

## **STATESVILLE CITY COUNCIL MEETING AGENDA**

**June 1, 2020**

**City Hall – 227 S. Center Street, Statesville, NC**

**Pre-Agenda Meeting – 6:00 p.m. Council Chambers**

**Regular Meeting – 7:00 p.m. Council Chambers**

- I Call to Order**
- II Invocation**
- III Pledge of Allegiance**
- IV Adoption of the Agenda**
- V Code of Ethics *Pg. 3***
- VI Consent Agenda** – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.
  - A. Consider approving an ordinance to amend the Renewable Energy Portfolio Standards Electric Rider (Schedule REPS), the Customer Generation Credit Rider – Type 1 (Schedule CG-1), the Customer Generation Credit Rider – Type 2 (Schedule CG-2) and the Renewable Energy Credit Rider (Schedule RECR-1). (*Maclaga*) *Pg. 6***
  - B. Consider approving 2<sup>nd</sup> reading of rezoning request ZC20-03 filed by Calvary Baptist Church for the property located at 504 Whites Mill Road; Tax Map 4743-27-0142 from HI (Heavy Industrial) to R-15 (Urban Fringe Low-Density Residential) District. (*Ashley*) *Pg. 22***
  - C. Receive the Statesville Convention and Visitors Bureau Quarterly Financial Report for the quarter ended March 31, 2020. (*Tucker*) *Pg. 32***
  - D. Consider approving 2<sup>nd</sup> reading of an amendment to a portion of the Special Events Ordinance (Chpt. 20, Article V, Sec. 20-148) to give more organizations the ability to sponsor events on city property that involve the distribution of alcohol, and streamline the special events permitting process. (*Davis*) *Pg. 36***

### **REGULAR AGENDA**

- VII Continue the public hearing from the May 18, 2020 City Council meeting and consider approving Site Plan P20-03 (Quasi-Judicial) filed by Beretta Development for mini-warehouses located at 1739 Wilkesboro Highway, Tax Map 4735-35-1603. (*Ashley*) *Pg. 41***
- VIII Continue the public hearing from the March 16 and May 4, 2020 City Council meetings and consider approving the first reading of Annexation Request AX20-01**

and ordinance to annex the properties located adjacent to 110 Vance PO Road, PINs 4765-32-5949 and 4675-33-7215. *(Ashley) Pg. 58*

- IX Continue the public hearing from the March 16 and May 4, 2020 City Council meetings and consider approving the first reading of Rezoning Request ZC20-01 for the properties located adjacent to 110 Vance PO Road; Tax Maps 4765-32-5949 & 4765-33-7215 IC-CB (Iredell County Community Business) to R-8MF (Medium-Density Multi-Family Residential Conditional Use) District. *(Ashley) Pg. 65*
- X Conduct a public hearing and consider passing first reading of Text Amendment TA20-01 filed by Ms. Angela Imes to Amend Article 9 Definitions, Section 9.02 Definitions, Adult/Child Home Day Care to allow a childcare center as a Child Home Day Care. *(Ashley) Pg. 79*
- XI Consider adopting a resolution to affix the terms, conditions and rate for the interfund loan from the Electric Fund to the Airport Fund. *(Tucker) Pg. 87*
- XII Consider approving the 2020-21 fiscal year budget ordinance. *(Tucker) Pg. 90*
- XIII Consider approving the first reading of an ordinance to amend the City Code to renumber Chapter 20 – Streets and Sidewalks to Chapter 21, establish a new Chapter 20 – Stormwater, amend Section 1.07 – General Penalty and, consider repealing Resolution 21-95 – Discontinuing the Storm Drainage Policy on Private Property. *(Harrell) Pg. 114*
- XIV Consider approving water and sewer betterments in conjunction with the NC Department of Transportation I-40/I-77 Interchange project (I-3819B) and Budget Amendment No. 2020-23. *(Harrell) Pg. 133*
- XV Discussion to amend the H-115 (Highway 115/Shelton Avenue Corridor) Zoning District. *(Smith) Pg. 137*
- XVI Boards and Commissions Updates: None
- XVII Other Business
- XVIII Closed Session
- XIX Adjournment

**RESOLUTION NO. 10-20**

**CODE OF ETHICS FOR THE CITY OF STATESVILLE**

**PREAMBLE**

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty”; and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto *Esse quam videri*, “To be rather than to seem”; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this city, and which obeying the law; and

NOW, THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Statesville, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we, the Statesville City Council, do hereby adopt the following General Principles and Code of Ethics to guide the City Council in its lawful decision-making.

**GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of democratic, representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:
  - As advocates, who strive to advance the legitimate needs of their citizens
  - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
  - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations
- Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

**CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the City of Statesville and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member’s best judgment.

Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing and pertinent constitutional, statutory, or other legal requirements or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Behaving consistently and with respect toward everyone with whom they interact
- Exhibiting trustworthiness
- Living as if they are on duty as elected officials regardless of where they are or what they are doing
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other board members, staff and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body.

Section 3. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in



communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own,

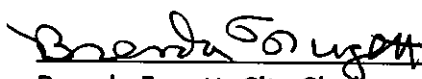
Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

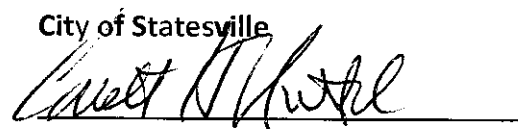
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

Accepted this the 2<sup>nd</sup> day of February, 2020.

ATTEST:

  
Brenda Fugett, City Clerk



City of Statesville  
  
Constantine H. Kutteh, Mayor

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** John MacLaga, Electric Utilities Director  
**DATE:** April 27<sup>th</sup>, 2020

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**ACTION NEEDED ON:** June 1, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

Consider approving an ordinance to amend the Renewable Energy Portfolio Standards Electric Rider (Schedule REPS), the Customer Generation Credit Rider – Type 1 (Schedule CG-1), the Customer Generation Credit Rider – Type 2 (Schedule CG-2), and the Renewable Energy Credit Rider (Schedule RECR-1).

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1. **Summary of Information:** The Renewable Energy Portfolio Standards Electric Rider is a pass-through payment to the State which is used to subsidize renewable generation in North Carolina (e.g. solar, wind, biomass, etc.). All electric customers in North Carolina pay a REPS charge. The State adjusts REPS charges annually.

The Customer Generation Credit Riders and Renewable Energy Credit Rider are means by which the North Carolina Municipal Power Agency Number 1 (NCMPA1) pays customers on our electric system for benefits it sees for their use of approved generators at specific times. NCMPA1 adjusts these pass-through payments annually.

2. **Previous Council or Relevant Actions:** Adopted REPS and RECR-1 rider by Ordinance No. 08-14 on June 2nd, 2014 and Riders CG-1, CG-2 was adopted by resolution No. 13-05 on June 20, 2005. Revisions of RECR-1 rider was adopted by Ordinance No. 30-18 on August 06, 2018. Revisions of REPS, and Riders CG-1, CG-2 were adopted by Ordinance No. 21-19 on August 05, 2019.
3. **Budget/Funding Implications:** These monies represent pass-through payments to the State of North Carolina (REPS) or from NCMPA1 (Customer Generation Credits).
4. **Consequences for Not Acting:** The City would absorb the costs of these pass-throughs.
5. **Department Recommendation:** Staff recommends Council approve amendments to these three riders to maintain the pass-through values from ElectriCities, to be effective for bills rendered on or after July 1, 2020.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Upon approval, staff will change the riders in the billing system and the new rates will be effective for bills rendered on or after July 1, 2020.

8. **Attachments:**
  1. REPS Rider
  2. Rider CG-1
  3. Rider CG-2
  4. RECR-1

CITY OF STATESVILLE

ELECTRIC RATE RIDER REPS

RENEWABLE ENERGY PORTFOLIO STANDARDS (REPS) CHARGE

Page 1 of 2

**APPLICABILITY**

The Renewable Energy Portfolio Standards Charge set forth in this Rider is applicable to all customer accounts receiving electric service from the City of Statesville, except as provided below. These charges are collected for the expressed purpose of enabling the City to meet its Renewable Energy Portfolio Standards compliance obligations as required by the North Carolina General Assembly in its Senate Bill 3 ratified on August 2, 2007.

**BILLING**

Monthly electric charges for each customer account computed under the City's applicable electric rate schedule will be increased by an amount determined by the table below:

MONTHLY CHARGES			
CUSTOMER	RENEWABLE RESOURCES	DSM/ENERGY EFFICIENCY	TOTAL REPS CHARGE
Residential	<del>\$0.72</del> <u>77</u>	\$0.00	<del>\$0.72</del> <u>77</u>
Commercial	<del>\$3.93</del> <u>4.19</u>	\$0.00	<del>\$3.93</del> <u>4.19</u>
Industrial	<del>\$40.51</del> <u>3.15</u>	\$0.00	<del>\$40.51</del> <u>3.15</u>

**EXCEPTIONS**

Industrial and Commercial Customer Opt-out - All industrial customers, regardless of size, and large commercial customers with usage greater than one million kWh's per year can elect not to participate in City's demand-side management and energy efficiency measures in favor of its own implemented demand-side management and energy efficiency measures by giving appropriate written notice to the City.

CITY OF STATESVILLE

ELECTRIC RATE RIDER REPS

RENEWABLE ENERGY PORTFOLIO STANDARDS (REPS) CHARGE

Page 2 of 2

**LOW USAGE ACCOUNTS**

The following service schedules will not be considered accounts because of the low energy use associated with them and the near certainty that customers served under these schedules already will pay a per account charge under another residential, commercial or industrial service schedule:

□ Schedule OL – Outdoor Lighting Service (unmetered)

**SALES TAX**

To the above charges will be added any applicable North Carolina Sales Tax.

**ADOPTED**

This rider was adopted by Ordinance No. 08-14 on June 2, 2014. This rider was amended by Ordinance No. ~~21-19 on August 05, 2019 XX-XX~~ and is effective for bills rendered on or after ~~September 1, 2019~~ July 1, 2020.

## CITY OF STATESVILLE

### RIDER CG-1

#### CUSTOMER GENERATION CREDIT RIDER – TYPE 1 GENERATORS

PAGE 1 of 5

#### **GENERAL**

The Customer Generation Credit Rider CG-1 (Rider CG-1) is offered by the City of Statesville (City) to a qualifying non-residential customer (Customer) with on-site generation (Customer Generation) that has entered into an operating agreement for Type 1 generation with North Carolina Municipal Power Agency No. 1 (NCMPA1). Operation of the generator under such agreement will enable City to reduce its wholesale power costs from NCMPA1. This rider enables the City to share a portion of the wholesale power cost savings with Customer by applying a Monthly Customer Generation Credit to Customer's electric bill, under the terms and conditions described below.

#### **AVAILABILITY**

Rider CG-1 is available only to a non-residential customer that meets all of the following criteria:

1. Customer is currently served under one of the following non-residential rate schedules with a monthly non-coincident peak billing demand: Schedules MG, LG, EG, IM, CT, IT, EI, CI and VI;
2. Customer has a monthly non-coincident peak demand of at least 350 kW during at least three months of a twelve month period; and
3. Customer has or will have on-site customer-owned generation of 350 kW or greater that will be available for operation in accordance with the operating agreement for Type 1 generation between the Customer and NCMPA1.

#### **APPLICATION FOR RIDER**

Customer must make an initial written application to City in order to begin receiving credits under Rider CG-1. In its application, Customer must supply the technical specifications of the Customer Generation as specified in Exhibit A, attached hereto. In determining whether to approve the application of Customer, City may consider the number of customers already being served under the rider, City's expected power cost savings under the NCMPA1 Wholesale Rate, changes in City loads, effects of other load management programs, and any other considerations deemed important by the City. City is under no obligation to approve applications for credits under Rider CG-1.

#### **TERM OF RIDER**

The initial term of Rider CG-1 shall begin June 20, 2005 and end May 31, 2006. Commencing June 1, 2006, and annually thereafter, Rider CG-1 shall automatically renew for one (1) year increments, provided, however, that either the Customer or the City may terminate Rider CG-1 effective on or after June 1, 2006, by giving written notice to the other party at least sixty (60) days prior to any such termination date.

CITY OF STATESVILLE

RIDER CG-1

CUSTOMER GENERATION CREDIT RIDER – TYPE 1 GENERATORS

PAGE 2 of 5

**OPERATION OF CUSTOMER GENERATION**

Under the terms of the operating agreement for Type 1 generation, NCMPA1 shall have the exclusive right to call upon the Customer to operate the Customer Generation.

**COSTS OF CUSTOMER GENERATION**

The Customer shall be responsible for all costs associated with owning, operating, maintaining, making capital additions to, and removing from service the Customer Generation, including, but not limited to, all costs of materials, fuel, fuel storage, manpower, spare parts, and equipment for the Customer Generation.

**DETERMINATION OF CUSTOMER GENERATION OUTPUT**

Each month, NCMPA1 will determine the Customer Generation Output. The Customer Generation Output shall be the average of the integrated clock hour kW outputs of the Customer Generation metered during the hours that NCMPA1 called on the Customer Generation to run under its Type 1 generator contract. Customer Generation Output shall be net of output used by auxiliaries of Customer Generation.

**DETERMINATION OF CUSTOMER ON-PEAK LOAD**

Each month, NCMPA1 will also determine the Customer On-Peak Demand. The On-Peak Demand shall be the average of the integrated clock hour kW demands measured during the hours of the OnPeak Period on the day identified as the Peak Management Day used by the North Carolina Municipal Power Agency Number 1 (NCMPA1) for wholesale billing purposes during the corresponding month of Customer's billing.

**DETERMINATION OF MONTHLY CUSTOMER GENERATION CREDIT**

The Monthly Customer Generation Credit shall be computed and applied to the Customer's monthly electric bill. The Monthly Customer Generation Credit shall be computed as follows:

Monthly Customer Generation Credit (\$) = (a) \* (b). Where,

(a) is the lesser of:

- (i) Customer Generation Output (kW); or,
- (ii) Customer On-Peak Demand (kW); and,

CITY OF STATESVILLE

RIDER CG-1

CUSTOMER GENERATION CREDIT RIDER – TYPE 1 GENERATORS

PAGE 3 of 5

(b) is the Customer Generation Credit Rate (\$/kW-month)

**MONTHLY CUSTOMER GENERATION CREDIT RATE**

June through September

\$11.~~48~~36/kW-month

City may revise the Customer Generation Credit Rate that will be applicable for the one-year term beginning on June 1, 2006, and for any subsequent one-year terms to reflect changes in City's demand charges under the NCMPA1 Wholesale Rate.

**PROTECTION OF SYSTEMS**

The Customer shall provide, install, maintain, and operate protective equipment, switching, voltage control, load shedding, and other facilities necessitated by the Customer Generation and take or refrain from taking action related to the Customer Generation as shall be required in order to meet the City's reasonable requirements to assure continuity and adequacy of service, stability of the interconnected facilities of City's distribution facilities, and safety procedures. Customer shall comply with any facility connection requirements or operation procedures specified by the City.

**RESPONSIBILITY FOR METERING OF CUSTOMER GENERATION OUTPUT**

City will install, or cause to be installed, and own the metering and associated metering equipment, communication equipment, and/or telemetry equipment required for measuring the kW output of the Customer Generation. Customer will pay an up-front fee to cover the costs related to the purchase, installation, ownership, operation, maintenance, or leasing of such equipment. The metering, communications, and telemetry equipment shall meet functional specifications required by City. Customer will provide City a schematic for all existing facilities connected to the Customer Generation and of the Customer Generation itself. City will cooperate with Customer to revise the schematic for the planned initial connection of the metering, communications, and telemetry equipment and for all modifications planned subsequently.

Customer shall provide City with access to the metering, communications, and telemetry equipment for the Customer generation as requested by City.

Where appropriate to obtain meter readings, Customer shall have the right to install, maintain, and use similar duplicative metering, communication, and telemetry as check meters.

Upon request of Customer, City shall provide Customer with copies of hourly data for the kW output levels of the Customer Generation and, upon reasonable prior notice of Customer, City shall provide

CITY OF STATESVILLE

RIDER CG-1

CUSTOMER GENERATION CREDIT RIDER – TYPE 1 GENERATORS

PAGE 4 of 5

Customer with copies of any other data, information or reports that City acquires from or produces by the metering equipment or the check metering equipment.

In the event the metering equipment is inoperative due to equipment failure, the performance of necessary maintenance, or otherwise, readings from check metering equipment, if available, shall be used, provided such check metering is functioning properly. In the absence of meter data and data from station operating logs, City shall estimate the required data in the manner it deems reasonable.

City and Customer shall coordinate the maintenance of metering, communication, and telemetry equipment and shall endeavor to minimize adverse effects of such maintenance on the operation of Customer Generation and on the accounting for output of Customer Generation.

**ADOPTED**

The rider was established by City of Statesville Resolution Number 13-05, which was adopted on June 20, 2005. The rider was amended by Ordinance Number ~~21-19 on August 05, 2019~~ XX-XX and is effective on applicable bills rendered on or after ~~September 1, 2019~~ July 1, 2020.



CITY OF STATESVILLE

RIDER CG-1

CUSTOMER GENERATION CREDIT RIDER – TYPE 1 GENERATORS

PAGE 5 of 5

**EXHIBIT A**

DESCRIPTION OF CUSTOMER GENERATION

CUSTOMER NAME:

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FACILITY NAME

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FACILITY CONTACT PERSON:

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FACILITY LOCATION:

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TYPE OF GENERATOR:

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NUMBER OF UNITS

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GENERATOR(S) RATING (kW) GENERATOR

MANUFACTURER:

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GENERATOR VOLTAGE:

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INSTALLATION DATE:

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# CITY OF STATESVILLE

## RIDER CG-2

### CUSTOMER GENERATION CREDIT RIDER

PAGE 1 of 6

#### **GENERAL**

Customer Generation Credit Rider (Rider CG-2) is offered by the City of Statesville (City) to a qualifying non-residential customer (Customer) with on-site generation (Customer Generation) that can be called upon by the City to reduce Customer's peak demand during the On-Peak Period of certain Peak Management Days, defined below. Such operation will enable City to reduce its wholesale power costs from North Carolina Municipal Power Agency No. 1 (NCMPA1). This rider enables the City to share a portion of the wholesale power cost savings with Customer by applying a Monthly Customer Generation Credit to Customer's electric bill, under the terms and conditions described below.

#### **AVAILABILITY**

Rider CG-2 is available only to a non-residential customer that meets all of the following criteria:

1. Customer is currently served under one of the following non-residential rate schedules with a monthly non-coincident peak billing demand: Schedules MG, LG, IM, CT, IT, and CI.
2. Customer has a monthly non-coincident peak demand of at least 150 kW during at least three months of a twelve month period; and
3. Customer has or will have on-site customer-owned generation of 150 kW or greater that will be available for operation when called upon by the City.

