of any existing or future agreement between the City and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required by the provisions of the Federal Airport Act of 1946, as amended, or any future act affecting the operation or maintenance of the Airport.

8 Non-Discrimination Provision for All City Contracts . The City is committed to promoting equal opportunities for all and to eliminating prohibited discrimination in all forms. For purposes of this Section, *prohibited discrimination* means discrimination in the solicitation, selection, and / or treatment of any subcontractor, vendor, supplier, or commercial customer on the basis of race, ethnicity, gender, age, religion, national origin, disability or other unlawful form of discrimination. Without limiting the foregoing, *prohibited discrimination* also includes

retaliating against any person, business, or other entity for reporting any incident of prohibited discrimination. It is understood and agreed that not only is prohibited discrimination improper for legal and moral reasons, prohibited discrimination is also an anti-competitive practice that tends to increase the cost of goods and services to the City and others. As a condition of entering into this Agreement, the Lessee represents, warrants, and agrees that it does not and will not engage in or condone prohibited discrimination. Without limiting any rights, the City may have at law or under any other provision of this Agreement, it is understood and agreed that a violation of this provision constitutes grounds for the City to terminate this Agreement.

**Exhibit E**  
**Justification of Taxable Aircraft Waiver**

The size of this hangar does not allow for an aircraft in the \$5 million value range. The hangar is estimated to cost approximately \$700,000 and the aircraft value is approximately \$185,000. The site proposed is not large enough for a hangar that could accommodate a \$5 million aircraft.



# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Matthew Kirkendall, Senior Planner  
**DATE:** 7/23/2025 4:32 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider passing a resolution directing the City Clerk to investigate a petition of annexation, AX25-06 filed by Mr. Richard Bollerup for his parcel located at 2110 E Greenbriar Road, receive the City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of August 18, 2025, for a public hearing for the petition of annexation.**

---

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

This property is approximately 1.556 acres located at 2110 E Greenbriar Road (see Location Map, Aerial Photo and Site Photo). This parcel is located within the City's ETJ and is adjacent to the City Limits. This parcel is zoned RA (Residential Agricultural) Zoning District and rezoning is not required. The applicant requests voluntary annexation to utilize City water (see current zoning and utilities map).

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

N/A

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** Proactively maintain existing infrastructure assets and systems to ensure current quality and long-term viability.

**Connecting Our Communities:** N/A

**Strategic Plan Values:** N/A

The property is in the Tier 1 Growth Area of the 2045 Land Development Plan and is adjacent to city limits.

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

The current tax value of the parcel is \$158,640. City of Statesville water is available.

### **5. Consequences for Not Acting:**

Without annexation the city would not collect property taxes. Without annexation, the property owner could still access city water at 2½ times the rate with City Council approval.

### **6. Department Recommendation:**

The department recommends passing the resolutions to set a date of August 18, 2025, for a public hearing on this annexation request.

**7. Manager Comments:**

Recommend passing the resolutions and setting the public hearing.

**8. Next Steps:**

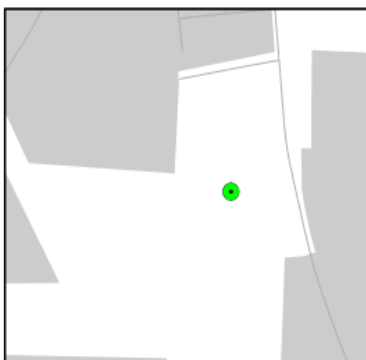
Advertise for the public hearing

**9. Attachments:**

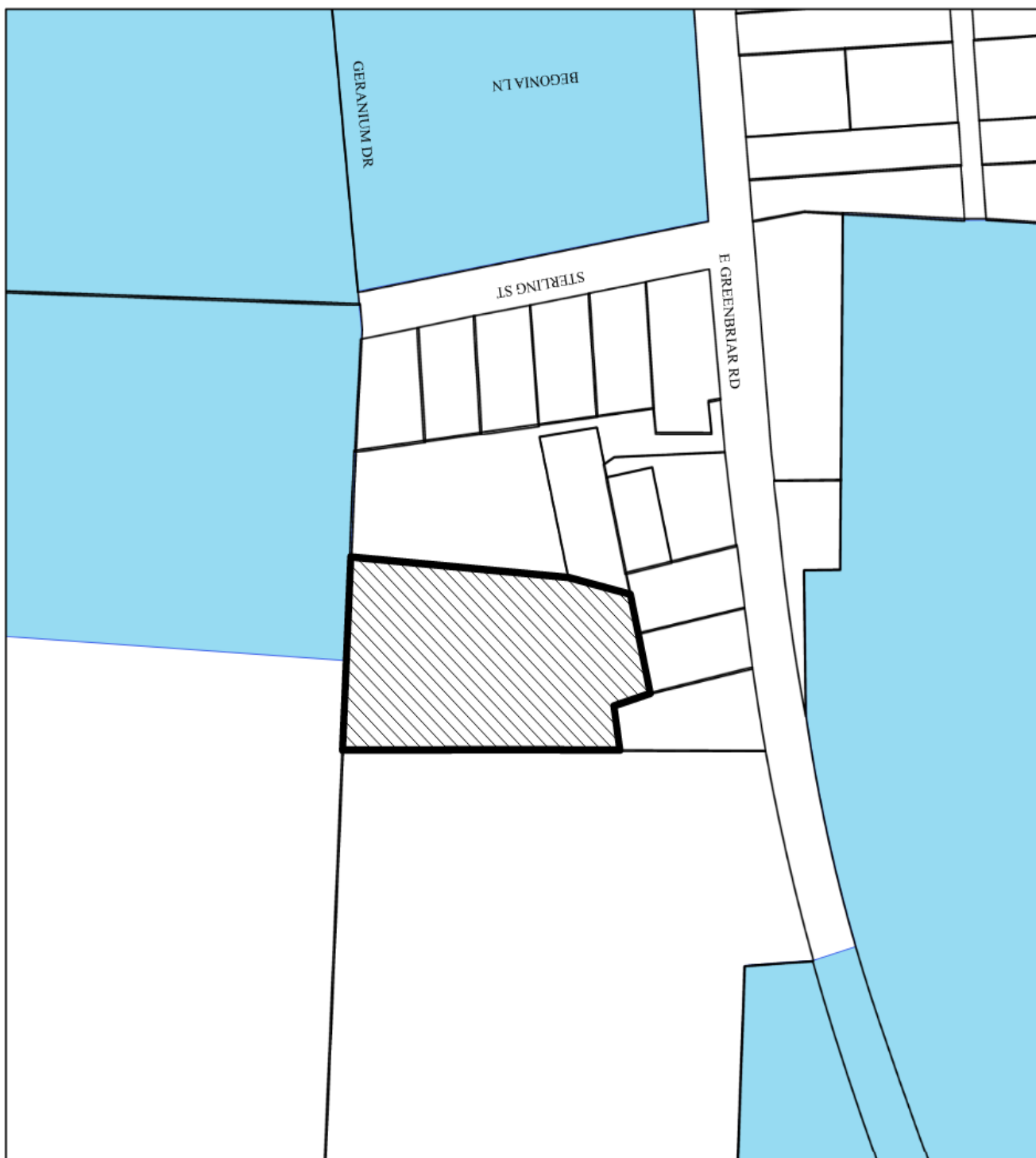
1. Packet Maps AX25-06 2110 E Greenbriar
2. Resolution\_Clerk Investigation\_-Contiguous\_AX25-06 E Greenbriar
3. Certificate of Sufficiency\_Annexation\_AX25-06 E Greenbriar
4. Resolution to Set Public Hearing\_AX25-06

# City of Statesville Planning Department

AX25-06 2110 E. Greenbriar Rd  
4754-21-4533



0 1,250 2,500 Feet  
1:18,750

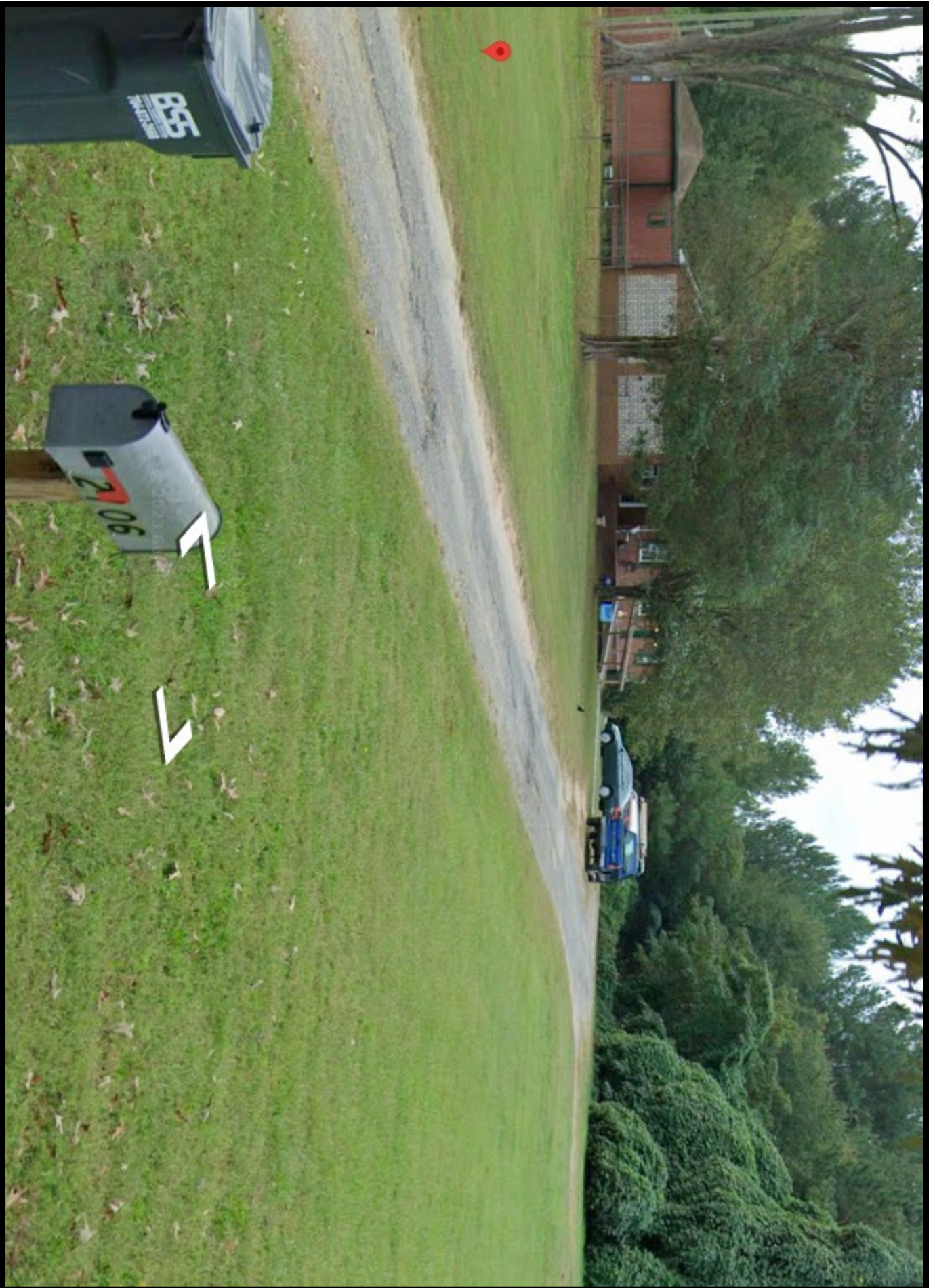






Aerial Photo – AX25-06 2110 E Greenbriar Road

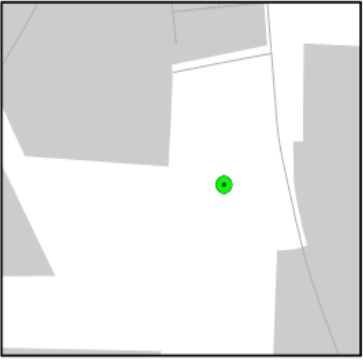




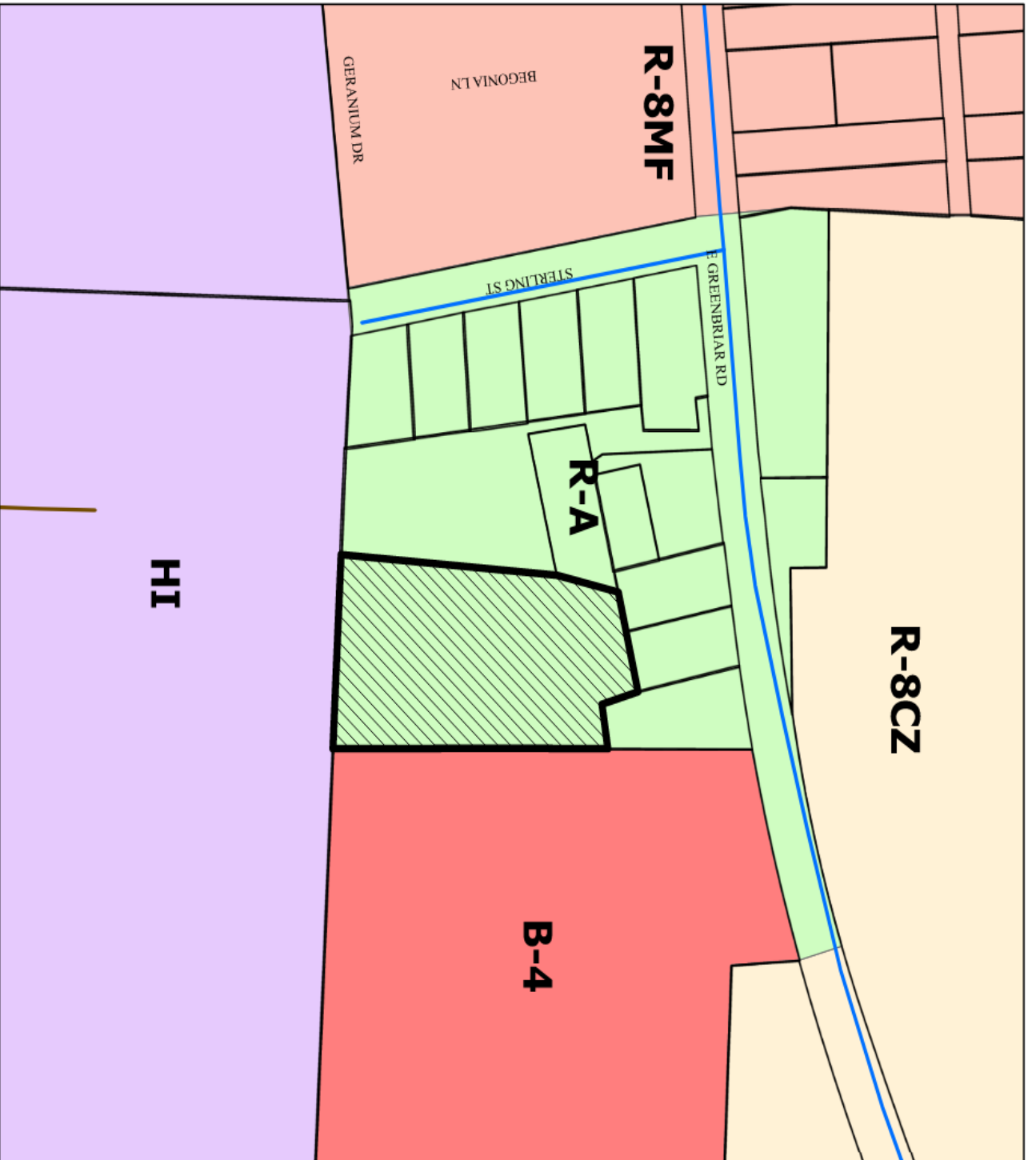
Site Photo – AX25-06 21 10 E Greenbriar Road

**City of Statesville  
Planning Department**

AX25-06 2110 E. Greenbriar Rd  
4754-21-4533



0 1,250 2,500 Feet  
1:18,750



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

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

**Case No. AX25-06 2110 E Greenbriar Road  
Parcel # 4754-21-4533**

WHEREAS, a petition requesting annexation of the area described in said petition has been received on June 27, 2025, by the City Council; and

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

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

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

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

Adopted this 4<sup>th</sup> day of August 2025.

S - E - A - L

CITY OF STATESVILLE

By: \_\_\_\_\_  
Mayor

ATTEST:

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

**CERTIFICATE OF SUFFICIENCY**

**Case No. AX25-06 2110 E Greenbriar Road  
Parcel # 4754-21-4533**

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 4<sup>th</sup> day of August 2025.

SEAL

---

Emily Kurfees, City Clerk



RESOLUTION \_\_\_\_\_

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

**Case No. AX25-06 2110 E Greenbriar Road**  
**Parcel # 4754-21-4533**

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

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

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 6:00 o'clock p.m. on the 18<sup>th</sup> day of August 2025.

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

BEGINNING at an iron pin located in the southern line of the Rainey Patterson Heirs property as set out in deed recorded in Book 335, at Page 252, Iredell County Registry, said iron pin also being the northeast corner of Ernest Waddell Heirs property as set out in deed recorded in Book 354, at Page 284, Iredell County Registry, and continuing thence with said southern line of Patterson Heirs, North 77° 36' 05" East 124.92 feet to an iron pin, the southeast corner of Dwight F. Martin as set out in deed recorded in Book 298, at Page 443, Iredell County Registry; thence South 10° 28' 15" East 38.66 feet to an iron rod; thence North 79° 50' 05" East 66.30 feet to iron rod; thence South 04° 16' 15" West 348.60 feet to an iron rod located in Sherrill Industrial Park's northern line; thence with Sherrill Industrial Park's northern line, North 88° 02' 55" West 191.92 feet to an iron rod, Kenneth L. Grant's southeast corner thence with Grant's eastern line, North 03° 56' 35" East 341.40 feet to an iron pin, the point and place of Beginning, containing 1.556 acres, more or less, according to a survey by Hildebran Surveying Co., entitled "Toua D. Khang and wife, Shoua H. Khang, Statesville Outside Township, Iredell County, NC", dated March 2, 1998.

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

Adopted this 4<sup>th</sup> day of August 2025.

CITY OF STATESVILLE

By: \_\_\_\_\_  
Mayor

ATTEST:

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

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Matthew Kirkendall, Senior Planner  
**DATE:** 7/24/2025 2:40 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving the second reading of the proposed text amendment TA 25-01 by Downtown Statesville Development Corporation to allow Drinking Establishments in the Central Business (CB) Zoning District.**

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

Several downtown businesses have expressed to the DSDC a desire to serve alcohol. Currently, our UDC does not allow Drinking Establishments in the CB (Central Business) Zoning District. City Staff met with the DSDC Board, who at their May meeting unanimously approved the recommendation of allowing drinking establishments in the CB Zoning District. Staff also conducted research of neighboring cities and towns for comparison. Mooresville, Salisbury, Hickory, Huntersville, Lenoir, and Kernersville all permit drinking establishments (bars) in their downtown districts.

Similar uses are already permitted within the CB District such as alcoholic beverage stores, brewpubs, and micro-distilleries. Additionally, the city recently created the 'Ville, a downtown social district.

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

The Planning Board recommended approval of this text amendment with a vote of 5-1 at their June 24, 2025 meeting.

City Council held the public hearing of the text amendment at the July 14th meeting. No members from the public spoke. Matthew Pierce, who serves as executive director of DSDC, spoke in favor of the text amendment.

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** Expand access to enriching cultural, recreational, and open space amenities.

**Strategic Plan Values:** We value Quality and Creativity

This text amendment provides more opportunities for new businesses to come to Downtown Statesville. It also helps DSDC recruit new businesses to come to downtown.

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

There have been several businesses interested in opening downtown, but are not permitted under the current UDC.

**5. Consequences for Not Acting:**

Drinking establishments would not be permitted in downtown unless it is an eating establishment.

**6. Department Recommendation:**

The department recommends approving the text amendment as presented.

**7. Manager Comments:**

It appears that the trash and alley concerns brought up at the first reading will be too broad to address prior to this discussion. City staff is reviewing best practices from other communities as a guide to determine if we are handling downtown garbage pickup in the best way we can. As the downtown continues to grow, the issue will become more evident and I suggest we put this on a future agenda to review when all of the information and potential solutions are in hand.

**8. Next Steps:**

Sign the ordinance and add it to Municode.

**9. Attachments:**

1. Ordinance TA25-01 Drinking Establishments 2

ORDINANCE NO. -25AN ORDINANCE AMENDING ARTICLE 3, SECTION 3.04 ZONING DISTRICT  
REGULATIONS, TABLE 3-1: USE MATRIX.

## TA25-01 Drinking Establishments

**WHEREAS**, the DSDC and City staff are requesting an amendment to the text of the Unified Development Code (UDC), which would allow Drinking Establishments in the CB (Central Business) Zoning District.

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

**Amend Section 3.04, Table 3-1: Use Matrix as follows:**

Use	CB	CBP/ H-115
Drinking Establishments	X	X

This ordinance was introduced for first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the 14<sup>th</sup> day of July 2025.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the 4<sup>th</sup> day of August 2025, 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 4<sup>th</sup> day of August 2025.

CITY OF STATESVILLE

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

APPROVED AS TO FORM

ATTEST:

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

\_\_\_\_\_  
Emily Kurfees, City Clerk

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Herman Caulder, Assistant Planning Director  
**DATE:** 7/23/2025 4:35 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider passing the second reading of Rezoning Request ZC25-11 for The Oaks at James Farm; property located at the intersection of Jane Sowers Road and James Farm Road to rezone from Iredell County R-20 (Single-Family Residential) District to City of Statesville R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District.**

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

#### **Rezoning Request**

Mr. Christopher LaMack (applicant) on behalf of Elevation Real Estate Group is requesting to rezone a total of 16.64 acres from Iredell County R-20 (Single-Family Residential) District to City of Statesville R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District, to build a 104 unit townhome community (see attached Location Map, Aerial Map, Site Photos, and Current Zoning and Utilities Map).

#### **Evaluation**

The proposed project site is a vacant field and located in the Northern quadrant of the city at the intersection of Jane Sowers Road and James Farm Road. This parcel is outside the city limits and will need to be annexed. The developer is proposing to build up to 112 townhomes (104 shown on plan), on the 16.64-acre parcel with open spaces, trails and sidewalks, curbs, guttering and street trees. The developer has agreed to provide enhanced landscaping along James Farm Road to screen the backs of the units from street view. Although much of the surrounding land is designated as Iredell County R-20 (Single-Family Residential), there is also the Old Statesville subdivision, zoned City of Statesville R-10 and the Redwood community, which is a multifamily rental community zoned R-5 MF on adjacent parcels. In addition, the 2045 Land Development Plan (LDP) designates this parcel as a Complete Neighborhood 2 intent area and places it in the Tier 2 Growth Area. A traffic impact analysis (TIA) will be required due to the location. Furthermore, the Mobility Plan shows that NCDOT does have a major thoroughfare and 4-lane widening project planned in the future for Janes Sowers Road at this location. Finally, it is important to point out that this parcel is also located in the Jane Sowers North Strategic Focus Area according to the (LDP).

The neighborhood input meeting was held by the applicant on June 5, 2025, at the Cloverleaf Elementary School. There were nine members of the public that showed up for the meeting (see attached Meeting Report). No changes to the concept plan were recommended by the developer. Most questions had to do with traffic, density, rentals, price point, and the line-of-sight distance at the intersection of Jane Sowers Road and James Farm Road.

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

On June 24, 2025 the Planning Board took the following action: A motion was made to deny on the grounds that it was not in character with and not designed to be a part of the community. The motion failed due to a tie vote. A subsequent motion was made to approve the rezoning and it passed with a 5-1 vote.

City Council held the public hearing on July 14, 2025. One person from the public came to speak, and spoke on the traffic and speed limit on James Farm Road. Chief Onley stated that he is working to send a letter to NCDOT to get the speed limit lowered. The first reading passed unanimously.

**3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** Promote the development of a range of housing types throughout our community and housing stability for residents.

**Strategic Plan Values:** We value and encourage Opportunity

This townhome community will provide the "missing middle" housing option that may be more attainable for select groups of the community. In addition it is proposed to be built in an area designated by our 2045 Land Development Plan as the "Jane Sowers Road North Strategic Focus Area". Finally, the project meets our Growth Strategies as follows:

1. This property is in a Tier 2 Growth Area, which is appropriate for R-5MF and R-8MF zoning as requested.
2. The fire response time is estimated at 8 minutes but we do have a mutual aid agreement with Ebenezer Fire Department.
3. The project lies in the Fourth Creek Sewer area, which is approaching 80%.

**4. Budget/Funding Implications:**

The current tax value is \$267,320, value once completed will be around \$32,240,000.

**5. Consequences for Not Acting:**

The land will remain vacant farm land inside the Iredell County R-20 district or be developed with 20,000 sq. ft. lots (36 lots).

**6. Department Recommendation:**

The 2045 Land Development Plan (LDP) projects the property as suitable for Complete Neighborhood 2 and shows it in a Tier 2 Growth Tier area. In addition, this parcel is also located in the Jane Sowers North Strategic Focus Area according to the (LDP). Complete Neighborhood 2 calls for a mix of housing types including single-family homes, patio homes, townhomes, and small multi-family developments. In addition, all the growth strategies are met with the exception of the 4 minute response time, however the city has a mutual aid agreement with Ebenezer.

Therefore, staff recommends approval of the rezoning request contingent upon the conditions listed in the Staff Report and annexation.

The applicant has offered the following conditions:

1. Development shall meet all requirements under the R-8MF zoning classification except the minimum lot width, which shall be 20'.
2. James Farm Road and Jane Sowers Road frontage shall include curb and gutter, a sidewalk, a minimum 8' street yard, including required street trees and landscaping.
3. In addition to condition 2, an enhanced street yard with a 50% increase in required street trees and 25% increase in street yard landscaping will be provided along James Farm Road to hide the rear of the townhomes from street view.
4. Proposed stormwater pond shall be landscaped and fenced with a 4' high decorative fencing (compliant with the city code), around the retention pond. The landscaping shall be decorative



and permanently maintained, chain link fencing is prohibited.

5. Tree species adjacent to multi-story buildings shall be small canopy trees so as to provide adequate clearance for emergency fire equipment.
6. Developer shall be required to have a TIA completed before site plan review and install road improvements per the approved TIA.
7. Developer shall reserve 55' from center line along the Jane Sowers Road ROW for future dedication to NCDOT if the Jane Sowers Road interchange is approved on their STIP, or if Jane Sowers Road is otherwise expanded in the future. In addition, the developer shall also reserve 40' from the center line along the James Farm Road ROW for future dedication to NCDOT.
8. Building materials may include brick, stone, cementitious siding, vinyl, asphalt shingles, metal roofing and similar materials. The front façade shall consist of at least two different materials, one of which shall be brick or stone.
9. Developer shall provide enhanced landscaping at each entrance to the development.
10. Developer must provide HOA documents prior to recording the subdivision plat, both of which shall be recorded with Iredell County. HOA to maintain all common areas including landscaped entrances, open space, street trees, trails, and SCM ponds.
11. Stub street to adjacent property to the east will be paved with curb & gutter no more than 150' from centerline of main collector road. The existing grade from James Farm Road to the eastern boundary includes a 15' change in elevation. Civil drawings will include grading to get the end of this road as low as possible without the need for a retaining wall. Final civil plans will also include the future tie-in to a minimum of 50' inside the adjacent property or to such a distance where it meets the existing grade.
12. There is a unit range of 104 – 112 units.
13. Developer shall dedicate a 55' public right-of-way from the end of the cul-de-sac at the Southern point for possible future connection to neighboring property.

**7. Manager Comments:**

Recommend approving the second reading.

**8. Next Steps:**

If approved, sign the rezoning ordinance.

**9. Attachments:**

1. Ordinance and Consistency Pack CC ZC25-11 The Oaks at James Farm

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM IREDELL COUNTY R-20 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO CITY OF STATESVILLE R-5MF CZ (HIGH DENSITY MULTI-FAMILY RESIDENTIAL CONDITIONAL ZONING) DISTRICT, TO BUILD A 104 UNIT TOWNHOME COMMUNITY.**

**ZC25-11 The Oaks at James Farm**

located at the intersection of Jane Sowers Road and James Farm Road, Statesville, NC  
Iredell County Tax Map Parcel # 4746-72-7613.