#### **APPLICATION FOR RIDER**

Customer must make an initial written application to City in order to begin receiving credits under Rider CG-2. In its application, Customer must supply the technical specifications of the Customer Generation as specified in Exhibit A, attached hereto. In determining whether to approve the application of Customer, City may consider the number of customers already being served under the rider, City's expected power cost savings under the NCMPA1 Wholesale Rate, changes in City loads, effects of other load management programs, and any other considerations deemed important by the City. City is under no obligation to approve applications for credits under Rider CG-2.

#### **TERM OF RIDER**

The initial term of Rider CG-2 shall begin June 20, 2005 and end May 31, 2006. Commencing June 1, 2006, and annually thereafter, Rider CG-2 shall automatically renew for one (1) year increments, provided, however, that either the Customer or the City may terminate Rider CG-2 effective on or after

CITY OF STATESVILLE

RIDER CG-2

CUSTOMER GENERATION CREDIT RIDER

PAGE 2 of 6

June 1, 2006, by giving written notice to the other party at least sixty (60) days prior to any such termination date.

**OPERATION OF CUSTOMER GENERATION**

During the term of this Rider, the City shall have the exclusive right to call upon the Customer to operate the Customer Generation under the terms and conditions of this Rider.

City will notify Customer to operate the Customer Generation on certain Peak Management Days, defined as non-holiday weekdays during the months of June through September.

Peak Management Days exclude the Independence Day (July 4<sup>th</sup>) and Labor Day holidays. In the event that Independence Day falls on a Saturday, the preceding Friday shall be deemed to be the Holiday. In the event that Independence Day falls on a Sunday, the following Monday shall be deemed to be the Holiday.

Upon notification by the City of a Peak Management Day, Customer will operate Customer Generation from 2:00 PM through 6:00 PM local time, defined as the On-Peak Period. Customer will operate Customer Generation at maximum available output, not to exceed the Generator Rating(s) set forth on Exhibit A attached hereto. The Customer shall not be required to operate the Customer Generation more than 200 hours per year.

**NOTIFICATION PROCESS**

Notification by the City to operate Customer Generation on a Peak Management Day will be provided to the Customer by direct telephone communications or automatic signal, as mutually agreed. The City will use diligent efforts to provide advance notice to the Customer of Peak Management Days.

However, the City does not guarantee that advance notice will be provided. The Customer will indemnify and hold the City harmless against any and all claims that may be asserted against the City by third parties that arise from or are in any manner related to the Customer's response to a notification provided by the City hereunder.

**COSTS OF CUSTOMER GENERATION**

The Customer shall be responsible for all costs associated with owning, operating, maintaining, making capital additions to, and removing from service the Customer Generation, including, but not limited to, all costs of materials, fuel, fuel storage, manpower, spare parts, and equipment for the Customer Generation.

CITY OF STATESVILLE

RIDER CG-2

CUSTOMER GENERATION CREDIT RIDER

PAGE 3 of 6

**DETERMINATION OF PEAK DAY CUSTOMER GENERATION OUTPUT**

Each month, City will identify the one Peak Management Day on which NCMPA1 experienced the highest average load during the On-Peak Period (i.e., the basis for demand charges to the City under the NCMPA1 Wholesale Rate). The Peak Day Customer Generation Output shall be the average of the integrated clock hour kW outputs of the Customer Generation metered during the hours of the OnPeak period for the identified Peak Management Day. Peak Day Customer Generation Output shall be net of output used by auxiliaries of Customer Generation. Peak Day Customer Generation Output will be determined only for the months of June through September.

**DETERMINATION OF CUSTOMER ON-PEAK DEMAND**

Each month, City will also determine the Customer On-Peak Demand. The Customer On-Peak Demand shall be the average of the integrated clock hour kW demands measured during the hours of the On-Peak Period for the identified Peak Management Day described above. Customer On-Peak Demand will be determined only for the months of June through September.

**DETERMINATION OF MONTHLY CUSTOMER GENERATION CREDIT**

The Monthly Customer Generation Credit shall be computed and applied to the Customer's monthly electric bill for the months of June through September only. The Monthly Customer Generation Credit shall be computed as follows:

Monthly Customer Generation Credit (\$) = (a) \* (b). Where,  
(a) is the lesser of:  
    (i) Customer Generation Output (kW); or,  
    (ii) Customer On-Peak Demand (kW); and,  
(b) is the Customer Generation Credit Rate (\$/kW-month)

**MONTHLY CUSTOMER GENERATION CREDIT RATE**

June through September	\$11. <del>48</del> <u>36</u> /kW-month
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City may revise the Customer Generation Credit Rate that will be applicable for the one-year term beginning on June 1, 2006, and for any subsequent one-year terms to reflect changes in City's demand charges under the NCMPA1 Wholesale Rate.

CITY OF STATESVILLE

RIDER CG-2

CUSTOMER GENERATION CREDIT RIDER

PAGE 4 of 6

**PROTECTION OF SYSTEMS**

The Customer shall provide, install, maintain, and operate protective equipment, switching, voltage control, load shedding, and other facilities necessitated by the Customer Generation and take or refrain from taking action related to the Customer Generation as shall be required in order to meet the City's reasonable requirements to assure continuity and adequacy of service, stability of the interconnected facilities of City's distribution facilities, and safety procedures. Customer shall comply with any facility connection requirements or operation procedures specified by the City.

**RESPONSIBILITY FOR METERING OF CUSTOMER GENERATION OUTPUT**

City will install, or cause to be installed, and own the metering and associated metering equipment, communication equipment, and/or telemetry equipment required for measuring the kW output of the Customer Generation. Customer will pay an up-front fee to cover the costs related to the purchase, installation, ownership, operation, maintenance, or leasing of such equipment. The metering, communications, and telemetry equipment shall meet functional specifications required by City. Customer will provide City a schematic for all existing facilities connected to the Customer Generation and of the Customer Generation itself. City will cooperate with Customer to revise the schematic for the planned initial connection of the metering, communications, and telemetry equipment and for all modifications planned subsequently.

Customer shall provide City with access to the metering, communications, and telemetry equipment for the Customer generation as requested by City.

Where appropriate to obtain meter readings, Customer shall have the right to install, maintain, and use similar duplicative metering, communication, and telemetry as check meters.

Upon request of Customer, City shall provide Customer with copies of hourly data for the kW output levels of the Customer Generation and, upon reasonable prior notice of Customer, City shall provide Customer with copies of any other data, information or reports that City acquires from or produces by the metering equipment or the check metering equipment.

In the event the metering equipment is inoperative due to equipment failure, the performance of necessary maintenance, or otherwise, readings from check metering equipment, if available, shall be used, provided such check metering is functioning properly. In the absence of meter data and data from station operating logs, City shall estimate the required data in the manner it deems reasonable.

CITY OF STATESVILLE

RIDER CG-2

CUSTOMER GENERATION CREDIT RIDER

PAGE 5 of 6

City and Customer shall coordinate the maintenance of metering, communication, and telemetry equipment and shall endeavor to minimize adverse effects of such maintenance on the operation of Customer Generation and on the accounting for output of Customer Generation.

**ADOPTED**

The rider was established by City of Statesville Resolution Number 13-05, which was adopted on June 20, 2005. This rider was amended by ordinance No. ~~21-19 on August 05, 2019 XX-XX~~ and is effective on applicable bills rendered on or after ~~September 1, 2019~~ July 1, 2020.

CITY OF STATESVILLE

RIDER CG-2

CUSTOMER GENERATION CREDIT RIDER

PAGE 6 of 6

**EXHIBIT A**

DESCRIPTION OF CUSTOMER GENERATION

CUSTOMER NAME:

---

FACILITY NAME

---

FACILITY CONTACT PERSON:

---

FACILITY LOCATION:

---

TYPE OF GENERATOR:

---

NUMBER OF UNITS

---

GENERATOR(S) RATING (kW)

GENERATOR MANUFACTURER:

---

GENERATOR VOLTAGE:

---

INSTALLATION DATE:

---

**City of Statesville  
Renewable Energy Credit Rider  
Electric Rate Rider RECR-1**

**AVAILABILITY**

This optional rate rider is available to customers on any City of Statesville (“City”) rate schedule who operate solar photovoltaic, wind powered, or biomass-fueled generating systems, without battery storage, located and utilized at the customer’s primary residence or business. To qualify for this rate rider, the customer must have complied with the City’s Interconnection Standards and have an approved Interconnection Request Form. As part of the Interconnection Request Form approval process, the City retains the right to limit the number and size of renewable energy generating systems installed on the City’s System. The generating system that is in parallel operation with service from the City and located on the customer’s premises must be manufactured, installed, and operated in accordance with all governmental and industry standards, in accordance with all requirements of the local code official, and fully conform with the City’s applicable renewable energy interconnection interface criteria. Qualified customers must be generating energy for purposes of a “buy-all/sell-all” arrangement to receive credits under this rate rider. That is, the City agrees to buy all and the customer agrees to sell all of the energy output and associated energy from the renewable energy resource. Customers with qualified systems may also apply for NC GreenPower credits or North Carolina Municipal Power Agency 1 (“NCMPA1”) Renewable Energy Certificate (“REC”) credits.

Notwithstanding the above, all qualifying facilities have the option to sell energy to the City on an “as available” basis and receive energy credits based on the Variable Rates identified in this Rider for the delivered energy.

**MONTHLY CREDIT**

Monthly credits are paid according to the type of renewable generation.

Wind and Biomass Energy Credit Avoided Cost Credit Rate (\$ Per kWh):

**Variable**

	\$0.028 <del>0</del>
On-peak energy*	<u>7</u>
	\$0. <del>0103</del>
Off-peak energy	<u>0105</u>



Solar Photovoltaic Energy Credit (\$ Per kWh):-

	<u>Variable</u>
All energy*	\$0.0304

\*These credits include a capacity component.

MONTHLY ENERGY

Monthly Energy shall be the total kWh of energy produced by the generating facility during the current calendar month. All energy produced by the Customer's renewable energy generating system must be delivered to the City, since the City does not offer net metering at this time.

ON-PEAK ENERGY

On-Peak Energy shall be the metered energy during the On-Peak Energy Period of the current calendar month, whereby the On-Peak Energy Period is defined as non-holiday weekdays from 7:00 AM to 11:00 PM EPT.

OFF-PEAK ENERGY

Off-Peak Energy shall be the Monthly Energy less the amount of energy billed as On-Peak Energy.

CONTRACT PERIOD

Prior to receiving service under this Rider, the City and the customer shall have entered either an Interconnection Agreement or executed a Certificate of Completion (inverter-based generators less than 10 kW) and a Power Purchase Agreement which covers the special terms and conditions for the customer's requirements related to the interconnection of the customer's renewable energy generating system.

Each of these agreements shall have a minimum term of one (1) year. Either party may terminate the agreements after one year by giving at least thirty (30) days previous notice of such termination in writing.

GENERAL

Service under this Rider is subject to the provisions of the Service Regulations of the City contained in the City Service Policy Manual.

SPECIAL CONDITIONS

The customer's service shall be metered with two meters, one of which measures all energy provided by the City and used by the customer, and the other measures the amount of energy generated by the customer's renewable energy generator which is provided to the City.

In the event that the City determines that it is necessary to install any additional equipment to protect the safety and adequacy of electric service provided to other customers, the customer shall pay for the cost of such equipment in accordance with the terms of its Power Purchase Agreement.

This rider was amended by Ordinance No. ~~30-18 on August 6, 2018. XX-XX~~ and is effective for bills rendered after ~~September 1, 2018~~ July 1, 2020.

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# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** May 06, 2020

---

**ACTION NEEDED ON:** June 01, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving 2<sup>nd</sup> reading of rezoning request ZC20-03 filed by Calvary Baptist Church for the property located at 504 Whites Mill Road; Tax Map 4743-27-0142 from HI (Heavy Industrial) to R-15 (Urban Fringe Low-Density Residential) District.**

---

- 1. Summary of Information:** Calvary Baptist Church is requesting to rezone the property located at 504 Whites Mill Road from HI (Heavy Industrial) District to the R-15 (Urban Fringe Low-Density Residential) District. The purpose of this rezoning request is to allow the existing church to expand.

The site is approximately 9.369 acres in size and currently has a church and fellowship hall located on it (see GIS map and photo). The property is zoned HI and churches are not allowed in the HI District making the use non-conforming. Therefore, additions to a non-conforming use would not be permitted. The request to rezone to the R-15 District will bring the church use into compliance with the Unified Development Ordinance and the surrounding zoning districts. The site is in the City's Extra-territorial Jurisdiction and has city water (at outside rates) and city electric. Sewer is in the area but not utilized by the church at this time. The 2005 Land Use Plan calls for this property to be Mixed Use. Any additions/expansions to the church will require review and approval by the Technical Review Committee (TRC).

The surrounding zoning districts and land uses are as follows:

**NORTH & EAST OF THE SITE:** R-15M (Urban Fringe Low Density Residential/Manufactured Housing) District, Single-Family Homes and Pinehurst Forest Subdivision

**SOUTH OF THE SITE:** HI (Heavy Industrial) District, Undeveloped

**WEST OF THE SITE:** H-115 (Highway 115/Shelton Avenue Corridor) District, Single-Family Homes & Godfrey Lumber Company

- 2. Previous Council/Relevant Actions:** N/A
- 3. Budget/Funding Implications:** No budget implications due to the church being located in the ETJ. The church already has city water and city electric. Garbage service would have to be contracted out. If future expansion requires sewer, the church could petition to annex.
- 4. Consequences for Not Acting:** The church would not be allowed to expand under the existing HI district.
- 5. Department Recommendation:** The 2005 Land Development Plan projects the property to be Mixed-Use. Though existing low-density residential does not fit in the Mixed-Use designation, churches, schools, parks etc. are allowed uses in residential districts and are allowed in the mixed-use designation. Therefore, the

Planning Board and staff recommendation is **favorable** to rezone the property to R-15 because it is an existing church, and churches are allowed in residential districts, it is compatible with the uses and zoning of the surrounding area and it will allow a non-conforming use to come into compliance and expand.

**6. Manager Comments:** Recommend for approval.

**7. Next Steps:** If approved, the second reading of this request will be heard on June 1, 2020. If the second reading is approved, the property will be officially zoned R-15. The applicant can then submit expansion plans that will be reviewed by TRC.

**8. Attachments:**

1. GIS Map & Photo
2. Zoning Map
3. Council Consistency Statement
4. Planning Board Consistency Statement
5. Rezoning Ordinance
6. Certification of Mailed Notices









Calvary Baptist Church  
504 Whites Mill Road



**Current Zoning**

**R-15M**

**HI**

**H-115**

**FOREST HOLLOW DR**

**WALLACE RD**

**AMITY HILL RD**

**WHITES MILL RD**

1521, 1539, 1545, 105, 200, 211, 219, 225, 301, 305, 309, 313, 317, 321, 329, 333, 339, 345, 349, 353, 357, 361, 363, 369, 372, 376, 368, 364, 356, 360, 348, 344, 338, 334, 320, 328, 340, 352, 366, 525, 513, 510, 504, 529, 637, 647, 110, 313, 321, 335, 305, 223, 227, 217, 215, 207, 203, 117, 204, 216, 220, 222, 1615, 1623, 1631, 1630, 1634, 1618, 1715, 1841, 1908, 1840, 1921, 2005, 2039, 2028, 103, 100, 104

26 of 140

II

**H-115**

63' 6"

WHITES MILL RD.

AMITY HILL RD 26 of 140



To: Statesville City Council  
From: Sherry Ashley, Planning Director  
Date: May 18, 2020  
Subject: Rezoning  
Case: ZC20-03, Calvary Baptist Church  
Address: 504 Whites Mill Road

- ☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan** and 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 considered in amending the zoning ordinance to meet the development needs of the community are as follows: Though low-density residential does not fit in the Mixed-Use designation, churches, schools, parks etc. are allowed uses in residential districts. The rezoning request is compatible with the uses and zoning of the surrounding area and it will allow a non-conforming use to come into compliance.
- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date: Sherry Ashley, Planning Director





To: Statesville Planning Board  
From: Sherry Ashley, Planning Director  
Date: April 28, 2020  
Subject: Rezoning  
Case: ZC20-03, Calvary Baptist Church  
Address: 504 Whites Mill Road

- ☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan** and 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 considered in amending the zoning ordinance to meet the development needs of the community are as follows: Though low-density residential does not fit in the Mixed-Use designation, churches, schools, parks etc. are allowed uses in residential districts. The rezoning request is compatible with the uses and zoning of the surrounding area and it will allow a non-conforming use to come into compliance.

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

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

\_\_\_\_\_  
Date: Mark Tart, Planning Board Chairman

\_\_\_\_\_  
Date: Sherry Ashley, Planning Director



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

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER  
DESCRIBED PROPERTY FROM HI (HEAVY INDUSTRIAL) DISTRICT TO R-15 (URBAN  
FRINGE LOW DENSITY RESIDENTIAL) DISTRICT

ZC20-03 Calvary Baptist Church  
504 Whites Mill Road  
PIN 4734-27-0142

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 virtual public hearing to be held on May 18, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described property from HI to R-15; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on May 8, 2020 & May 15, 2020, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said virtual 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:

**LEGAL DESCRIPTION**

Beginning at a PKS near the center of the right of way for Whites Mill Road (SR 2341) and in the northern corner of John A. Ballard (10E790), thence with the Ballard eastern line S 34-30-00 W 317.40 feet to an existing axel in the northern line of Treetown Development Co., LLP (DB 1016/191) (having passed through an existing axle at 18.07 feet), thence with the northern line of Treetown S 80-27-52 W 416.14 feet to an EIR, thence N 06-17-59 W 98.41 feet to an EIP corner of Godfrey Lumber Company (DB 967-903) (having passed through an IRS at 54.77 feet), thence with the southeastern line of Godfrey Lumber Company N 83-11-51 E 149.71 feet to an EIR, thence, with the northeastern line of Godfrey Lumber Company N 25-07-11 W 180.84 feet to an EIR, thence continuing with the northeastern line of Godfrey Lumber Company, N 24-56-43 W 489.61 feet to an existing iron pin at the corner of Nathan L. Sharpe and wife, Denise L. Sharpe (now or formerly, see Deed book 669, Page 753); thence with the eastern lines of Sharpe, Gilbert M. Roth

(91E194) and American General Finance (Deed book 1926, Page 1033) N 25-19-24 W 182.37 feet (Now or formerly, see Deed Book 657, Page 178) thence with the southern line of Hartline N 54-40-36 E 223.00 feet to a P.K. Nail set near the center of the right-of-way for Whites Mill Road (having passed through an EAI at 196.99 feet located in the western margin of the right-of-way for White Mill Road), thence within the right-of-way for Whites Mill Road the following courses and distances 1.) S 48-26-19 E 399.10 feet to an EPK., thence 2.) S 46-28-23 E 74.46 feet to a PKS, thence 3.) S 46-28-23 E 97.03 feet to an EIR, thence 4.) S 34-30-00 E 265.63 feet to a PKS, thence 5.) S 34-30-00 E 30.23 feet to a PKS thence 6.) S 34-30-00 E 72.54 feet to the point and place of the beginning containing 9.369 acres more or less, in accordance with that survey dated 12/21/2011 be Steven D. Pope, PLS.

504 Whites Mill Road, Statesville, NC

This ordinance was introduced for first reading by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and unanimously carried on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF STATESVILLE

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

APPROVED AS TO FORM:

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

ATTEST:

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



To City Council:

Subject: Certification Letter

Dear Council,

The purpose of this letter is to certify that the adjacent property owners of PIN 4743-27-0142 located on Whites Mill Road were mailed a notice notifying them of rezoning case ZC20-03 on April 14, 2020.

Thank you,

A handwritten signature in black ink that reads "Sherry Ashley". The signature is written in a cursive style with a large, sweeping "S" at the beginning.

Sherry Ashley, AICP

Planning Director

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Christopher Tucker, Finance Director  
**DATE:** May 18, 2020

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**ACTION NEEDED ON:** June 1, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Receive the Statesville Convention and Visitors Bureau's Quarterly Financial Report for the quarter ended March 31, 2020.**

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1. **Summary of Information:** Please find for your information the 2020.Q3 Financials for the Statesville Convention and Visitors Bureau (SCVB). The SCVB's position is consistent with where it should be at this stage of the fiscal year. They currently have adequate fund balance to support their position.

As the ex-officio member to the SCVB Board, I can report that the Board has been both fiscally responsible and their decision to work with Spokeology to develop and execute their marketing strategy has been producing positive results.

2. **Previous Council or Relevant Actions:** Council concurred with the SCVB fy20 Budget on the Consent Agenda at its regularly scheduled July 15, 2019 meeting. This is the third quarterly update for the fiscal year.
3. **Budget/Funding Implications:** None
4. **Consequences for Not Acting:** None
5. **Department Recommendation:** Receive report as presented.
6. **Manager Comments:** Receive report as presented.
7. **Next Steps:** None
8. **Attachments:**
  1. SCVB: Income Statement
  2. Balance Sheet for 2020.Q3

**Statesville Convention and Visitors Bureau**  
**Statement of Revenues and Expenditures**

					Percent of Fiscal Year Completed:	
					66.67%	
	Original Budget	Amend- ments	Amended Budget	Ending Balance Jul 1 - Mar 31	Favorable Unfavorable	Percent Collected Expended
<b>Income</b>						
316.00 · Dist from Hotel/Motel Tax Fund	\$ 226,908	\$ -	\$ 226,908	\$ 159,501.71	(\$67,406.29)	70.29%
<b>Other revenues and sources:</b>						
361.00 · Investment income	1,500	-	1,500	1,215.53	(284.47)	81.04%
364.00 · Advertising/Marketing	3,000	-	3,000	-	(3,000.00)	0.00%
399.00 · Fund Balance Appropriated	50,000	-	50,000	-	(50,000.00)	0.00%
<b>Total Income</b>	<b>281,408</b>	<b>-</b>	<b>281,408</b>	<b>160,717.24</b>	<b>(120,690.76)</b>	<b>57.11%</b>
<b>Expense:</b>						
<b>Administration:</b>						
102.02 · Salary-Support Staff	6,300	-	6,300	4,654.85	1,645.15	73.89%
103.01 · Payroll Taxes	482	-	482	356.13	125.87	73.89%
103.05 · Unemployment Compensation	100	-	100	6.95	93.05	6.95%
103.08 · Banking Services	100	-	100	-	100.00	0.00%
104.00 · Annual Audit	2,650	-	2,650	2,650.00	0.00	100.00%
111.00 · Telephone - Local Service	1,500	-	1,500	546.63	953.37	36.44%
121.00 · Office Rent	1,900	-	1,900	1,312.00	588.00	69.05%
121.10 · Utility Service	550	-	550	328.43	221.57	59.71%
133.00 · Copies	100	-	100	-	100.00	0.00%
133.10 · Supplies and Equipment	7,458	-	7,458	1,598.22	5,859.78	21.43%
144.00 · Computer/Software	2,500	-	2,500	689.35	1,810.65	27.57%
154.00 · Property, Liab & Work Comp	3,000	-	3,000	947.00	2,053.00	31.57%
157.00 · Miscellaneous	3,746	-	3,746	633.46	3,112.54	16.91%
<b>Total Administration</b>	<b>30,386</b>	<b>-</b>	<b>30,386</b>	<b>13,723.02</b>	<b>16,662.98</b>	<b>45.16%</b>
<b>Promotion:</b>						
103.06 · Unemployment Compensation	124	-	124	-	124.00	0.00%
211.00 · Telephone - 800 number	-	-	-	-	0.00	N/A
211.10 · Website Maintenance	2,500	-	2,500	794.16	1,705.84	31.77%
214.00 · Travel and Training	2,500	-	2,500	-	2,500.00	0.00%
218.00 · Postage - Brochures & Inquiries	10,000	-	10,000	289.80	9,710.20	2.90%
233.00 · Promotional Supplies	-	-	-	-	0.00	N/A
233.05 · Billboard Marketing	65,000	-	65,000	39,681.00	25,319.00	61.05%
233.10 · Sales and Marketing	-	-	-	-	0.00	N/A
233.30 · Advertising/Marketing	125,000	-	125,000	51,757.51	73,242.49	41.41%
233.50 · Tourism Promotional Projects	15,000	-	15,000	6,669.24	8,330.76	44.46%
253.00 · Memberships	500	-	500	321.00	179.00	64.20%
253.10 · Subscriptions	50	-	50	-	50.00	0.00%
<b>Total Promotion</b>	<b>220,674</b>	<b>-</b>	<b>220,674</b>	<b>99,512.71</b>	<b>121,161.29</b>	<b>45.09%</b>
<b>Tourism Related:</b>						
302.02 · Visitor Center Staff	15,000	-	15,000	11,129.93	3,870.07	74.20%
303.01 · Visitor Center Payroll Taxes	1,148	-	1,148	830.87	317.13	72.38%
304.10 · NC Civil War Trails	200	-	200	200.00	0.00	100.00%
321.00 · Visitor Center Rent	10,000	-	10,000	7,434.70	2,565.30	74.35%
321.10 · Utility Service	3,000	-	3,000	1,861.12	1,138.88	62.04%
333.10 · Visitor Center Supplies	1,000	-	1,000	619.15	380.85	61.92%
<b>Total Tourism Related</b>	<b>30,348</b>	<b>-</b>	<b>30,348</b>	<b>22,075.77</b>	<b>8,272.23</b>	<b>72.74%</b>
<b>Fund Balance Reserves:</b>						
<b>Reserve Fund Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.00</b>	<b>0.00%</b>
<b>Total Fund Balance Reserves</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.00</b>	<b>-</b>
<b>Total Expense</b>	<b>281,408</b>	<b>-</b>	<b>281,408</b>	<b>135,311.50</b>	<b>146,096.50</b>	<b>48.08%</b>
<b>Revenue Over (Under) Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 25,405.74</b>	<b>\$25,405.74</b>	<b>N/A</b>

# Statesville Convention and Visitors Bureau

## STATEMENT OF FINANCIAL POSITION

As of March 31, 2020

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
First Citizens Bank	123,623.43
NC Capital Management Trust	98,218.85
Petty Cash	0.00
<b>Total Bank Accounts</b>	<b>\$221,842.28</b>
Accounts Receivable	
Accounts Receivable	0.00
<b>Total Accounts Receivable</b>	<b>\$0.00</b>
Other Current Assets	
Prepaid Expenses	0.00
Security Deposit-Building Rent	400.00
Undeposited Funds	0.00
<b>Total Other Current Assets</b>	<b>\$400.00</b>
<b>Total Current Assets</b>	<b>\$222,242.28</b>
<b>TOTAL ASSETS</b>	<b>\$222,242.28</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	0.00
<b>Total Accounts Payable</b>	<b>\$0.00</b>
Other Current Liabilities	
Accrued Accounts Payable	0.00
Accrued Salaries	0.00
Consignment Sales Payable	0.00
Payroll Liabilities	373.26
Federal Taxes (941/944)	0.00
NC Income Tax	0.00
NC Unemployment Tax	0.00
Payroll Adjustment	0.39
<b>Total Payroll Liabilities</b>	<b>373.65</b>
Sales Tax Payable	0.00
<b>Total Other Current Liabilities</b>	<b>\$373.65</b>
<b>Total Current Liabilities</b>	<b>\$373.65</b>
<b>Total Liabilities</b>	<b>\$373.65</b>

# Statesville Convention and Visitors Bureau

## STATEMENT OF FINANCIAL POSITION

As of March 31, 2020

	TOTAL
Equity	
Opening Bal Equity	0.00
Reserve for Civic Center	0.00
Reserved for Prepaids	0.00
Reserved for Promotion	0.00
Reserved Tourism	0.00
Retained Earnings	196,462.89
Unreserved	0.00
Net Revenue	25,405.74
<b>Total Equity</b>	<b>\$221,868.63</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$222,242.28</b>

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Nancy Davis, Public Affairs Director  
**DATE:** May 20, 2020

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**ACTION NEEDED ON:** June 01, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving 2<sup>nd</sup> reading of an amendment to a portion of the Special Events Ordinance (Chpt. 20, Article V, Sec. 20-148) to give more organizations the ability to sponsor events on city property that involve the distribution of alcohol, and streamline the special events permitting process. Changes made at the first reading are highlighted yellow in the ordinance.**

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- 1. Summary of Information:** The current Special Events Permit ordinance was approved in 2007 and restricts the distribution of alcoholic beverages at special events to events that are sponsored by the *City, the Greater Statesville Chamber of Commerce, the Greater Statesville Development Corporation, the Downtown Statesville Development Corporation or the Statesville Convention and Visitor's Bureau*. (This ordinance applies only to events held on city owned properties, etc.)

As the interest in special events that include alcohol has grown, more and more organizations have turned to the *organizations listed above* to bear the responsibility and liability of alcohol distribution.

The *organizations listed above* have requested that the ordinance be amended so that other organizations can put on events with alcohol without requiring a co-sponsor. These groups met with City staff and the city attorney to develop the changes.

All organizations wanting to host an event where alcohol will be distributed on City property will have to receive approval from the N.C. ABC Commission before making application for a special event permit with the City. The City Manager and Police Department will review the applications to make sure all requirements are being met before allowing the event.

In addition, it is requested that the requirements for buying wrist bands from the City be eliminated. The ordinance still requires that IDs are checked and that persons 21 years and older display a visible designation. It is believed these measures will help streamline the process for organizations who wish to sponsor events.

The restriction of the percentage of vendors selling alcohol is being removed so as to not impact events such as beer or wine festivals.

There are no changes to the requirement that all event organizers hire off-duty Statesville police officers as security guards, assume full personal responsibility in the written application for the reasonable operation of the event, and agreement to indemnify the City from any reasonably foreseeable damage to the City.

The N.C. ABC Commission must give its approval and the City maintains the final approval of a special events permit.



2. **Previous Council or Relevant Actions:** Public hearing was held and first reading of the ordinance approved at the May 04, 2020 Council meeting.
3. **Budget/Funding Implications:** None
4. **Consequences for Not Acting:** The organizations listed above have indicated they can no longer take responsibility for events other than their special events and believe that by expanding this ordinance to allow more organizations to have events with alcohol will encourage more festivals and events and community activities that will add to the quality of life.
5. **Department Recommendation:** Approval of Request
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Once approved, the staff will revise the special events permit applications to clarify the requirements and responsibilities of the sponsoring organization.
8. **Attachments:**
  1. Amended Ordinance

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

**AN ORDINANCE TO AMEND CHAPTER 20 - STREETS & SIDEWALKS, ARTICLE V - SPECIAL EVENTS, SECTION 20-144, COST RECOVERY FOR SPECIAL EVENTS AND SECTION 20-148, CONDITIONS FOR SALE OF ALCOHOLIC BEVERAGES.**

**WHEREAS**, the City has been requested to give more organizations the ability to sponsor events on City property that involves the distribution of alcohol, and streamline the Special Events Permitting process;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Statesville that Chapter 20, Section 20-144 and Section 20-148 be amended as follows:

**Article V. -- Special Events**

**Sec. 20-144. - Cost recovery for special events**

(a) For any special event requiring expenditure of public resources, the city shall charge for the actual cost of:

- (1) A reasonable fee for city personnel involved in permit processing, event traffic control, fire safety, EMS support, crowd control or any other event support; and
- (2) Other non-personnel expense ;
- (3) **The cost of off-duty Statesville Police Department officers as required pursuant to Sec. 20-148; and**
- (4) **The cost of any fee to process the application for the Special Event Permit established by the City's Fee Schedule in each duly adopted yearly City budget.**

Cost recovery for events jointly sponsored by the city shall be mutually agreed upon and established through contract.

(b) The city shall require the payment of fees pursuant to section 20-144 **no later than five (5) days after notice of the approval of the application and at all times prior to the special event,** ~~or a reasonable estimate thereof the completed application is approved,~~ unless the city, ~~for good cause extends time for payment~~ **on a showing of financial hardship.**

(c) If the event organizer fails to comply with section 20-144, the event organizer will be billed for actual city costs for cleanup and repair of the area or route occasioned by the event, **and for any fees charged by the off-duty Statesville Police Department Officers who are required pursuant to Sec. 20-148 .** If the event organized failed to comply with a previously issued special event permit, the event organizer shall deposit adequate surety in the form of **cash** or letter of credit drawn on a local bank **on request from the City Manager, or his or her designee.** (Ord. No. 53-07, §3, 9-17-07)

**Sec. 20-148. -- Conditions for sale of alcoholic beverages.**

(a) **It shall be illegal to distribute, sell, serve, or otherwise consume any alcoholic beverage on any property or rights-of-way or other area owned or in the possession of the City of Statesville unless the City specifically authorizes such by the issuance of a special event permit and such conduct is not otherwise prohibited by law. All special event permits shall be issued as**

~~set forth in this Section and shall be filed with the Statesville Police Department for the City. No alcoholic beverages can be consumed, sold or distributed at special events except those sponsored by the city, the Greater Statesville Chamber of Commerce, the Greater Statesville Development Corporation, the Downtown Statesville Development Corporation, or the Statesville Convention and Visitors Bureau.~~

(b) For purposes of this section only, a “special event” is an event defined in Sec. 20-126 above and sponsored by an organization that has been approved by the City Manager based upon the following: (1) length of time the organization has been in operation; (2) criminal record of any Event Organizer associated with the Organization; (3) any relevant public and safety factors of all other current and prior events held by the Organization; and (4) any failure to comply with the terms of a prior special event permit. The City Manager is authorized to require any applications and proofs as he or she may deem necessary to make a determination on the ability of an Event Organizer to sell or distribute alcoholic beverages as provided herein.

(c) Event organizers shall provide a sketch of the area where beverages will be sold and consumed. The sketch shall indicate the material to be used for enclosing the area and include

**Page**

ingress and egress. The event organizer ~~coordinator~~ shall further show the area where alcoholic beverages will be sold and consumed as part of the overall event sketch plan. ~~The Event Organizer is responsible for maintaining decorum and order and shall provide adequate security staff. The event organizer must also be responsible for checking the identification of patrons as they enter and exit the venue and must also provide patrons with a visible designation that a person is over twenty-one (21) years of age. In no case shall alcoholic sales venues exceed twenty (20) percent of all vendors at the event. In cases where five (5) or less venues are planned, no more than one (1) can be utilized for the sale and/or distribution of alcoholic beverages.~~

~~(c) The event organizer may choose one (1) of the following methods of checking identification for patrons of alcoholic sales venues.~~

~~(1) Security guards at individual venues shall check identification of patrons as they enter and exit the venue;~~

~~(2) Event organizer may purchase colored wrist bands from the city to be resold at identification stations. Said wrist bands shall permit holders into any venues selling and/or distributing alcoholic beverages. New colored wrist bands shall be used on succeeding days of multi-day events.~~

(d) No vendor of alcoholic beverages may serve more than two (2) drinks at a time to any patron. It is unlawful for a patron to pass on an alcoholic beverage to a person whose identification has not been checked or to patrons outside the area set aside for consumption of alcoholic beverages.

(e) All event organizers and individual vendors of alcoholic beverages shall be required to engage off-duty Statesville police officers to serve as security guards ~~and inspectors of identification.~~

(f) ~~The event organizer must assume full personal responsibility in the written application for the reasonable operation of the event and agrees to indemnify City from any reasonably~~

foreseeable damage to the City of third parties. The event organizer shall not allow any permanent alteration or encroachment on property owned or possessed by the City. The event organizer shall be responsible for repairing any incidental damage to the City property from the event. \$1,000,000 of Comprehensive General Liability Insurance Proof of Insurance is required to be submitted with the Special Events application

(g) A permit may be denied if it is found that the granting of the permit would not be in the public interest, or there is found to be a lack of harmony of the event as planned with the neighborhood at the time requested, or a permit may be revoked pursuant to Sec. 20-143.

This ordinance was introduced for first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the 4<sup>th</sup> day of May, 2020.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the 1<sup>st</sup> day of June, 2020, 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 18<sup>th</sup> day of May, 2020.

ATTEST:

CITY OF STATESVILLE

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

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

APPROVED AS TO FORM

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

# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** May 19, 2020

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**ACTION NEEDED ON:** June 1, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Continue the public hearing from the May 18, 2020 City Council meeting and consider approving Site Plan P20-03 (Quasi-Judicial) filed by Beretta Development for mini-warehouses located at 1739 Wilkesboro Highway, Tax Map 4735-35-1603.**

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- 1. Summary of Information:** The site is located at 1739 Wilkesboro Highway behind the Old Wilkes Shopping Center (see GIS Map). The property is currently 2.583 acres in size and is proposed to be developed with mini warehouses. The site is zoned B-4 (Highway Business) District. The site will be accessed from the existing driveway off Wilkesboro Highway that also serves the rear of the Old Wilkes Shopping Center (Food Lion).