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 July 14, 2025 at 6:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described property from Iredell County R-20 (Single-Family Residential) District to City of Statesville R-5MF CZ (High Density Multi-Family Residential Conditional Zoning) District, to build a 104 unit townhome community; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on July 3 and 10, 2025, all in accordance with the procedure set forth in N.C.G.S. 160D-601; 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 be changed as particularly set out below, said property being more particularly described as follows:

**Description**

BEGINNING AT A #4 REBAR WITH A CAP ON THE SOUTHERN MARGIN OF JANE SOWERS RD., A COMMON LINE OF NOW OR FORMERLY RAMORA & SHERRY JOHNSON, DEED BOOK 1780 PAGE 139, AND NOW OR FORMERLY SHUE FITS LLC, DEED BOOK 3108 PAGE 626; THENCE FROM THE POINT OF BEGINNING WITH THE JOHNSON LINE S 02°41'05" W A DISTANCE OF 1,627.26' TO A #4 REBAR WITH A CAP, ON THE LINE OF NOW OR FORMERLY GOFORTH & CLINE LLC, DEED BOOK 1903 PAGE 104; THENCE WITH THE GOFORTH & CLINE LLC LINE S 60°59'23" W A DISTANCE OF 440.35' TO A #4 REBAR WITH A CAP ON EASTERN 60' PUBLIC RIGHT OF WAY JAMES FARM RD.; THENCE WITH THE RIGHT OF WAY OF JAMES FARM RD. N 02°41'05" E A DISTANCE OF 1,807.87' TO A POINT AT THE INTERSECTION OF THE RIGHT OF WAY OF JANE SOWERS RD AND JAMES FARM RD; THENCE WITH THE RIGHT OF WAY OF JANE SOWERS RD N 84°58'17" E A DISTANCE OF 378.10' TO A #4 REBAR WITH A CAP, WHICH IS THE POINT OF BEGINNING, CONTAINING 14.773 ACRES AS SHOWN ON A MAP BY CAROLINA GEOMATICS, PLLC, DATED MAY 20, 2025.

This ordinance was introduced for first reading by Councilmember\_\_\_\_\_, seconded by Councilmember\_\_\_\_\_, and unanimously carried on the 14<sup>th</sup> day of July, 2025.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the 4<sup>th</sup> day of August, 2025 and upon motion of Councilmember\_\_\_\_\_, seconded by Councilmember\_\_\_\_\_, and unanimously carried, was adopted.

Ayes:

Nayes:

This ordinance is to be in full force and effect from and after the 4<sup>th</sup> day of August, 2025.

CITY OF STATESVILLE

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

ATTEST:

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

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** David Onley, Chief Of Police  
**DATE:** 7/23/2025 4:39 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving the second reading of an ordinance to regulate begging, panhandling, or soliciting contributions.**

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

The Statesville Police Department has received numerous complaints about subjects soliciting funds from individuals for a variety of businesses and charities. This ordinance would require all individuals wishing to solicit funds in the Statesville City Limits to obtain a permit from the police department. This process would include a background check on the individual and the organization, business or charity the subject represents. If the application is approved, the subject would be given a permit including their photo that would be openly displayed during their soliciting activities. In addition, the ordinance regulates the hours soliciting is approved and restricts subjects from entering a property with a posted sign for "no soliciting" or "no trespassing".

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

City Council approved the first reading at the July 14th Regular Meeting.

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** Provide reliable, high-quality public safety to ensure the wellbeing of residents, businesses, and visitors.

**Strategic Plan Values:** N/A

Approval of the attached ordinance would enhance the ability of the police department to provide quality public safety by regulating door-to-door soliciting.

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

The Police Department recommends a \$50 fee for the permit. The police department will use existing funds to procure the necessary items to issue permits.

### **5. Consequences for Not Acting:**

There is no current protocol in place to monitor those individuals soliciting funds in the city limits. Failure to enact would continue to permit any individual to solicit funds in the city limits.

### **6. Department Recommendation:**

Approve the ordinance and permit application fee of \$50.

**7. Manager Comments:**

Recommend for approval of this ordinance and permit fee.

**8. Next Steps:**

The Clerk will submit the ordinance change to Municode to update our City Code. The Police Department will begin to purchase the equipment needed to print the permit ID badges. Finance will amend the fee schedule to include the permit fee.

**9. Attachments:**

1. 1. PROPOSED STATESVILLE Section 21-25 Begging panhandling or soliciting contributions

## **Sec. 21-25. Begging, panhandling, or soliciting contributions.**

This article is adopted pursuant to the authority granted to the City of Stateville in North Carolina General Statutes 160A-178 and 160A-179 for the purpose of regulating begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person, as well as regulating, restricting or prohibiting the solicitation of contributions from the public as it pertains to business activities of itinerant merchants, salesmen, promoters, and peddlers.

## **Sec. 21-26. Definitions.**

The following words, terms, and phrases shall have the meaning ascribed to them in this section, except in instances where the context clearly indicates a different meaning.

- (a) *To beg, panhandle, or solicit contributions* shall be defined to include, without limitation, the spoken, written, or printed word or such other acts as are conducted in furtherance of the purpose of obtaining monetary contributions for the private benefit of the solicitor or any other person;
- (b) The term "solicitor," whether a resident of the city or not, means any individual traveling by foot, wagon, motor vehicle, or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature whatsoever, including, without limitation, intangible personal property, stocks, bonds, investment participation shares and product promotions for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. The definition of the term "solicitor" shall not apply to, and this article shall not apply to, the following persons:
  - (1) Those who solicit orders solely to industrial, commercial or professional establishments within the city.
  - (2) Those soliciting for schools or approved educational, religious or charitable organizations, when the entire proceeds from any such solicitation goes to the fund of some approved educational or charitable organization that has a base permanently located in the city or county.
- (c) The term "peddler" means a person, whether a resident of the city, or not, traveling by foot, motor vehicle, or any other type of conveyances, from place to place, from house to house, or from street to street, carrying, conveying, or transporting any goods, wares, or merchandise of any kind, offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells the same for sale from a wagon, motor vehicle, or other vehicle or conveyance. The definition of the term "peddler" shall not apply to, and this article shall not apply to, the following persons:
  - (1) Those who solicit orders solely to industrial, commercial or professional establishments within the city.
  - (2) Those soliciting for schools or educational, religious or charitable organizations, when the entire proceeds from any such solicitation goes to the fund of some approved educational or charitable organization that has a base permanently located in the city or county.
  - (3) Those persons operating a mobile food truck within the rules and guidelines, if any, of related city policy.
- (d) The term "panhandler" means a beggar or charitable solicitor who attempts to solicit contributions for their own personal gain including, but not limited to, obtaining alms or contributions of money, food, or clothing for the use of oneself or others through use of spoken, written, or printed words, signs, body gestures or other acts.
- (e) *Accosting another person* shall be defined as approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of criminal act or damage to property in his immediate possession;

- (f) *Intimidate another person* shall be defined as acting in such a way as would cause a reasonable person to fear bodily harm and therefore to do something he or she would not otherwise have done;
- (g) *Forcing oneself upon the company of another person* shall be defined as:
  - (1) Continuing to request or solicit contributions in close proximity to an individual who has made a negative response by verbal or physical signs or by attempting to leave the presence of the person soliciting, or by other negative indication;
  - (2) Blocking the passage of the person addressed or otherwise engaging in conduct that could reasonably be construed as intending to force a person to comply to a solicitation; or
  - (3) Otherwise engaging in conduct which reasonably could be understood as intended to force a person to accede to demands.
- (h) *Public place* shall be defined as a place where a governmental entity has title and/or to which the public has access, including, but not limited to, streets, highways, and roadways (including the shoulders and medians), sidewalks, alleys, parking lots, restaurants, schools, parks and playgrounds, and other public property, as well as city-owned and city-controlled property and private property open to the public unless permission to solicit has been obtained from the town or from the property owner or other person in authority.
- (i) *Vocal appeal* shall be defined as begging, panhandling, or solicitation of contributions by spoken word or other verbal request.
- (j) *Direct written appeal* shall be defined as begging, panhandling, or solicitation by handing to a person or attempting to hand to a person a written solicitation for immediate contributions.
- (k) *Prohibited time period* shall be defined as 7:00pm to 10:00am on Monday through Saturday and all day on Sunday.

#### **Sec. 21-27 Permit required.**

- (a) All peddlers and solicitors must submit an application to the police department pursuant to this article.
- (b) It shall be unlawful for any solicitor and/or peddler to engage in such business within the corporate limits of the city without first obtaining a permit pursuant to this article.
- (c) It shall be unlawful for a solicitor and/or peddler to fail to display the permit or badge issued under the provisions of this article while soliciting or peddling.
- (d) A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a).

#### **Sec. 21-28. Application for permit.**

- (a) Fifteen days prior to the desired start date, every solicitor and/or peddler under this article must file a sworn application for a permit, with the chief of police, in writing, on a form to be furnished by the chief of police or his designee, which shall give the following information:
  - (1) The full name, date of birth, permanent address, phone number, and job title of the applicant.
  - (2) A physical description of the applicant including height, weight, and eye and hair color.
  - (3) A brief description of the nature of the business and the goods or services to be sold.
  - (4) If employed or acting as an agent, the name, telephone number and address of the employer or principal, together with credentials establishing the exact relationship.
  - (5) The place where the goods or services are proposed to be sold or orders taken for the sale thereof, where such articles are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.



- (6) A list of all misdemeanor and felony charges and arrests including the approximate dates of the charges and arrest and the city/state of such charges and arrest.
- (7) A copy of a valid driver's license, state identification card, passport or military identification. If the picture identification is impractical, the applicant shall provide other documentation that reasonably establishes identity.
- (8) If the applicant is an employer or principal, a separate application shall be submitted for each person who will be soliciting and/or peddling. A separate permit will be processed for each.
- (9) Descriptions of any vehicles being used and registration plates of said vehicles.
- (b) At the time of filing the application, a fee, as according to the approved fee schedule by city council, shall be paid to the City of Statesville's collection clerk located at 301 S. Center St., Statesville, NC, to cover the cost of issuing the permit.
- (c) The chief of police or his designee, within 15 days of the application and payment of the prescribed fee, will either approve or deny the application.

**Sec. 21-29. Application approval and requirements thereof.**

Upon approval of the application and payment of the prescribed fee, the chief of police or his designee shall deliver to the applicant the following:

- (a) A permit or ID badge containing the signature of the chief of police or his designee, the name, address and photograph of the licensee, the class of license issued ("licensed solicitor" or "licensed peddler"), the date of issuance of the permit, and the length of time the permit shall be in effect.
- (b) The permit or ID badge must be displayed in accordance with section 21-27(c).
- (c) Any person authorized by permit to engage in soliciting or peddling shall at all times carry the issued permit in his or her possession when he or she is engaged in the permitted acts. In addition, a permittee shall display his or her permit when requested to do so by any prospective customer or law enforcement officer.
- (d) It shall be unlawful for any person to alter or falsify a permit issued under this section and/or for any person other than the permittee to use a permit issued under this section.
- (e) A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a).

**Sec. 21-30. Permit duration and renewal.**

- (a) All permits issued shall expire one (1) year from the date of issuance, unless the applicant requests permission to do business for a lesser period, in which case, the permit shall be valid for such period.
- (b) Any permit issued under the provisions of this article may be renewed by the holder of the permit, upon application in writing to the chief of police, upon a form to be furnished by the chief of police, which shall contain the information required by section 21-28.
- (c) At the time of filing the renewal application under this section, the applicant shall pay a fee according to the city council approved fee schedule.

**Sec. 21-31. Not an endorsement to city.**

It shall be unlawful for any permittee, or for any agent, employee or representative thereof, to advertise, represent or hold out in any manner the permit required by this article is an endorsement of the holder thereof by the governing body of the city, or any employee thereof, or by the city.

**Sec. 21-32. Denial; revocation.**

- (a) *Denial.* In the event the chief of police or his designee denies the application, the applicant shall be notified in writing as to the reason for denial.

- (b) *Revocation.* The chief of police or his designee shall have the authority to revoke any previously issued solicitors and/or peddlers permit.
  - (1) The permittee shall be notified in writing as to the reason of the revocation.
  - (2) The revocation shall become effective immediately upon receipt of the notification.
  - (3) Upon revocation, the issued permit must immediately be surrendered to the chief of police or his designee.
  - (4) The permittee shall not conduct solicitation and/or peddling pending determination of the appeal.
- (c) The chief of police or his designee may deny an application or revoke any previously issued permit for the following:
  - (1) The application is incomplete;
  - (2) The application fee has not been paid;
  - (3) The application contains false or misleading statements or omission of information;
  - (4) The applicant has committed prior ordinance violations pertaining to solicitors and peddlers;
  - (5) The applicant has been convicted of a misdemeanor involving larceny, fraud, forgery, sale of counterfeit goods and/or breaking and entering;
  - (6) The applicant has been convicted of a felony; or
  - (7) Any other reasonable evidence that the applicant would pose a substantial threat to the public health, safety, morals or general welfare of the public.

#### **Sec. 21-33. Appeals.**

- (a) Appeals by applicants and/or permittees must be filed with the chief of police in writing within ten days from receipt of notice by the chief of police or his designee of denial of an application and/or revocation of a permit. The chief of police or his designee shall:
  - (1) Within ten days of an appeal hold at least one hearing;
  - (2) Make a determination as to deny, revoke or reinstate a permit;
  - (3) Notify applicant and/or permittee in writing of such determination.
- (b) The applicant and/or permittee may file an appeal of the chief's or his designee's appeal determination to the city manager. The appeal must be within ten days of receipt of notification of the chief's final decision and in writing. The city manager shall review the denial and/or the revocation and the appeal determinations. The city manager will:
  - (1) Reinstate the permit; or
  - (2) Uphold the denial or revocation.
- (c) The city manager will notify the applicant/permittee of his decision in writing. The city manager's decision shall be final.

#### **Sec. 21-34. Prohibited Acts.**

- (a) No person shall beg, panhandle, or solicit contributions in a public place in a manner so as to intimidate another person, accost another person, force oneself upon the company of another person, touch someone without their consent and/or use obscene or abusive language towards someone while attempting to panhandle, peddle, or solicit.

- (b) No person shall beg, panhandle or solicit contributions from another person within fifty (50) feet of an entrance or exit of any bank or financial institution or within fifty (50) feet of any automated teller machine.
- (c) No person shall stand, sit, or loiter in or on any street or highway, including the shoulders or median strip, or right-of-way of any such street or highway, but excluding sidewalks, while soliciting or attempting to solicit any employment, business, or contributions from the driver or occupants of any vehicle.
- (d) No person shall beg, panhandle, or solicit contributions in a public place by vocal appeal or direct written appeal during the prohibited time period.
- (e) It shall be unlawful for any person to solicit, peddle, or panhandle at the following locations and/or under the following circumstances:
  - (1) At any permitted outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
  - (2) At any transit stop or taxi stand, or in a public transit vehicle;
  - (3) While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
  - (4) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property;
  - (5) While under the influence of alcohol or after having illegally used any controlled substance as defined in the North Carolina Controlled Substance Act;
  - (6) Within 20 feet of any crosswalk;
  - (7) In a school zone during the time of arrival of students at the beginning of the school day and/or during the time of the departure of students at the end of the school day;
  - (8) Within 20 feet of the entrance or exit of any parking deck, garage, or surface parking lot;
  - (9) Within 50 feet of any city-owned or -operated building or facility.
- (f) A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a).
- (g) Except as otherwise provided herein, no person shall enter or remain in or upon any private residence or premises within the City, having not been requested or invited by the occupant or occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, merchandise, services, or any other thing of value when a "No Solicitation," "No Trespassing," or similar sign is posted at or near the entrance to such premises. For purposes of this section, "premises" shall include any residential subdivision, mobile home park, or other multi-family development.
  - (1) A violation of this subsection shall be punishable as Second Degree Trespass pursuant to North Carolina General Statute 14-159.13.

## **Sec. 21-35. Penalties.**

Section 21-25 through 21-35 of The Code of the City of Statesville shall be enforced by the Statesville Police Department. Any violation of those sections, with the exception of subsection 21-34(g), shall constitute a Class 3 misdemeanor as provided by G.S. 14-4(a), unless conduct is punishable by any other applicable North Carolina General Statute.

State law reference(s) — City power to regulate solicitation campaigns, flea markets and itinerant merchants, G.S. § 160A-178; City power to regulate begging, G.S. § 160A-179; Violation of local ordinances misdemeanor, G.S. § 14-4; Second Degree Trespass, G.S. § 14-159.13.

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Herman Caulder, Assistant Planning Director  
**DATE:** 7/23/2025 4:30 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Receive an update on the Monroe Street Redevelopment Corridor.**

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

Monroe Street, located in the Southern quadrant of the city has been named a “Redevelopment Area” by the 2045 Land Development Plan (LDP). It intersects Shelton Avenue and runs parallel with Highway 70, both of which are major highways, (gateways) into the City of Statesville (see attached map). This area is the first impression of Statesville when traveling from Troutman, Mooresville, Hickory, Catawba, Claremont and other areas. With this in mind, the LDP suggests future improvements in this area such as sidewalks, on-street parking, medians, and street trees to improve the streetscape. The plan is to invest in this area and create an attractive gateway that will support downtown, expand employment, and improve accessibility that will welcome visitors, workers, and residents.

As we know, the current state of this area is distressed, with many properties being unsightly. One of the goals of the 2045 Land Development Plan states that code enforcement should be utilized to enforce the standards in the City Code and prevent blight, more specifically it states the following: “With input from citizens, inventory existing development for code violations, non-conforming situations and derelict sites and develop priorities for action. Increase neighborhood stability through collaborative code enforcement, provision of public amenities (e.g., sidewalks, green space, streetscaping), and effective compatibility standards, such as setbacks, building height, that align with adjacent properties.”

The City of Statesville is a recipient of an EPA (Environmental Protection Agency) Brownfields Assessment Grant to assist with community revitalization. The Brownfields program can be used to assist with revitalization through funding key environmental components of the revitalization effort. Along with this, the City of Statesville has engaged in an Area Wide Plan, which includes the Monroe Street corridor. The goal is to provide a long-term plan to balance residential growth with commercial and industrial uses.

In addition, the Planning Department has started taking inventory of existing code violations (see code violation inventory attachment) and began working with property owners to bring their property into compliance. In many cases, these are properties that code enforcement and the minimum housing department have been citing and working with for quite a while but repeat offenders have proven to be a challenge. As a result, we are now issuing citations. If properties are not brought into compliance, the properties will be turned over to legal and taken to court, abated by the city, or

brought to council for demolition. Costs for either of these options can be a lien on the property and if not paid can be foreclosed.

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

N/A

**3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** Attract and retain a talented, engaged workforce responsive to the needs of our growing community.

**Connecting Our City:** Invest in services and critical public infrastructure to align with land use plan goals and accommodate future growth citywide.

**Connecting Our Communities:** Promote the development of a range of housing types throughout our community and housing stability for residents.

**Strategic Plan Values:** We value and encourage Opportunity

The Monroe Street corridor has been named as a "Redevelopment Corridor" by the 2045 Land Development Plan. In addition, there are existing Brownfields sites on Monroe Street and an Area Wide Plan has been completed, showing opportunities for enhancement and a vision (long range plan) for the corridor. Redevelopment of this corridor will ensure a better living environment for residents, promote employment opportunities, and provide an inviting gateway to the City of Statesville.

**4. Budget/Funding Implications:**

Improving the cleanliness and visibility of this area could raise property values and encourage new development, which would increase revenues to the General Fund.

The cost is to be determined on what is necessary to abate (clean up/court/demolish) properties in this area.

**5. Consequences for Not Acting:**

The area could continue to see more code violations, which could result in an increase in blight in one of our gateways to the city.

**6. Department Recommendation:**

Code Enforcement and Minimum Housing will continue to write code violations, pursue fines, demolition, and legal action to clean up the area.

**7. Manager Comments:**

This is for information only. City Council raised concerns about the corridor, specifically citing several properties. This update will explain where those properties (and others) stand in the code enforcement process.

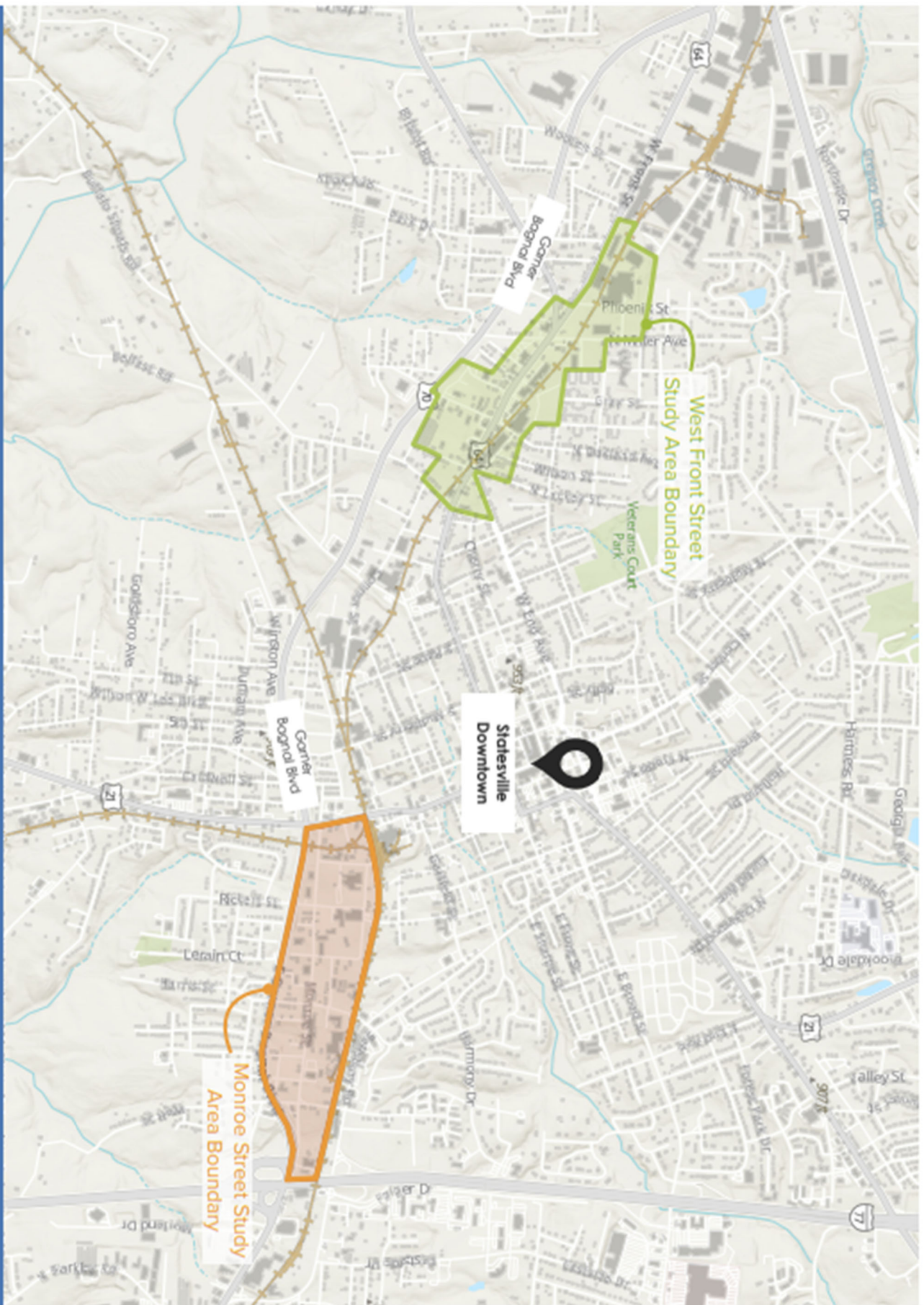
**8. Next Steps:**

Continue with code enforcement violations, fines, and legal action for properties that do not come into compliance. Pursue demolition of structures not in compliance with the Minimum Housing Code.

**9. Attachments:**

1. Map - Monroe Street Corridor
2. Current Code Violation Inventory (Monroe Street Corridor)
3. Area Wide Plan Vision for Monroe St.

Figure 1 - Boundaries and context for the West Front Street and Monroe Street study areas.



### **Current Code Violation Inventory (Monroe Street Corridor)**

**1. 810 Jackson Street**

Code enforcement has been working with this property owner and has seen some progress but it is very slow. An RV, trash and debris have been removed from the site but there is a lot more that needs to be accomplished. Code enforcement has issued a final notice. Next step will be daily fines, then legal action.

**2. 514 Monroe Street**

This property has refused to work with code enforcement. The case has been sent to legal.

**3. 540 Monroe Street**

This property has refused to work with code enforcement. The case has been sent to legal.

**4. 533 Monroe Street**

Code enforcement is actively checking to make sure dump trucks are not stored on the property and have issued a violation letter for trash and debris.

**5. 818 Clay Street**

Code enforcement has sent a violation letter for tires, trash, and debris clean up.

**6. 905 Garner Bagnal Blvd.**

Code enforcement has sent a violation letter for pallets, trash, and debris in the street right-of-way.

**7. Vacant lot on Monroe Street**

Code enforcement has sent a violation letter for junk vehicles.

**8. 629 Monroe Street**

Code enforcement has sent a violation letter for overgrowth (weeds) on the fence.

**9. 700 Jackson Street**

Code enforcement has sent a violation letter for trash and debris.

**10. 709 Wall Street**

Code enforcement has sent a violation letter for removal of a junk tractor trailer.

### **Dilapidated Housing:**

**11. 309 Monroe Street**

One of the owners died and the property is currently in probate. Lesley is currently researching paperwork to prove the property owner's claim of probate. Once the probate period expires, Lesley will issue a final notice and start daily fines.



**12. 319 Monroe Street**

The owner is still living in this house without power. Part of the problem is how to relocate the owner, who is an elderly lady. This property has been added to the 2025-2026 demolition budget list.

**13. 409 Monroe Street**

Leslie has been working with the heirs for permission to enter the property for inspection. The heirs did not show for the last scheduled inspection date. Lesley is pursuing an administrative warrant to enter the property for inspection.



Figure 39 - Monroe Street Development Concept Plan - Western Portion



Figure 40 - Monroe Street Development Concept Plan - Eastern Portion



# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Herman Caulder, Assistant Planning Director  
**DATE:** 7/23/2025 4:36 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider passing the second reading of Rezoning Request ZC25-10 River Hills PUD; for located on U.S. Highway 64 between East Broad Street and River Hill Road for a major amendment to the approved concept plan.**

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

Mr. Robert Bowman (applicant), on behalf of River Hill Bowman, LLC (owners), is requesting significant changes to the concept map for the River Hill Planned Unit Development (PUD); a 107.93-acre parcel of property, which was recently rezoned from Iredell County RA (Residential Agricultural) District and Iredell County R-20 (Single-Family Residential) District to City of Statesville Planned Unit Development (PUD Conditional Zoning) District. On April 8, 2023, an amendment to replace the apartments with townhomes and add live/work units was approved. Currently the developer is asking to remove the townhomes and replace them with single-family homes like what is in the remainder of the development, (see attached Location and Current Zoning & Utilities maps). It is important to point out that the cottage homes “workforce housing” will still be built.

(See amended concept plan) Section 2.07, (L) of the Unified Development Code (UDC), states that major changes must be submitted to the Planning Board and then to the City Council for approval. In this case, changing the general use from townhomes to single-family homes and the substantial changes to the vehicular circulation constitute a major change to the development, and therefore trigger the amendment process.

### **Evaluation**

The proposed project site is on approximately 107.93 acres primarily located on U.S. Highway 64 between East Broad Street and River Hill Road (see attached Aerial Photo Map and Site Photos). The property was originally rezoned on April 8, 2023, and annexed on June 17, 2024. The intent is to amend the concept plan that will allow them to replace the 94 townhomes with 57 additional single-family homes, up to 9 additional cottages, and minor changes to the public road layout. Mr. Bowman, (developer) states that he is having a hard time finding a quality builder that will build the townhomes. He stated that the builders are telling him that there is no market for townhomes in Statesville. The changes from the last amendment to the plan and what is proposed now are laid out below:

Before		<u>Proposed Now</u>
142 – 172	Single-Family Homes	197 - 229
22 -- 34	Cottage Homes	18 - 43
94	Townhomes	none

6 -- 18	Live/Work Units	same
38,800 – 46,400 sq. ft.	Retail Floor Space	same

## 2. Previous Council or Relevant Actions:

The original conditional rezoning request for River Hills PUD was approved by council on April 8, 2023. The property was annexed on June 17, 2024. On November 4, 2024, the plan was amended by the City Council to allow the replacement of multi-family apartments with townhomes. On June 24, 2025, the Planning Board took the following action: The board members stated they would prefer the townhomes be built rather than additional single-family homes, so that there would be more housing options available to the community. The developer, Mr. Robert Bowman, agreed that he would rather build the townhomes but stated that he could not find a builder that would agree to build the townhomes at this time. The board approved to allow the amendment to the concept plan with the addition of a condition that allows the developer to have the option to build the 94 townhomes that were previously approved if the developer is either not able to build the 57 single family homes or the market changes in favor of building the townhomes. Any conversion would have to be reviewed and approved by TRC.

City Council held the public hearing on July 14, 2025, and no one from the public came to speak. The motion on the first reading passed 6 to 1.

## 3. Strategic Initiatives Supported/Impacted:

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** Promote the development of a range of housing types throughout our community and housing stability for residents.

**Strategic Plan Values:** We value Quality and Creativity

The River Hills PUD provides a range of housing types including single family homes, cottage homes, and live/work units.

## 4. Budget/Funding Implications:

The current tax value is \$857,770. The Estimated taxable value of the completed project is approximately \$110,000,000.

## 5. Consequences for Not Acting:

The land could be developed under the rezoning that was approved on November 4, 2024, with townhomes.

## 6. Department Recommendation:

The concept plan still exceeds the required active open space and will provide a substantial amount of constructed greenway. In addition, the project continues to meet the density requirements of the Unified Development Code and will provide a diverse selection of housing for the area (still have the cottage homes and live/work units). Although some of the public roads have been slightly shifted or changed, they still meet the requirements and should have no detrimental effect on the project. No ingress or egress points were changed. In addition, the 2045 Land Development Plan places the properties in a Complete Neighborhood 2, Tier 2 growth area.

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

Staff recommend approval to amend the concept plan contingent upon the applicant meeting all the former conditions of the original rezoning listed below:

Conditions:

1. The second access point off of River Hill Road will be bonded with the first phase.
2. A detailed landscape plan will need to be provided as part of the final site plan, needs to include 8 ft. street yards adjacent to public streets, parking lot trees, and buffers.
3. The lighting plan shall be submitted at the time of the site plan approval process.
4. Driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis will be required by the developer at the time of site plan/subdivision approval.
5. Provide building elevation renderings.
6. Commercial uses are limited to those permitted in the B-1 and B-2 Districts.
7. There shall be an HOA with covenants, conditions, and restrictions (CCRS) to be provided to the City of Statesville prior to recording the final plat. The HOA shall own and maintain all amenity areas and common open spaces as well as landscaped medians A and B.
8. Landscaped medians A and B shall be maintained by the HOA.
9. The developer to have the option to build the 94 townhomes that were previously approved if the developer is either not able to build the 57 single family homes or the market changes in favor of building the townhomes. Any conversion would have to be reviewed and approved by TRC.
10. Range schedule:
  1. 197-229 Single-Family Homes
  2. 18-43 Cottage Units
  3. 6 – 18 Live/Work Units
  4. 38,800 sq. ft. – 46,400 sq. ft. Retail Floor Space
11. The entrances will be enhanced with additional landscaping.
  5. 12. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code.

**7. Manager Comments:**

Recommend passing the second reading.

**8. Next Steps:**

If approved, sign the ordinance.

**9. Attachments:**

1. Ordinance ZC25-10 River Hills PUD #3

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

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR THE REZONING OF APPROXIMATELY 107.93 ACRES LOCATED ON U.S. HIGHWAY 64 BETWEEN EAST BROAD STREET AND RIVER HILL ROAD; ZONED CITY OF STATESVILLE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; FOR A MAJOR AMENDMENT TO THE CONCEPT PLAN FOR RIVER HILL PUD; TO REMOVE TOWNHOMES AND REPLACE WITH SINGLE-FAMILY HOMES.

ZC25-10 River Hill PUD

Properties located on U.S. Highway 64 between East Broad Street and River Hill Road; PIN #'s 4765-35-4650, 4765-25-4828, 4765-36-6083, 4765-36-6114 and 4765-36-9412.

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 July 14, 2025 at 6:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from Iredell County RA (Residential Agricultural) District and Iredell County R-20 (Single-Family Residential) District to City of Statesville Planned Unit Development (PUD Conditional Zoning) District; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on July 3 and 10, 2025, all in accordance with the procedure set forth in N.C.G.S. 160D-601; 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 properties be changed as particularly set out below, said property being more particularly described as follows:

Heirs of Linda W. Knox  
Parcel #4765366083

**Beginning** at an existing #4 rebar on the southwesterly margin of Riverton Drive, a common corner with other lands of "Heirs of Linda Knox (Deed Bk-797, Pg-246), said point being located S44°41'35"E 141.87' of an existing #4 rebar and N41°50'24"W 12,825.61' of NGS Monument "JAY JAY" having North Carolina ground coordinates N:746,353.148' and E:1,472,241.778' (CSF:0.99988300438); thence turning and running with the southwesterly margin of Riverton Drive with the arc of a curve to the left having a radius of 359.29', an arc length of 88.78' with a chord bearing and distance of S51°44'26"E 88.55' to an existing #4 rebar, a common corner with lands now or formerly of Penny and David Gibson (Deed Bk-2230, Pg-750); thence turning and running with said "Gibson" property S31°09'58"W 202.85' to an existing 1" pipe in the line of Heirs of David c. Williams (Estate File 8E, Pg-54), said point being located N59°04'44"W 44.93'

of an existing 0.75" pipe; thence turning and running with said "Williams" property the following two (2) courses and distances:

1. N59°01'11"W 72.20' to an existing 0.75" pipe;
2. N44°41'43"W 67.56' to a set #4 rebar, a common corner with other "Knox" land;

Thence turning and running with said "Knox" property N45°19'33"E 203.71' to the **Point and Place of Beginning**.

Contains 23,361 square feet or 0.536 acres.

Heirs of Linda W. Knox  
Parcel #4765366114

**Beginning** at an existing #4 rebar on the southwesterly margin of Riverton Drive, a common corner with other lands of "Heirs of Linda Knox (Deed Bk-797, Pg-246), said point being located S45°18'50"W 49.86' of an existing 0.75" pipe, the southwesterly corner of lands now or formerly of Walter and Kimberly Cales (Deed Bk-1906, Pg-865, Lot #7 of Wexford, Section 2, Plat Bk-42, Pg-2) and N41°05'23"W 13,114.95' of NGS Monument "JAY JAY" having North Carolina ground coordinates N:746,353.148' and E:1,472,241.778' (CSF:0.99988300438), thence turning and running with the southwesterly margin of Riverton Drive S44°41'35"E 141.87' to an existing #4 rebar, a common corner with other "Knox" lands (Lot #6 of Wexford, Section 2, Plat Bk-42, Pg-2); thence turning and running with said "Knox" property S45°19'33"W 203.71' to a set #4 rebar in the line of Heirs of David C. Williams (Estate File 8E, Pg-54); thence turning and running with said "Williams" property N44°41'43"W 86.86' to an existing 1" pipe, a common corner of other "Knox" property (Deed Bk-797, Pg-246); thence turning and running with said "Knox" property the following three (3) courses and distances:

1. With the arc of a curve to the left having a radius of 50.00', an arc length of 63.63' with a chord bearing and distance of N07°15'34"E 59.42' to an existing 1" pipe;
2. With the arc of a curve to the right having a radius of 25.00', an arc length of 32.54' with a chord bearing an distance of N08°03'14"E 30.29' to an existing 1" pipe;
3. N45°18'50"E 132.81' to the **Point and Place of Beginning**.

Contains 26,669 square feet or 0.612 acres.

Heirs of Linda W. Knox  
Parcel #4765369412

**Beginning** at an existing 1" pipe in the northwesterly line of lands now or formerly of Timothy and Lisa Fluke (Deed Bk-1802, Pg-1909), a common corner with lands now or formerly of Derik and Heather Wilson (Deed Bk-2417, Pg-132, Lot #9 of Wexford, Section

2, Plat Bk-42, Pg-2), said point being located N24°18'07"E 65.85' of an existing 1" pipe and N39°46'51"W 12,884.77' of NGS Monument "JAY JAY" having North Carolina ground coordinates N:746,353.148' and E:1,472,241.778' (CSF:0.99988300438); thence running with rear lines of Lots 9, 8, and 7, respectively, of said Wexford, Section 2 (Plat Bk-42, Pg-2) N53°10'03"W 227.38' to an existing 0.75" pipe, a common corner of lands now or formerly of Walter and Kimberly Cales (Deed Bk-1906, Pg-865, Lot #7 of Wexford, Section 2, Plat Bk-42, Pg-2); thence turning and running with said "Cales" property the following three (3) courses and distances:

3. With the arc of a curve to the right having a radius of 50.00', an arc length of 34.82' with a chord bearing and distance of S76°02'16"W 34.12' to an existing 1" pipe;
4. With the arc of a curve to the left having a radius of 25.00', an arc length of 22.10' with a chord bearing a distance of S70°49'08"W 21.39' to an existing 1" pipe;
5. S45°18'50"W 147.04' to an existing 0.75" pipe on the northeasterly margin of Riverton Drive (Plat Bk-42, Pg-2), said point being located N44°42'05"W 107.69' of an existing 1" pipe;

Thence, continuing with the margin of said Riverton Drive S45°18'50"W 49.86' to an existing #4 rebar on the southwesterly margin of said Riverton Drive, a common corner of other lands now or formerly of Heirs of Linda Knox (Deed Bk-797, Pg-246, Lot #6 of Wexford, Section 2, Plat Bk-42, Pg-2); thence continuing with said "Knox" property the following three (3) courses and distances:

1. S45°18'50"W 132.81' to an existing 1" pipe;
2. With the arc of a curve to the left having a radius of 25.00', an arc length of 32.54' with a chord bearing and distance of S08°03'14"W 30.29' to a point computed;
3. With the arc of a curve to the right having a radius of 50.00', an arc length of 63.63' with a chord bearing and distance of S07°15'34"W 59.42' to an existing 1" pipe in the line of Heirs of David C. Williams (Estate File 8E, Pg-54);

Thence, turning and running with said "Williams" property the following two (2) courses and distances:

1. N44°41'43"W 79.95' to an existing 0.75" pipe;
2. N45°24'24"E 654.66' to an existing 0.75" pipe in the southwesterly line of Viridiana Ramirez and Alberto Fuentes (Deed Bk-2367, Pg-725);

Thence turning and running with said "Fuentes" property S35°33'24"E 91.10' to an existing 0.75" pipe, a common corner with lands now or formerly of Augustin and Nancy Marquez (Deed Bk-2647, Pg-120); thence continuing with said "Marquez" property S35°33'24"E 135.12' to an existing 1" pipe, a common corner with lands or formerly of Thomas & Debra Plott (Deed Bk-1563, Pg-1656) and said "Fluke" property; thence turning



and running with said "Fluke" property S24°20'49"W 145.62' to the **Point and Place of Beginning**.

Contains 57,359 square feet or 1.317 acres.

Heirs of David C. Williams  
Parcel #4765254828

**Beginning** at an existing axle, the northwesterly corner of lands now or formerly of Energy United Electric Membership (Deed Bk-2329, Pg-612, Plat Bk-63, Pg-144), said point being located N46°59'34"W 13,031.46' of NGS Monument "JAY JAY" having North Carolina ground coordinates N:746,353.148' and E:1,472,241.778' (CSF:0.99988300438); thence turning and running with said "Energy United" property S02°14'50"W 1,146.17' to an existing nail in asphalt on the northerly margin of Mocksville Highway (U.S. Highway 64), passing an existing spindle at 1,006.87'; thence turning and running with Mocksville Highway N73°26'04"W 672.04' to a set #4 rebar; thence turning and crossing Mocksville Highway S03°41'07"W 55.03' to an existing axle within the margin of Mocksville Highway, a common corner of lands now or formerly of Meg 2, LLC (Deed Bk-2655, Pg-122) and Elijah and Elaine Hall (Deed Bk-2511, Pg-1606), said point being located N03°41'07"E 140.95' of an existing stone, thence turning and running with said "Hall" property N75°10'34"W 218.53' to an existing 1" pipe, a common corner of lands now or formerly of Walter S. and Walter G. Hall (Deed Bk-1911, Pg-2356), said point being located N02°06'40"E 170.47' of an existing #4 rebar; thence turning and crossing Mocksville Highway N08°07'33"E 51.97' to an existing #4 rebar, a common corner of lands now or formerly of Leon and L.M. Beaver (Deed Bk-1328, Pg-430); thence turning and running with said "Beaver" property the following two (2) courses:

6. N23°19'03"E 523.26' to an existing #4 rebar;
7. N03°03'29"E 117.04' to an existing axle, a common corner of the lands now or formerly of The L.M. Beaver Family Limited Partnership (Deed Bk-1009, Pg-1805);

Thence, turning and running with said "Beaver Family LP" the following six (6) courses and distances:

1. N02°08'10"E 1,636.61' to an existing axle;
2. N86°08'05"W 37.57' to an existing 1" pipe;
3. N02°45'48"E 971.07' to an existing 1" pin;
4. N68°52'13"E 371.66' to an existing #4 rebar;
5. N24°49'15"E 181.42' to an existing #4 rebar;
6. N17°01'21"E 198.10' to an existing #4 rebar in the line of Deborah and James Smith (Deed Bk-2568, Pg-1350);

Thence turning and running with said "Smith" property S78°08'33"E 263.97' to an existing 1" pipe, a common corner of lands now or formerly of Robert and Jamie Divanna (Deed Bk-2587, Pg-1832); thence turning and running with said "Divanna" property

S03°18'25"W 188.20' to an existing 1" pipe, a common corner of other "Divanna" property (Deed Bk-2589, Pg-2320) S03°17'57"W 279.97' to an existing 1" pipe, a common corner of lands now or formerly of Terry and Diane Hamby (Deed Bk-1041, Pg-1); thence turning and running with said "Hamby" property S03°27'42"W 863.18' to an existing #4 rebar, a common corner of other lands of David C. Williams Heirs (Estate File 8E, Pg-54); thence turning and running with said "Williams" property S01°55'10"W 1,409.73' to the **Point and Place of Beginning**.

Contains 2,520,951 square feet or 57.873 acres.

Heirs of David C. Williams  
Parcel #4765354650

**Beginning** at an existing 0.5" pipe in the westerly margin of River Hill Road, a common corner with lands now or formerly of Huberto Gomez and Araceli Benitez (Deed Bk-2590, Pg-1206), said point being located N08°21'42"E 199.32' of an existing 1" pipe and N44°36'47"W 11,638.17' of NGS Monument "JAY JAY" having North Carolina ground coordinates N:746,353.148' and E:1,472,241.778' (CSF:0.99988300438); thence turning and running with said "Gomez & Benitez" property N83°41'13"W 199.87' to an existing 0.75" pipe, a common corner of lands now or formerly of Oakdale Baptist Church (Deed Bk-1016, Pg-1531); thence continuing with said "Church" property N83°41'13"W 268.11' to an existing #4 rebar, a common corner of lands of Energy United Electric Membership (Deed Bk-2329, Pg-612); thence turning and running with said "Energy United" property the following five (5) courses and distances:

8. N83°41'13"W 100.41' to a set #4 rebar;
9. N02°10'51"E 429.17' to an existing #5 rebar;
10. N83°31'15"W 379.76' to an existing #4 rebar;
11. N01°24'49"E 12.63' to an existing 1" pipe;
12. N82°26'57"W 433.91' to an existing axle in the easterly line of other lands of David C. Williams Heirs;

Thence, turning and running with said "Williams" property N01°55'10"E 1,409.73' to an existing #4 rebar, a common corner of lands now or formerly of Terry and Diane Hamby (Deed Bk-1041, Pg-1), said point being located S03°27'42"W 863.18' of an existing 1" pipe; thence turning and running with said "Hamby" property N85°00'46"E, passing an existing 1" pipe, 0.48' right of line at 365.94' and an existing #3 rebar, 0.38' right of line at 898.68', a total distance of 1,048.67' to an existing 0.75" pipe, a common corner with lands now or formerly of Clarence & Belinda Stewart (Deed Bk-661, Pg-530) and Judith Ann Wilson (Deed Bk-2070, Pg-1902); thence turning and running with said "Wilson" property S35°33'50"E, passing an existing 0.75" pipe at 200.31', total distance of 209.16' to an existing 0.75' pipe, a common corner with lands now or formerly of Heirs of Linda W. Knox (Deed Bk-797, Pg-246), said point being located N35°33'24"W 91.10' of an existing 0.75'; thence turning and running with said "Knox" property the following four (4) courses and distances:

4. S45°24'24"W 654.66' to an existing 0.75" pipe;
5. S44°41'43"E 79.95' to an existing 1" pipe at 79.95', the southwesterly corner of Lot #6 of Wexford, Section 2, Plat Bk-42, Pg-2;
6. S44°41'43"E 154.42' to an existing 0.75" pipe, a corner of Lot #5 of said Wexford subdivision;
7. S59°01'11"E 72.20' to an existing 1" pipe, a common corner of lands now or formerly of Penny and David Gibson (Deed Bk-2230, Pg-750, Lot #4 of Wexford, Section 2, Plat Bk-42, Pg-2);

Thence, turning and running with the rear of Lots #4 and #3 of said "Wexford" subdivision, respectively, the following three (3) courses and distances:

3. S59°04'44"E 44.93' to an existing 0.75" pipe, a corner of said Lot #4;
4. S69°07'45"E 116.80' to an existing 0.75" pipe, a corner of said Lot #3;
5. S81°12'02"E 116.75' to an existing 0.75" pipe, a common corner with land now or formerly of Steven Lambert (Deed Bk-2688, Pg-390, Lot #1 of Wexford, Section 1, Plat Bk-38, Pg-118);

Thence, turning and running with said "Lambert" property S87°08'16"E 231.30' to a computed point near the centerline of River Hill Road, passing an existing 1" pipe at 200.00'; thence turning and running with said River Hill Road the following seven (7) courses and distances:

1. S02°51'37"W 514.50' to a computed point;
2. S03°00'14"W 98.92' to a computed point;
3. S03°25'20"W 142.64' to a computed point;
4. S04°00'44"W 95.28' to a computed point;
5. S05°03'34"W 98.09' to a computed point;
6. S06°17'30"W 93.82' to a computed point;
7. S07°23'42"W 139.69' to a computed point;

Thence leaving said River Hill Road, turning and running N83°41'13"W 29.64' to the **Point and Place of Beginning**.

Contains 2,073,156 square feet or 47.593 acres.

This ordinance was introduced for first reading by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and unanimously carried on the 14<sup>th</sup> day of July, 2025.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the 4<sup>th</sup> day of August, 2025 and upon motion of Councilmember \_\_\_\_\_, seconded by \_\_\_\_\_

Councilmember \_\_\_\_\_, and unanimously carried, was adopted.

Ayes:

Nayes:

This ordinance is to be in full force and effect from and after the 4<sup>th</sup> day of August, 2025.

CITY OF STATESVILLE

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

ATTEST:

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

# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** 7/23/2025 4:24 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider passing second reading approving a Revised Development Agreement for River Hill's Planned Unit Development (PUD; ZC25-10) for properties located on US 64 between East Broad Street and River Hill.**

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

#### **Revised Development Agreement Request**

Mr. Robert Bowman on behalf of River Hill Bowman, LLC, is requesting approval of a revised development agreement as part of the amended rezoning request that is being presented tonight (see attached amended Concept Plan and amended conditions).

#### **Background**

The development known as River Hill's PUD was originally approved in 2023 for 28,000 - 32,000 sq. ft. of retail, 10,800 – 14,400 sq. ft. of office, 147-172 single-family homes, 22-34 cottages, 6-18 live/work units and 280 apartments (ZC23-15).

In 2024, an amendment was requested to remove the 280 apartments and replace them with 94 townhomes (ZC24-17).

Now an amendment is being requested to replace the 94 townhomes with 50-57 single-family homes.

#### **Evaluation**

Since the development is a Planned Unit Development (PUD), a development agreement is required. Major changes to the original development agreement include the following:

- Removing the multi-family language and replacing with single-family homes.
- Removing multi-family from permitted uses.
- Updating the anticipated sewer demand from 53,350 gallons per day to 91,028 gallons per day.
- Updating the tentative development schedule, Phase 1 to include 2 commercial buildings, 6 live/work units, and 114 single-family lots to start 3rd quarter of 2026 and Phase II to include the remaining 149 single-family lots in the 3rd quarter of 2027 (previously 1st quarter of 2025 and 4th quarter of 2027).
- Updating the annexation language, since the properties have been annexed in 2024 (AX24-06).
- Removed decorative garage doors from Architectural Standards {page E-2 after unit size before rooflines} "Garage doors that are visible from public or private streets (excluding alleys) shall be

flush with front facade of the home. This does apply to side-loaded garages.”

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

See background information referenced above. The public hearing was held on July 14, 2025, no one from the public spoke. Council approved the revised Development Agreement with the option to allow conversion of single-family to townhomes per the Planning Board’s recommendation with a vote of 6 to 1. The revised development agreement is attached with the changes indicated to accommodate this action.

**3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** Promote the development of a range of housing types throughout our community and housing stability for residents.

**Strategic Plan Values:** We value Quality and Creativity

The 2045 Land Development Plan places the properties in a Complete Neighborhood 2, Tier 2 growth area.

**4. Budget/Funding Implications:**

The current taxable value of the parcels is approximately \$857,770. The estimated costs of improvements are \$110,000,000.

**5. Consequences for Not Acting:**

If the amended rezoning request is denied, then existing development agreement would apply. However, if the amended rezoning request is approved the revised development agreement is required to be in compliance with the city’s UDO.

**6. Department Recommendation:**

Staff recommends approval of the revised development agreement.

**7. Manager Comments:**

Concur with the department recommendation.

**8. Next Steps:**

If approved, the next step is to record the development agreement in the Register of Deeds.

**9. Attachments:**

1. BDG River Hills PUD Development Agreement 7-21-25

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

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT FOR THE RIVER  
HILL PLANNED UNIT DEVELOPMENT

STATE OF NORTH CAROLINA

AMENDED DEVELOPMENT AGREEMENT

COUNTY OF IREDELL

This Development Agreement (the “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025 by and among **River Hill Bowman, LLC**, a North Carolina limited liability company (“Developer”), and **City of Statesville**, a North Carolina municipal corporation (the “City”).

WITNESSETH:

WHEREAS, Developer is the fee simple owner of approximately 107.93 acres of land in Iredell County, North Carolina (the “Property”), such Property being more particularly described on Exhibit A attached hereto and incorporated herein by reference.

WHEREAS, an initial public hearing approving this Development Agreement was heard on October 21, 2024, and approved on November 4, 2024; and

WHEREAS, this Amended Development Agreement replaces the prior Development Agreement signed and executed on November 15, 2024 in its entirety; and

WHEREAS, Developer desires to develop the Property into a mixed use development consisting of a single family residential of various lot sizes, townhomes, six (6) live/work units, and small scale commercial development (the “Planned Unit Development”) with an option to convert 94 townhomes to 57 of the single family homes in accordance with the terms, conditions and provisions of this Agreement, and containing high quality design standards and materials similar to other residential and retail/commercial projects of similar size and scope in the Charlotte Metropolitan Statistical Area in order to create a first class residential and mixed use project on the Property.

WHEREAS, Section 160D-1001(1) of the North Carolina General Statutes provides that “development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources.”

WHEREAS, Section 160D-1001(3) of the North Carolina General Statutes provides that “because of their scale and duration, such projects often require careful coordination of public capital facilities planning, financing, and construction schedules and phasing of the private development.”

WHEREAS, Section 160D-1001(4) of the North Carolina General Statutes provides that “such projects involve substantial commitments of private capital, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.”

WHEREAS, Section 160D-1001(5) of the North Carolina General Statutes provides that “such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas.”

WHEREAS, Section 160D-1001(6) of the North Carolina General Statutes provides that “to better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, local governments need flexibility to negotiate such developments.”

WHEREAS, Sec. 2.09 of the City of Statesville’s Unified Development Code (the “UDC”) allows for Planned Unit Developments to provide flexibility from the strict application of the UDC to coordinate developments when the applicant demonstrates conformance with the Comprehensive Plan (as defined in the UDC), compatibility of land uses and coordination of improvements within and among individually platted parcels, sections or phases of development.

WHEREAS, in light of the foregoing, Section 160D-1001(b) and Section 160D-1003 of the North Carolina General Statutes expressly authorize local governments to enter into development agreements with developers, subject to the procedures of Section 160D-1001 through 160D-1012 of the North Carolina General Statutes, which procedures and requirements include approval of a development agreement by the governing body of the local government by ordinance after a duly noticed public hearing.

WHEREAS, Section 160D-1004 of the North Carolina General Statutes permits local governments to enter “into a development agreement with a developer for ... developable property of any size. Development agreements shall be of a reasonable term specified in the agreement.”

WHEREAS, the City and Developer desire to enter into this Agreement for the purposes of coordinating the construction of infrastructure and other facilities to serve the Property and the community at large.

NOW, THEREFORE, based upon the terms and conditions set forth herein and in consideration of the mutual promises and assurances provided herein, the parties do hereby agree as follows:

**1. Public Hearing.** Pursuant to Section 160D-1005 and Section 160D-602 of the North Carolina General Statutes, the City conducted a public hearing on October 21, 2025, for the initial development agreement and then conducted another public hearing on July 14, 2025 for this amended development agreement, to consider the approval and execution of this Agreement in accordance with the procedures set out in Section 160D-1005. Public notice was duly given, and the notice of public hearing specified, among other things, the location of the Property subject to



this Agreement, the development uses proposed on the Property, and a place where a copy of the Agreement can be obtained. The City Council approved this Agreement, and the City executed the same.

**2. Concept Plan.** Developer intends to develop the Property as the Planned Unit Development in general conformance with the concept plan which is attached hereto as Exhibit B1. This shows that there will be 94 townhomes within the development. However, if he townhomes within the development are not economically viable after the development exerts all commercially reasonable efforts to make it become viable, including but not limited to applying for financing of the project through at least two reputable lenders, the development shall be able to build 57 single-family residential homes in the place of the 94 townhomes as depicted in Exhibit B2 (Exhibits B1 and B2 are hereby incorporated herein and jointly referred to as the “Concept Plan”). . The Concept Plan provides general information about the phases of development, proposed land use patterns, development intensities, and street patterns. Notwithstanding the foregoing, variations to the arrangement of improvements shown on the Concept Plan may occur based on final specific design layouts and actual construction site conditions so long as the general intent of the Concept Plan is not compromised in any material manner, and the development otherwise complies with the UDC. The Concept Plan was approved by the Technical Review Committee (TRC) on May 14, 2025, by the Planning Board on June 24, 2025, and the City Council on August 4, 2025.

**3. Final Site Plan.** Developer intends to fully develop the Property as the Planned Unit Development in conformance with the Final Site Plan (as described in the UDC) that shall be reviewed and approved by the TRC. The Final Site Plan shall provide greater detail about the development, and together with the development schedule and Final Plat, shall act as the blueprint for the Planned Unit Development. Both major and minor amendments to the Final Site Plan may only be made in accordance with Sec. 2.09(D)(6) of the UDC.

**4. Term.** The term of this Agreement shall commence on the date that all parties hereto have executed this Agreement (the “Effective Date”) and shall terminate on the date that is ten (10) years after the Effective Date, unless sooner terminated by the mutual consent of the parties hereto (or their successors in interest), or unless extended by the mutual consent of the parties hereto (or their successors in interest).

**5. Permitted Uses.** The Property may be devoted to the single-family, townhomes, and live/work uses allowed within Planned Unit Development (“PUD”) District and commercial uses allowed within the B-1 (Neighborhood Service District) and the B-2 (Neighborhood Business District) or otherwise allowed within the PUD District as set forth and established during Developer’s rezoning of the Property. Any single-family residential uses within the Planned Unit Development must be limited to residential use only, but customary home occupations (as defined through the UDC) shall be permitted within single-family residential uses.

**6. Development of the Property.** The Property may be developed in accordance with the Final Site Plan and the terms of this Agreement, and the size, placement and configuration of the lots, common open space, streets, sidewalks, amenities and other improvements planned for the Planned Unit Development shall be developed in accordance with the UDC. The number and locations of buildings, lots, parking areas, and interior drives may vary from those shown on the

approved Concept Plan, and may be modified accordingly in size, orientation, or location during the design/development phases so long as the general intent of the Concept Plan is not compromised in any material matter. Should changes in lot count occur, the conversion table and lot ranges are provided on the Concept Plan. All development within the Property shall comply with the UDC and the PUD District applicable to the Property, including, but not limited to, building standards, signage, parking, buffers and screening except for the approved variations to the UDC. Developer acknowledges the requirement to additionally submit a Landscape Plan in accordance with Sec. 3.04(Z)(3)(c) of the UDC. Developer further acknowledges that the Final Site Plan may only be modified or amended as set forth in Sec. 2.09(D)(6) of the UDC.