New construction in the B-3, B-4 or B-5 zoning districts are required to get Planning Board and City Council approval. The site plan (see attached) indicates a total of 3 buildings (26,154 sq. ft.). The setback requirements have been met. New landscaping and existing vegetation are shown on the plan, however additional vegetation will need to be planted in accordance with the Unified Development Ordinance (UDO) if the existing vegetation is not enough or is removed i.e. street yard, north and west property boundaries. The site has 14 parking spaces which meets the requirement of the (UDO). Stormwater measures are required and shown as a combination of underground pipes and an above ground sand filter. Curb and gutter were not required by NCDOT on this section of Wilkesboro Highway however fee in lieu will be submitted to the City instead of installing the sidewalk. The exterior walls of the mini warehouses are required to be wood, masonry, stone or architectural metal however the Board of Adjustment granted a variance to allow utilitarian metal on the rear wall of building #1, three sides of building #2 except the eastern side and all walls of building #3 (see blue highlights on site plan). This was contingent upon increasing the buffer adjacent to Food Lion from 8 ft. to 10 ft. and planting an opaque screen halfway down building #2. The site plan indicates the buffer requirement. The elevations (see attached) indicate the brick walls and the utilitarian metal walls for each building. Photos are also attached for an example of style and color.

The TRC approved the site plan at its April 1, 2020 meeting contingent upon NCDOT approval, providing the city a copy of the cross-access agreement, and approval of stormwater plans. NCDOT has since approved the plan.

The Board of Adjustment granted the variance on March 17, 2020.

- 2. Previous Council or Relevant Actions:** Planning Board recommended unanimously to approve the site-plan contingent upon the landscaping being met for the street yard, north and west boundaries if existing vegetation is deficient or removed, providing the city a copy of the cross-access agreement and approval of

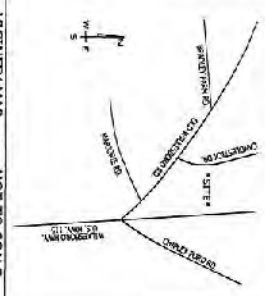
the stormwater plans. Otherwise the plans meet the requirements of the Unified Development Ordinance. There was no opposition at the Planning Board meeting.

3. **Budget/Funding Implications:** The tax value of the land is \$134,160. The estimated value of the completed development is approximately \$800,000. City water, sewer, and electric will service the site.
4. **Consequences for Not Acting:** Property may remain vacant.
5. **Department Recommendation:** Staff recommends approving the site plan contingent upon the landscaping being met for the street yard, north and west boundaries if existing vegetation is deficient or removed, providing the city a copy of the cross-access agreement and approval of the stormwater plans. Otherwise the plans meet the requirements of the Unified Development Ordinance.
6. **Manager Comments:** Recommend for approval with contingencies stated.
7. **Next Steps:** If approved, permits would be issued.
8. **Attachments:**
  1. GIS Map
  2. Site Plan
  3. Elevations
  4. Sample Materials









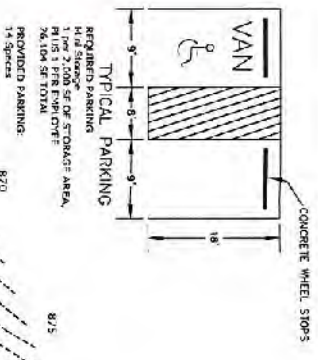
VICINITY MAP - NOT TO SCALE

Table 3-19: B-4 Lot Development Standards

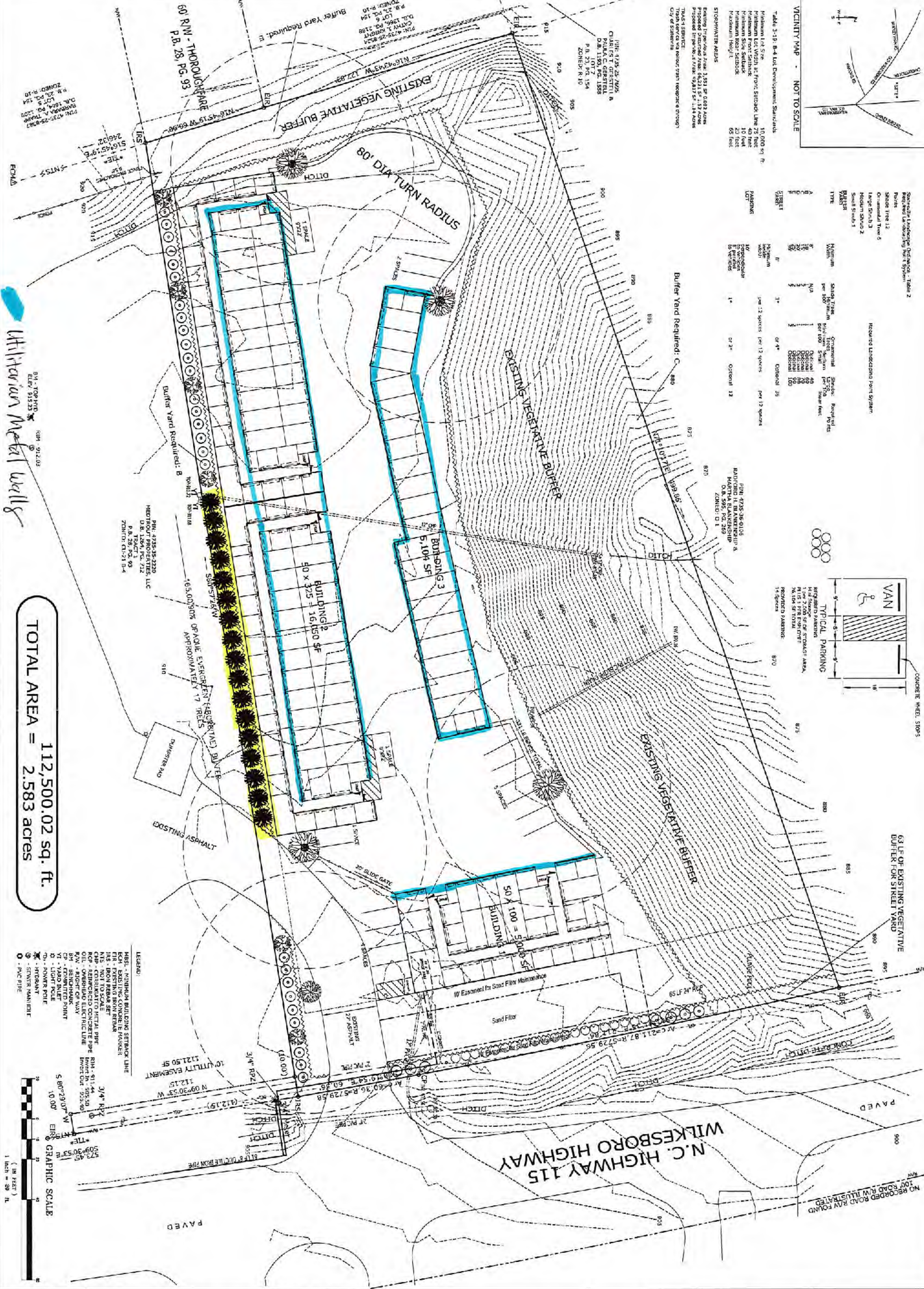
Minimum Lot Size	10,000 sq. ft.
Minimum Front Setback	25 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	10 feet
Maximum Height	35 feet

Table 3-20: Required Landscaping Plant System

Plant Type	Minimum	Maximum	Plant Species
Shrub	1	1	Shrub
Tree	1	1	Tree



63 LF OF EXISTING VEGETATIVE BUFFER FOR STREET YARD



TOTAL AREA = 112,500.02 sq. ft.  
2.583 acres

MAP REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	02/19/2020	TRC COMMENTS	JAC
2	02/24/2020	TRC COMMENTS	JAC
3	03/19/2020	BOA COMMENTS	GVG
4	03/19/2020	ST YD COMMENTS	GVG

JOB NAME: SITE & LANDSCAPING PLAN

**Beretta Development, Inc.**

LOCATION ADDRESS: Wilkesboro Hwy Statesville, NC

OWNER: Beretta Development, Inc.

DRAWN BY: SMS

SCALE: 1" = 20'

DATE OF FIELD SURVEY: 04-29-2015

DATE OF MAP: 02-03-2020

DEED REF: SHOWN

PIN NO: 4735-35-1603

1733 WILKESBORO HIGHWAY, STATESVILLE, NC 28625

STATESVILLE TOWNSHIP - JREDELL COUNTY - NORTH CAROLINA

**JORDAN GRANT**

ENGINEERING • SURVEYING • PLANNING

JORDAN GRANT & ASSOCIATES, PLLC

P.O. BOX 151 • STATESVILLE, NC 28687

matg@jordan-grant.com (704) 928-7919

FIRM # P-1227

04-08-20

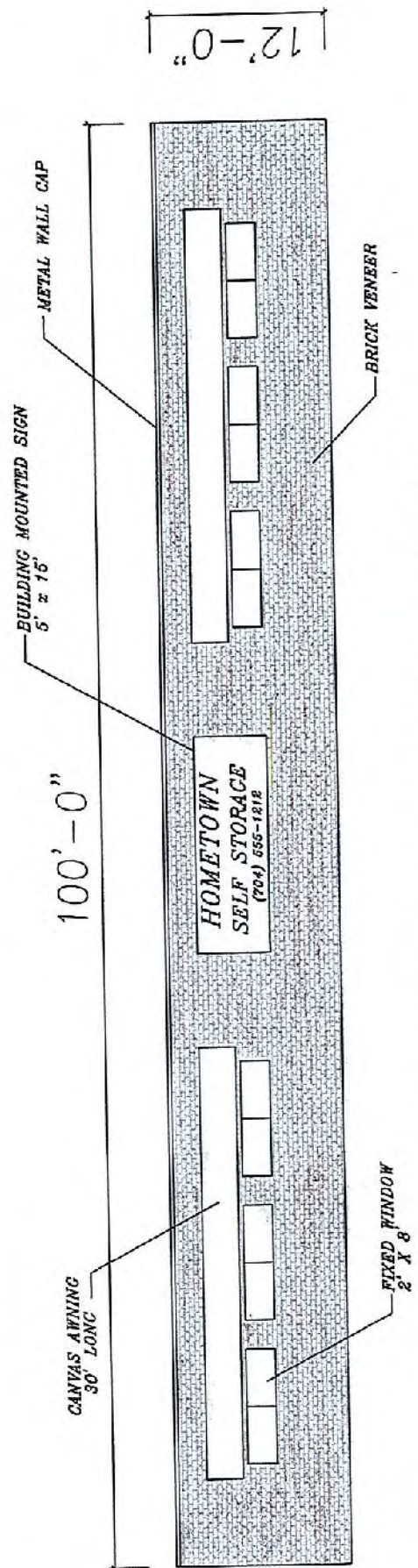
STATE OF NORTH CAROLINA

SEAL

STATE OF NORTH CAROLINA

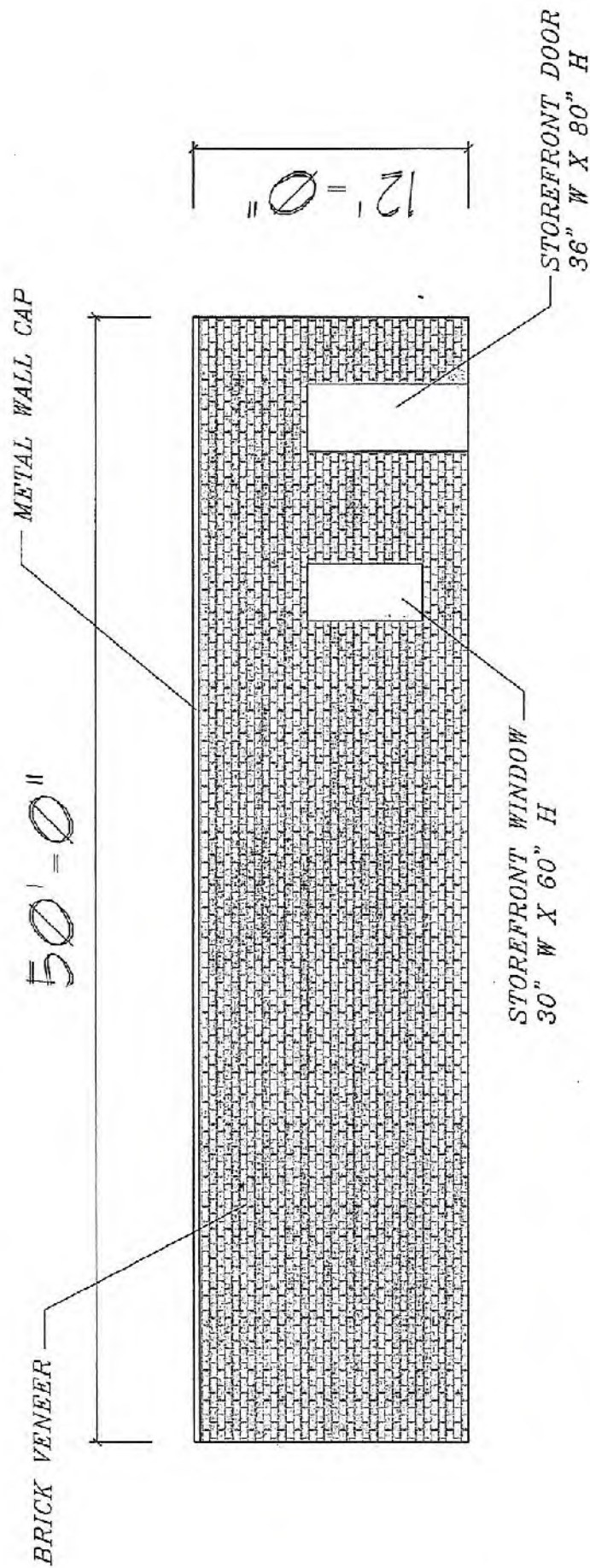
SEAL





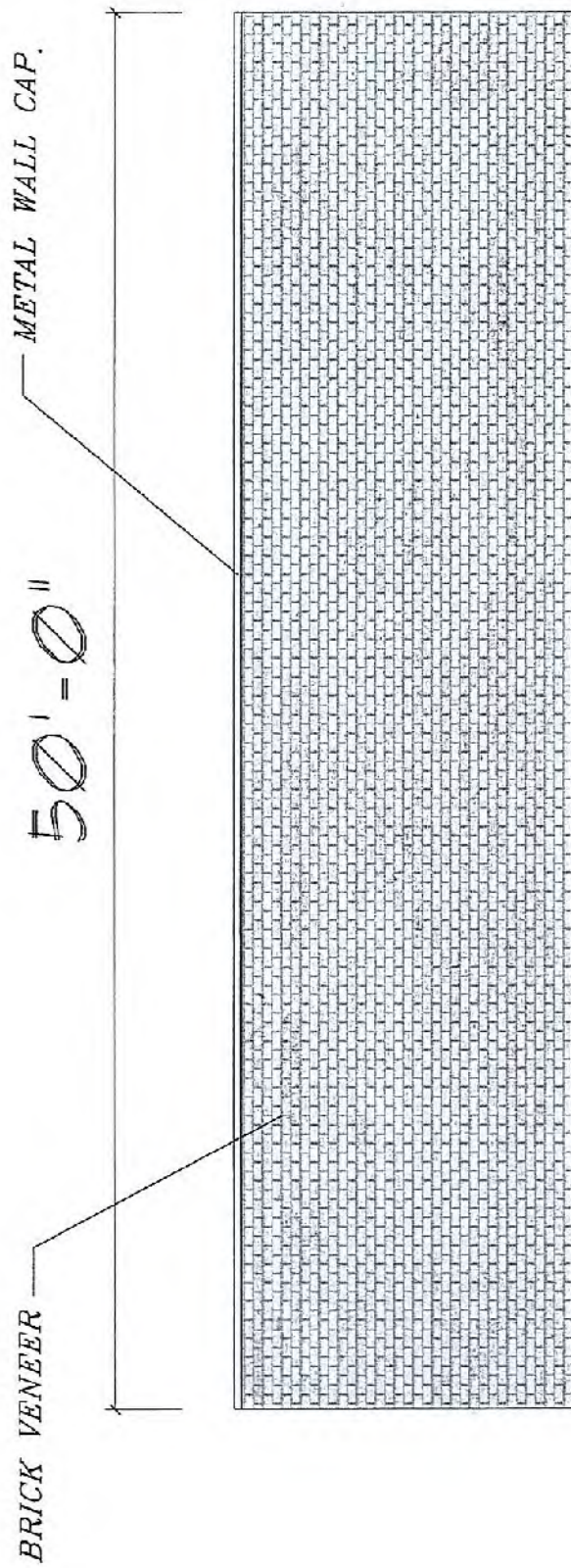
EAST SIDE WALL ELEVATION - BLDG 1

Front facing Wilkesboro Hwy.