## 7. **Water.**

(a) *Iredell Water.* Water service for the Planned Unit Development shall be provided by Iredell Water Corporation (“Iredell Water”).

(b) *City Obligation.* Notwithstanding the foregoing, if Iredell Water is unable to provide water for the sole purpose of fighting fires, then the City may provide water for those purposes pursuant to the fee scheduled adopted by the City Council at the time the fire protection water service is in place. Developer acknowledges receipt of this settlement agreement which sets forth the rights and obligations of both Statesville and Iredell Water to provide water service to the Planned Unit Development.

## 8. **Sewer.**

(a) *Internal Lines.* Developer, at its sole cost and expense, shall engineer, design, permit, construct and install the sewer lines to be located within the Planned Unit Development (collectively, the “Internal Sewer Lines”). The Internal Sewer Lines shall be engineered, designed, constructed and installed in accordance with all applicable federal, state and local laws, regulations and policies. The Internal Sewer Lines shall be permitted with the City as the applicant and transferred to the City for ownership and maintenance after they have been constructed, installed and approved. Upon approval, the City shall accept the Internal Sewer Lines for public maintenance. The construction, dedication and acceptance of the Internal Sewer Lines may occur in phases as same are constructed.

(b) *Design and Engineering.*

(i) Developer entered a Contract with Seamon, Whiteside, & Associates, Inc. (“SW+”) pursuant to which SW+ assessed the capacity of the Existing Sewer Lines to serve the Planned Unit Development. Proposal and Scope of Work are attached as Exhibit C and D-1 and D-2 Exhibit D-1 was studied for single family and Exhibit D-2 was studied for townhomes.

(c) *Capacity.* The City shall reserve sufficient sewer capacity within its sewer system to adequately supply the Planned Unit Development and other potential development within the corridor as set forth in this Section 8(d).

(i) **Phasing.** For the purposes of this section, the sewer demand will be allocated in one phase. The City shall reserve sufficient sewer treatment capacity to serve the entire Planned Unit Development with an aggregate anticipated sewer demand of 91,028 gallons per day (gpd).

(d) **Sewer Connection.** Upon the request of Developer, City agrees to permit the physical connection of the Planned Unit Development to City's sewer system (the External Sewer Line) subject to the terms and conditions of this Agreement and applicable federal, state and local laws.

**9. Public Streets.** A hierarchy of new public streets are proposed within the Planned Unit Development. Phasing of the street construction is outlined in the Concept Plan. All streets will be public or accessed by the public unless otherwise noted on the Concept Plan. Variations to any standards set forth in the UDC are allowed as shown on the Concept Plan and approved by the City Council. The public streets constructed in accordance with this Agreement shall be dedicated to the City for public use and maintenance. City Staff shall recommend to the City Council that the public streets be accepted into the City's street system upon (i) verification that the public street conforms to the requirements for streets as set forth in the UDC, (ii) receipt of an engineer's certification and (iii) receipt of Developer's warranty of the street construction. If the Developer does not obtain the engineer's certification or if the public street does not comply with the requirements for public streets set forth in the UDC, then City Staff will have no obligation to recommend the public street for acceptance. The Developer shall provide a warranty for the public street for a period of one (1) year from the date of acceptance.

The secondary access connection will not be allowed through the Energy United western most existing driveway. The connection from Mocksville Highway to River Hill Road is shown in Phase 1.

**10.** Following dedication and acceptance of each public street by the City, the City shall thereafter be solely responsible for all maintenance and replacement of such public street. All street trees will be maintained and replaced, as needed, by a property owner's association.

**11. Alleys.** Unless otherwise provided in this Agreement, those certain alleys identified on the Final Site Plan and located within the Planned Unit Development shall be open to the public and maintained by one or more property owner's associations and will conform with the UDC unless approved otherwise by the City Engineer and Planning Director. Solid waste and recycling collections within alleys will be provided by the HOA.

**12. Walking Paths and Open Space.** Developer shall construct two (2) walking paths within the Planned Unit Development as more particularly described as follows: (1) a natural path in Common Open Space #1 that runs around BMP #1 and connects at one point in the 25' maintenance easement across from COS #18 and connects at two points to Road F, and (2) a natural path in Common Open Space #2 that meanders by BMP #2, 3, 4 and loops at the north end of the Property. These paths are depicted on the Concept Plan. Developer shall also construct such other amenities as depicted on the Final Site Plan. Sections of the paths should be constructed per applicable phases.

Each natural path shall be a minimum of five (5) feet in width and shall remain private for the exclusive use of the Planned Unit Development.

Common open space located within Planned Use Development shall be owned and maintained by a property owners association.

**13. Development Standards.** The Planned Unit Development shall be developed in accordance with the development standards of the UDC and the Architectural Standards attached hereto as Exhibit E.

**14. Development Schedule.** The timing and expenditure as set forth below is a planning and forecasting tool only and shall not be interpreted as mandating the development pace initially forecasted or from preventing a faster or slower pace if market, weather or other conditions support such a pace. The fact that the actual development may take place at a different pace (whether faster or slower), based on future market, weather or other forces, is expected and shall not be considered a default hereunder. Development activity may occur faster or slower than set forth below, as a matter of right, depending upon market, weather and other conditions. Furthermore, periodic inspections may result in adjustments to the development schedule which may be submitted unilaterally by Developer in the future and shall not be considered a material amendment or breach of this Agreement.

Phase I includes two (2) commercial building lots and six (6) live/work building lots with approximately 46,400 square feet of commercial space available. Subject to receipt of governmental permits, and market, weather and other conditions, the anticipated start date for construction of Phase I is in the third (3<sup>rd</sup>) quarter of 2026 and the anticipated completion date of Phase I is third (3<sup>rd</sup>) quarter of 2027. Secondary access will be provided and maintained, as shown on Concept Plan per UDO, Section 8.06. B. 5.10. includes one hundred and fourteen (114) single family lots.

In Phase 1, the developer shall use all reasonable commercial options to build the previously approved 94 townhomes, including but not limited to applying for financing for the project through at least two reputable lenders. If the development of townhomes are not economically viable, the developer shall be entitled to build the development of 57 single-family homes as they are depicted in Exhibit B2. . Any conversion from single family to townhomes will require construction drawing review and approval by TRC.

Subject to receipt of governmental permits, and to market, weather and other conditions, the anticipated start date for construction of Phase II is in the third (3<sup>rd</sup>) quarter of 2027 and the anticipated completion date of Phase II is in the third (3<sup>rd</sup>) quarter of 2028.

Phase II includes a total of one hundred and forty-eight (149) single family lots of which thirty-two (32) are cottage style lots that front common open space and are accessed vehicularly by an alley. Subject to receipt of governmental permits, and market, weather and other conditions.

The Developer shall obtain and provide to the City a Traffic Impact Analysis for the proposed development, with full consideration of previous development.

**15. Law in Effect at Time of the Agreement Governs the Development of the Planned Unit Development.** Developer shall have a vested right to develop the Property and the Planned Unit Development in accordance with the terms of this Agreement and the terms of the UDC as it may exist as of the Effective Date during the entire term of this Agreement. Accordingly, Developer and its successors in interest shall have vested rights to develop the Property in accordance with the Final Site Plan, the terms of this Agreement and any applicable laws and regulations as they exist as of the Effective Date during the entire term of this Agreement. Pursuant to G.S. 160D-1007 and except as provided in G.S. 160D-108(c) and G.S. 160D-108.1(f), City may not apply subsequently adopted ordinances or development policies to the Property or the Planned Unit Development during the term of this Agreement without the written consent of Developer or its successors in interest. This Agreement does not abrogate any rights preserved by G.S. 160D-108(c) or G.S. 160D-108.1(f), or that may vest pursuant to common law or otherwise in the absence of this Agreement; provided that any additional requirements placed on the development of the Planned Unit Development or the Property shall not materially alter the allowable type or intensity of uses granted to Developer or any successor, as such rights were originally contemplated under the approved Final Site Plan or the approved zoning application. If the UDC is modified after the Effective Date, Developer reserves the right to modify its Final Site Plan to comply with the modified UDC. Any modification to finalize a Final Site Plan shall follow the procedures set forth in the UDC.

**16. Amendment.** The terms of this Agreement may be amended by the mutual consent of the parties hereto or their successors in interest. Notwithstanding the foregoing, a major modification of the terms of this Agreement shall follow the same procedures as required for the initial approval of this Agreement.

**17. Recordation/Binding Effect.** Within fourteen (14) days after City enters into this Agreement, Developer shall record this Agreement in the Iredell County Public Registry. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties hereto.

**18. Notices.** Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the parties shall be addressed to:

City at: City of Statesville  
Attn: City Manager  
227 S. Center St.  
PO Box 1111  
Statesville, North Carolina 28687

Developer at: River Hill Bowman, LLC  
Attn: Robert "Nate" Bowman  
13815 Cinnabar Place  
Huntersville, NC 28078

**19. Entire Agreement.** This Agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings among City and Developer relative to the Property and the Planned Unit Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

**20. Construction.** The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.

**21. Assignment.** After notice to City, Developer may assign its rights and responsibilities hereunder to subsequent landowners of all or any portion of the Property and upon the transfer of a portion of the Property such subsequent owner shall be deemed to have assumed the obligations of the Developer hereunder. Upon any such transfer, Developer shall be deemed to be relieved of all obligations arising hereunder after the date of such transfer, provided that no assignment as to a portion of the Property will relieve Developer of responsibility with respect to any portion of the Property Developer continues to own, without the written consent of City, which consent shall not be unreasonably withheld conditioned or delayed. Further, Developer (or any successor-in-title to Developer) may assign its interest in this Agreement to any lender to Developer or such successor-in-title) as collateral for a loan for the purpose of developing all or any portion of the Planned Unit Development. The requirements, restrictions, conditions and provisions of the approved Concept Plan, Final Site Plan, and Final Plat shall be binding upon the owners of the Property, their heirs and assigns and future owners.

22. **Governing Law.** This Agreement shall be governed by the laws of the State of North Carolina.

23. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

24. **Agreement to Cooperate.** In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

25. **Agreements to Run with the Land.** This Agreement shall be recorded in the Iredell County Registry. The Agreements, covenants and restrictions contained herein shall binding upon and run with the land and shall be binding upon and an obligation of all successors in the ownership of the Property beyond the term hereof in perpetuity.

26. **Rezoning.** Developer has petitioned to rezone from a PUD (Planned Unit Development) to a PUD (Planned Unit Development) (the “Rezoning”), a change of conditions. Approval of the Rezoning is a condition precedent to the Developer’s and the City’s obligation to perform under this Agreement.

27. **Annexation.** Developer has petitioned to have the land annexed into the City as a PUD (Planned Unit Development). The annexation was approved on June 17, 2024.

28. **Lender Protections.** Any lender of Developer (or any successor-in-title thereto) having a security interest in all or a part of the Planned Unit Development (a “Secured Lender”) may give written notice to the City of its security interest (a “Lender Notice”). If a Secured Lender provides a Lender Notice, then the City shall copy the Secured Lender on any notice of default given to Developer (or any successor-in-title thereto), and the Secured Lender shall have thirty (30) days, or such applicable longer cure period given to Developer (or any successor-in-title thereto), to cure the alleged default.

29. **Estoppel Certificate.** At any time and from time to time, City shall deliver within twenty (20) days after of Developer’s (or any other owner of the Property’s) written request, a written statement addressed to the requesting party, and if requested, its Secured Lender and any proposed purchaser or investor in the Planned Unit Development: (1) that this Agreement is in full force and effect; (2) that this Agreement has not been amended or modified, or if so amended, identifying the amendments; and (3) whether, to the knowledge of the City, Developer (or the requesting party) is in default or claimed default in the performance of its obligation under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default; and (4) whether, to the knowledge of the City, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute default, and, if so, specifying each such event.

[Signature and Acknowledgment Pages Follow]

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective as of the date first written above.

DEVELOPER:

River Hill Bowman, LLC

By: \_\_\_\_\_ (seal)  
Name: Robert B. Bowman  
Title: Manager

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I certify that the following persons personally appeared before me this day acknowledging to me that he/she signed the foregoing document: Robert B. Bowman.  
[insert name of person signing in blank]

Date: \_\_\_\_\_, 2023

(Affix Official Seal below)

\_\_\_\_\_  
*Official Signature of Notary Public*  
Notary Public

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

[City’s Signature Page Follows]



[City Signature Page to Development Agreement]

CITY:

City of Statesville

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Mayor

ATTEST:

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

[City Seal]

Approved as to form:

\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_ City Attorney

NORTH CAROLINA  
IREDELL COUNTY

I, \_\_\_\_\_ the undersigned Notary Public do hereby certify that  
\_\_\_\_\_ personally came before me this date and acknowledged that she is the  
\_\_\_\_\_ City Clerk of City of Statesville, North Carolina, and that, by authority duly given and  
the act of the Council, the foregoing document was signed in its name by its Mayor, sealed with  
its corporate seal, and attested by herself as its Clerk.

WITNESS my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

[notary seal]

N.C.G.S. § 158-28(a1) CERTIFICATION

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

\_\_\_\_\_, \_\_\_\_\_ Finance Director

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY**

**PARCEL #4765366083:**

BEING all of Lot 5 as shown on Final Plat of Wexford, Section Two, recorded in Plat Book 42, at Page 2, in the Office of the Register of Deeds for Iredell County, North Carolina.

**PARCEL #4765366114:**

BEING all of Lot 6 as shown on Final Plat of Wexford, Section Two, recorded in Plat Book 42, at Page 2, in the Office of the Register of Deeds for Iredell County, North Carolina.

**PARCEL #4765369412:**

**BEGINNING** at an existing 1" pipe in the northwesterly line of lands now or formerly of Timothy and Lisa Fluke (Deed Bk-1802, Pg-1909), a common corner with lands now or formerly of Derik and Heather Wilson (Deed Bk-2417, Pg-132, Lot #9 of Wexford, Section 2, Plat Bk-42, Pg-2), said point being located N24°18'07"E 65.85' of an existing 1" pipe and N39°46'51"W 12,884.77' of NGS Monument "JAY" having North Carolina ground coordinates N:746,353.148' and E:1,472,241.778' (CSF:0.99988300438); thence running with rear lines of Lots 9, 8, and 7, respectively, of said Wexford, Section 2 (Plat Bk-42, Pg-2) N53°10'03"W 227.38' to an existing 0.75" pipe, a common corner of lands now or formerly of Walter and Kimberly Cales (Deed Bk-1906, Pg-865, Lot #7 of Wexford, Section 2, Plat Bk-42, Pg-2); thence turning and running with said "Cales" property the following three (3) courses and distances:

1. With the arc of a curve to the right having a radius of 50.00', an arc length of 34.82' with a chord bearing and distance of S76°02'16"W 34.12' to an existing 1" pipe;
2. With the arc of a curve to the left having a radius of 25.00', an arc length of 22.10' with a chord bearing and distance of S70°49'08"W 21.39' to an existing 1" pipe;
3. S45°18'50"W 147.04' to an existing 0.75" pipe on the northeasterly margin of Riverton Drive (Plat Bk-42, Pg-2), said point being located N44°42'05"W 107.69' of an existing 1" pipe;

Thence, continuing with the margin of said Riverton Drive S45°18'50"W 49.86' to an existing #4 rebar on the southwesterly margin of said Riverton Drive, a common corner of other lands now or formerly of Heirs of Linda Knox (Deed Bk-797, Pg-246, Lot #6 of Wexford, Section 2, Plat Bk-42, Pg-2); thence continuing with said "Knox" property the following three (3) courses and distances:

1. S45°18'50"W 132.81' to an existing 1" pipe;
2. With the arc of a curve to the left having a radius of 25.00', an arc length of 32.54' with a chord bearing and distance of S08°03'14"W 30.29' to a point computed;
3. With the arc of a curve to the right having a radius of 50.00', an arc length of 63.63' with a chord bearing and distance of S07°15'34"W 59.42' to an existing 1" pipe in the line of Heirs of David C. Williams (Estate File 8E, Pg-54);

Thence, turning and running with said "Williams" property the following two (2) courses and distances:

1. N44°41'43"W 79.95' to an existing 0.75" pipe;
2. N45°24'24"E 654.66' to an existing 0.75" pipe in the southwesterly line of Viridiana Ramirez and Alberto Fuentes (Deed Bk-2367, Pg-725);

Thence turning and running with said “Fuentes” property S35°33’24”E 91.10’ to an existing 0.75” pipe, a common corner with lands now or formerly of Augustin and Nancy Marquez (Deed Bk-2647, Pg-120); thence continuing with said “Marquez” property S35°33’24”E 135.12’ to an existing 1” pipe, a common corner with lands or formerly of Thomas & Debra Plott (Deed Bk-1563, Pg-1656) and said “Fluke” property; thence turning and running with said “Fluke” property S24°20’49”W 145.62’ to the **POINT AND PLACE OF BEGINNING**, containing 57,359 square feet or 1.317 acres, more or less, as shown on survey titled “The Knox Family Property” prepared by The Isaacs Group, P.C. and dated June 20, 2022 (File #: 22036-ALTA-KNOX).

**PARCEL #: 4765254828:**

**BEGINNING** at an existing axle, the northwesterly corner of lands now or formerly of Energy United Electric Membership (Deed Bk-2329, Pg-612, Plat Bk-63, Pg-144), said point being located N46°59’34”W 13,031.46’ of NGS Monument “JAY” having North Carolina ground coordinates N:746,353.148’ and E:1,472,241.778’ (CSF:0.99988300438); thence turning and running with said “Energy United” property S02°14’50”W 1,146.17’ to an existing nail in asphalt on the northerly margin of Mocksville Highway (U.S. Highway 64), passing an existing spindle at 1,006.87’; thence turning and running with Mocksville Highway N73°26’04”W 672.04’ to a set #4 rebar; thence turning and crossing Mocksville Highway S03°41’07”W 55.03’ to an existing axle within the margin of Mocksville Highway, a common corner of lands now or formerly of Meg 2, LLC (Deed Bk-2655, Pg-122) and Elijah and Elaine Hall (Deed Bk-2511, Pg-1606), said point being located N03°41’07”E 140.95’ of an existing stone, thence turning and running with said “Hall” property N75°10’34”W 218.53’ to an existing 1” pipe, a common corner of lands now or formerly of Walter S. and Walter G. Hall (Deed Bk-1911, Pg-2356), said point being located N02°06’40”E 170.47’ of an existing #4 rebar; thence turning and crossing Mocksville Highway N08°07’33”E 51.97’ to an existing #4 rebar, a common corner of lands now or formerly of Leon and L.M. Beaver (Deed Bk-1328, Pg-430); thence turning and running with said “Beaver” property the following two (2) courses:

1. N23°19’03”E 523.26’ to an existing #4 rebar;
2. N03°03’29”E 117.04’ to an existing axle, a common corner of the lands now or formerly of The L.M. Beaver Family Limited Partnership (Deed Bk-1009, Pg-1805);

Thence, turning and running with said “Beaver Family LP” the following six (6) courses and distances:

1. N02°08’10”E 1,636.61’ to an existing axle;
2. N86°08’05”W 37.57’ to an existing 1” pipe;
3. N02°45’48”E 971.07’ to an existing 1” pin;
4. N68°52’13”E 371.66’ to an existing #4 rebar;
5. N24°49’15”E 181.42’ to an existing #4 rebar;
6. N17°01’21”E 198.10’ to an existing #4 rebar in the line of Deborah and James Smith (Deed Bk-2568, Pg-1350);

Thence turning and running with said “Smith” property S78°08’33”E 263.97’ to an existing 1” pipe, a common corner of lands now or formerly of Robert and Jamie Divanna (Deed Bk-2587, Pg-1832); thence turning and running with said “Divanna” property S03°18’25”W 188.20’ to an existing 1” pipe, a common corner of other “Divanna” property (Deed Bk-2589, Pg-2320) S03°17’57”W 279.97’ to an existing 1” pipe, a common corner of lands now or formerly of Terry and Diane Hamby (Deed Bk-1041, Pg-1); thence turning and running with said “Hamby” property S03°27’42”W 863.18’ to an existing #4 rebar, a common corner of other lands of David C. Williams Heirs (Estate File 8E, Pg-54); thence turning and running with said “Williams” property S01°55’10”W 1,409.73’ to the **POINT AND PLACE OF BEGINNING**, containing 2,520,951 square feet or 57.873 acres, more or less, as shown on survey titled “The Williams

Family Property” prepared by The Isaacs Group, P.C. and dated May 20, 2022 (File #: 22036-ALTA-WILL).

**PARCEL #4765354650:**

**BEGINNING** at an existing 0.5” pipe in the westerly margin of River Hill Road, a common corner with lands now or formerly of Huberto Gomez and Araceli Benitez (Deed Bk-2590, Pg-1206), said point being located N08°21’42”E 199.32’ of an existing 1” pipe and N44°36’47”W 11,638.17’ of NGS Monument “JAY” having North Carolina ground coordinates N:746,353.148’ and E:1,472,241.778’ (CSF:0.99988300438); thence turning and running with said “Gomez & Benitez” property N83°41’13”W 199.87’ to an existing 0.75” pipe, a common corner of lands now or formerly of Oakdale Baptist Church (Deed Bk-1016, Pg-1531); thence continuing with said “Church” property N83°41’13”W 268.11’ to an existing #4 rebar, a common corner of lands of Energy United Electric Membership (Deed Bk-2329, Pg-612); thence turning and running with said “Energy United” property the following five (5) courses and distances:

1. N83°41’13”W 100.41’ to a set #4 rebar;
2. N02°10’51”E 429.17’ to an existing #5 rebar;
3. N83°31’15”W 379.76’ to an existing #4 rebar;
4. N01°24’49”E 12.63’ to an existing 1” pipe;
5. N82°26’57”W 433.91’ to an existing axle in the easterly line of other lands of David C. Williams Heirs;

Thence, turning and running with said “Williams” property N01°55’10”E 1,409.73’ to an existing #4 rebar, a common corner of lands now or formerly of Terry and Diane Hamby (Deed Bk-1041, Pg-1), said point being located S03°27’42”W 863.18’ of an existing 1” pipe; thence turning and running with said “Hamby” property N85°00’46”E, passing an existing 1” pipe, 0.48’ right of line at 365.94’ and an existing #3 rebar, 0.38’ right of line at 898.68’, a total distance of 1,048.67’ to an existing 0.75” pipe, a common corner with lands now or formerly of Clarence & Belinda Stewart (Deed Bk-661, Pg-530) and Judith Ann Wilson (Deed Bk-2070, Pg-1902); thence turning and running with said “Wilson” property S35°33’50”E, passing an existing 0.75” pipe at 200.31’, total distance of 209.16’ to an existing 0.75” pipe, a common corner with lands now or formerly of Heirs of Linda W. Knox (Deed Bk-797, Pg-246), said point being located N35°33’24”W 91.10’ of an existing 0.75”; thence turning and running with said “Knox” property the following four (4) courses and distances:

1. S45°24’24”W 654.66’ to an existing 0.75” pipe;
2. S44°41’43”E 79.95’ to an existing 1” pipe at 79.95’, the southwesterly corner of Lot #6 of Wexford, Section 2, Plat Bk-42, Pg-2;
3. S44°41’43”E 154.42’ to an existing 0.75” pipe, a corner of Lot #5 of said Wexford subdivision;
4. S59°01’11”E 72.20’ to an existing 1” pipe, a common corner of lands now or formerly of Penny and David Gibson (Deed Bk-2230, Pg-750, Lot #4 of Wexford, Section 2, Plat Bk-42, Pg-2);

Thence, turning and running with the rear of Lots #4 and #3 of said “Wexford” subdivision, respectively, the following three (3) courses and distances:

1. S59°04’44”E 44.93’ to an existing 0.75” pipe, a corner of said Lot #4;
2. S69°07’45”E 116.80’ to an existing 0.75” pipe, a corner of said Lot #3;
3. S81°12’02”E 116.75’ to an existing 0.75” pipe, a common corner with land now or formerly of Steven Lambert (Deed Bk-2688, Pg-390, Lot #1 of Wexford, Section 1, Plat Bk-38, Pg-118);

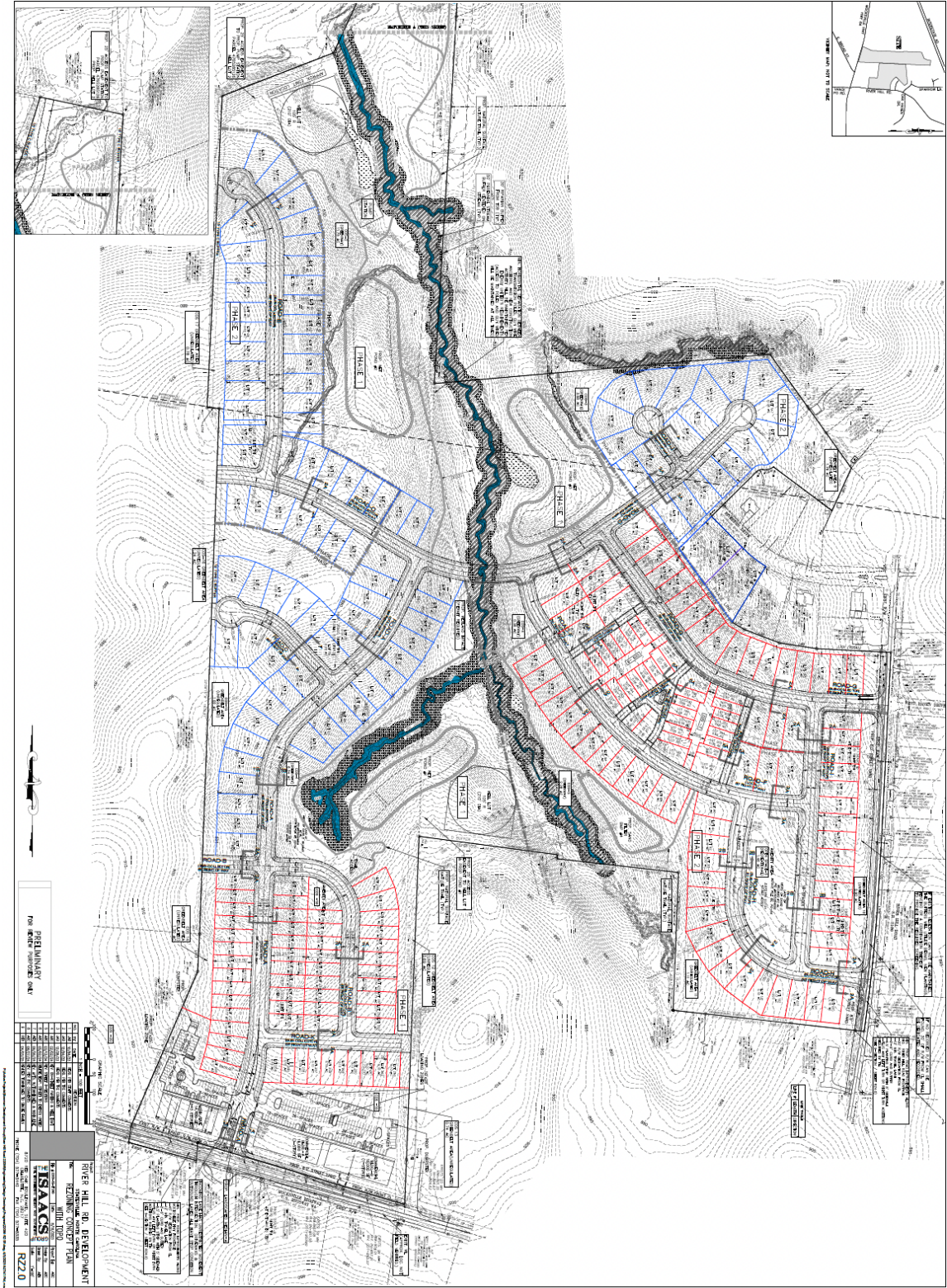
Thence, turning and running with said “Lambert” property S87°08’16”E 231.30’ to a computed point near the centerline of River Hill Road, passing an existing 1” pipe at 200.00’; thence turning and running with said River Hill Road the following seven (7) courses and distances:

1. S02°51’37”W 514.50’ to a computed point;
2. S03°00’14”W 98.92’ to a computed point;
3. S03°25’20”W 142.64’ to a computed point;
4. S04°00’44”W 95.28’ to a computed point;
5. S05°03’34”W 98.09’ to a computed point;
6. S06°17’30”W 93.82’ to a computed point;
7. S07°23’42”W 139.69’ to a computed point;

Thence leaving said River Hill Road, turning and running N83°41’13”W 29.64’ to the **POINT AND PLACE OF BEGINNING**, containing 2,073,156 square feet or 47.593 acres, more or less, as shown on survey titled “The Williams Family Property” prepared by The Isaacs Group, P.C. and dated June 20, 2022 (File #: 22036-ALTA-WILL).



**EXHIBIT B-1**  
**CONCEPT PLAN (SINGLE FAMILY)**

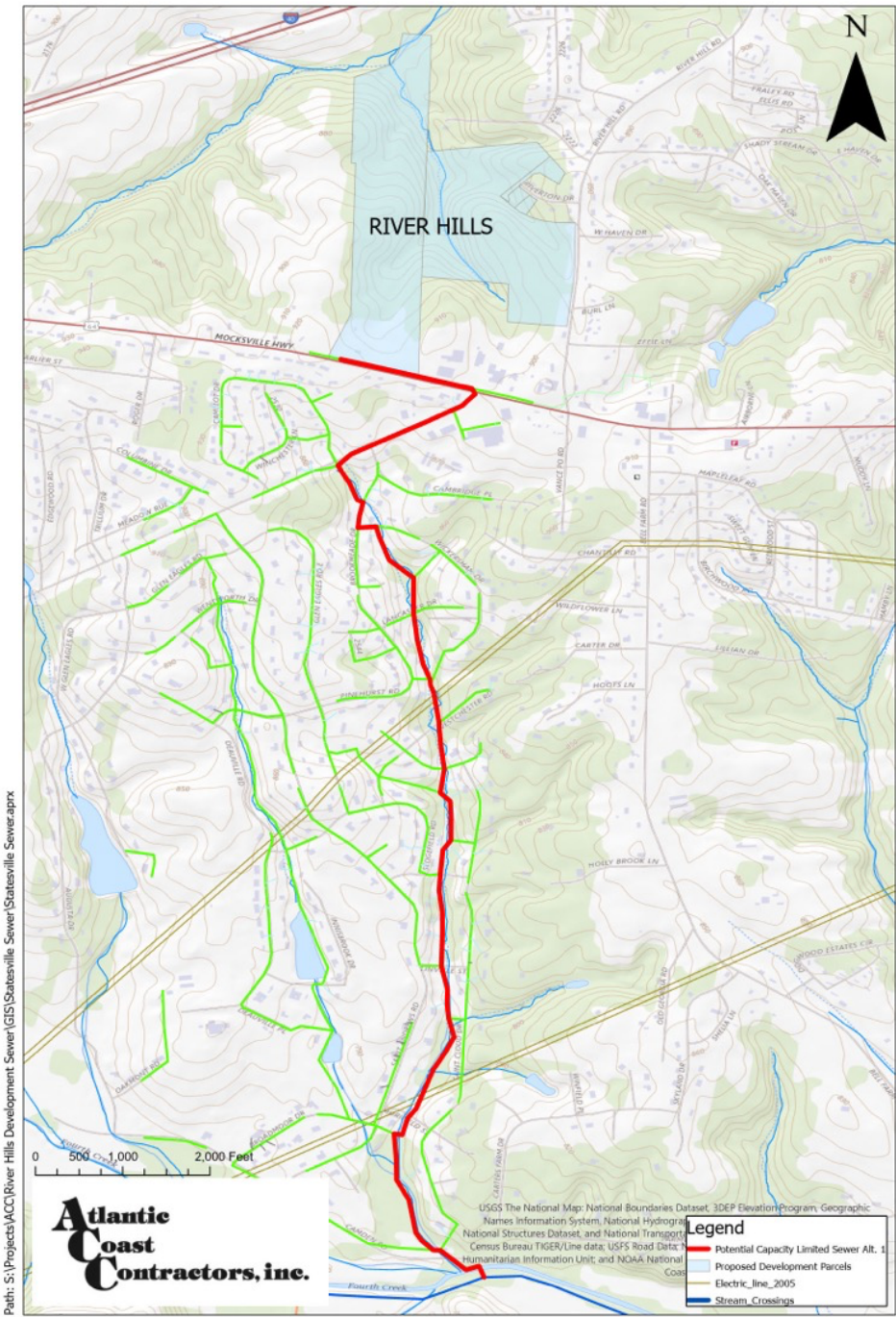








**EXHIBIT C**  
**LOCATION OF EXTERNAL SEWER LINE**



**Gavel & Dorn Engineering, PLLC**  
*Serving the Carolinas Since 2003*

**EXHIBIT C**  
**MOCKSVILLE HIGHWAY**  
**SEWER CAPACITY UPGRADE PROJECT**

**Exhibit D-1**

SEWER STUDY FOR SINGLE FAMILY RESIDENTIAL

April 28, 2025

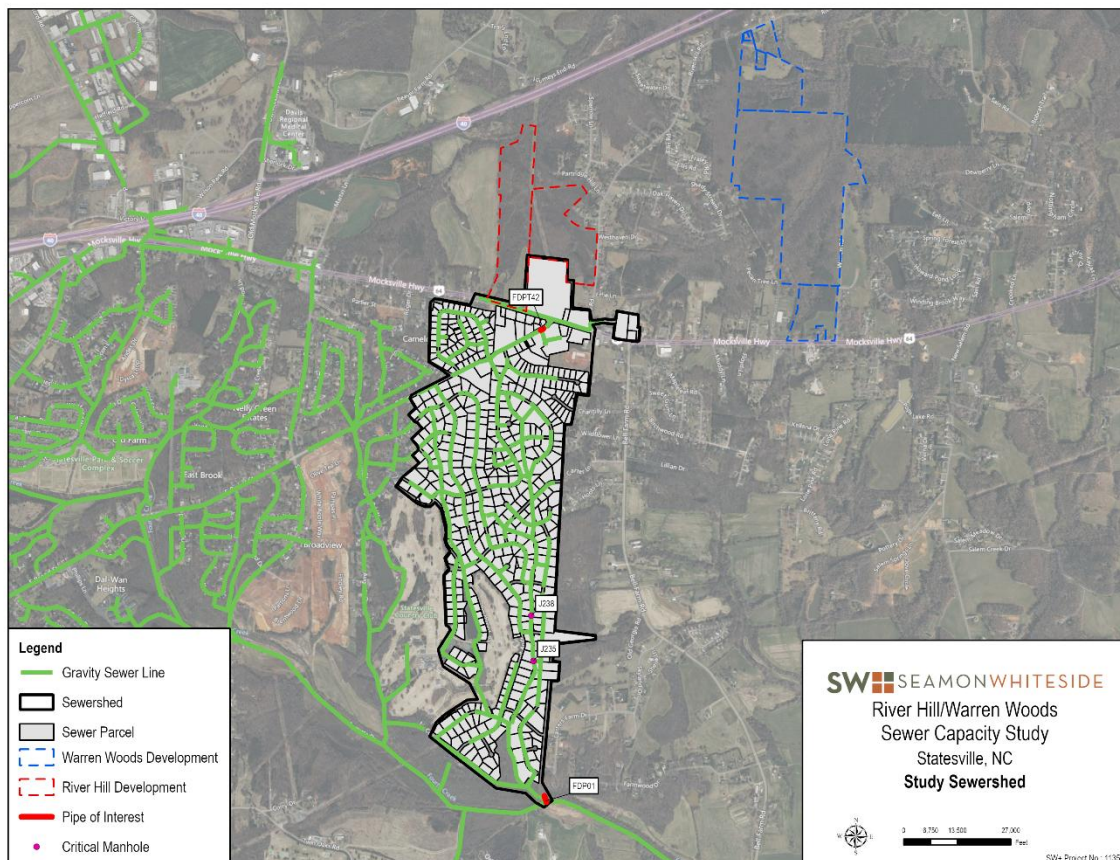
**Subject:** River Hill Road and Warren Woods Sewer Capacity Analysis

**From:** Ryne C. Phillips, PhD, PE and Scott Bogarde, EIT  
Seamon, Whiteside & Associates, Inc.

**To:** Bill Vaughn, DPA, PE  
City of Statesville

### Introduction

Seamon, Whiteside & Associates, Inc. has completed a sewer analysis to evaluate sewer capacity of the gravity system connecting the proposed River Hill Road and Warren Woods developments to the larger sewer network (connection left of the intersection of River Hill Road and Mocksville Highway). This analysis was completed to evaluate whether the existing sewer trunk line has capacity for the planned development projects without the need for pipeline upgrades. This technical memorandum serves to document our analysis and findings.



*Figure 1 - Existing sewershed, gravity sewer system, and parcels currently served by Statesville sewer system directly influenced by the proposed River Hill and Warren Woods developments. The sewer hydraulic model was limited to the sewershed limits.*





### **Model Development**

A 1D hydraulic model was developed using PCSWMM version 7.6.3620 to simulate sewer conditions along the existing main line (8-inch gravity sewer line) that serve the existing sewershed from Mocksville Hwy to Fourth Creek (connection to larger 42-inch gravity sewer). Existing sewer network and hydraulic loading data were requested from the City of Statesville. Network data was provided by the city and contained the slope, material, location, and size of network components.

Existing parcels and buildings connected to the sewer system could not be provided by the city. As a result, existing hydraulic sewer loadings were assumed based on building and parcel proximity to the existing sewer network as well as engineering judgement. Residential lots were assigned a flow of 141 gallons per day (gpd) in accordance with the city's inside unit loading rate, while commercial parcels were assigned sewer rates based on the current building use, square footage, and engineering judgement (see Table 1).

All pipes in the hydraulic model were assigned a Manning's n value of 0.014 based on material (i.e., VCP). Outfall boundary conditions were assumed under "normal" flow conditions to simulate realistic resistance where the 8-inch sewer system connects to the larger 42-inch system. No rainfall-derived inflow & infiltration (RDII) was assigned to the system as estimates for these values were unavailable.

*Table 1 – Existing average daily sewer flow summary based on engineering judgement and 15A NCAC 02T .01114 wastewater design flow rates by parcel.*

Use	Unit Count	Unit Loading	Loading Units	Total Flow (gpd)
Residential	381	141	gpd	5,3721
Commercial	2	25	gpd/person/shift	50
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Commercial	2	25	gpd/person/shift	50
Commercial	4	25	gpd/person/shift	100
Commercial	5	25	gpd/person/shift	125
Commercial	5	25	gpd/person/shift	125
Commercial	5	1200	gpd/bay	6,000
Commercial	6	25	gpd/person/shift	150
Commercial	12	25	gpd/person/shift	300
Commercial	200	1	gpd/unit	200
Commercial	2,454.99	0.75	gpd/sq ft	1,841.24
Commercial	9,818.96	0.13	gpd/sq ft	1,276.46
Commercial	47,303.56	0.13	gpd/sq ft	6,149.46
Commercial	380	5	gpd/seat	1,900.00
Commercial	5	25	gpd/person/shift	125.00
Commercial	50	25	gpd/person/shift	1,250.00
Commercial	4105	0.5	gpd/sq ft	2,052.50
Commercial	20	25	gpd/person/shift	500.00
<b>Total Average Daily Loading</b>				<b>75,965.67</b>



Table 2 – Proposed average daily sewer loadings for River Hill development flow based on current design, engineering judgement, and 15A NCAC 02T .01114 wastewater design flow rates using City of Statesville residential inside sewer rate (a) and state residential sewer rate (b).

Use	Unit Count	Unit Measurement	Unit Loading	Loading Units	Total Flow (gpd)
<b>(a) 141 GPD/Unit Sewer Rate</b>					
Office	34	persons	25	gpd/person	850
Restaurant	200	seats	40	gpd/seat	8,000
Retail	12,000	Sq ft	0.1	gpd/sq ft	1,200
Single Family	229	units	141	gpd/unit	32,289
Cottage Homes	34	units	141	gpd/unit	4,794
S.F. Amenity	50	persons	10	gpd/person	500
<b>Total Average Loading</b>					<b>47,633</b>
<b>(b) 102 GPD/Bedroom Sewer Rate</b>					
Office	34	persons	25	gpd/person	850
Restaurant	200	seats	40	gpd/seat	8,000
Retail	12,000	Sq ft	0.1	gpd/sq ft	1,200
Single Family	229	units	306	gpd/unit	70,074
Cottage Homes	34	units	306	gpd/unit	10,404
S.F. Amenity	50	persons	10	gpd/person	500
<b>Total Average Loading</b>					<b>91,028</b>

Table 3a – Average development flow for Warren Woods based on current design, engineering judgement, and 15A NCAC 02T .01114 wastewater design flow rates using City of Statesville residential inside sewer rate (a) and state residential sewer rate (b).

Use	Unit Count	Unit Measurement	Unit Loading	Loading Units	Total Flow (gpd)
<b>(a) 141 GPD/Unit Sewer Rate</b>					
Residential House – 4 Bedroom	115	units	114	gpd/unit	<b>16,215</b>
Residential House – 3 Bedroom	115	units	114	gpd/unit	<b>16,215</b>
<b>Total Average Loading</b>					<b>32,430</b>
<b>(b) 102 GPD/Bedroom Sewer Rate</b>					
Residential House – 4 Bedroom	115	units	408	gpd/unit	<b>46,920</b>
Residential House – 3 Bedroom	115	units	306	gpd/unit	<b>35,190</b>
<b>Total Average Loading</b>					<b>82,110</b>

### Investigated Scenarios

Three scenarios were evaluated at different flow rates to estimate current and future capacity of the existing 8-inch sewer main



line:

Wastewater loading rate of 141 GPD/Unit:

- **Existing Conditions:** Flows assigned to sewer based on adjacent lot coverage and engineering judgement (only including sewer system within sewershed boundaries). Investigation of existing capacity before any planned development occurs.
- **Warren Woods Development:** Flows assigned to sewer system based on current design and the city's inside unit loading rate. Investigation of sewer capacity ahead of Warren Woods. It is assumed that all lots will be developed as a single-phase project.
- **River Hill Road & Warren Woods Developments:** Flows assigned to sewer system based on future lot coverage and engineering judgement at the city's inside unit loading rate. Investigation of sewer capacity ahead of River Hill Road and Warren Woods.

Wastewater loading rate of 102 GPD/Bedroom

- **Existing Conditions:** Flows assigned to sewer based on adjacent lot coverage and engineering judgement (only including sewer system within sewershed boundaries). Investigation of existing capacity before any planned development occurs.
- **Warren Woods Development:** Flows assigned to sewer system based on current design and given loads. Investigation of sewer capacity ahead of Warren Woods. It is assumed that all lots will be developed as a single-phase project.
- **River Hill Road & Warren Woods Developments:** Flows assigned to sewer system based on future lot coverage and engineering judgement at 102 GPD/Bedroom assuming 3 bedrooms per unit for the River Hill Development. Investigation of sewer capacity ahead of River Hill Road and Warren Woods.

Sewer flows were input in the hydraulic model based on the connected parcel's proximity to the nearest connecting manhole. Each model simulated 24 hours of continuous flow to investigate the sewer system's response to steady state or average flow conditions. It is important to note the model was executed using the full dynamic wave equations (i.e., shallow water momentum equations).

## Summary of Results

Table 4 and 5 summarize the results of each scenario using 141 GPD/Unit and 102 GPD/Bedroom, respectively, at the most downstream pipe (pipe FDP01) as well as a mildly sloped pipe section the city has acknowledged in East Broad Street (pipe FDPT42). Specifically for both tables, flow conditions are presented along with a rough order of magnitude peaking factor that average flows would need to be increased by to reach system capacity (i.e., pipe flowing less than 94% full). It is important to note that a uniform peaking factor was applied across the entire sewershed until reaching full pipe capacity conditions at the most downstream analyzed pipe rather than establishing full flow conditions at both analyzed pipe sections. As a result, the mildly sloped pipe section reported in Table 4 and 5 does not necessarily represent full flow conditions.

*Table 4 – Simulated flow conditions based on 141 GPD/Unit and approximate flow multiplier/peaking factor required to reach system capacity for the furthest downstream pipe (a) and a mildly sloped pipe (b). Results for pipeline capacity conditions were based on a uniform sewershed peaking factor (flow multiplier).*

Scenario	Daily Average Flow Condition				Pipeline Capacity Condition			
	Depth (inches)	Flow (mgd)	Percent Full	Freeboard (ft)	Flow Multiplier to Reach Capacity	Depth (inches)	Flow (mgd)	Freeboard (ft)
<b>(a) Furthest Downstream Pipe (FDP01, s = 0.000953, ft/ft, d = 8 inches)</b>								
Existing Conditions	3.21	0.076	40.16	12.43	2.96	7.58	0.2242	12.10
Warren Woods	3.93	0.1084	49.07	12.37	2.07	7.58	0.2242	12.10
Warren Woods & River Hill	4.92	0.1561	61.49	12.29	1.44	7.58	0.2242	12.10
<b>(b) Mildly Sloped Pipe (FDPT42, s = 0.002836 ft/ft, d = 8 inches)</b>								
Existing Conditions	0.98	0.014	12.26	8.54	2.96	1.65	0.0420	8.48
Warren Woods	1.74	0.0466	21.71	8.47	2.07	2.49	0.0965	8.40
Warren Woods & River Hill	2.46	0.0943	30.77	8.40	1.44	2.97	0.1357	8.36

*Table 5 – Simulated flow conditions based on 102 GPD/Bedroom and approximate flow multiplier/peaking factor required to reach system capacity for the furthest downstream pipe (a) and a mildly sloped pipe (b). Results for pipeline capacity conditions were based on a uniform sewershed peaking factor (flow multiplier).*

Scenario	Daily Average Flow Condition				Pipeline Capacity Condition			
	Depth (inches)	Flow (mgd)	Percent Full	Freeboard (ft)	Flow Multiplier to Reach Capacity	Depth (inches)	Flow (mgd)	Freeboard (ft)
<b>(a) Furthest Downstream Pipe (FDP01, s = 0.000953, ft/ft, d = 8 inches)</b>								
Existing Conditions	3.21	0.076	40.16	12.43	2.96	7.58	0.2242	12.10
Warren Woods	4.96	0.1581	62.03	12.29	1.42	7.58	0.2242	12.10
Warren Woods & River Hill	8.00	0.2492	100.0	12.00	1.00	8.00	0.2492	12.00
<b>(b) Mildly Sloped Pipe (FDPT42, s = 0.002836 ft/ft, d = 8 inches)</b>								
Existing Conditions	0.98	0.014	12.26	8.54	2.96	1.65	0.0420	8.48
Warren Woods	2.49	0.0963	31.10	8.40	1.42	2.98	0.1367	8.36
Warren Woods & River Hill	3.51	0.1873	43.91	8.30	1.00	3.51	0.1873	8.30



Results of the analysis show that the most downstream pipe is the controlling factor provided its slope is nearly 0 feet/feet. Modeling the 141 GPD/Unit scenarios show that the most downstream pipe would be approximately 40%, 49%, and 61% full for average daily flow conditions for the existing conditions, existing conditions with Warren Woods, and existing conditions with River Hill and Warren Woods, respectively. Hence, at this design rate, there is capacity available for the Warren Woods development project and capacity available once River Hill was to come online after the Warren Woods project.

Evaluating the 102 GPD/Bedroom scenario shows that the most downstream pipe would be approximately 40%, 62%, and 100% full for average daily flow conditions for the existing conditions, existing conditions with Warren Woods, and existing conditions with River Hill and Warren Woods, respectively. Hence, at this design rate, there is additional capacity available for the Warren Woods development project, and no further capacity if River Hill was to come online after the Warren Woods project.

Pipeline capacity is important, however in flat or mildly sloped pipe sections, the overall system hydraulics is more important to consider. As a result, minimum freeboards were computed at the upstream manhole structures as a proxy for evaluating system performance holistically. For example, according to Table 4, freeboard at the downstream pipe would only be reduced by approximately 2 inches by adding in both River Hill and Warren Woods development projects. Most importantly, minimum freeboards are all at least 12 feet for average daily flow conditions.

Freeboard performance/sensitivity was evaluated at the downstream pipe by varying peaking factors from a value of 1 to 4. A peaking factor of 1 represents average daily flow conditions while a peaking factor of 4 would represent a significant amount of additional sewer flow as well as infiltration and inflow. These results are presented in Table 6. The most notable result from the analysis was that a peaking factor of 4 would ultimately result in a decrease in freeboard by approximately 3 inches and 9 inches for Warren Woods only and River Hill with Warren Woods, respectively (based on city inside sewer flow rate of 141/Unit). Although the last pipe section is nearly flat and may experience surcharging, system performance does not generally diminish because of the proposed developments and varying peaking factors. However, in the higher wastewater flow rate scenario (i.e., 102 GPD/Bedroom) represented by Table 6b, there is much less peaking capacity in the system with overtopping occurring at peaking factors equal to or greater than 3.0.

*Table 6 – Simulated flow conditions at varying design peaking factors for the furthest downstream pipe using City of Statesville residential inside sewer rate (a) and state residential sewer rate (b). Manhole overtopping is denoted in red.*

Scenario	Freeboard (ft)				
	PF=1.0	PF = 2.5	PF = 3.0	PF = 3.5	PF = 4.0
<b>(a) 141 GPD/Unit Sewer Rate</b>					
Existing Conditions	12.43	12.23	12.03	11.98	11.92
Warren Woods	12.37	11.97	11.89	11.79	11.68
Warren Woods & River Hill	12.29	11.77	11.60	11.39	11.16
<b>(b) 102 GPD/Bedroom Sewer Rate</b>					
Existing Conditions	12.43	12.23	12.03	11.98	11.92
Warren Woods	12.29	11.76	11.58	11.37	11.13
Warren Woods & River Hill	12.00	11.17	10.91	10.89	10.88

Freeboard performance/sensitivity was further evaluated to better understand when overflow may occur within the modeled scenarios. These results are presented in Table 7. Under the existing conditions scenario, it would take a peaking factor of 9.86 to reach overflow conditions at critical upstream manholes within the model. For the 141 GPD/Unit wastewater rate, the peaking factor right before overflow is 6.71 for Warren Woods and 4.55 for Warren Woods and River Hill. For the 102 GPD/Bedroom wastewater rate, the peaking factor right before overflow is 4.49 for Warren Woods and 2.78 for Warren Woods and River Hill. It is important to note that the minimum design peaking factor typically used in sewer design is 2.5.





*Table 7 – Simulated flow conditions at peaking factors immediately before overflow at critical upstream manholes using City of Statesville residential inside sewer rate (a) and state residential sewer rate (b).*

Scenario	Peaking Factor Before Overflow	Freeboard (ft)
<b>(a) 141 GPD/Unit Sewer Rate</b>		
Existing Conditions	9.86	0.089
Warren Woods	6.71	0.052
Warren Woods & River Hill	4.55	0.130
<b>(b) 102 GPD/Bedroom Sewer Rate</b>		
Existing Conditions	9.86	0.089
Warren Woods	4.49	0.103
Warren Woods & River Hill	2.78	0.063

Downstream pipe hydraulic grade line profiles for the 141 GPD/Unit and 102 GPD/Bedroom River Hill and Warren Woods scenarios (full build out) at a peaking factor of 4 are provided in Figure 2 and Figure 3, respectively. Critical manhole hydraulic grade line profiles for the same scenarios are provided in Figure 4 and Figure 5.

### **Conclusion**

Overall, the analysis concludes that the existing sewer system generally has capacity to serve Warren Woods and the planned River Hill development based on the assumptions and parameters presented herein. Additional flow from the River Hill development, on top of the Warren Woods development project, would result in no more capacity in the most critical pipeline. Furthermore, a sensitivity analysis was conducted that shows on top of the pipeline being full, overflow can be expected at peaking factors higher than 4.55 and 2.78 for scenarios modeled with 141 GPD/Unit and 102 GPD/Bedroom, respectively. It would be in the city's best interest to begin monitoring flow depth at the downstream pipe and freeboard at critical manholes following the Warren Woods development project.

### **Attachments**

- Exhibit 1 – Warren Woods Development and River Hill Development Existing Pipeline Capacity at 141 GPD/Unit
- Exhibit 2 – Warren Woods Development and River Hill Development Existing Pipeline Capacity at 102 GPD/Bedroom

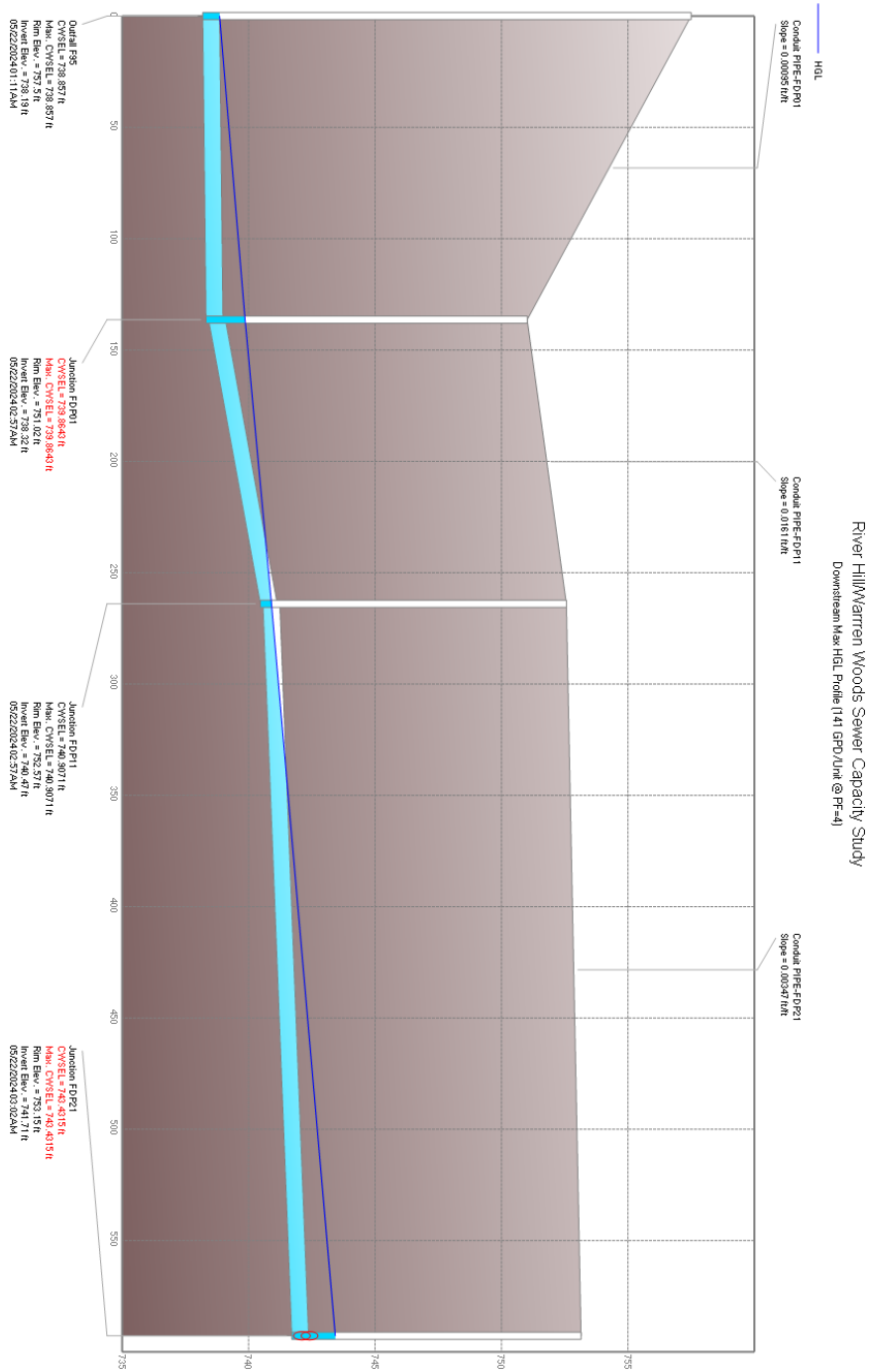


Figure 2 – Maximum computed hydraulic grade line profile at the most downstream extent of the model for the River Hill and Warren Woods 141 GPD/Unit scenario based on a peaking factor of 4.0.