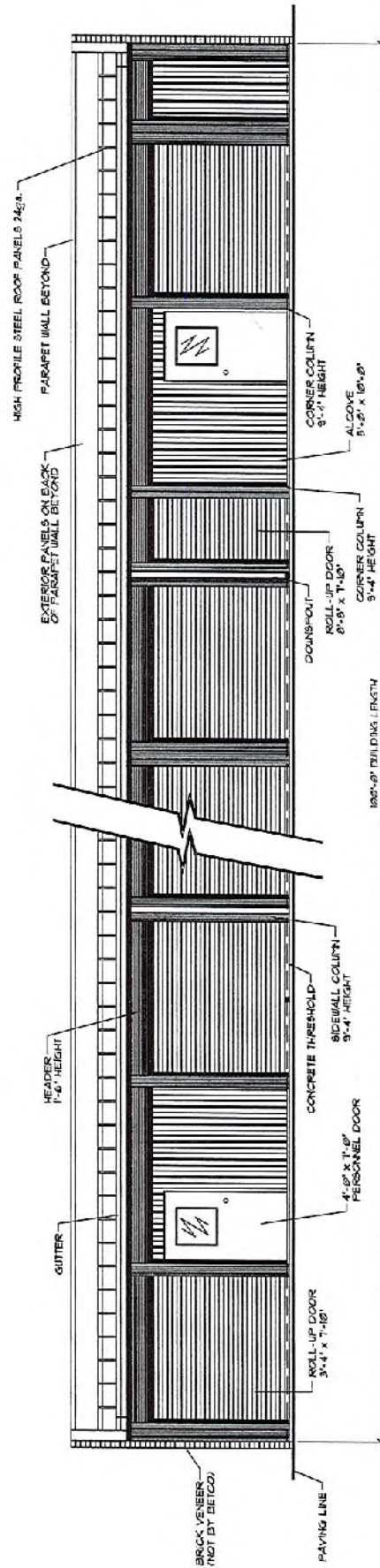


SOUTH END WALL ELEVATION - BLDG 1



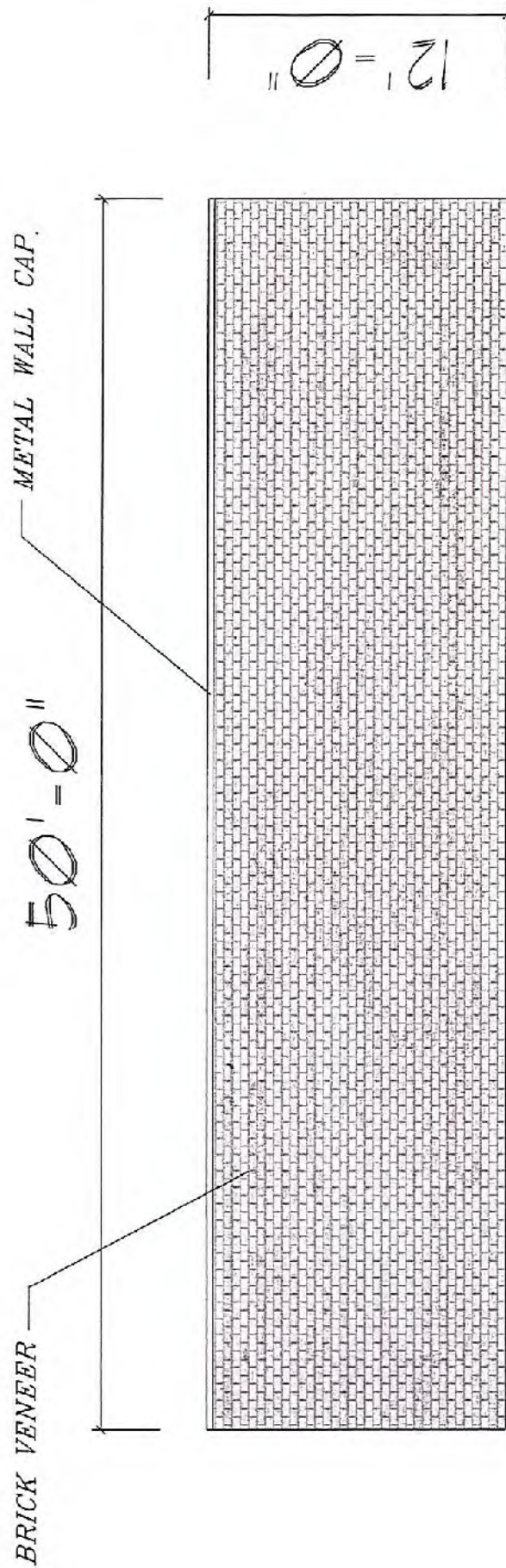


NORTH END WALL ELEVATION - BLDG 1  
& EAST END WALL ELEVATION - BLDG 2

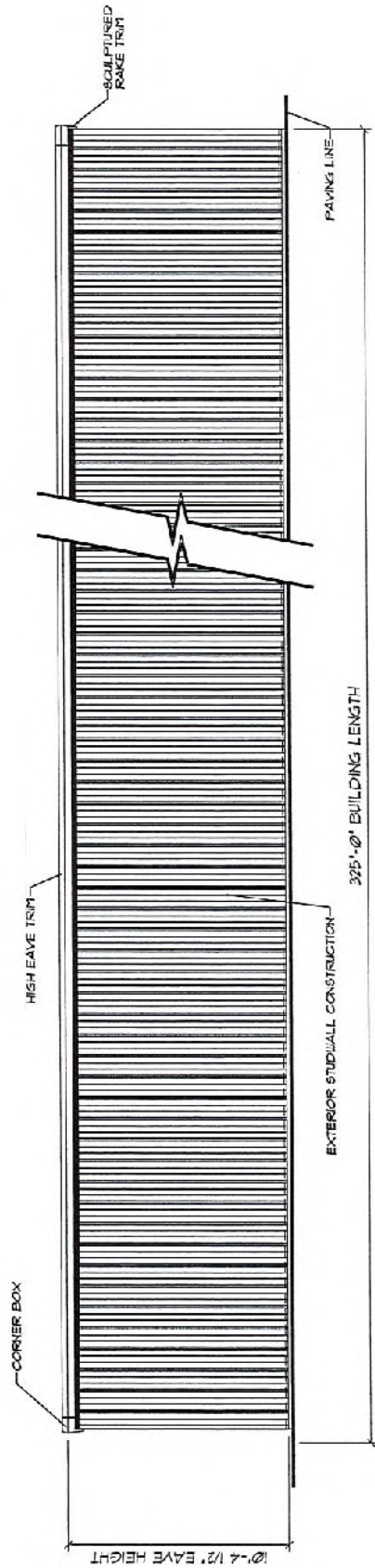


WEST SIDE WALL ELEVATION - BLDG 1

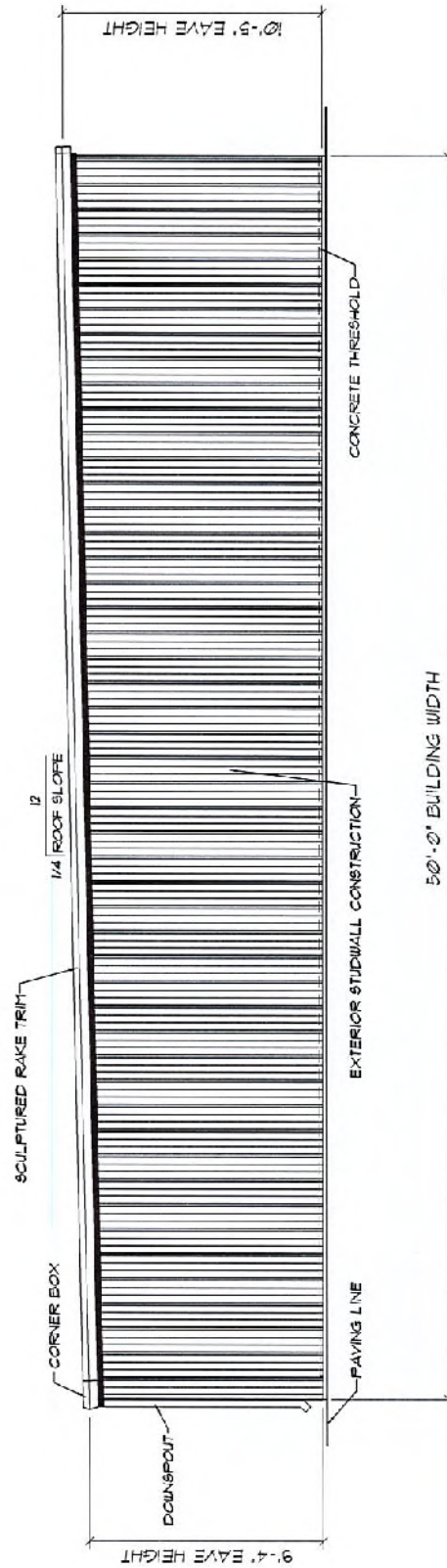




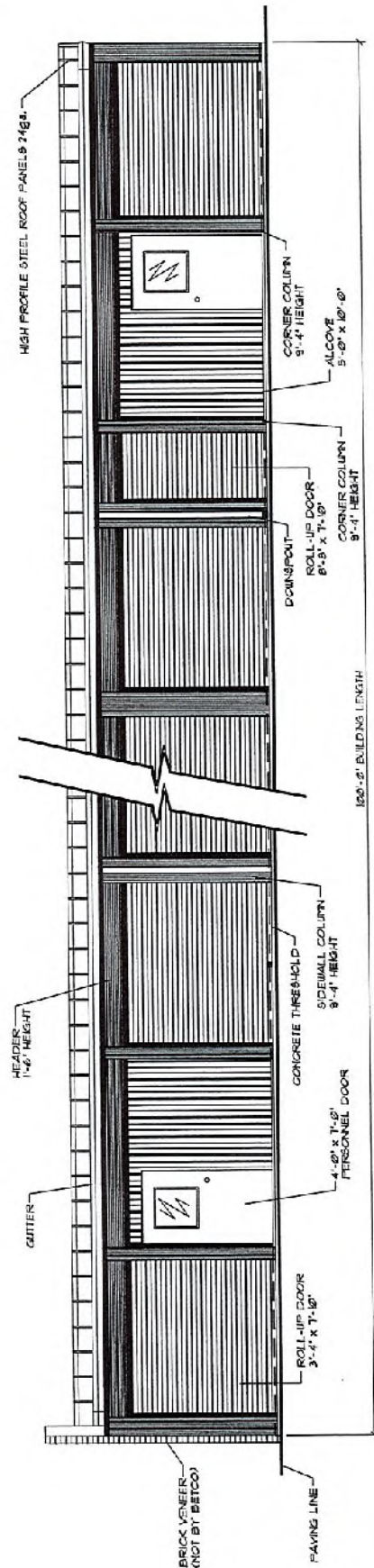
NORTH END WALL ELEVATION — BLDG 1  
& EAST END WALL ELEVATION — BLDG 2



## SOUTH SIDE WALL ELEVATION - BLDG 2

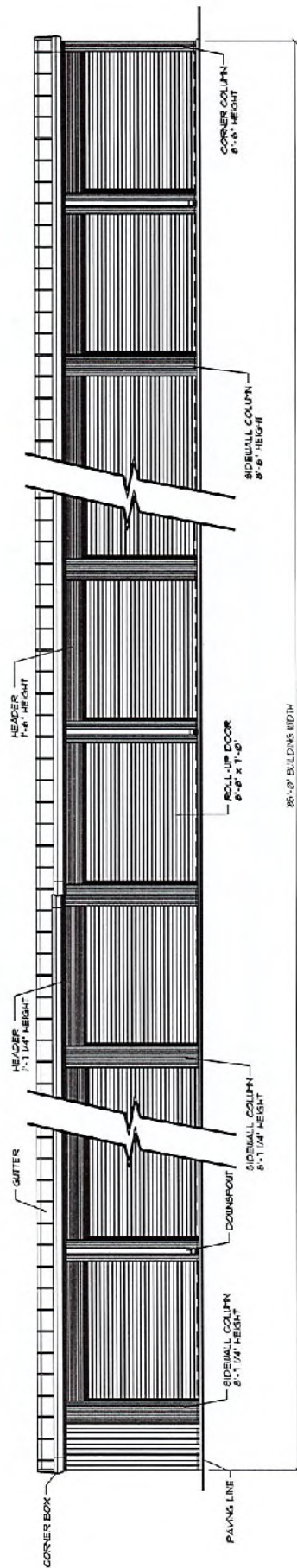


## *WEST END WALL ELEVATION – BLDG 2*

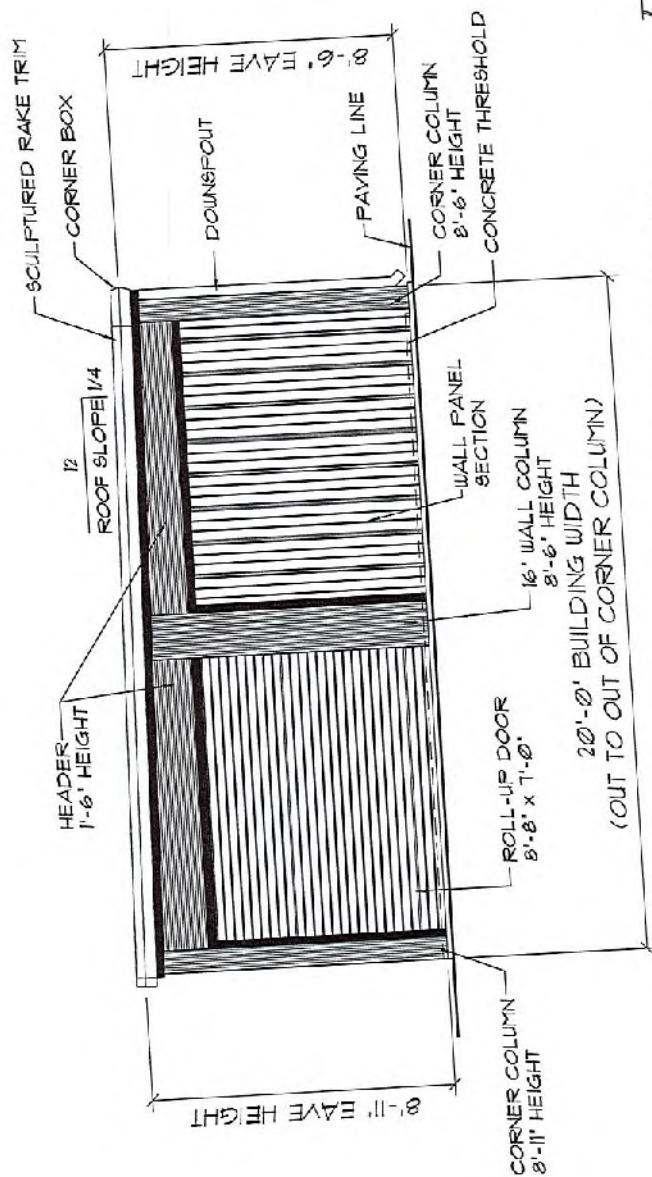


*NORTH SIDE WALL ELEVATION - BLDG 2*

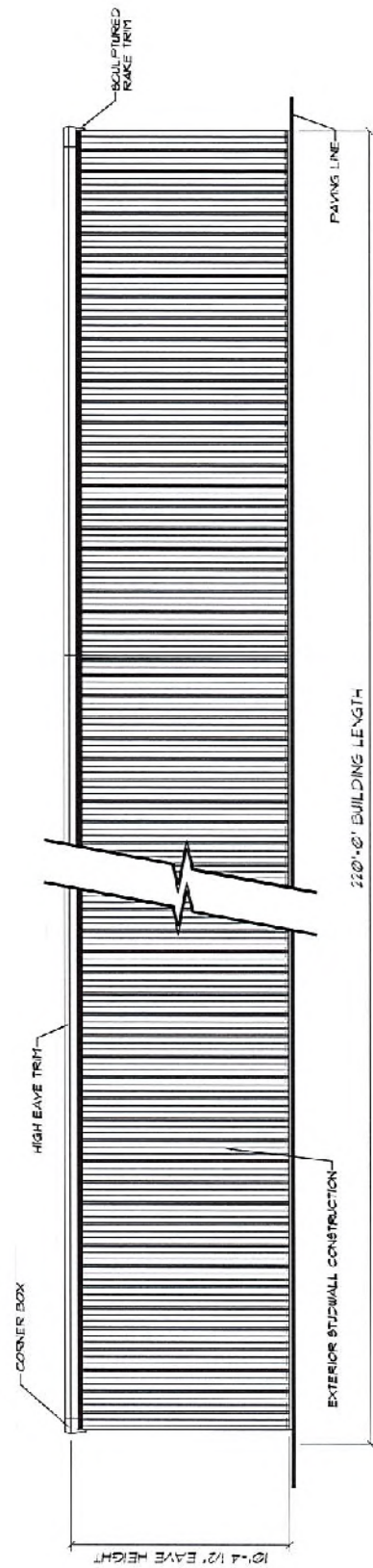




*SOUTH SIDE WALL ELEVATION - BLDG 3*



# WEST END WALL ELEVATION - BLDG 3



# *NORTH SIDE WALL ELEVATION - BLDG 3*











# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** March 03, 2020

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**ACTION NEEDED ON:** June 01, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Continue the public hearing from the March 16 and May 4, 2020 City Council meetings and consider approving the first reading of Annexation Request AX20-01 and ordinance to annex the properties located adjacent to 110 Vance PO Road, PINs 4765-32-5949 and 4675-33-7215.**

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- 1. Summary of Information:** The property being considered for annexation was submitted by Landon Greene LP, agent for property owners, and is adjacent to 110 Vance PO Road. The subject property is approximately 8.33 acres in size and encompasses Iredell County Parcel Identification Numbers (PINs) 4765-32-5949 & 4765-33-7215. The subject properties are contiguous to the primary corporate limits of the City of Statesville. The properties are located in Iredell County's Zoning Jurisdiction and zoned CB (Central Business) District and therefore will have to be rezoned. The applicant has submitted a rezoning application to zone the property to R-8MF CU (Medium Density Multi-Family Residential Conditional Use) District to allow for up to 60 units of independent senior housing. The public hearing for the annexation and rezoning will both be held on March 16, 2020.
- 2. Previous Council or Relevant Actions:** In February of 2017 an application was submitted to annex and rezone these two properties from IC-CB (Iredell County Community Business) to R-5MF (High Density Multi-Family Residential) District with the intention of using the site for an 80-unit workforce housing complex. The request was approved by the Planning Board on February 28, 2017. The case was then heard by Council and was tabled on March 20, 2017 before both the rezoning and annexation were withdrawn by the applicant. Then in 2018 a second application was submitted to rezone the property to B-2 (Neighborhood Business) District again with the intention of an 80-unit workforce house complex. The request was again approved by the Planning Board on January 23, 2018 but was withdrawn by the applicant prior to being heard by Council on February 5, 2018. Since the application was withdrawn prior to a decision by Council the applicant is permitted to submit another request for the same properties after 180 days have elapsed.
- 3. Budget/Funding Implications:** The tax value of this property is \$195,420. City sewer is available at the site. The property is in Energy United's electric service area and Iredell Water Corporations water service area.
- 4. Consequences for Not Acting:** Without annexation of the property Council cannot consider rezoning the properties as they are currently in Iredell County's Zoning Jurisdiction.
- 5. Department Recommendation:** The department recommends passing the first reading of the ordinance to annex the property adjacent to 110 Vance PO Road.
- 6. Manager Comments:** Concur with Department Recommendation.