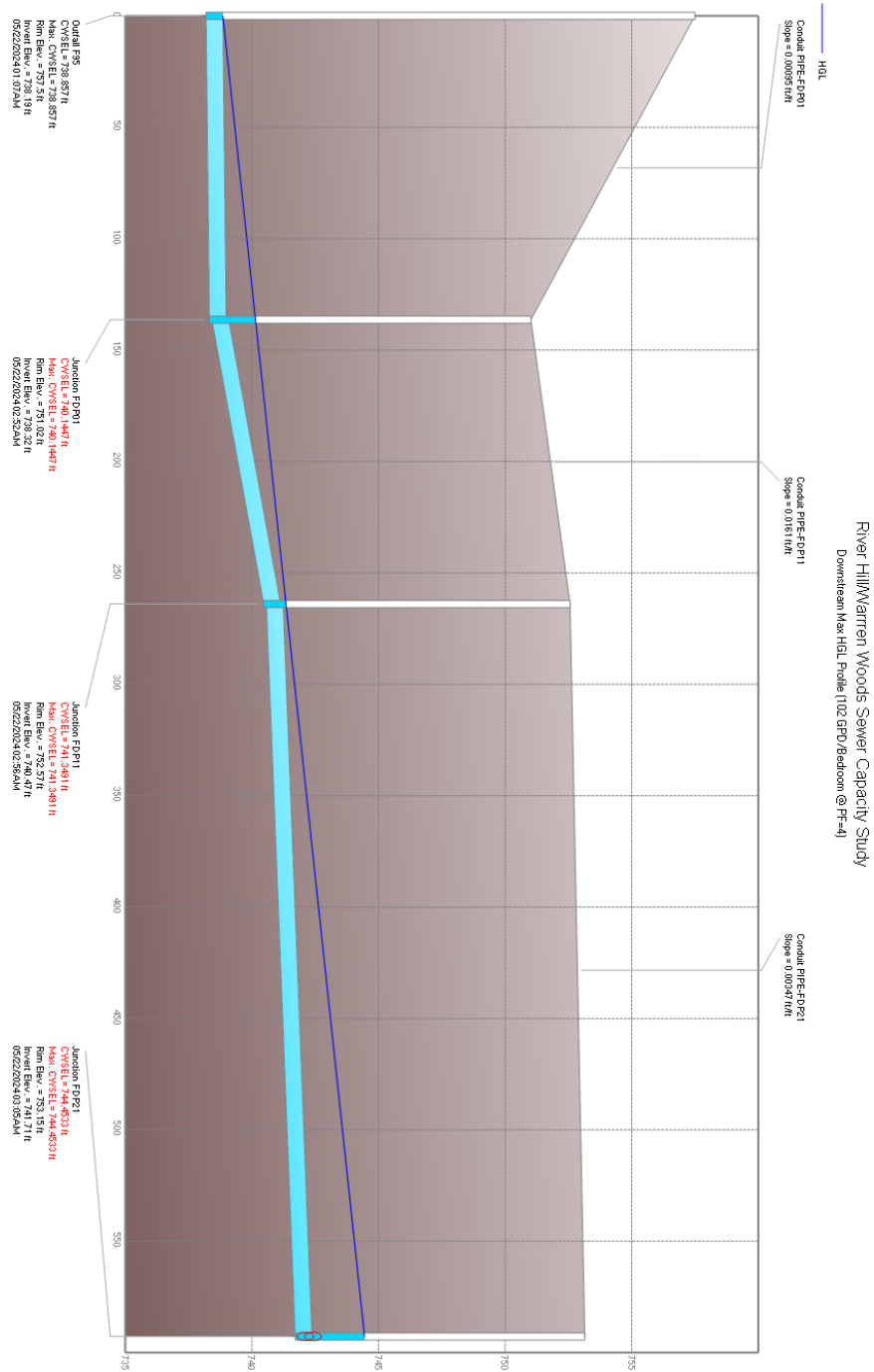


Figure 3 – Maximum computed hydraulic grade line profile at the most downstream extent of the model for the River Hill and Warren Woods 102 GPD/Bedroom scenario based on a peaking factor of 4.0.

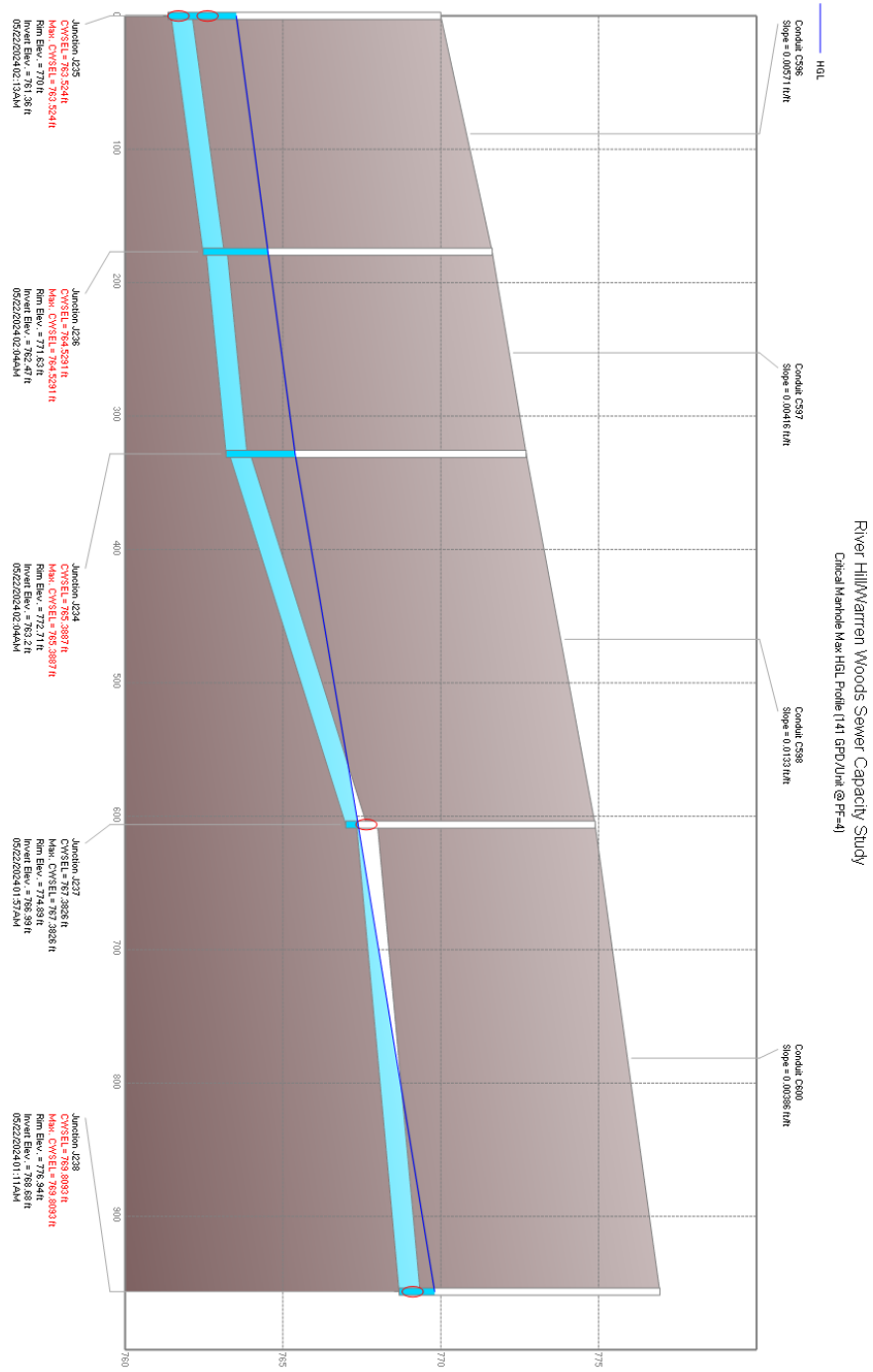


Figure 4 – Maximum computed hydraulic grade line profile at the most critical upstream manhole extents of the model for the River Hill and Warren Woods 141 GPD/Unit scenario based on a peaking factor of 4.0.

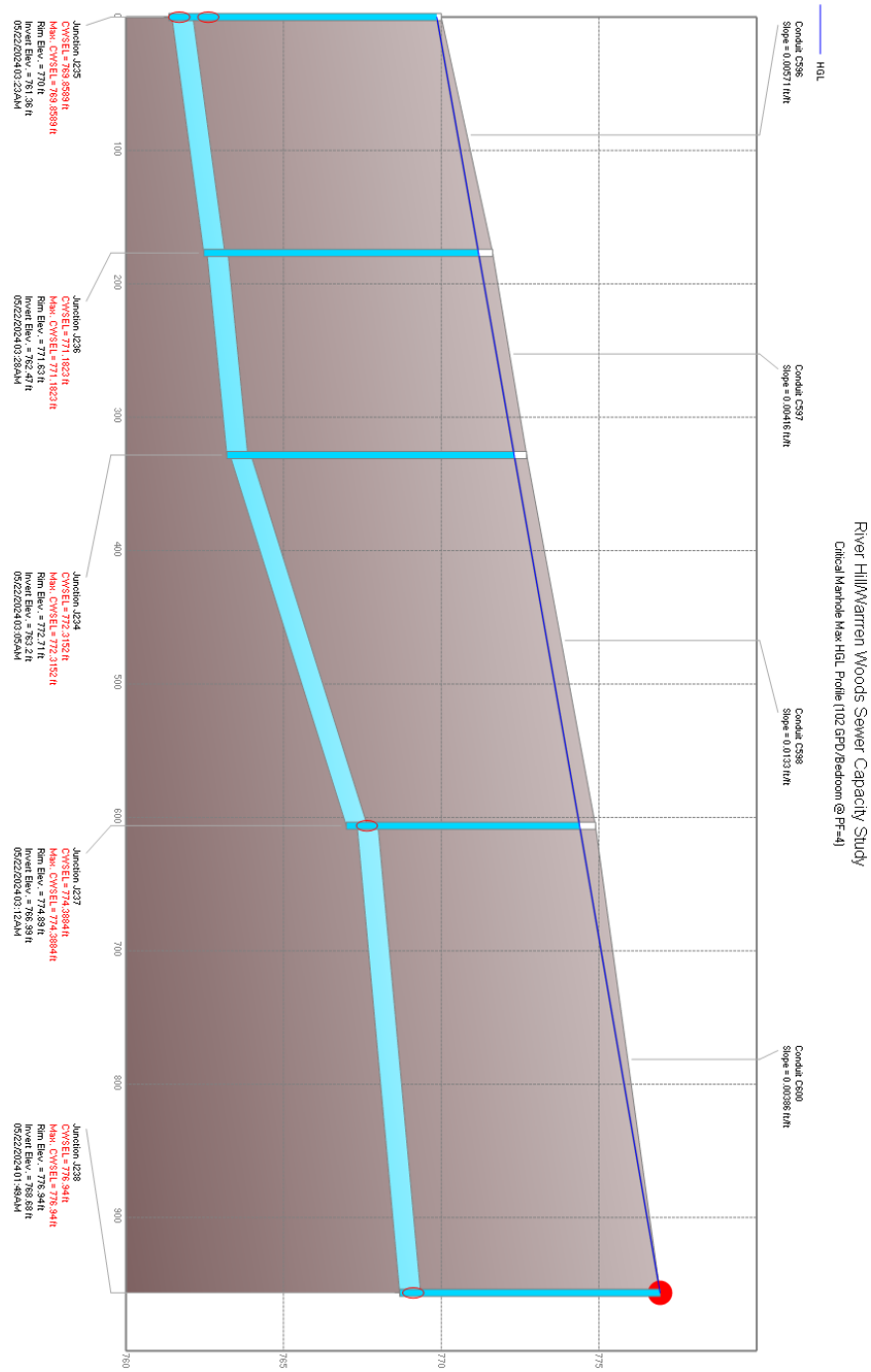
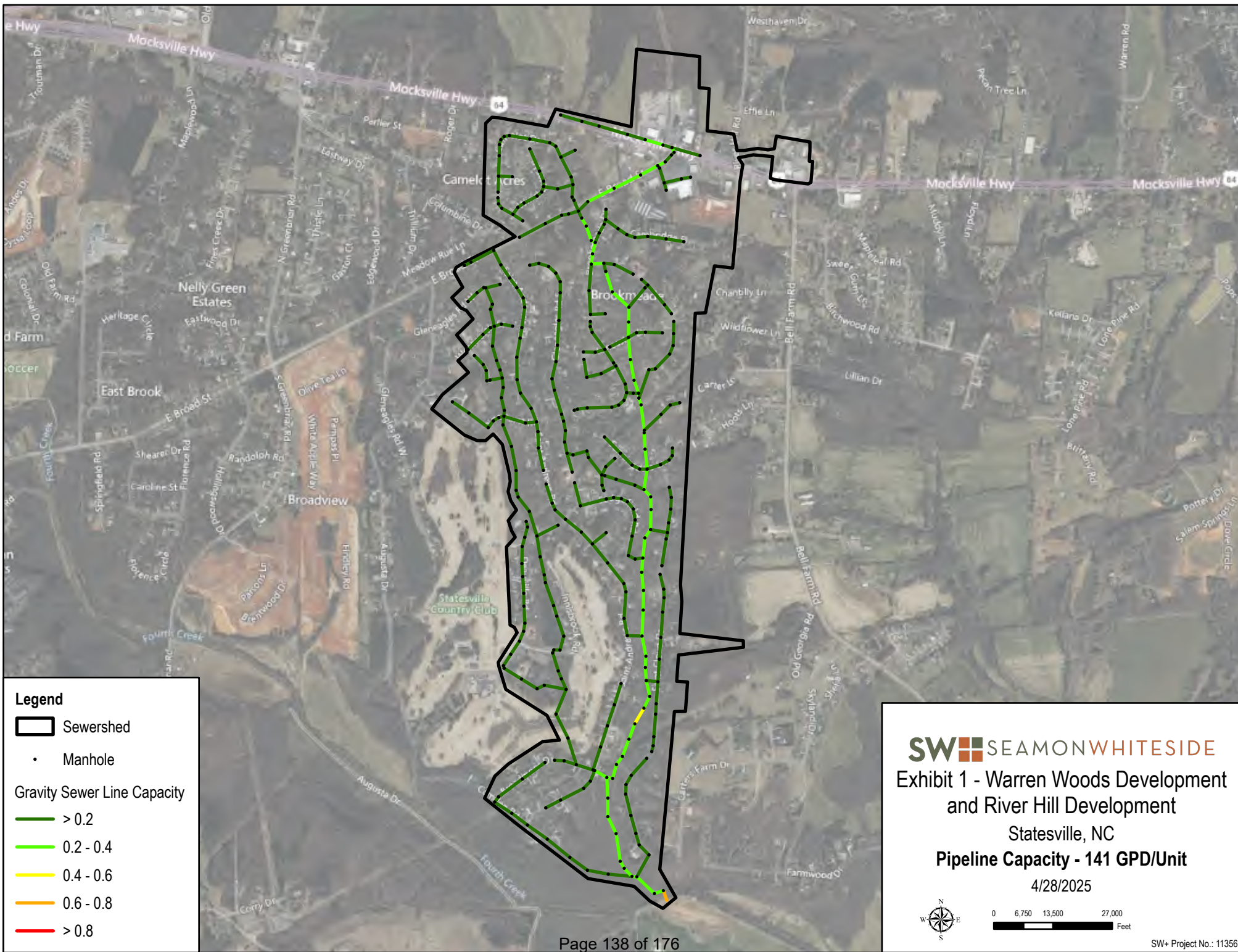


Figure 5 – Maximum computed hydraulic grade line profile at the most critical upstream manhole extents of the model for the River Hill and Warren Woods 102 GPD/Bedroom scenario based on a peaking factor of 4.0.





**Legend**

Sewershed

Manhole

Gravity Sewer Line Capacity

> 0.2

0.2 - 0.4

0.4 - 0.6

0.6 - 0.8

> 0.8

**SW SEAMON WHITESIDE**  
Exhibit 1 - Warren Woods Development  
and River Hill Development

Statesville, NC

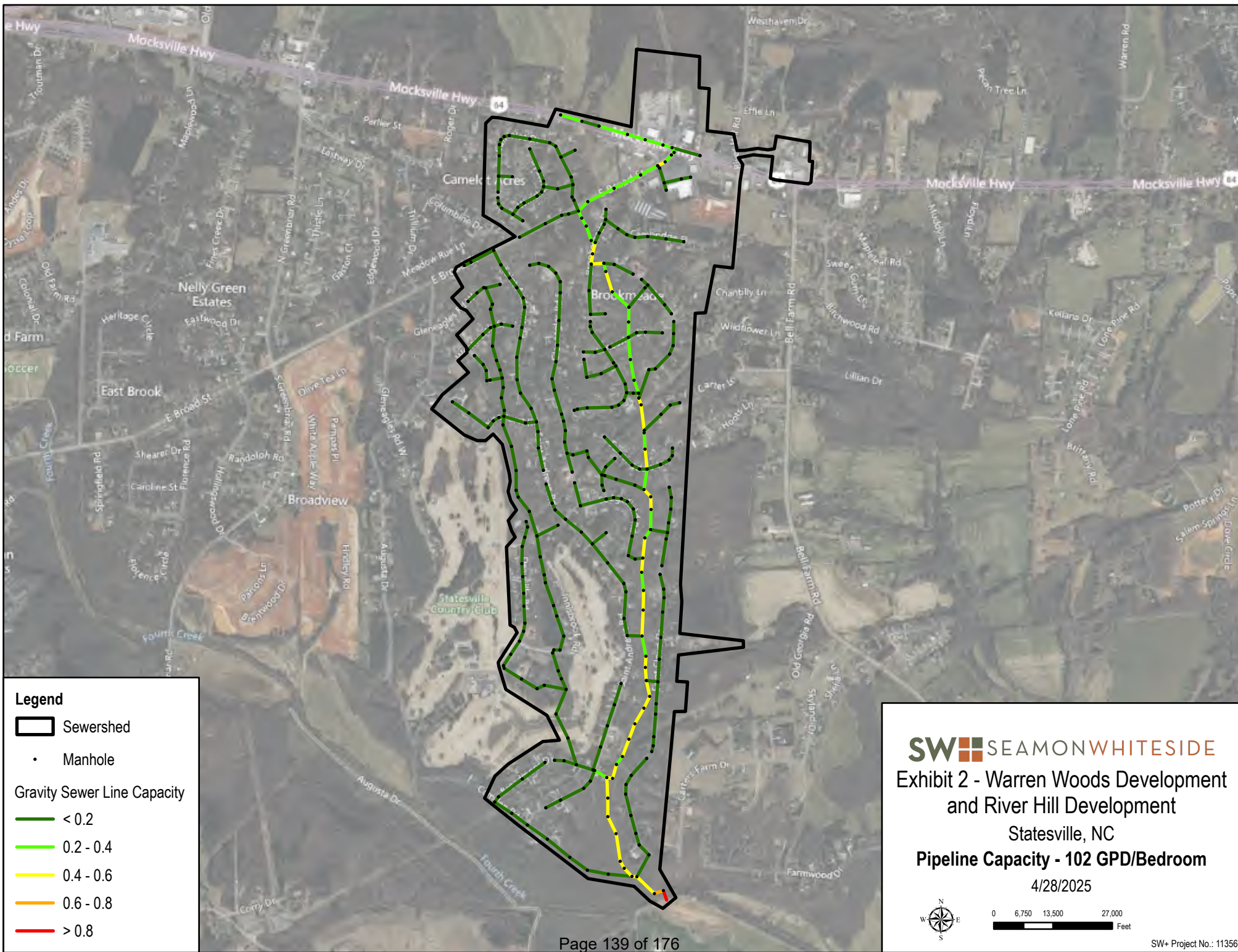
**Pipeline Capacity - 141 GPD/Unit**

4/28/2025



0 6,750 13,500 27,000  
Feet






**Legend**


 Sewershed

• Manhole


Gravity Sewer Line Capacity

 < 0.2

 0.2 - 0.4

 0.4 - 0.6

 0.6 - 0.8

 > 0.8

**SW SEAMON WHITESIDE**  
Exhibit 2 - Warren Woods Development  
and River Hill Development

Statesville, NC

**Pipeline Capacity - 102 GPD/Bedroom**

4/28/2025



0 6,750 13,500 27,000  
Feet

**EXHIBIT D-2**

SEWER STUDY WITH SINGLE FAMILY AND TOWNHOME RESIDENTIAL



June 5, 2024

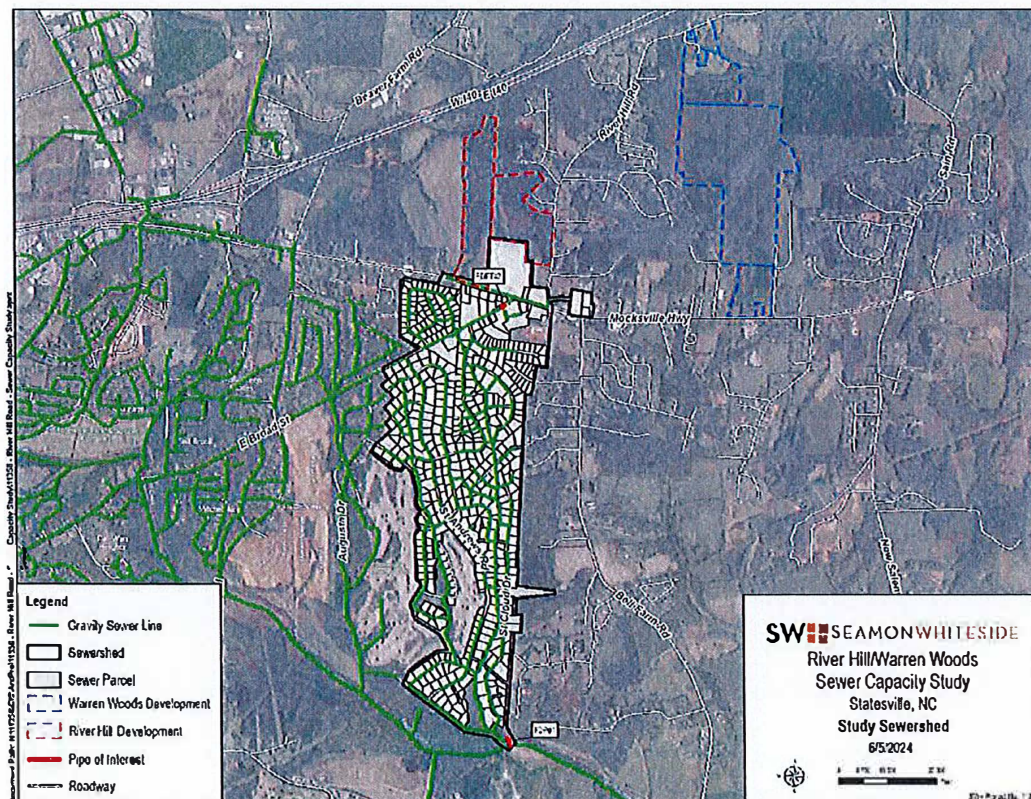
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Commercial	2	25	gpd/person/shift	50
Commercial	2	25	gpd/person/shift	50
Commercial	4	25	gpd/person/shift	100
Commercial	5	25	gpd/person/shift	125
Commercial	5	25	gpd/person/shift	125
Commercial	5	1200	gpd/bay	6,000
Commercial	6	25	gpd/person/shift	150
Commercial	12	25	gpd/person/shift	300
Commercial	200	1	gpd/unit	200
Commercial	2,454.99	0.75	gpd/sq ft	1,841.24
Commercial	9,818.96	0.13	gpd/sq ft	1,276.46
Commercial	47,303.56	0.13	gpd/sq ft	6,149.46
Commercial	380	5	gpd/seat	1,900.00
Commercial	5	25	gpd/person/shift	125.00
Commercial	50	25	gpd/person/shift	1,250.00
Commercial	4105	0.5	gpd/sq ft	2,052.50
Commercial	20	25	gpd/person/shift	500.00
Total Average Daily Loading				75,965.67





*Table 2 – Proposed average daily sewer loadings for River Hill development flow based on current design, engineering judgement, and 15A NCAC 02T .01114 wastewater design flow rates.*

Use	Unit Count	Unit Measurement	Unit Loading	Loading Units	Total Flow (gpd)
Townhomes	97	units	141	gpd/unit	13,677
Office	34	persons	25	gpd/person	850
Restaurant	200	seats	40	gpd/seat	8,000
Retail	12,000	Sq ft	0.1	gpd/sq ft	1,200
Apt Amenity	50	persons	10	gpd/person	500
Single Family	169	units	141	gpd/unit	23,829
Cottage Homes	34	units	141	gpd/unit	4,794
S.F. Amenity	50	persons	10	gpd/person	500
<b>Total Average Loading</b>					<b>53,350</b>

*Table 3 – Proposed average daily sewer loadings for Warren Woods development flow based on current design engineering judgement, and 15A NCAC 02T .01114 wastewater design flow rates.*

Use	Unit Count	Unit Measurement	Unit Loading	Loading Units	Total Flow (gpd)
Single Family	512	units	141	gpd/unit	72,192
<b>Total Average Loading</b>					<b>72,192</b>

### Investigated Scenarios

Three scenarios were evaluated to estimate current and future capacity of the existing 8-inch sewer main line:

- ☐ **Existing Conditions:** Flows assigned to sewer based on adjacent lot coverage and engineering judgement (only including sewer system within sewershed boundaries). Investigation of existing capacity before any planned development occurs.
- ☐ **River Hill Road Development:** Flows assigned to sewer system based on future lot coverage and engineering judgement. Investigation of sewer capacity ahead of River Hill Road. It is assumed that all lots will be developed as a single-phase project.
- ☐ **River Hill Road & Warren Woods Developments:** Flows assigned to sewer system based on future lot coverage and engineering judgement. Investigation of sewer capacity ahead of River Hill Road and Warren Woods.

Sewer flows were input in the hydraulic model based on the connected parcel's proximity to the nearest connecting manhole. Each model simulated 24 hours of continuous flow to investigate the sewer system's response to steady state or average flow conditions. It is important to note the model was executed using the full dynamic wave equations (i.e., shallow water momentum equations).



## Summary of Results

Table 4 summarizes the results of each scenario at the most downstream pipe (pipe FDP01) as well as a mildly sloped pipe section the city has acknowledged in East Broad Street (pipe FDPT42). Specifically, flow conditions are presented along with a rough order of magnitude peaking factor that average flows would need to be increased by to reach system capacity (i.e., pipe flowing less than 94% full). It is important to note that a uniform peaking factor was applied across the entire sewershed until reaching full pipe capacity conditions at the most downstream analyzed pipe rather than establishing full flow conditions at both analyzed pipe sections. As a result, the mildly sloped pipe section reported in Table 4a does not necessarily represent full flow conditions.

*Table 4 – Simulated flow conditions and approximate flow multiplier/peaking factor required to reach system capacity for the furthest downstream pipe (a) and a mildly sloped pipe (b). Results for pipeline capacity conditions were based on a uniform sewershed peaking factor (flow multiplier).*

Scenario	Daily Average Flow Condition				Pipeline Capacity Condition			
	Depth (inches)	Flow (mgd)	Percent Full	Freeboard (ft)	Flow Multiplier to Reach Capacity	Depth (inches)	Flow (mgd)	Freeboard (ft)
<b>(a) Furthest Downstream Pipe (FDP01, s = 0.000953, ft/ft, d=8 inches)</b>								
Existing Conditions	3.21	0.076	40.16	12.43	2.96	7.58	0.2242	12.10
River Hill	4.36	0.129	54.54	12.34	2.25	7.57	0.2242	12.10
River Hill & Warren Woods	5.94	0.202	74.19	12.21	1.30	7.57	0.2242	12.10
<b>(b) Mildly Sloped Pipe (FDPT42, s = 0.002836 ft/ft, d = 8 inches)</b>								
Existing Conditions	0.98	0.014	12.26	8.54	2.96	1.65	0.042	8.48
River Hill	2.08	0.068	26.04	8.44	2.25	2.34	0.085	8.42
River Hill & Warren Woods	3.01	0.140	37.65	8.35	1.30	3.06	0.144	8.35

Results of the analysis show that the most downstream pipe is the controlling factor provided its slope is nearly 0 feet/feet. Modeling shows that the most downstream pipe would be approximately 40%, 55%, and 74% full for average daily flow conditions for the existing conditions, existing conditions with River Hill, and existing conditions with River Hill and Warren Woods, respectively. Hence, there is peaking capacity available for the River Hill development project and minimal available once Warren Woods were to come online after the River Hill project.

Pipeline capacity is important, however in flat or mildly sloped pipe sections, the overall system hydraulics is more important to consider. As a result, minimum freeboards were computed at the upstream manhole structures as a proxy for evaluating system performance holistically. For example, according to Table 4, freeboard at the downstream pipe would only be reduced by approximately 5 inches by adding in both River Hill and Warren Woods development projects. Most importantly, minimum freeboards are all at least 12 feet for average daily flow conditions.