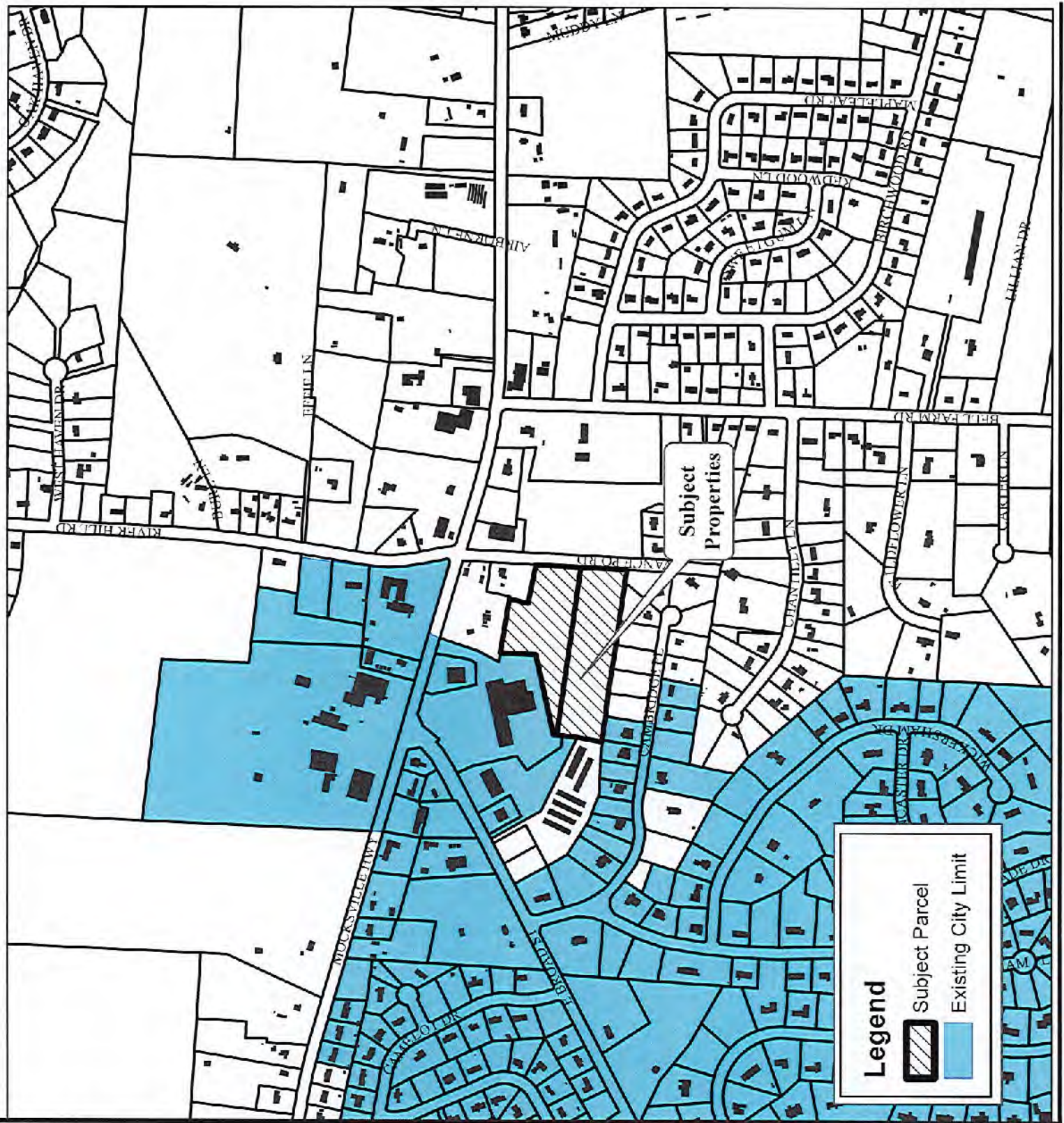
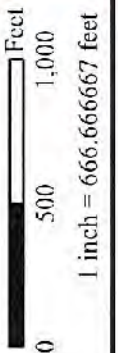
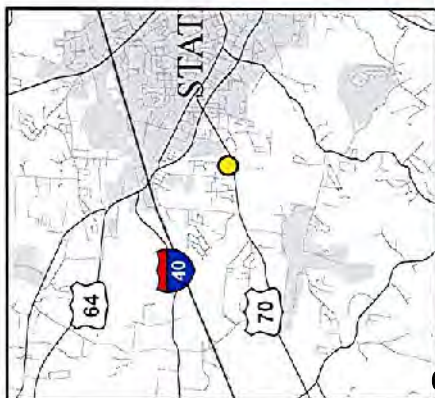
**7. Next Steps:** If approved the second reading will be June 15, 2020. The annexation will be effective on June 15, 2020.

**8. Attachments:**

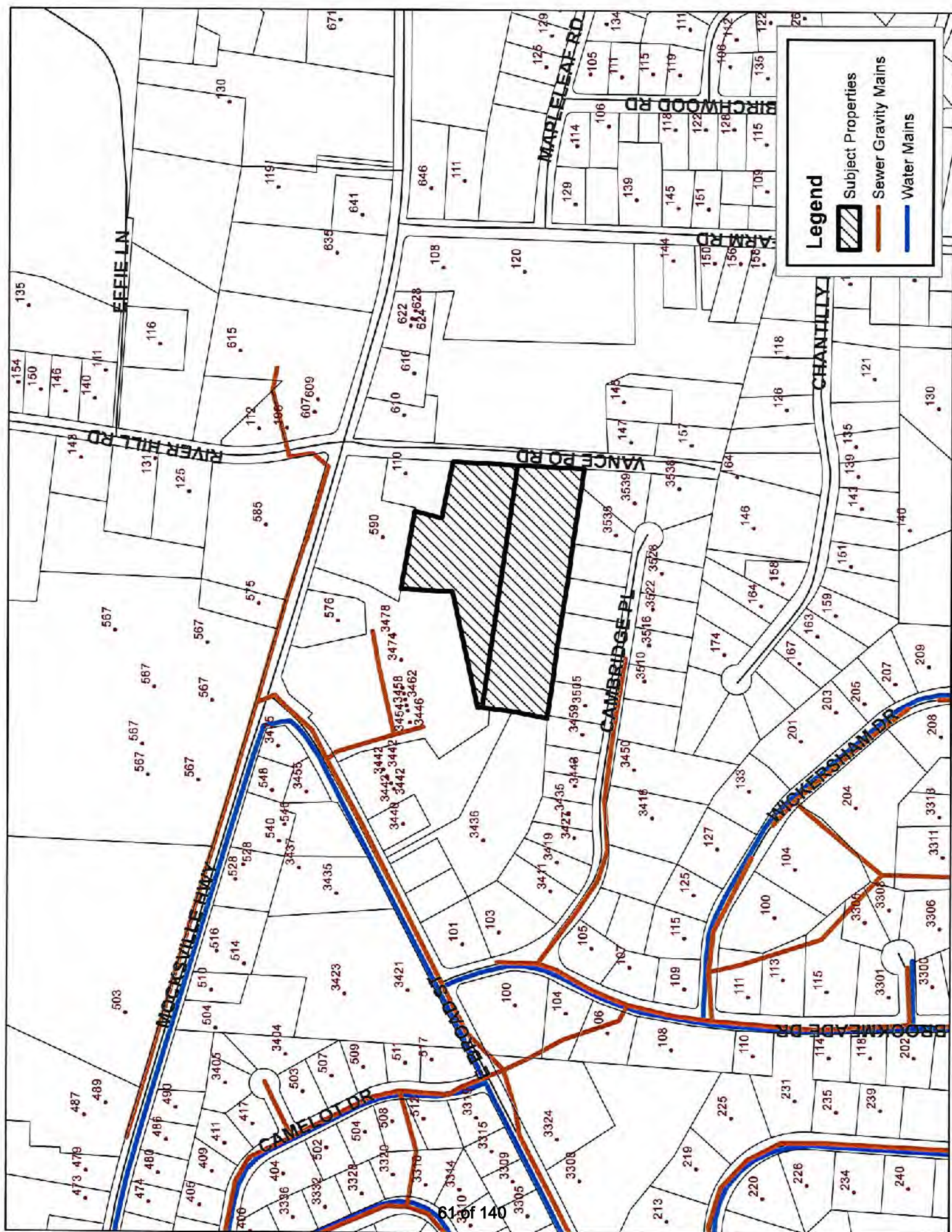
1. City Limit Location Map
2. Utility Location Map
3. Ordinance for Annexation

# City of Statesville Planning Department

Vance PO Road  
Properties







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

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

**(Moorefield & Cheek Properties)  
Vance PO Rd  
PINs 4765-32-5949 & 4765-33-7215**

WHEREAS, the Statesville City Council has petitioned under G.S. 160A-31, to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was opened at Statesville City Hall at 7:00 o'clock p.m. on the 16th day of March, 2020 after due notice by publication on the 6<sup>th</sup> day of March, 2020, was continued to the next regularly scheduled meeting on April 20, 2020, where it was continued until the May 4, 2020 Council meeting; and

WHEREAS, the Statesville City Council finds that the petition meets the requirements of G.S. 160A-31:

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

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

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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described noncontiguous territory is hereby annexed and made part of the City of Statesville, as of \_\_\_\_\_ at 11:59 p.m.

**Description – PINs 4765-32-5949 & 4765-33-7215**

All of that certain Lot or parcel of land situated in Iredell County, North Carolina and more particularly described as following:

**Owner: Bobby Check, Tax PIN# 4765-33-7215**

BEING ALL OF LOT NO. SEVEN (7) of the MINOR SUBDIVISION FOR LOWERY LAND COMPANY as the same is platted, planned and recorded at Plat Book 35, Page 69, Iredell County Registry and being the identical property conveyed from Lowery Land Company to Leslie C. Holshouser, Jr. and Wife Jacquelen G. Holhouser by General Warranty Deed dated May 10, 2000 and recorded at Deed Book 1199, Page 1196, Iredell County Registry, being more particularly described as follows:

Beginning in the centerline of Vance PO Road (S.R. 2317) the southeasterly corner of Lot 7, Plat Book 35, Page 69; thence N76°42'41"W a distance of 887.33' to the southwesterly corner of said Lot 7, the southerly line of Eastgate Commons Statesville, Deed Book 1279, Page 2238, Plat 39, Page 84; thence with said Eastgate Commons 3 calls: 1) N12°00'42"E a distance of 16.67'; 2) N82°38'05"E a distance of 407.87'; 3) N07°22'57"E a distance of 177.89' to the southerly line of Tommy H. Laws D.B. 943, Page 300 thence S75°13'21"E a distance of 276.68'; to the westerly line of Wesley B. Lambreth Deed Book 1763, Page 1156, thence with Lambreth's line 2 calls: 1) S17°42'45"W a distance of 94.06'; 2) S73°32'50"E a distance of 229.79' to the centerline of Vance PO Road; thence S06°46'04"W a distance of 225.29' to the point of beginning, containing 4.023 Acres

**Owner: John K. Moorefield, Tax PIN# 4765-32-5949**

BEING ALL OF LOT NO. SIX (6) of the MINOR SUBDIVISION FOR LOWERY LAND COMPANY as the same is platted, planned and recorded at Plat Book 35, Page 69, Iredell County Registry, being more particularly described as follows:

Beginning at the northeasterly corner of Lot 8, Plat Book 21, Page 57 and running with the northerly line of said Lot 8, Plat Book 21, Page 57; N76°44'59"W a distance of 99.49' to the northeasterly corner of Lot 9, Plat Book 35, Page 68; thence with said Plat Book 35, Page 68, 3 calls: 1) N76°41'17"W a distance of 198.22'; 2) N76°48'36"W a distance of 120.25'; 3) N76°33'22"W a distance of 119.71' to the northeasterly corner of Lot 12, Plat Book 65, Page 107, thence N76°46'02"W a distance of 120.34'; to the northeasterly corner of Lot 13, Plat Book 35, Page 68, thence N76°39'00"W a distance of 119.90' to the northeasterly corner of Lot 14, Plat Book 41, Page 107 thence N76°46'52"W a distance of 120.03' to the northwesterly corner of said Lot 14; thence N82°20'36"W a distance of 10.03' to the southeasterly corner of ML Cassar Properties, LLC, Deed Book 2408, Page 1285; thence with said Cassar's line N12°00'42"E a distance of 224.93' to the southwesterly corner of Bobby R. Cheek, Lot 7 of Plat Book 35, Page 69, thence with the southerly line of said Lot 7, S76°42'41"E a distance of 887.33' to the centerline of Vance PO Road (S.R. 2317) thence with said centerline of Vance PO road S06°46'04"W a distance of 225.28' which is the point of beginning, Containing 4.612 Acres

**Section 2.** Upon and after April 6, 2020 at 11:59 p.m., the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Statesville and shall be entitled to the same privileges and benefits as other parts of the City of Statesville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

The Ordinance was introduced by a first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the \_\_\_\_\_ day of \_\_\_\_\_, **2020**.

AYES:



NAYS:

The second and final reading of this ordinance was heard on the \_\_\_\_\_ day of \_\_\_\_\_, **2020** and upon motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried, was adopted.

AYES:

NAYS:

The Ordinance to be in full force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, **2020** at 11:59 p.m.

City of Statesville

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

ATTEST:

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

APPROVED AS TO FORM:

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



# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** March 03, 2020

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**ACTION NEEDED ON:** June 01, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

Continue the public hearing from the March 16 and May 4, 2020 City Council meetings and consider approving the first reading of Rezoning Request ZC20-01 for the properties located adjacent to 110 Vance PO Road; Tax Maps 4765-32-5949 & 4765-33-7215 IC-CB (Iredell County Community Business) to R-8MF (Medium-Density Multi-Family Residential Conditional Use) District.

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

### **Rezoning Request**

Landon Greene LP is requesting to rezone approximately 8.33 acres contained in parcels 4765-33-7215 & 4765-32-5949 adjacent to 110 Vance PO Road (see attached map) from Iredell County CB (Community Business) District to the R-8MF CU (Medium Density Multi-Family Residential Conditional Use) District for a 60 unit independent senior living facility. Conditional Use Zoning Districts are tied to the site plan submitted with the application and the applicant is proposing the following conditions:

- The proposed development shall consist of a single phase of development and shall be a senior housing development for residents aged 55 years and above in compliance with the Federal HOPA Act (Housing for Older Persons Act)
- The development will be restricted to a maximum of 60 units (a density of up to 7.3 units per acre)
- Petitioner will keep a 125' setback as shown from proposed development to existing single family properties to the south. Allowed improvements within the proposed 125' setback shall include: stormwater management and utilities, and active open space.
- Petitioner agrees to keep the existing wooded area to the north as a buffer.
- Petitioner will construct a public road from the end of paved road on Vance PO Road to the proposed driveway entrance as per appropriate standards. Road will include curb and gutter on the proposed side of the development.
- Petitioner shall install 5' sidewalk along Vance PO Road to Mocksville Highway. Petitioner will not be responsible for acquiring right of way or easements for the construction of the sidewalk.

### **Evaluation**

The property is currently in Iredell County's zoning jurisdiction. The intended use of the property is an independent senior housing development. If the property is developed as multi-family it will require sewer service from the City of Statesville, therefore the applicant has also submitted a voluntary annexation request for the property. The site is contiguous to Statesville's city limits. The properties being requested for rezoning are currently undeveloped. The land use plan calls for the properties to be low density

residential even though the property is zoned Iredell County Community Business. The site sits just south of the intersection of Vance PO Road and Mocksville Highway just east of the Mocksville Highway & Broad Street Intersection. The surrounding area consists of a medium size shopping center, smaller scale commercial sites and single-family homes. All multi-family site plans regardless of zoning district are required to be reviewed by TRC, Planning Board (courtesy hearing) and Council (public hearing). The current zoning designation of Iredell County CB is comparable to the City's B-4 (Highway Business) District and therefore the R-8MF District is a less intensive zoning district. All utilities are available at the site.

The surrounding zoning districts and land uses are as follows:

<b><u>NORTH OF THE SITE:</u></b>	IC-GB & R-20, EZ Barn Rentals, Oakdale Baptist Church, Sharpe's Lawn Care
<b><u>EAST OF THE SITE:</u></b>	IC-GB & IC R-20, Dollar General, Abilene Church of Christ
<b><u>SOUTH OF THE SITE:</u></b>	R-15 & IC R-20, Single-Family Homes (Brookmeade Subdivision), Undeveloped Land
<b><u>WEST OF THE SITE:</u></b>	B-4, Eastgate Commons Shopping Center, O'Reilly Auto Parts, East Broad Plaza

2. **Previous Council/Relevant Actions:** In February of 2017 an application was submitted to annex and rezone these two properties from IC-CB (Iredell County Community Business) to R-5MF (High Density Multi-Family Residential) District with the intention of using the site for an 80-unit workforce housing complex. The request was approved by the Planning Board on February 28, 2017. The case was then heard by Council and was tabled on March 20, 2017 before both the rezoning and annexation were withdrawn by the applicant. Then in 2018 a second application was submitted to rezone the property to B-2 (Neighborhood Business) District again with the intention of an 80-unit workforce house complex. The request was again approved by the Planning Board on January 23, 2018 but was withdrawn by the applicant prior to being heard by council on February 5, 2018. Since the application was withdrawn prior to a decision by Council the applicant is permitted to submit another request for the same properties after 180 days have elapsed.
3. **Budget/Funding Implications:** If approved the development will provide at least 60 new residential lots that will require City services except sanitation. These new residential lots will also increase the property tax base and population numbers that impact funding.
4. **Consequences for Not Acting:** Property may remain vacant and zoned IC-CB. Commercial uses permitted in IC-CB would be allowed.
5. **Department Recommendation:** The 2005 Land Development Plan projects the property to be low density residential even though the property is zoned Iredell County Community Business, however since the properties are outside of the City's jurisdiction the plan doesn't thoroughly address this area. The properties are located between the Brookmeade Subdivision and commercial sites. Staff feels that a medium density multi-family development is a good transition between single-family and commercial development and all utilities are available at the site. Also, with site-plan approval by council required prior to any multi-family development being approved staff's recommendation is **favorable** to rezone the properties contingent upon annexation.
6. **Manager Comments:** Concur with Department Recommendation.
7. **Next Steps:** If approved the second reading of this request will be heard on April 6, 2020, upon approval of the second reading of these properties they will be officially zoned R-8MF. If the applicant submits a revised sketch plan it will be reviewed by TRC, Planning Board and Council.

**8. Attachments:**

1. Council Consistency Statement
2. Planning Board Consistency Statement
3. Certification of Mailed Notices
4. Conditions proposed by applicant
5. Conceptual Site Plan
6. Conceptual Rendering
7. Zoning Map
8. Aerial Photo
9. Rezoning Ordinance



To: Statesville City Council

From: Sherry Ashley, Planning Director

Date: 3/16/20

Subject: Rezoning

Case: 20-01 Landon Greene Vance PO

Address: Adjacent to 110 Vance PO Road

- ☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan** and 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 City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: The property is located between the Brookmeade Subdivision and commercial sites. Staff feels that a medium density multi-family development is a good transition between single-family and commercial development and all utilities are available at the site. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

\_\_\_\_\_  
Date: Constantine H. Kulte, Mayor

\_\_\_\_\_  
Date: Sherry Ashley, Planning Director





To: Statesville Planning Board  
From: Andrew Ventresca, Senior Planner  
Date: February 25, 2020  
Subject: Rezoning  
Case: ZC20-01  
Address: Vance PO Road

- ☐ The zoning amendment **is approved and is consistent with the City's comprehensive land use plan** and 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 property is located between the Brookmeade Subdivision and commercial sites. Staff feels that a medium density multi-family development is a good transition between single-family and commercial development and all utilities are available at the site.
- ☐ The zoning amendment **is rejected because it is inconsistent with the City's comprehensive land plan** and is not reasonable and in the public interest because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date: Mark Tart, Planning Board Chairman

\_\_\_\_\_  
Date: Sherry Ashley, Planning Director



To City Council:

Subject: Certification Letter

Dear Council,

The purpose of this letter is to certify that the adjacent property owners of PINs 4765-33-7215 & 4765-32-5949 located on Vance PO Road were mailed a notice notifying them of rezoning case ZC20-01 on February 11, 2020.