Freeboard performance/sensitivity was further evaluated at the downstream pipe by varying peaking factors from a value of 1 to 4. A peaking factor of 1 represents average daily flow conditions while a peaking factor of 4 would represent a significant amount of infiltration and inflow. These results are presented in Table 5. The most notable result from the analysis was that a peaking factor of 4 would ultimately only result in a decrease in freeboard by approximately 1.1 inches and 2.8 inches for River Hill only and River Hill with Warren Woods, respectively. Although the last pipe section is nearly flat and may experience surcharging, system performance does not generally diminish because of the proposed developments and varying peaking factors. Most importantly, the analysis shows there is no perceived risk of potential sewer overflows. A hydraulic grade line profile for the River Hill and Warren Woods scenario (full build out) at a peaking factor of 4 is provided in Figure 2.





Table 5 – Simulated flow conditions at varying design peaking factors for the furthest downstream pipe.

Scenario	Freeboard (ft)				
	PF=1.0	PF = 2.5	PF = 3.0	PF = 3.5	PF = 4.0
Existing Conditions	12.43	12.23	12.03	11.98	11.92
River Hill	12.34	12.01	11.96	11.90	11.83
River Hill & Warren Woods	12.21	11.91	11.84	11.77	11.69

### Conclusion

Overall, the analysis concludes the existing sewer system generally has sufficient capacity to service the planned River Hill development. This conclusion is based on design and permitting guidance set forth in *Minimum Design Criteria for the Permitting of Gravity Sewers* as published and enforced by North Carolina Department of Environmental Quality (NCDEQ) wherein "sewers shall be designed flowing half full at the average daily flow." In this case, the proposed River Hill development project would put the most critical pipeline slightly above half full.

Additional flow from the Warren Woods development, on top of the River Hill development project, would result in no more capacity in the most critical pipeline. However, a sensitivity analysis was conducted that shows although the pipeline would be full, the pipeline would only slightly be surcharged regardless of the peaking factor varying between 1 and 4. Most importantly, there is ample freeboard under all peaking factors tested such that there is no risk of potential sewer overflow. However, it would be in the city's best interest to begin monitoring flow depth at the downstream pipe following the River Hill development project.

### Attachments

- ☐ Exhibit 1 – River Hill Development Existing Pipeline Capacity
- ☐ Exhibit 2 – River Hill Development and Warren Woods Development Existing Pipeline Capacity

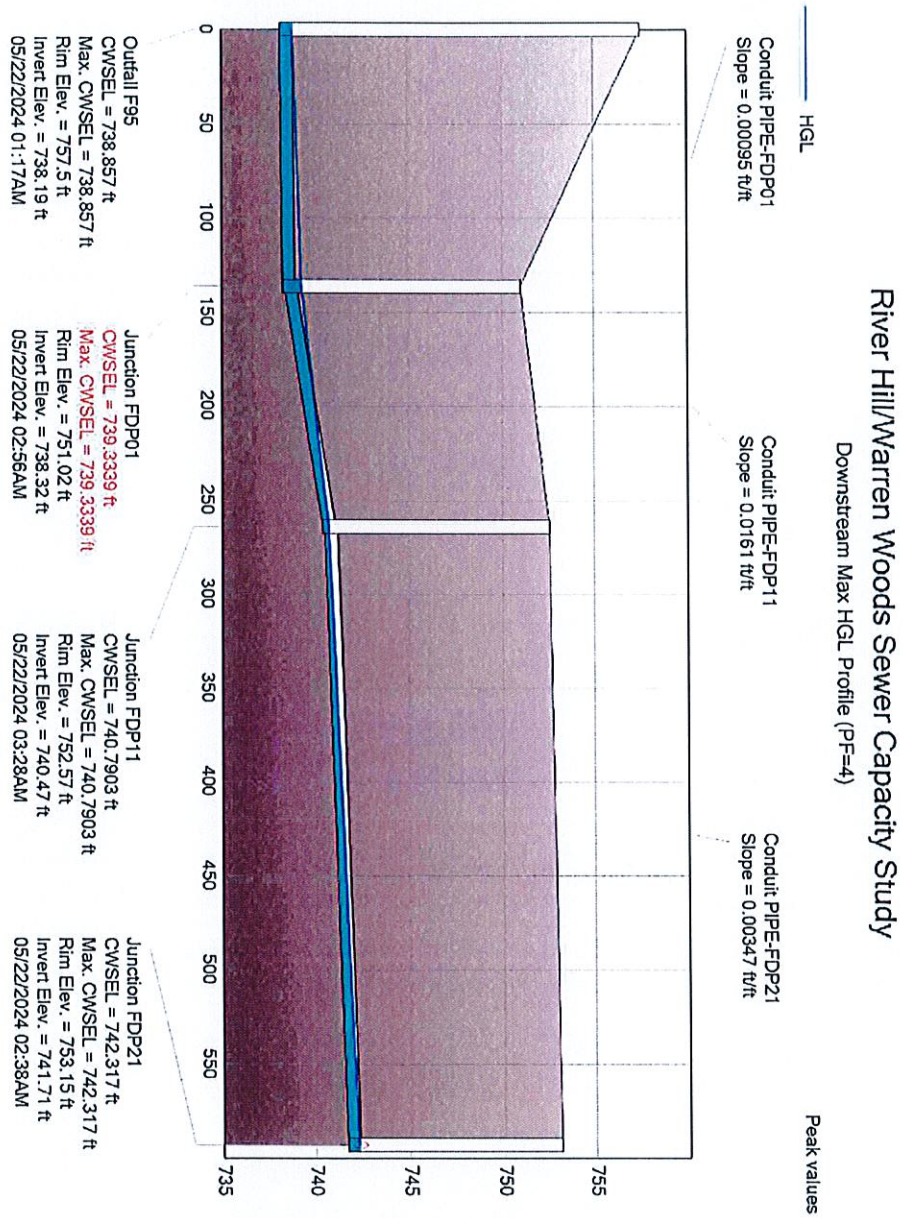
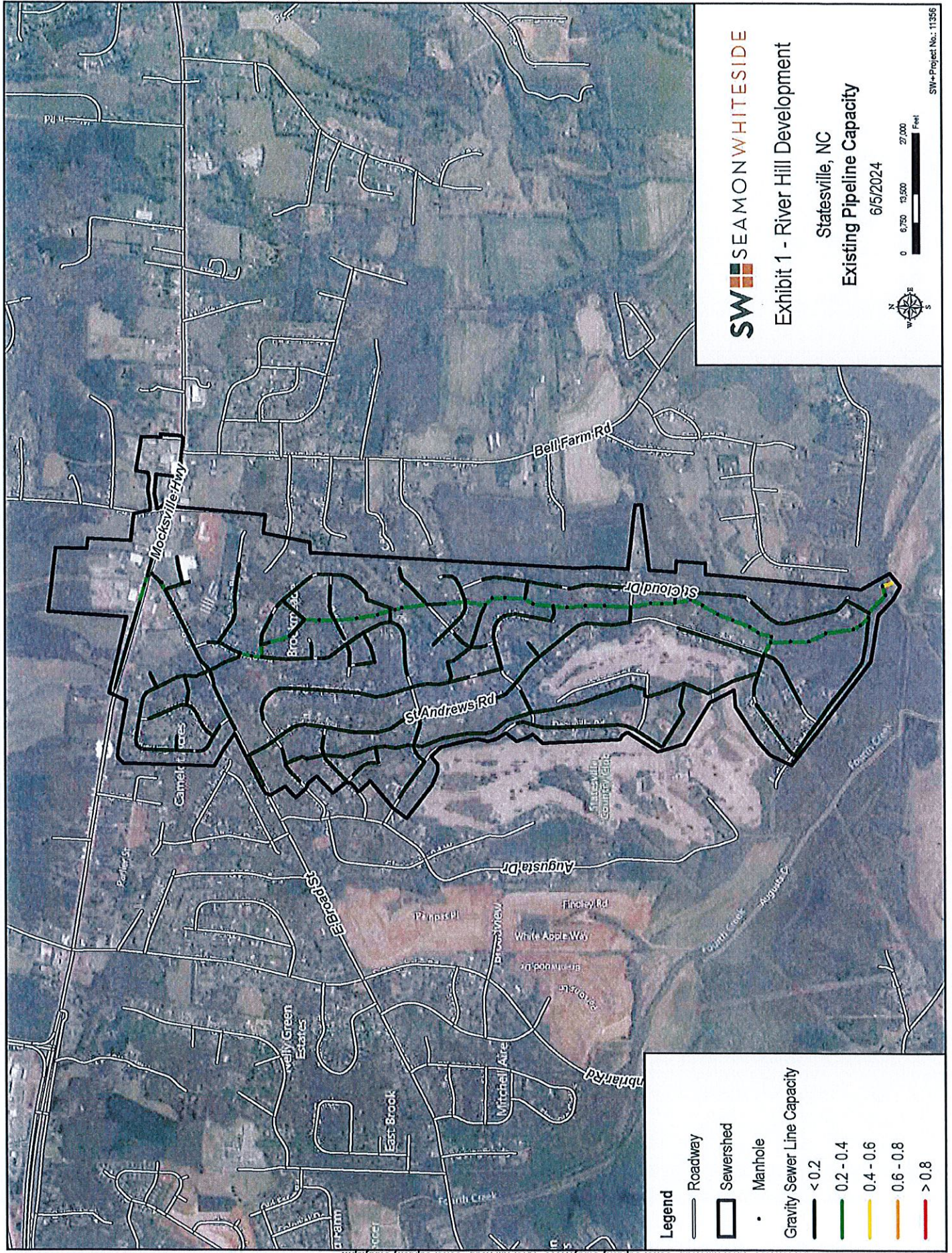


Figure 2 – Maximum computed hydraulic grade line profile at the most downstream extent of the model for the River Hill and Warren Woods scenario based on a peaking factor of 4.0.





**SW SEAMON WHITESIDE**

**Exhibit 1 - River Hill Development**

**Statesville, NC**

**Existing Pipeline Capacity**

6/5/2024



SW-Project No.: 11356

**Legend**

— Roadway

▭ Sewershed

• Manhole

Gravity Sewer Line Capacity

< 0.2

0.2 - 0.4

0.4 - 0.6

0.6 - 0.8

> 0.8



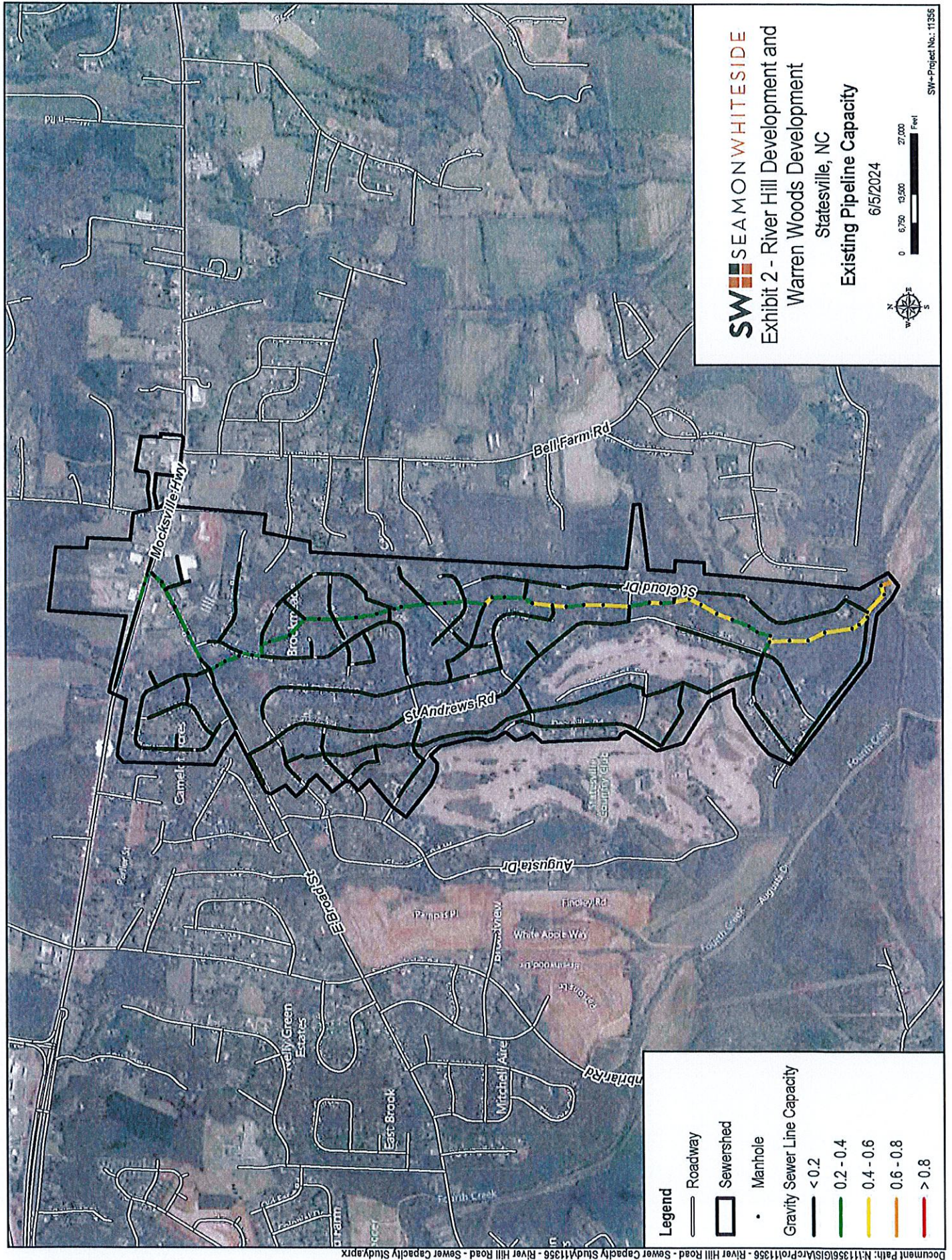




EXHIBIT EARCHITECTURAL STANDARDSSingle Family

**Architectural Materials.** The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings will include a combination of the following: glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS, or wood. Vinyl as a building material will not be allowed except on windows and soffits.

**Architectural Variation.** Every lot shall provide a different architectural model from the adjacent lot (s). No two identical architectural elevations, which include identical facades, roof lines, door and window placement, and details, shall be built on lots adjacent to or directly across from each other.

**Architectural Features.** All residential buildings on individual lots shall include at least four (4) of the following design features:

1. Dormers (Note: the provision of one such roof feature is sufficient); A roof pitch greater than or equal to a 5 to 12 (5:12) for the primary roof; Eaves with a minimum 10-inch projection on all sides of the building;
2. Decks or patios with a minimum size of 64 square feet per dwelling unit;
3. Front porch and entry facing the front lot line (Note: entryway can be located on the long or short axis of the dwelling);
4. Off-sets on building face with a minimum depth of 12 inches.
5. Decorative pillars or posts. Square posts or columns shall not be less than six (6) nominal inches on any side, and round columns shall not be smaller than eight (8) nominal inches in diameter from the bottom of the column unless consistent with a distinct architectural style. (Note: requires at least one pair, decorative or plain, but finished in a manner that is consistent with the dwelling exterior);
6. Masonry (preferably brick) perimeter enclosure at the base but also including poured concrete so that each home has the appearance of a raised foundation (Note: wood products covered with a treatment to appear as masonry do not qualify). Poured concrete shall be treated with brick, stone, or color and textured material appropriate foundation style per style of architecture.
7. Changes in the use of wall facing materials should occur at wall setbacks or projections or to articulate the transition between the building base middle and top. Material changes should return to the inside corners of the front façade. Those materials, however, are not required to wrap the outermost front corner of the home.

**Blank Walls.** There shall be no blank walls on the side elevations adjacent to common open space and/or corner lots. Each side elevation adjacent to common open space and/or on a corner lot shall have a minimum of one window at each story.

**Unit Size.** The minimum single-family detached residential unit size shall be 1,400 square feet for a single-story unit and 1,800 square feet for a two-story unit.

**Rooflines.** Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12 unless a flat roof architectural style is employed.

**Porches.** When provided, usable porches and stoops shall form a predominant feature of the unit

design and may be located on the front and/or side of the building. Usable front porches are covered and are at least five (5) feet deep. Stoops and entry-level porches may be covered but not be enclosed.

### **Cottage Lots**

**Architectural Materials.** The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings will include a combination of the following: glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS, or wood. Vinyl as a building material will not be allowed except on windows and soffits.

**Architectural Variation.** Every lot shall provide a different architectural model from the adjacent lot (s). No two identical architectural elevations, which include identical facades, roof lines, door and window placement, and details, shall be built on lots adjacent to or directly across from each other.

**Prominent Entrances.** Entrances shall contain one or more of the following features that are considered a prominent entrance: porches, raised steps and stoops with or without roof overhangs, and decorative railings.

**Blank Walls.** There shall be no blank walls on the side elevations adjacent to common open space and/or corner lots. Each side elevation adjacent to common open space and/or on a corner lot shall have a minimum of one window at each story.

**Unit Size.** The minimum single-family detached residential unit size shall be 900 square feet for a single-story unit and 1,200 square feet for a two-story unit.

**Rooflines.** Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12 unless a flat roof architectural style is employed.

**Porches.** When provided, usable porches and stoops shall form a predominant feature of the unit design and may be located on the front and/or side of the building. Usable front porches are covered and are at least five (5) feet deep. Stoops and entry-level porches may be covered but not be enclosed.

### **Commercial (including Live/Work)**

**Place of Interest.** Buildings shall be designed to raise the standard level of design to create a place of interest.

All buildings located within the integrated center shall utilize and repeat the below architectural design criteria to promote a pedestrian environment through the use of compatible design and appearance to aid the break of long expanse of solid walls.

**Façade Building Materials:** The use of complementary hues, multiple textures, and building elements should be used to create interest.

**Building Massing:** Modulation of the façade should occur every 20 ft of length in the height and/or relief.

**Façade Treatment:** Roofline treatment should be modified through the use of height, material, and/or pitch. Human scale design elements, such as but not limited to windows, awnings, entrances, arcades, arbors, trellises, and friezes, are recommended at a minimum of 40' to maintain pedestrian interest throughout the development. All elevations are prohibited from having CMU block.

**Building Orientation:** All buildings will orient/front toward a public street, green street, urban open space, or regulated open space.

**Compliance with Ordinance:** The architecture within the site shall comply with the Unified Development Ordinance of the City of Statesville.

**The elevations are conceptual:** Details will be provided following the above standards during construction drawing/commercial site plan review to ensure compliance.

### **Townhome Lots (If used)**

**Architectural Materials.** The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings will include a combination of the following: glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS, or wood. Vinyl as a building material will not be allowed except on windows and soffits.

**Prominent Entrances.** Entrances shall contain one or more of the following features that are considered a prominent entrance: porches, raised steps and stoops with or without roof overhangs, and decorative railings.

**Blank Walls.** There shall be no blank walls on the side elevations adjacent to common open space and/or corner lots. Each side elevation adjacent to common open space and/or on a corner lot shall have a minimum of one window at each story.

**Unit Size.** The minimum townhome unit size shall be 1100 square feet.

**Rooflines.** Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12 unless a flat roof architectural style is employed.

**Porches.** When provided, usable porches and stoops shall form a predominant feature of the unit design and may be located on the front and/or side of the building. Usable front porches are covered and are at least five (5) feet deep. Stoops and entry-level porches may be covered but not be enclosed.

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Matthew Kirkendall, Senior Planner  
**DATE:** 7/25/2025 10:42 AM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider appointing two regular members to the Board of Adjustment.**

---

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

Board of Adjustment: City Council may appoint 2 new members from the active applications on file with the City Clerk's office. Each member will be appointed to serve a three-year term.

The current regular member whose term is expiring is Mr. David Steele who does not wish to pursue reappointment for a new term. The other opening is currently vacant.

Additionally, five additional individuals have provided an application signifying interest in serving on the Board of Adjustment; Kristin Lindvig, James (Jay) B. Smith, James (Jim) Dobson, Braden Zittle, and Jeremy Kaufman (see attached applications).

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

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

The regular member position on the Board of Adjustment from the Extraterritorial Jurisdiction (ETJ) has been vacant since June 2021. The County has been asked for a new member, and the City's Public Affairs Director has placed several requests for interested residents of the ETJ in the City's media outlets. However, no applicants have been received.

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

City Council annually appoints members to fill expiring or vacant seats on the Board of Adjustment.

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** N/A

**Connecting Our Communities:** N/A

**Strategic Plan Values:** We value Engagement.

**4. Budget/Funding Implications:**

Members for each board are paid \$20 per meeting. These costs are accommodated in the Planning Department's budget.

**5. Consequences for Not Acting:**

Not appointing representatives to these boards will result in vacancies on the Board of Adjustment which would prevent them from maintaining a quorum to adequately conduct business.

**6. Department Recommendation:**

Staff recommends that City Council appoint two regular members to the Board of Adjustment.

**7. Manager Comments:**

None.

**8. Next Steps:**

If appointed, notify appointees, and provide training materials as necessary.

**9. Attachments:**

1. 2025 Volunteer Applications
2. BOA Member List - 7-1-2025
3. 2025 Volunteer Candidates

#### 2025 Board of Adjustment Volunteer Candidates

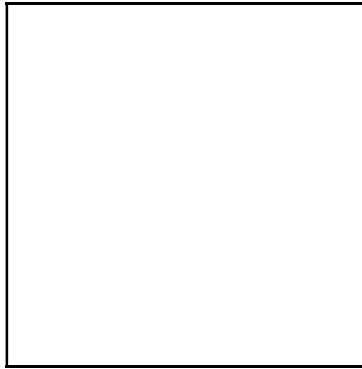
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Kristin Lindvig	105 White Apple Way
James Dobson	415 Japul Road
James (Jay) Smith	817 N Race Street
Jeremy Kauffman	324 W End Avenue
Braden Zittle	103 Brookmeade Drive



**Subject:** New Submission from your Boards + Commissions Volunteer Application Form in your City of Statesville account at Locable

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## You have a new submission from your Boards + Commissions Volunteer Application Form!

You can view this and other submissions in your [Locable account](#).

**Please choose which board, committee, and commission you are interested in serving on:** Board of Adjustments

**Please list any areas of expertise, interests, and skills:** Administrative law, environmental law, in-depth research; deeply familiar with criminal and civil law; interested in helping the City of Statesville grow to expand tax base for improved services but still preserve the history and maintain rural areas as much as possible. Typing/keyboarding skills, leadership skills, in-depth research skills, public speaking skills, interrogation skills.

**Please list current and previous service to the community, civic clubs, activities, and talents:** : City of Brea (CA) - CERT team; City of Brea photography contest winner; election volunteer for County of Orange (CA); previously worked for County of Orange as Environmental Health inspector - familiar with government procedures and legal concepts; knowledge of law enforcement procedures (from law enforcement family, and widow of law enforcement officer); certificate from NACAS in leadership.

**Please provide a brief statement outlining why you wish to serve:** I would like to get involved in the community and am a proud new Statesville resident who would like to help the city find a balance between preservation and growth.

**Race:** Caucasian mainly

**Sex:** Female

**Date of Birth:** September 1st, 1967 08:00

**Education:** Bachelors Degrees, Professional Studies and Environmental Health  
Associates Degrees, Family History Research and General Studies

**Currently serving on another board?:** No

**Available for daytime meetings?:** Yes

**Employer:** self

**Occupation:** retired from education administration; own professional genealogy service

**Length of Residence (Please include years and months.):** 4 months

**Do you reside in the City of Statesville?:** Yes

**Zip Code:** 28625

**State:** NC

**City:** Statesville

**Street Address:** 105 White Apple Way

**WARD::** 1

**Phone Number:** 9494470607

**Email:** [kristin.lindvig@gmail.com](mailto:kristin.lindvig@gmail.com)

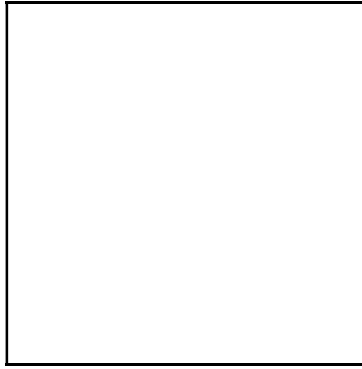
**First Name:** Kristin

**Last Name:** Lindvig

**Date of Application::** June 25th, 2025 18:41

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## You have a new submission from your Boards + Commissions Volunteer Application Form!

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**Please choose which board, committee, and commission you are interested in serving on:** Board of Adjustments

**Please list any areas of expertise, interests, and skills:** Comprehensive decision making abilities. Patient, well versed in communication approaches as well as an avid listener.

**Please list current and previous service to the community, civic clubs, activities, and talents:** : Drug and Alcohol of Iredell County coalition board member and chair. Christ Church Foundry House program board and community member. Christian and Outdoorsman...

**Please provide a brief statement outlining why you wish to serve:** Interested in providing input and learning different aspects of the integral workings of our Statesville community.

**Race:** White/ Caucasian

**Sex:** Male

**Date of Birth:** November 11th, 1970 14:50

**Education:** HS graduate Qualified Professional w/ College certifications.

**Currently serving on another board?:** Yes

**Available for daytime meetings?:** Yes

**Employer:** PQA Healthcare Inc .

**Occupation:** Facilities Director

**Length of Residence (Please include years and months.):** 7yrs 10 months

**Do you reside in the City of Statesville?:** Yes

**Zip Code:** 28625

**State:** NC

City: Statesville

Street Address: 415 Japul Rd

WARD:: 4th

Phone Number: 3364132711

Email: [jim4jets@aol.com](mailto:jim4jets@aol.com)

First Name: James

Last Name: Dobson

Date of Application:: June 23rd, 2025 14:46

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## Matthew Kirkendall

---

**From:** Jay Smith <jaybsmith91@icloud.com>  
**Sent:** Tuesday, June 24, 2025 9:12 AM  
**To:** Matthew Kirkendall  
**Subject:** Re: New Submission from your Contact Matt Kirkendall Form in your City of Statesville account at Locable

**Categories:** Blue Category

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JAMES B SMITH (Jay)  
817 N Race St Statesville NC

Sent from my iPhone

On Jun 24, 2025, at 8:18 AM, Matthew Kirkendall <mkirkendall@statesvillenc.net> wrote:

Good morning Mr. Smith,

Thank you for your willingness to serve. What is your address so we can verify residency?

Thank you,

Matt Kirkendall  
Senior Planner  
City of Statesville  
704-768-5595

---

**From:** Locable <help@locable.com>  
**Sent:** Monday, June 23, 2025 5:00 PM  
**To:** Matthew Kirkendall <mkirkendall@statesvillenc.net>  
**Subject:** New Submission from your Contact Matt Kirkendall Form in your City of Statesville account at Locable

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## You have a new submission from your Contact Matt Kirkendall Form!

You can view this and other submissions in your [Locable account](#).

**Message:** Interested in being on the Board of Adjustments. I live in the city.

**Phone Number:** 8284063918

**Email:** [jaybsmith91@icloud.com](mailto:jaybsmith91@icloud.com)

**First Name:** Jay

**Last Name:** Smith

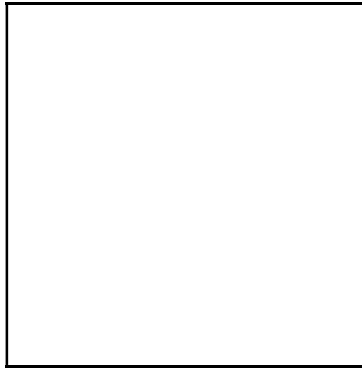
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**Subject:** New Submission from your Boards + Commissions Volunteer Application Form in your City of Statesville account at Locable

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## You have a new submission from your Boards + Commissions Volunteer Application Form!

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Please choose which board, committee, and commission you are interested in serving on: Board of Adjustments

Please list any areas of expertise, interests, and skills: I am a skilled engineer

Please list current and previous service to the community, civic clubs, activities, and talents: : Statesville Historic Commission, 3 yr term in early 2010s Elder- First

Presbyterian Church Volunteer sometimes for community events

Please provide a brief statement outlining why you wish to serve: I am of an age where I can afford more time to serve the community that has served me so well.