Thank you,

Andrew Ventresca

Senior Planner

CONDITIONAL USE ZONING PERMIT  
CITY COUNCIL APPROVAL

ZONING CASE NO. CU-

ZONING: From Iredell County; CB to R-8MF (CD)City of Statesville

APPLICANT: Landon Greene L.P. C/o Frank Fugate 500 S Front Street, 10th floor, Columbus Ohio 43215 614-406-2931.

Plans for development of the above noted Conditional Use Zoning Permit were submitted for City Council approval under the provisions of the Unified Development Code, Article 4, Section 2.07. The plan was reviewed, approved, and permit issued by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 and subject to such conditions as indicated below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Constantine Kutteh, Mayor

USES: Up to 60 units of independent senior housing in a elevatored served three story building

CONDITIONS:

- The proposed development shall consist of a single phase of development and shall be a senior housing development for residents aged 55 years and above in compliance with the Federal HOPA Act (Housing for Older Persons Act)
- The development will be restricted to a maximum of 60 units (a density of up to 7.3 units per acre)
- Petitioner will keep a 125' setback as shown from proposed development to existing residential single-family properties to the south. Allowed improvements within the proposed 125' setback shall include: stormwater management and utilities, and active open space.
- Petitioner agrees to keep the existing wooded area to the north as a buffer.
- Petitioner agrees to construct public road from the end of pavement to proposed driveway connection per the City of Statesville roadway standards. Road shall include curb and gutter on proposed side of development along subject property.
- Petitioner shall install a 5' sidewalk along Vance PO road to Mocksville Hwy. Petitioner shall not be responsible for acquiring right of way or easements for the construction of the sidewalk.

PLANNING DEPARTMENT REZONING FILE #ZC\_\_\_\_\_

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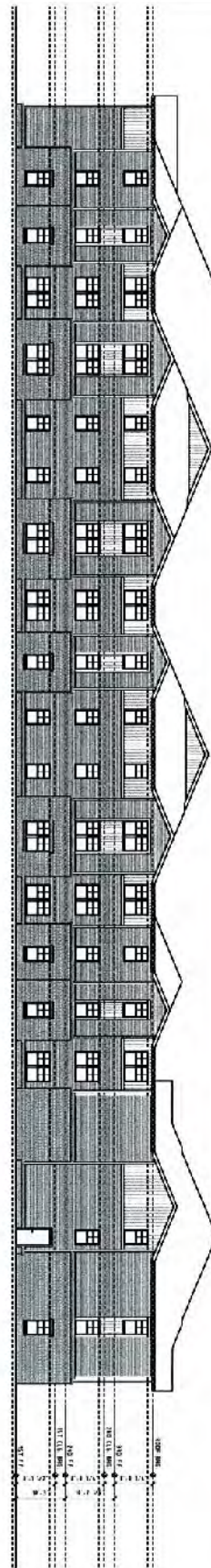
I, \_Frank Fugate/ representing Landon Greene LP applicant, agree to adhere to the  
above conditions places on rezoning case #ZC\_\_\_\_\_ as adopted by City Council on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Date

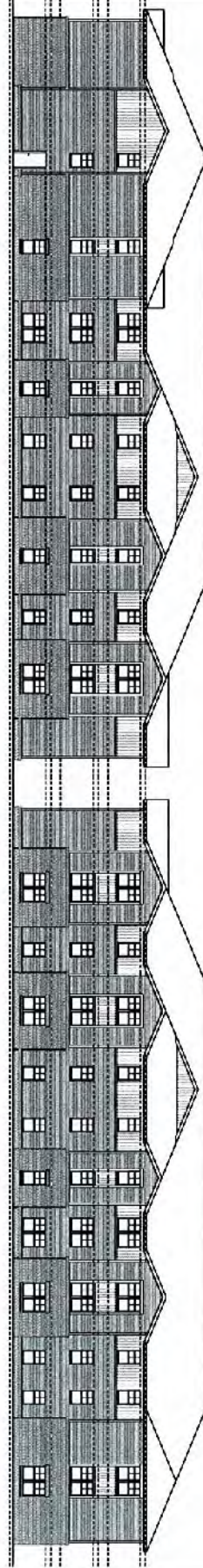
\_\_\_\_\_  
Applicant





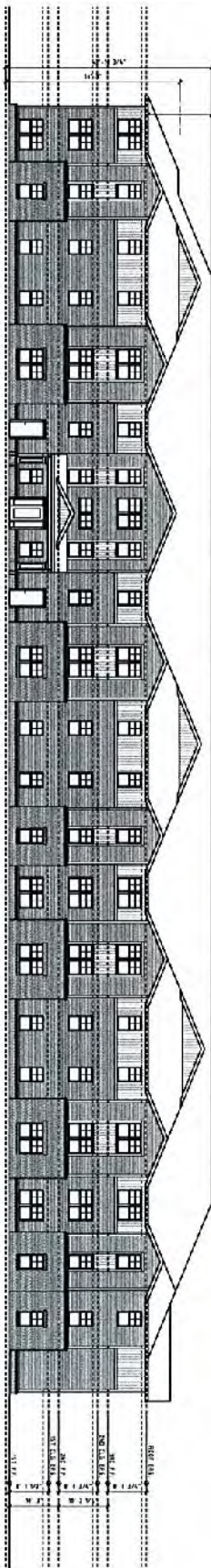


1 FRONT ELEVATION  
1/8" = 1'-0"



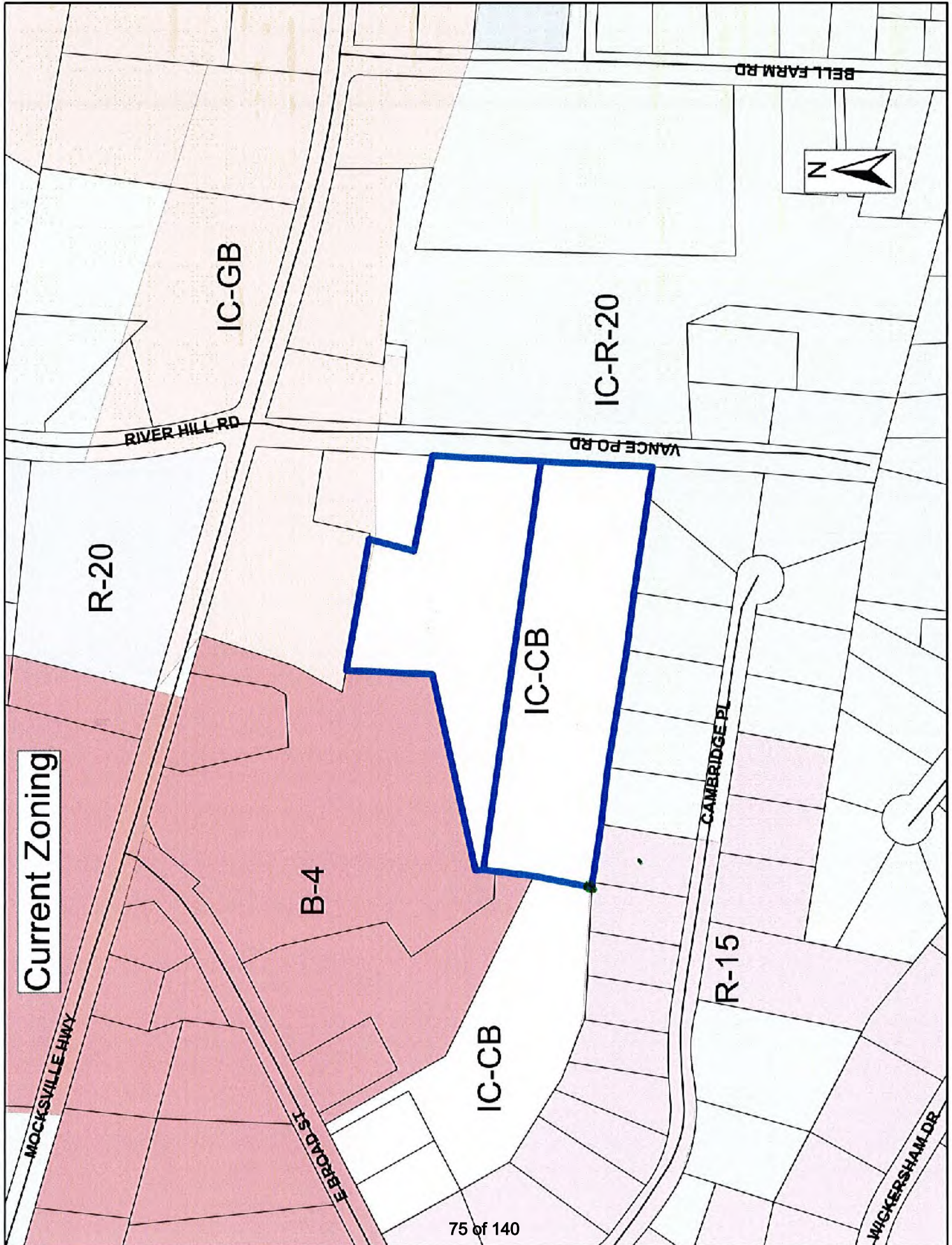
2 RIGHT SIDE ELEVATION  
1/8" = 1'-0"

3 LEFT SIDE ELEVATION  
1/8" = 1'-0"



4 FRONT ELEVATION  
1/8" = 1'-0"











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

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTIES FROM IREDELL COUNTY CB (COMMUNITY BUSINESS) DISTRICT TO R-8MF CU (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL CONDITIONAL USE) DISTRICT**

**ZC20-01 Landon Greene LP  
Vance PO Road  
PINs 4765-33-7215 & 4765-32-5949**

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 March 16, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from Iredell County CB to R-8MF CU; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on March 6, 2020 & March 13, 2020, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was declared open and continued until the April 20<sup>th</sup>, 2020 Council meeting, where it was continued again until the May 4<sup>th</sup>, 2020 Council meeting;;

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

**LEGAL DESCRIPTION**

**Owner: Bobby Check, Tax PIN# 4765-33-7215**

BEING ALL OF LOT NO. SEVEN (7) of the MINOR SUBDIVISION FOR LOWERY LAND COMPANY as the same is platted, planned and recorded at Plat Book 35, Page 69, Iredell County Registry and being the identical property conveyed from Lowery Land Company to Leslie C. Holshouser, Jr. and Wife Jacquelen G. Holhouser by General Warranty Deed dated May 10, 2000 and recorded at Deed Book 1199, Page 1196, Iredell County Registry, being more particularly described as follows:

Beginning in the centerline of Vance PO Road (S.R. 2317) the southeasterly corner of Lot 7, Plat Book 35, Page 69; thence N76°42'41"W a distance of 887.33' to the southwesterly corner of said Lot 7, the southerly line of Eastgate Commons Statesville, Deed Book 1279, Page 2238, Plat 39, Page 84; thence with said Eastgate Commons 3 calls: 1) N12°00'42"E a distance of 16.67', 2) N82°38'05"E a distance of 407.87'; 3) N07°22'57"E a distance of 177.89' to the southerly line of Tommy H. Laws D.B. 943, Page 300 thence S75°13'21"E a distance of 276.68'; to the westerly line of Wesley B. Lambreth Deed Book 1763, Page 1156, thence with Lambreth's line 2 calls: 1) S17°42'45"W a distance of 94.06'; 2) S73°32'50"E a distance of 229.79' to the centerline of Vance PO Road; thence S06°46'04"W a distance of 225.29' to the point of beginning, containing 4.023 Acres

**Owner: John K. Moorefield, Tax PIN# 4765-32-5949**

Page 1 of 2

BEING ALL OF LOT NO. SIX (6) of the MINOR SUBDIVISION FOR LOWERY LAND COMPANY as the same is platted, planned and recorded at Plat Book 35, Page 69, Iredell County Registry, being more particularly described as follows:

Beginning at the northeasterly corner of Lot 8, Plat Book 21, Page 57 and running with the northerly line of said Lot 8, Plat Book 21, Page 57; N76°44'59"W a distance of 99.49' to the northeasterly corner of Lot 9, Plat Book 35, Page 68; thence with said Plat Book 35, Page 68, 3 calls: 1) N76°41'17"W a distance of 198.22'; 2) N76°48'36"W a distance of 120.25'; 3) N76°33'22"W a distance of 119.71' to the northeasterly corner of Lot 12, Plat Book 65, Page 107, thence N76°46'02"W a distance of 120.34'; to the northeasterly corner of Lot 13, Plat Book 35, Page 68, thence N76°39'00"W a distance of 119.90' to the northeasterly corner of Lot 14, Plat Book 41, Page 107 thence N76°46'52"W a distance of 120.03' to the northwesterly corner of said Lot 14; thence N82°20'36"W a distance of 10.03' to the southeasterly corner of ML Cassar Properties, LLC, Deed Book 2408, Page 1285; thence with said Cassar's line N12°00'42"E a distance of 224.93' to the southwesterly corner of Bobby R. Cheek, Lot 7 of Plat Book 35, Page 69, thence with the southerly line of said Lot 7, S76°42'41"E a distance of 887.33' to the centerline of Vance PO Road (S.R. 2317) thence with said centerline of Vance PO road S06°46'04"W a distance of 225.28' which is the point of beginning, Containing 4.612 Acres

**Property Address: Vance PO Road, Statesville NC 28677**

This ordinance was introduced for first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the \_\_\_\_\_ day of \_\_\_\_\_, **2020**.

Ayes:

Nays:

The second and final reading of this ordinance was heard on the \_\_\_\_\_ day of \_\_\_\_\_, **2020** and upon motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried, was adopted.

Ayes:

Nays:

This ordinance is to be in full force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, **2020**.

CITY OF STATESVILLE

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

APPROVED AS TO FORM:

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

ATTEST:

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

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** May 19, 2020

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**ACTION NEEDED ON:** June 01, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Conduct a public hearing and consider passing first reading of Text Amendment TA20-01 Filed by Ms. Angela Imes to Amend Article 9 Definitions, Section 9.02 Definitions, Adult/Child Home Day Care to allow a childcare center as a Child Home Day Care.**

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1. **Summary of Information:** Ms. Imes would like to be able to care for a maximum of 12 children in a home day care (her residence). The Unified Development Code currently allows 8 children, with 5 being pre-school age children and up to 3 being school aged children.

According to Ms. Mackenzie Rathledge with the NC Department of Early Education, childcare centers are allowed as a home daycare provided parking is paved, handicap access is provided, the residence is improved to meet building code, fire code, and sanitation requirements. Ms. Rathledge stated that there are only few of these in North Carolina due to the added expense of improving the property to meet these standards.

Staff has completed research and recommends allowing the number of children to be increased based on the age of the children since the state allows it and Section 5.02 Accessory Uses and Structures, E. Adult/Child home day care states "facilities shall maintain residential characteristics of primary use for residential purposes". All requirements of the North Carolina Department of Human Resources must be met. A fenced play area is required for children. Staff concerns would be the size of the property and drop off/pick up creating a problem on the street.

The new language is underlined and highlighted.

### **Planning Board Recommendation**

Planning Board voted 6 to 1 to recommend approval of the amendment as presented.

### **Staff Recommendation**

The staff recommendation is to approve the amendment as presented.

2. **Previous Council or Relevant Actions:** None
3. **Budget/Funding Implications:** There are no budget implications based on this request.
4. **Consequences for Not Acting:** Ms. Imes would only be allowed to keep up to 8 children as a Child Home Day Care.
5. **Department Recommendation:** The department recommends approving the text amendment.
6. **Manager Comments:** Recommend for approval.



**7. Next Steps:** If approved, the 2<sup>nd</sup> reading will be on June 15, 2020. If the 2nd reading is approved, becomes new regulation and the amendment will be sent to municode for updating the UDO.

**8. Attachments:**

1. Ordinance adopting text amendment
2. State Staff/Child Ratios for Centers (Included in application)
3. Existing Code Definition

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

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE,  
ARTICLE 9 DEFINITIONS, SECTION 9.02 DEFINITIONS, ADULT/CHILD  
HOME DAY CARE**

**TA 20-01**

**WHEREAS**, there is a request to amend the Unified Development Ordinance as the code currently does not address the proposed use of a child care center as a home day care;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Statesville that Article 9 Definitions, Section 9.02 Definitions, Adult/Child Care Home Day Care be amended as follows:

**Adult/Child Home Day Care** – a residence within which child or adult care and supervision is provided for less than a twenty-four (24) hour period. Child care is limited to no more than five (5) preschool aged children including the caregiver’s own preschool-aged children; plus up to three (3) school-age children. Adult care is limited to five (5) adults, unrelated to the caregiver. A child care center may be allowed as a home day care with a maximum of 10 children (ages 2-13) or a maximum of 12 children (ages 3-13). The child care center must meet the requirements of the State of North Carolina in regards to parking, handicap access, building code, fire code and sanitation.

This ordinance was introduced for first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and upon motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF STATESVILLE

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

APPROVED AS TO FORM

ATTEST:

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

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

## APPLICATION FOR TEXT AMENDMENT

City of Statesville  
Post Office Box 1111  
Statesville, North Carolina 28687  
(704) 878-3539  
FAX (704) 878-3464

Applicant's Name:	Angela Imes	Application No. TA	20-01
No. of Attachments:	3	Received By:	SD
Application Complete:	Sunday, March 29, 2020	Fee Paid:	
		Date:	4/2/2020

**State Purpose of Text Amendment:** To obtain approval from City of Statesville Zoning and other said Parties to transition from my current license as a Family Child Care Home (FCCH) provider of 5 preschool-age children and 3 school-age children, to a license for a Center Located In A Residence (CLIR) for a maximum of 12 preschool-age children.

**Cite Section(s) of the Unified Development Code Proposed to be Amended:**  
According to North Carolina Division Of Child Development and Early Education

Chapter 9-CHILD CARE RULES

SECTION .0100-DEFINITIONS

10A NCAC 09 .0101 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0102 DEFINITIONS

(6) "Child Care Center" means a child care arrangement where, at any one time, there are three or more preschool-age children receiving child care. This does not include arrangements described in Item (18) of this rule regarding Family Child Care Homes.

(18) "Family Child Care Home" means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. Family child care home operations must reside at the location of the family child care home.

SECTION .0500 - SCHEDULES AND ACTIVITIES

10A NCAC 09 .0510 ACTIVITY AREAS

(a) For each of children in care, the center shall provide daily four of the five activity areas listed in G. S. 110-91(12) as follows:

(3) Centers with a licensed capacity of 3 to 12 children located in a residence shall have at least four types of activities available.



## SECTION .0700- STAFF QUALIFICATIONS

### 10A NCAC 09 .0703 GENERAL STATUTORY REQUIREMENTS

(c) For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care, when an individual both for administering the child care program and for planning and implementing the daily activities of a group of children, the requirements for lead teacher in Rule .0710 of this Section shall apply to this individual. If the program has more than one group of children, the requirements regarding lead teacher shall apply to each group of children.