Race: White

Sex: Male

Date of Birth: April 25th, 1972 17:32

Education: MS, MBA

Currently serving on another board?: No

Available for daytime meetings?: Yes

Employer: JC Steele and Sons Inc

Occupation: Chief Engineer

Length of Residence (Please include years and months.): 30 years

Do you reside in the City of Statesville?: Yes



Zip Code: 28677

State: NC

City: Statesville

Street Address: 324 West End Avenue

WARD:: 5

Phone Number: 7049298101

Email: [jeremykauffman.jk@gmail.com](mailto:jeremykauffman.jk@gmail.com)

First Name: Jeremy

Last Name: Kauffman

Date of Application:: June 25th, 2025 17:29

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[by updating these settings in your Locable account.](#)

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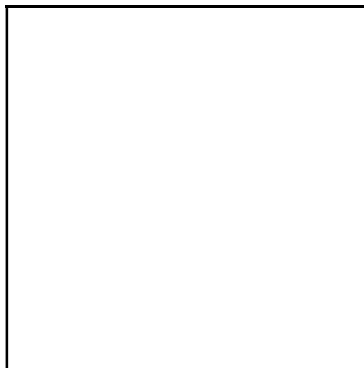
**From:** Locable <[help@locable.com](mailto:help@locable.com)>

**Sent:** Thursday, June 26, 2025 7:28 AM

**To:** Emily Kurfees <[ekurfees@statesvillenc.net](mailto:ekurfees@statesvillenc.net)>

**Subject:** New Submission from your Boards + Commissions Volunteer Application Form in your City of Statesville account at Locable

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



## You have a new submission from your Boards + Commissions Volunteer Application Form!

You can view this and other submissions in your [Locable account](#).

Please choose which board, committee, and commission you are interested in serving on: Board of Adjustments

**Please list any areas of expertise, interests, and skills:** I have been in the Logistics field for 6 years at a high level, the planning, organization, and forethought required in my roles has proven to translate across industries.

**Please list current and previous service to the community, civic clubs, activities, and talents:** : I operate a church bus route on the south and southeast side of statesville, I have done so since 2019. I am a husband and father of 3, who graduated HS at 15 years of age with a 4.3 GPA. I have worked internationally, almost done run several companies bringing in 8 figures annually, across multiple different industries. My talent is my ability to learn quickly, while applying a common sense approach to decision making.

**Please provide a brief statement outlining why you wish to serve:** Our city needs active participation by informed and educated citizens in order to remain “the City of Progress”. I want to serve on this board as a way to serve the city.

Sex: Male  
Date of Birth: July 5th, 1996 09:10  
Education: HS Diploma  
Currently serving on another board?: No  
Available for daytime meetings?: Yes  
Employer: Lachlan Logistics Inc.  
Occupation: District Manager, Logistics  
Length of Residence (Please include years and months.): 2 years and 1 month  
Do you reside in the City of Statesville?: Yes  
Zip Code: 28625  
State: NC  
City: Statesville  
Street Address: 103 Brookmeade Dr.  
WARD:: One  
Phone Number: 7047945608  
Email: [bczittle@gmail.com](mailto:bczittle@gmail.com)  
First Name: Braden  
Last Name: Zittle  
Date of Application:: June 26th, 2025 03:18

You can choose which emails to receive and select the frequency in which you want to receive emails  
[by updating these settings in your Locable account.](#)

*Together We're Building Main Street for the 21st Century™*

## **City of Statesville Board of Adjustment**

### **3 Year Terms, City Code 22-43, G.S. 160A-388 City Council Appointment**

Meets 1<sup>st</sup> Tuesday of Month

Vacant (Regular)

Gurney Wike 150 Columbine Dr Statesville, NC 28625	(H) 704.928.8327 <a href="mailto:gurneywike@gmail.com">gurneywike@gmail.com</a>	6/30/2027
----------------------------------------------------------	------------------------------------------------------------------------------------	-----------

Vacant (Regular)		6/30/2026
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George Simon (Vice-Chair) 3313 Camden Road Statesville, NC 28625	(H) 704-872-0639 (C) 704-880-3157 <a href="mailto:gsimonsez@att.net">gsimonsez@att.net</a>	6/30/2027
------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------	-----------

Jed Pidcock 819 Radio Road Statesville, NC 28677	(B) 704-878-4524 daytime (C) 740-707-3366 <a href="mailto:jedpidcock@gmail.com">jedpidcock@gmail.com</a> <a href="mailto:jedpidcock@protonmail.com">jedpidcock@protonmail.com</a>	6/30/2026
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Vacant (ETJ Rep)		6/30/2027
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#### Alternates:

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Scott Zanotti 2714 Idlewood Lane Statesville, NC 28625	828.855.4194 <a href="mailto:scott@neillinc.com">scott@neillinc.com</a>	6/30/2027
--------------------------------------------------------------	----------------------------------------------------------------------------	-----------

Bill Winters 225 Glen Eagles West Statesville, NC 28625	(H) 704.878.0033 (B) 704-871-7094 <a href="mailto:Wintersbill79@gmail.com">Wintersbill79@gmail.com</a>	6/30/2026
---------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------	-----------

## Other Important Contacts

Sherry Ashley, Planning Director  
(B) 704.878.3539  
[sashley@statesvillenc.net](mailto:sashley@statesvillenc.net)

Emily Kurfees, City Clerk  
(B) 704.878.3583  
[ekurfees@statesvillenc.net](mailto:ekurfees@statesvillenc.net)

Leah Messick, City Attorney  
Winthrop & Winthrop  
706 Hartness Road  
Statesville, NC 28677  
(B) 704.873.2172  
[leah@winthrop-law.com](mailto:leah@winthrop-law.com)

Matthew Kirkendall, Senior Planner  
(B) 704.768.5595  
[mkirkendall@statesvillenc.net](mailto:mkirkendall@statesvillenc.net)

Christopher Hooper, Planner II  
(B) 704-878-3560  
[chooper@statesvillenc.net](mailto:chooper@statesvillenc.net)

Jenn Stecker, Paralegal  
Winthrop & Winthrop  
706 Hartness Road  
Statesville, NC 28677  
[jenn@winthrop-law.com](mailto:jenn@winthrop-law.com)

Herman Caulder, Assistant Planning Director  
(B) 704.878.3577  
[hcaulder@statesvillenc.net](mailto:hcaulder@statesvillenc.net)

April Nesbit, Public Information Officer  
(B) 704.878.3586  
[anesbit@statesvillenc.net](mailto:anesbit@statesvillenc.net)

Lori Deal, Office Manager  
(B) 704-878-3574  
[ldeal@statesvillenc.net](mailto:ldeal@statesvillenc.net)

David Jones, City Council Representative  
Statesville, NC 28687  
[davidjones@clr-properties.com](mailto:davidjones@clr-properties.com) \*  
\*use this email address for correspondence  
(request 5/7/2024)

[djones@statesvillenc.net](mailto:djones@statesvillenc.net)

## **Full Mailing List**

### **Full Agenda Packet (Postal)**

David Steele  
Jed Pidcock  
George Simon  
Leslie Griffin  
Gurney Wike  
ETJ Representative  
Roy West (Alt)  
Bill Winters (Alt)  
Leah Gaines Messick (City Atty)

### **Email Full Packet**

Board of Adjustment Members  
David Jones (Council Liaison)  
Sherry Ashley (Planning Director)  
Herman Caulder (Planning Director)  
Leah Gaines Messick (City Atty)  
April Nesbit (Public Information Officer)  
Emily Kurfees (City Clerk)  
Vacant (BOA Clerk)

### **Email Agenda Only**

WAME Radio [billybuckblevins@gmail.com](mailto:billybuckblevins@gmail.com)  
WSIC Radio [margaret@wsicweb.com](mailto:margaret@wsicweb.com)  
R&L [bgibson@statesville.com](mailto:bgibson@statesville.com)  
Free News [svlfreenews@gmail.com](mailto:svlfreenews@gmail.com)  
The County News  
[production@countynews4you.com](mailto:production@countynews4you.com)

# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** William E. Vaughan, DPA, PE; Public Utilities Director  
**DATE:** 7/24/2025 2:30 PM

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**ACTION NEEDED ON:** August 4, 2025  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving a request to waive annexation for Kelly Farm to receive a connection to City Water services.**

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

- a. The developer of Kelly Farms is requesting a waiver to COS Ordinance § 23-254 (b).
- b. The developer desires to utilize COS water. Current water is available via the Larkin Commerce Park waterline extension (3,100 foot to termination point at Amity Hill Road).
- c. The developer is aware of the non-availability of sewer services resultant of the expired Troutman sewer agreement.
- d. Development is for 90.5 5 acres +/- . The current tax value of all parcels is \$720,020.
- e. The developer is proposing (approximately) one dwelling unit per acre. This density is favorable for the use of individual lot septic systems.
- f. Outside water rates: \$84,000 potential annual revenue.
- g. Parcels were negotiated into COS service territory through IWC mediated agreement; i.e., COS is the purveyor for this area.
- h. Parcels are just south of, but abut, the 2045 LDP line (Amity Hill Road). Being in COS negotiated water service territory creates a unique situation. Two additional parcels to the immediate east (27.2 ac +/-) are similarly situated respective of the COS territory agreement and the 2045 LDP.

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

- a. No previous Council actions.
- b. A "Willingness-to-Serve Letter" concerning the parcels was executed by Public Utilities on June 20, 2023. The developer was apprised of the location of the water line and the issues regarding use of the Troutman I-L Creek sewer line.

### **3. Strategic Initiatives Supported/Impacted:**

**Developing Our City:** N/A

**Connecting Our City:** Invest in services and critical public infrastructure to align with land use plan goals and accommodate future growth citywide.

**Connecting Our Communities:** Promote the development of a range of housing types throughout our community and housing stability for residents.

**Strategic Plan Values:** We value Engagement.

The request accommodates "invest[ment] in services critical to public infrastructure to align with land

use plan goals” and to “accommodate future growth citywide.” The northern margin of the development touches the boundary of the 2045 Land Development Plan (LDP) (which was set as Amity Hill Road). The Larkin Waterline Project and recent development within the Larkin Regional Commerce Park has extended city water to the intersection of Larkin Parkway and Amity Hill Road. The LDP, on pages 46 – 47, identifies the Larkin Regional Commerce Park environs as an “Opportunity Zone.” The zone is bisected by Shiloh Road. A waterline loop using the Amity Hill Road and Shiloh Road corridor back to US-70 will create the access to water amenable to development within the opportunity zone. The 0.6-mile waterline extension from the Larkin Regional Commerce Park by the developer along Amity Hill Road will provide an estimated \$560,000 asset investment in an Amity-Shiloh waterline loop. Also, albeit outside, but contiguous to the COS LDP boundary, a Kelly Farm development will accommodate a “range of housing types throughout our community [at large] and housing stability for residents.” Finally, the Kelly Farm parcels were specifically included in the COS service area during the recent Iredell Water Corporation (IWC) mediated territory agreement

**4. Budget/Funding Implications:**

Water/sewer fund customer base increase at outside rates. Potential annual revenue to water/sewer fund: \$84,000.

**5. Consequences for Not Acting:**

Loss of water customers (at outside rates).

**6. Department Recommendation:**

City Council approve the waiver request.

**7. Manager Comments:**

Although I am not inherently against this request, I do see some potential long-term issues. Mr. Vaughan has shown that there will be revenues associated with extending this line. However, this is a long extension and the City could get other requests along that route. Since selling water is only one source of our overall revenue stream for new development, the City could be taking away from capacity elsewhere that would provide the full array of revenues (water, sewer, property tax, electric, sales tax). In all likelihood, since we have an abundance of water availability, this will not happen, I would hate to miss out on a high water and sewer user that contributes heavily to the tax base. Again, I am not recommending against this, but because it is a stretch I want to point out a potential pitfall.

**8. Next Steps:**

- a. Coordination with Planning (as part of waiver request).
- b. The developer begin the TRC process.
- c. The developer begins water service design and regulatory approval process for water service extensions.

**9. Attachments:**

1. 25-01069 - Kelly Farm Site (Mattamy) - Preliminary Concept Plan B
2. Letter to serve (19Jun23 )
3. BoundaryLine
4. Kelly Farm - 2045 LDP Map









P. O. Box 1111, Statesville, NC 28687-1111

Assistant City Manager/City Engineer	704 878-3551
Public Works Director	704 878-3552
Public Utilities Director	704 761-2383
Office Manager	704 878-3562

20 June 2023

Joseph M. Pearson, Inc.  
Attn: Jerone Pearson  
224 Spring Run Road  
Mooresville NC 28117

Subject: Willingness-to-Serve Letter ICO Iredell County NC Parcels 4741988366, 4751087319, 4751181623, 4751084954, 4751090594, 4751099867 (aka Kelly Farms), and 4752000364, 4752005257, 4752007329 (Hoover properties)

Dear Mr. Pearson:

The City of Statesville Utilities Department is currently able and willing to provide water services for the above subject Iredell County parcels. The nearest City water service in the Larkin Commercial Park to the north.

The nearest sewage treatment facility is the 3<sup>rd</sup> Creek WWTP. Current access would be by means of a Town of Troutman sewer line which traverses the parcels in question. Use of the sewer line would need to be negotiated with the Town. Be apprised that the City is currently programming (FY 2024 design) a parallel sewer line to the Troutman line. Any anticipated water and sewer requirements (commercial, industrial, residential, etc.) associated with this development would be helpful in sizing the planned sewer line for future growth and would be greatly appreciated.

All utility construction requirements for connection to City services would be borne by the developer. Please contact Planning for any associated annexation requirements, as applicable, related to the provision of utility services. My contact points are phone (704) 761-2383, or email [wvaughan@statesvillenc.net](mailto:wvaughan@statesvillenc.net). We look forward to working with you on this development.

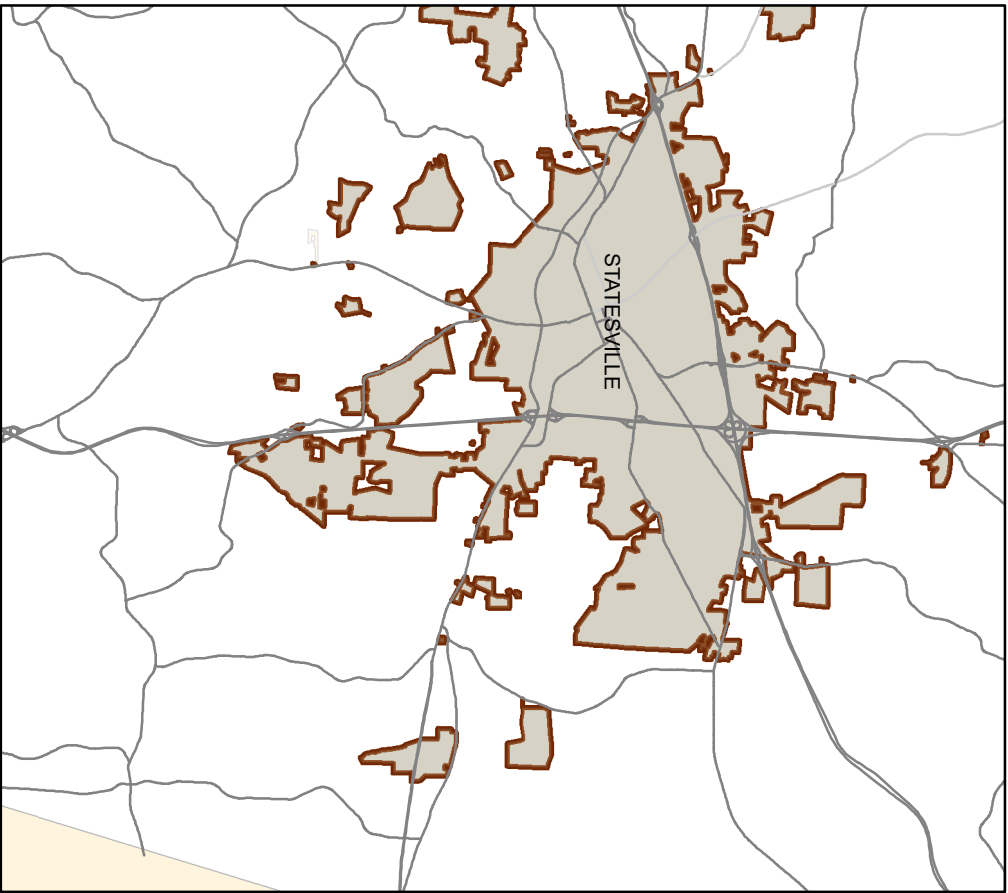
Sincerely,

William E. Vaughan, PE  
Public Utilities Director

Cc: Mr. Scott Harrell, PE, Assistant City Manager  
Ms. Sherry Ashley, Planning Director  
Ms. Autumn Hill, Office Manager

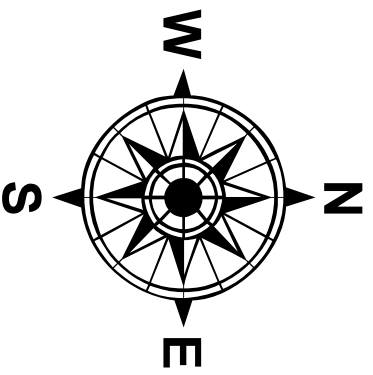


# Iredell Water Corp Proposed Service Territory Boundary



**Legend**

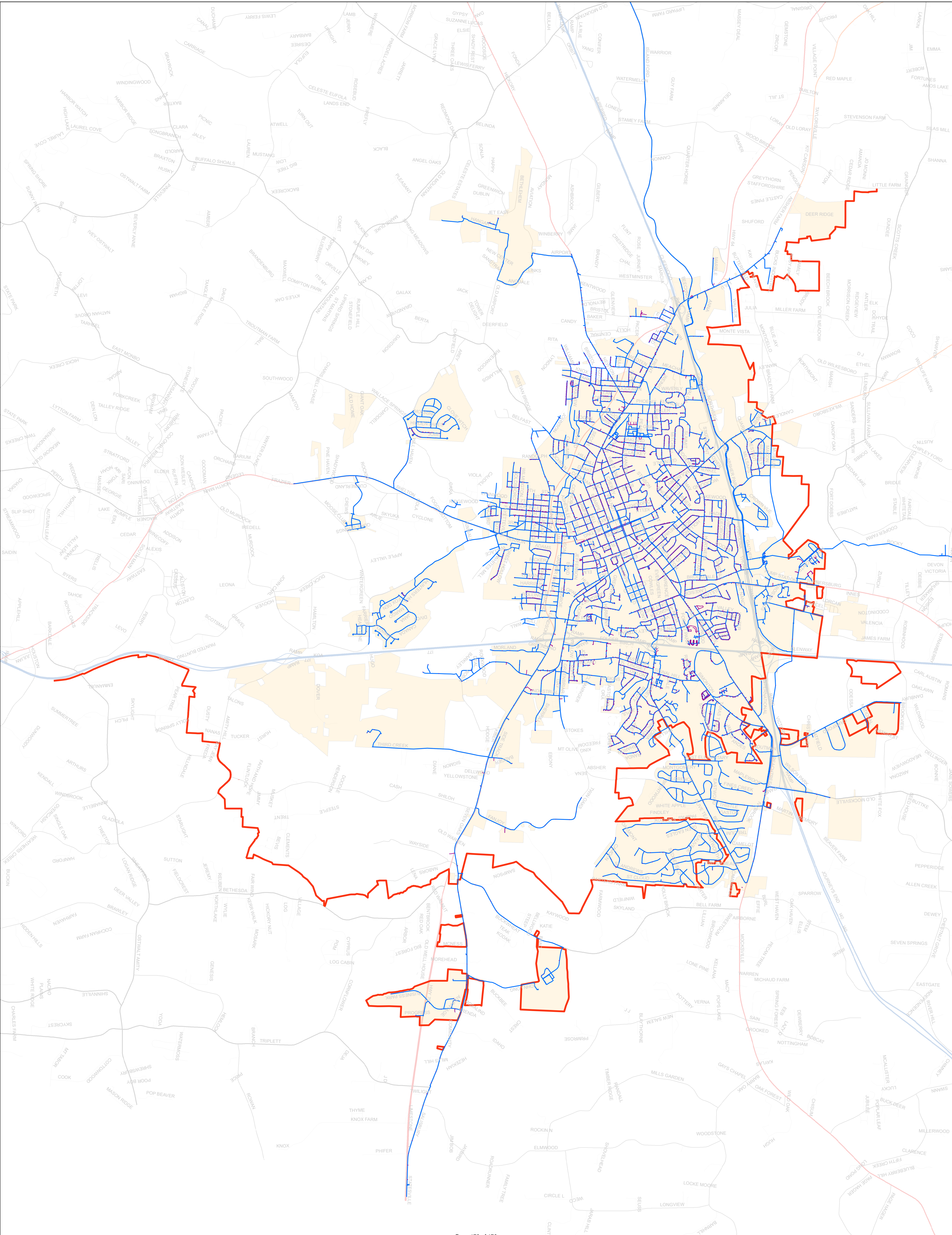
- IWC Boundary Line
- Water Lines**
  - Service
  - Water Main
- Statesville\_CityLimits



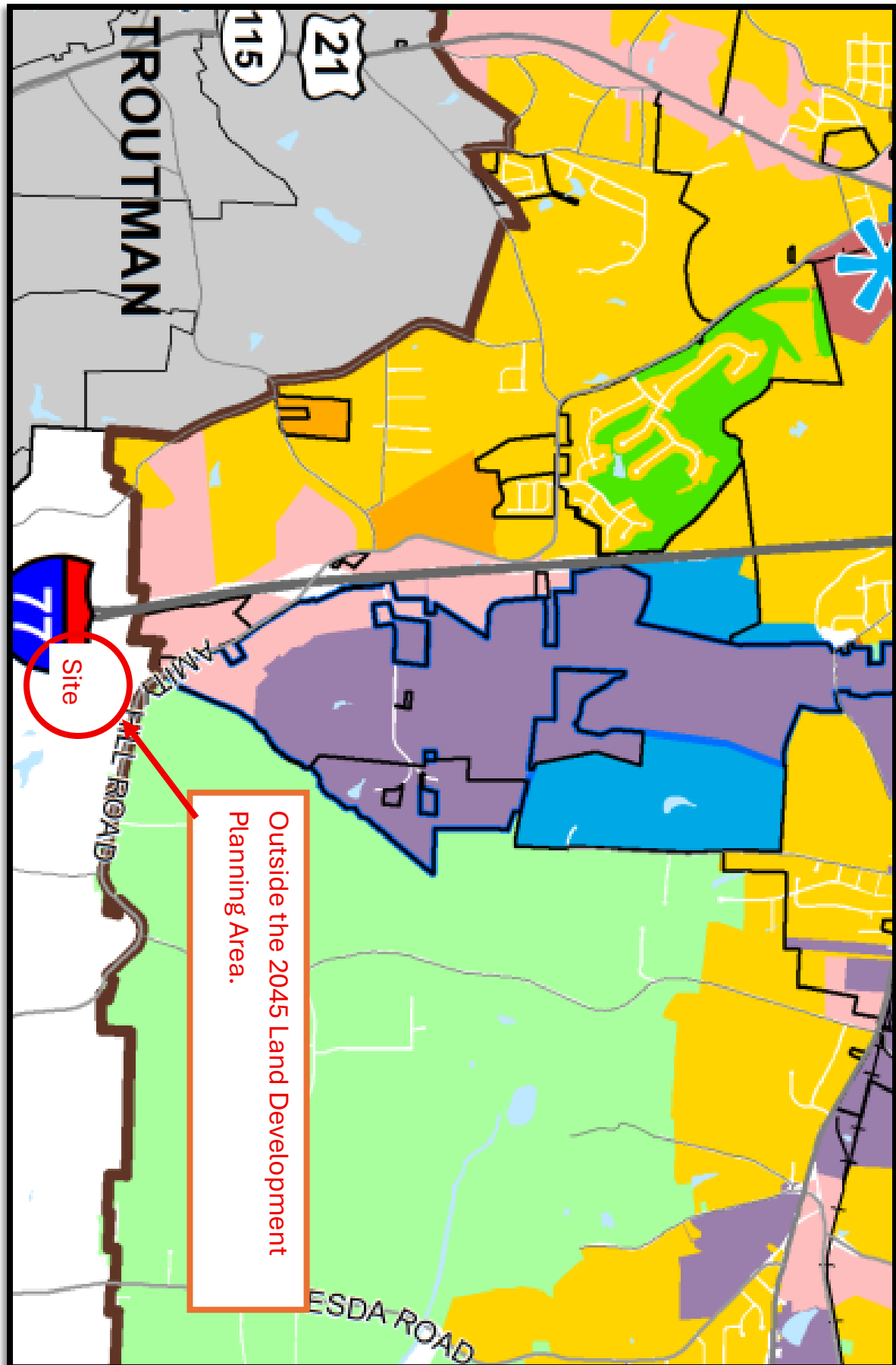
1 inch = 2.49 miles

Date May 23rd, 2023

Source: City of Statesville GIS Department







**DESIGN REVIEW COMMITTEE MEETING  
CITY HALL COUNCIL CHAMBERS  
JUNE 12, 2025 @ 2:00 pm**

**Members Present:** Chuck Goode, Rebecca Jones, John Furlow

**Absent:** Bryan George, John Marshall

**Staff Present:** Marci Sigmon, Joseph Campbell

Chairman Goode called the meeting to order and stated item 5 on the agenda will be heard first.

**Consider Design Review Application DRC 25-03 from ACE Dumpsters represented by Richard Rubino, owner of ACE Dumpsters, to demolish the remaining structure walls, refresh existing gravel or add new gravel as needed, place a small storage building on site, and plant low, affordable bushes on the property located at 226 West Sharpe Street; Tax Map 4734-94-6428.**

Sigmon gave the following staff report:

The property located at 226 West Sharpe Street currently has remaining structure walls from a former business located on the property. It appears the former structure was in severe disrepair and the roof collapsed. The remaining structure walls are concrete. Historically, the site was utilized as a blacksmith business and over the last twenty years has been used as outdoor storage for Statesville Roofing Company.

During 2025 a new owner, Ace Dumpsters, purchased the property and is requesting to demolish the remaining structure walls and enhance the property's appearance by removing many trees, underbrush and weeds. The new property owner plans to store dumpsters on site for customers to rent. Ace Dumpsters plan to refresh existing gravel on the parcel, add necessary gravel to store the dumpsters on site, and gravel the driveway for entry and exit from the property. Additionally, Ace Dumpsters has submitted a site plan (see attached documents) illustrating where the business will plant low, affordable bushes to screen the dumpster storage from street view. A small storage building currently exists on the property and will be relocated to the southwest corner of the property ten feet from the sidewalk along West Sharpe Street and ten feet from the wall located along the west property line.

The Design Review Committee will make a recommendation to City Council for the demolition request. Per Section 5-16.1 in the Unified Development Ordinance, City Council determines all demolition requests within the City of Statesville Downtown Overlay District.

Jones asked for details for the bushes to be planted and Corey Zima, the owner's business associate, stated bushes like arborvitae will be planted and maintained every year. Goode stated the landscaping is vague and would like to see a landscape plan. Jones stated a computer rendering of the landscaping would be acceptable and Zima agreed. Goode asked if any of the existing vegetation can be used or will the existing tree block the driveway and Zima stated the tree is in the way but will see if it is salvageable. Goode stated all landscaping will have to be maintained in perpetuity.

Goode asked if the dumpsters will be stacked and Zima stated no. Goode asked how many dumpsters will be on the site and Zima stated three to five on a rotation basis.

Goode stated his concern is the west wall of the existing building that is not a retaining wall but a veneer against the earthworks of Statesville Roofing and the exposed earth could fail. There was discussion regarding the west wall of the building and removal of trees. Furlow asked if the tree on the right side of the property could be saved or plant arborvitae to provide screening for the house next door and Zima agreed. Zima stated the intent is not to remove everything on the site just remove what is needed. Sigmon stated tree removal was submitted by Mr. Rubino, which is staff approved by her and the City Arborist and they visited the site and a lot of the trees will remain. Furlow asked if the storage building will have electricity and Zima stated not now but could be in the future.

**Furlow made a motion to approve Design Review Application DRC 25-03 from ACE Dumpsters to demolish the remaining structure walls, refresh existing gravel or add new gravel as needed, and place a small storage building on site with the following conditions to be performed within 90 days of the demolition approval: identify all the property corners, submit an updated landscape plan naming the new species to be planted on the property and also identify the species of trees to be removed from the property, and obtain a driveway permit from the city for entrance onto the property, seconded by Jones. The motion carried unanimously.**

Goode stated there is not a quorum present that attended the May 8, 2025, May 9, 2024, or the September 12, 2024 meetings, therefore approval of these minutes will be postponed to the next meeting.

#### **Other Business**

Sigmon stated the next regular DRC meeting will be July 10, 2025.

**Jones made a motion to adjourn the meeting, seconded by Furlow. The motion carried unanimously.**