### 10A NCAC 09 .0713 STAFF/CHILD RATIOS FOR CENTERS

(b) The staff child ratios for centers located in a residence with a licensed capacity of 3 to 12 children when any preschool-age child is enrolled, or with a licensed capacity of 3 to 15 children when only school-age children are enrolled, are as follows:

AGE OF CHILDREN	RATIO/STAFF/CHILDREN	
0-12 Months	1/5	Preschool children plus 3 additional school-age children 8
12-24 Months	1/6	Preschool children plus 2 additional school-age children 8
2 to 13	1/10	
3 to 13	1/12	
All School -Age	1/15	

(c) The staff/child ratio applicable to a classroom for a center located in a residence as described in Paragraph (b) of this Rule shall be posted in that classroom in an area that parents are able to view at all times.

**Proposed Language (Attachments need to be in digital format {word}):** According to North Carolina Department of Health and Human Services Division of Child Development and Early Education, "A Center Located In A Residence (CLIR) is a child care center located in an occupied residence and licensed for 3 to 12 children unless space limits the number."

Applicant/Agent: \_\_\_\_\_  
(Print Name) (Signature)

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

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

\* Backup documentation may also be submitted as part of the application.

### (FOR OFFICIAL USE ONLY)

Planning Board reviewed application on \_\_\_\_\_

City Council reviewed application on \_\_\_\_\_

2-up

12 max.

In closing, I have been completing tasks with the guidance of my Child Care Consultant to ensure I am following local and state laws. I have taken all the proper steps with the hopes of transitioning my Family Child Care Home (FCCH) into a Center Located In A Residence (CLIR) with the exception of the "Text Amendment."

I am currently serving ages 0 to 12 in my Family Child Care Home (FCCH). At this time, I have a waiting list of 12 children ages 2-12. I consider myself as a pillar of my community who is willing to make a positive difference in the lives of children and their families.

For the simple reason, I do not know a lot about your position; however, I do about child care. My only purpose is to have the opportunity to serve more children with the primary goal of having an everlasting positive impact on ALL children that enter the doors of my center! With the approval of the amendment, I will be allowed to serve more children in the community, as well to ease the mind of parents and caregivers who are seeking quality care.

Respectfully,

Angela Ives 704-924-9004

Mackenzie Rathledge, M. Ed.  
Licensing Child Care Consultant  
Division of Child Development and Early Education  
NC Department of Early Education  
(336) 341-5056

SP

(letter/transitioning)

center to residence

(12 max = 2-12)

proposed center holding center  
(bldg. for service)



*Child Care Center* - any establishment that provides supervision and care for children on a regular basis for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day and which receives a payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: Public schools and non-public schools which are in compliance with the compulsory school attendance law, summer camps having children in full-time residence; summer day camps, and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

\* *Child / Adult Home Daycare* - a residence within which child or adult care and supervision is provided for less than a twenty-four (24) hour period. Child care is limited to no more than five (5) preschool aged children, including the caregiver's own preschool aged children; plus up to three (3) school aged children. Adult care is limited to five (5) adults unrelated to the caregiver.

*Child Care Drop-In / Short Term Facility* - a child care arrangement where children attend on an intermittent unscheduled basis.

*Church, Storefront* - see Houses of Worship, Storefront.

*Church / Synagogue* - see Houses of Worship.

*Circulation Area* - that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

*City* - the City of Statesville, North Carolina.

*City Council* - the City Council of the City of Statesville, North Carolina.

*Clubs, Civic and Private* - an organization that is established and operated solely for a social, recreational, patriotic, cultural or fraternal purpose on a nonprofit basis.

*College / University* - a degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools. Accessory uses under this definition include, but are not limited to, dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

*Common Open Space* - a parcel of land, body of water, or combination thereof, designed and intended for the use or enjoyment of residents of a particular development or the general public. Common open spaces may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses. Credit for common open space shall not be given for public rights-of-way or easements, public or private streets, parking areas, or driveways. Common open space may include floodplain, but not floodway.

# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Christopher Tucker, Finance Director  
**DATE:** May 18, 2020

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**ACTION NEEDED ON:** June 1, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

Consider adoption of a resolution to affix the terms, conditions, and rate for the interfund loan from the Electric Fund to the Airport Fund

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- 1. Summary of Information:** In January 2019, the City purchased the assets, liabilities, and equity of Statesville Flying Service, to become the full owner/operator of the Statesville Regional Airport.

To make this purchase, Council passed Resolution 01-19, which was a Resolution to Reimburse which allowed the Electric Fund to advance monies to the Airport Fund, until such time that the City chose outside borrowing or established the terms of an interfund loan.

Resolution 01-19 established a timeline of 18 months to July 2020 to make that decision. While interest rates have certainly lowered to more favorable rates, staff recommends we continue with the interfund loan to protect the collateral interest and avoid any extra parameters that FAA could impose on outside financing.

The attached resolution establishes the terms, conditions, and rate for the interfund loan from the Electric Fund to the Airport Fund.

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

- A. As discussed above, Council passed Resolution 01-19 in January 2019.
- B. This item came before Council in June 2019, but was tabled to a date uncertain to better establish the operating income of the Airport.

- 3. Budget/Funding Implications:** The amortization schedule conveys the debt expenditures that the Airport will face for the next 20 years, while also conveying the debt revenue that the Electric Fund will receive.

- 4. Consequences for Not Acting:** If no action is taken the transaction could be considered a transfer and that the Airport Fund will not pay back the Electric Fund. If this occurs the City would be restricted in its ability to issue debt that requires Local Government Commission (LGC) approval.

- 5. Department Recommendation:** Adopt as presented.

- 6. Manager Comments:** Concur with Department Recommendation.

- 7. Next Steps:** Process the loan in the City's accounting records.

**8. Attachments:**

- 1. Resolution



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

A **RESOLUTION** authorizing an Interfund Loan of \$5,474,160.87 from the Electric Fund to the Airport Fund of the City of Statesville for a period not to exceed twenty (20) years.

**WHEREAS**, Resolution 01-19 dated January 14, 2019 provided for the authorization to purchase the Statesville Flying Services' equity and provided the City's intent to reimburse expenditures in the event of issuing debt; and

**WHEREAS**, the City Council recognizes that interfund loans are a legal and fiscally prudent means of investing municipal funds that are inactive or in excess of current needs; and

**WHEREAS**, the City Council recognizes that interfund loans are repaid with interest and the City Council finds that use of an interfund loan is currently preferable to issuing external debt; and

**WHEREAS**, the City's Electric Fund had adequate funds set aside for future operating and capital funds; and

**WHEREAS**, the Electric Fund will earn 2.5 percent that is equivalent to the January 2019 North Carolina Capital Management Trust's Term portfolio yield of 2.47 percent; and

**NOW THEREFORE, BE IT RESOLVED**, by the City Council for the City of Statesville, North Carolina as follows:

**Section 1. Authorization and Approval.** The City Council hereby authorizes and approves an interfund loan in the amount of five million four hundred seventy-four thousand one hundred sixty dollars and eighty-seven cents (\$5,474,160.87) from the City's Electric Fund to the Airport Fund for the purchase of the Statesville Flying Services' equity for various capital assets.

**Section 2. Finance Director as Administrator.** The Finance Director is designated on behalf of the City to process and administer an interfund loan in the amount of five million four hundred seventy-four thousand one hundred sixty dollars and eighty-seven cents (\$5,474,160.87) from available cash of the Electric Fund, where money deposited therein is not immediately needed for the purposes of that fund to the Airport Fund.

**Section 3. Retroactive Effective.** This Resolution shall have retroactive effect back to January 31, 2019,

**Section 4. Terms and Conditions.** The term of the loan shall be for a period not to exceed twenty (20) years from the day of the first advance on January 31, 2019 at 2.50 percent. Repayment due dates will begin 12 months from the day of first advance. The Airport Fund may pay off the loan or make extra payments any time during the life of the loan and/or alternate financing in accordance with Resolution 01-19 dated January 14, 2019. Payments schedules are as follows:

City of Statesville						
Airport Fund Interfund Loan from the Electric Fund						
Average Annual Loan Pay		\$273,708.04	Loan Principal Amount		\$5,474,160.87	
Interest Over Term of Loan		\$1,573,821.24	Annual Interest Rate		2.50%	
Sum of All Payments		\$7,040,379.11	Loan Period in Years		20	
Maturity Date		1/31/2039	Base Year of Bond		2019	
Principal Payments Per Year		1	Date of Loan		1/31/2019	
Loan Years	Principal Payment Date	Annual Interest Rate	Total Annual Payments	Loan Redemption 1-Jan	Unpaid Balance	Total Interest Payments
1	1/31/2020	2.50%	\$ 136,854.02	\$ -	5,474,160.87	\$ 136,854.02
2	1/31/2021	2.50%	136,854.02	-	5,474,160.87	136,854.02
3	1/31/2022	2.50%	440,974.07	304,120.05	5,170,040.82	136,854.02
4	1/31/2023	2.50%	433,371.07	304,120.05	4,865,920.77	129,251.02
5	1/31/2024	2.50%	425,768.07	304,120.05	4,561,800.72	121,648.02
6	1/31/2025	2.50%	418,165.07	304,120.05	4,257,680.67	114,045.02
7	1/31/2026	2.50%	410,562.07	304,120.05	3,953,560.62	106,442.02
8	1/31/2027	2.50%	402,959.07	304,120.05	3,649,440.57	98,839.02
9	1/31/2028	2.50%	395,356.06	304,120.05	3,345,320.52	91,236.01
10	1/31/2029	2.50%	387,753.06	304,120.05	3,041,200.47	83,633.01
11	1/31/2030	2.50%	380,150.06	304,120.05	2,737,080.42	76,030.01
12	1/31/2031	2.50%	372,547.06	304,120.05	2,432,960.37	68,427.01
13	1/31/2032	2.50%	364,944.06	304,120.05	2,128,840.32	60,824.01
14	1/31/2033	2.50%	357,341.06	304,120.05	1,824,720.27	53,221.01
15	1/31/2034	2.50%	349,738.06	304,120.05	1,520,600.22	45,618.01
16	1/31/2035	2.50%	342,135.06	304,120.05	1,216,480.17	38,015.01
17	1/31/2036	2.50%	334,532.05	304,120.05	912,360.12	30,412.00
18	1/31/2037	2.50%	326,929.05	304,120.05	608,240.07	22,809.00
19	1/31/2038	2.50%	319,326.05	304,120.05	304,120.02	15,206.00
20	1/31/2039	2.50%	304,120.02	304,120.02	-	7,603.00
	<b>TOTALS</b>		<u>\$ 7,040,379.11</u>	<u>5,474,160.87</u>		<u>\$ 1,573,821.24</u>

**Section 5. Effective Date.** This resolution shall take effect and be in force immediately upon its adoption.

ADOPTED by the City Council of the City of Statesville this the 1st day of June 2020.

ATTEST:

CITY OF STATESVILLE

CITY CLERK

MAYOR

# **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Christopher Tucker, Finance Director  
**DATE:** May 21, 2020

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**ACTION NEEDED ON:** June 1, 2020  
Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

Consider approving the 2020-21 fiscal year budget ordinance.

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- 1. Summary of Information:** In accordance with the provisions of the NC General Statutes, the City Manager's 2020-21 Recommended Budget was presented to the City Council on May 4, 2020. The City Council duly advertised and conducted a public hearing on May 18, 2020.

The City Council held one budget work session on May 19, 2020. From this work session, several recommendations were made by Council and have been included in the Budget Ordinance presented here.

- 2. Previous Council or Relevant Actions:** Stated above.
- 3. Budget/Funding Implications:** The annual budget sets forth the expected revenues balanced against expected expenditures for the City's operating funds.
- 4. Consequences for Not Acting:** Violation of General Statutes or begin path to interim budget.
- 5. Department Recommendation:** Approve as presented.
- 6. Manager Comments:** Approve as presented.
- 7. Next Steps:** Finance staff will install budget into financial software and finalize budget document for submission to GFOA Distinguished Budget Presentation Award
- 8. Attachments:**
1. Budget Ordinance
  2. Schedule of Fees and Rates
  3. Summary of Budget Changes

**ORDINANCE NO \_\_\_\_\_**  
**CITY OF STATESVILLE, NORTH CAROLINA**  
**2020-2021 BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of Statesville, North Carolina, In Session Assembled:

**Section One.** The following amounts are hereby appropriated for the operation of Statesville Government and its activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021, according to the following summary and schedules.

SUMMARY				
FUND	ESTIMATED REVENUE	FUND BALANCE APPROPRIATED	TRANSFERS	APPROPRIATED
General	35,838,800	\$ 1,048,000	\$ 712,000	\$ 37,598,800
Airport Operating	2,326,000	-	-	2,326,000
Electric	41,277,700	2,000,000	-	43,277,700
Water and Sewer	12,293,077	-	2,663,923	14,957,000
Stormwater	2,241,000	-	-	2,241,000
Civic Center	253,750	250,000	592,500	1,096,250
	<u>\$ 94,230,327</u>	<u>\$ 3,298,000</u>	<u>\$ 3,968,423</u>	<u>\$ 101,496,750</u>

**Section Two.** That for said fiscal year there is hereby appropriated out of the General Fund the following:

CODE (010)	GENERAL FUND	AMOUNT
4100	Mayor and Council	\$ 250,365
4200	City Manager	685,873
4300	City Clerk	180,866
4400	Finance	1,717,057
4500	Human Resources	592,013
4600	Information Technology	1,518,119
4700	Legal	97,500
4800	Planning	1,736,770
4900	Main Street	182,500
5100	Police	10,900,712
5300	Fire	6,999,092
5500	Engineering	546,598
5510	Garage	668,528
5530	Street	2,544,857
5540	Warehouse	112,984
5580	Sanitation	2,524,955
6210	Recreation and Public Facility Maintenance	4,554,725
6600	General Expense	1,715,500
6600	Transfer	-
6610	Special Appropriations	69,786
	<b>TOTAL GENERAL FUND APPROPRIATIONS</b>	<u><u>\$ 37,598,800</u></u>



**Section Three.** It is estimated that the following revenues will be available in the General Fund for fiscal year beginning July 1, 2020, and ending June 30, 2021:

<u>CODE (010)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Ad Valorem Taxes	\$17,981,000
	Other Taxes and Licenses	27,500
	Unrestricted Intergovernmental	8,433,850
	Restricted Intergovernmental	910,000
	Permits and Fees	111,350
	Sales and Services	1,750,100
	Investment Earnings	175,000
	Miscellaneous	55,000
	Debt Proceeds	1,497,000
	Reimbursements and Internal Charges	4,898,000
	Transfers	712,000
	Fund Balance	<u>1,048,000</u>
	TOTAL GENERAL FUND REVENUES	<u><u>\$37,598,800</u></u>

**Section Four.** That for said fiscal year there is hereby appropriated out of the Airport Operating Fund the following:

<u>CODE (500)</u>	<u>AIRPORT OPERATING</u>	<u>AMOUNT</u>
	Airport Operating Expenditures	<u>\$ 2,326,000</u>
	TOTAL AIRPORT OPERATING FUND APPROPRIATIONS	<u><u>\$ 2,326,000</u></u>

**Section Five.** It is estimated that the following Airport Operating Fund revenues will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021 to meet the foregoing appropriations:

<u>CODE (500)</u>	<u>AIRPORT OPERATING</u>	<u>AMOUNT</u>
	Airport Operating Revenues	<u>\$ 2,326,000</u>
	TOTAL AIRPORT OPERATING FUND APPROPRIATIONS	<u><u>\$ 2,326,000</u></u>

**Section Six.** That for said fiscal year there is hereby appropriated out of the Electric Fund the following:

<u>CODE (530)</u>	<u>ELECTRIC FUND</u>	<u>AMOUNT</u>
	Electric Utility Department	\$ 43,277,700
	TOTAL ELECTRIC FUND APPROPRIATIONS	<u>\$ 43,277,700</u>

**Section Seven.** It is estimated that the following Electric Fund revenues will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021 to meet the foregoing appropriations:

<u>CODE (530)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Electric Revenues	\$ 40,905,200
	Investment Earnings	140,000
	Other Revenues	232,500
	Fund Balance Appropriated	<u>2,000,000</u>
	TOTAL ELECTRIC FUND REVENUES	<u>\$ 43,277,700</u>

**Section Eight.** That for said fiscal year there is hereby appropriated out of the Water and Sewer Fund the following:

<u>CODE (550)</u>	<u>WATER AND SEWER FUND</u>	<u>AMOUNT</u>
5581	Sewer Maintenance	\$ 1,624,181
5582	Water Maintenance	1,671,907
8220	Water Purification	4,841,777
8230	Third Creek Wastewater Treatment	2,462,373
8240	Fourth Creek Wastewater Treatment	<u>4,356,762</u>
	TOTAL WATER & SEWER FUND APPROPRIATIONS	<u>\$ 14,957,000</u>

**Section Nine.** It is estimated that the following Water and Sewer Fund revenues will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021 to meet the foregoing appropriations:

<u>CODE (550)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Sewer Revenues	\$ 6,788,639
	Water Revenues	4,541,821
	System Development Fees	552,617
	Investment Earnings	125,000
	Other Revenue	10,000
	Debt Proceeds	275,000
	Transfers	2,663,923
	Fund Balance Appropriated	<u>-</u>
	TOTAL WATER AND SEWER FUND REVENUES	<u>\$ 14,957,000</u>

**Section Ten.** The following amounts are hereby appropriated for the operation of the City of Statesville's Stormwater Fund for fiscal year beginning July 1, 2020 and ending June 30, 2021, according to the following estimated revenues and appropriations.

<u>CODE (570)</u>	<u>STORMWATER FUND</u>	<u>AMOUNT</u>
	Stormwater Department	\$ 2,241,000
	TOTAL STORMWATER FUND APPROPRIATIONS	<u>\$ 2,241,000</u>

**Section Eleven.** It is estimated that the following Stormwater Fund revenues will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021 to meet the foregoing Stormwater Fund expenditures:

<u>CODE (570)</u>	<u>STORMWATER FUND</u>	<u>AMOUNT</u>
	Stormwater Fees	\$ 1,981,000
	Other Financing Sources	260,000
	TOTAL REVENUES	<u>\$ 2,241,000</u>

**Section Twelve.** That for said fiscal year there is hereby appropriated out of the Civic Center Fund the following:

<u>CODE (580)</u>	<u>CIVIC CENTER FUND</u>	<u>AMOUNT</u>
	Civic Center	\$ 1,096,250
	TOTAL CIVIC CENTER FUND APPROPRIATIONS	<u>\$ 1,096,250</u>

**Section Thirteen.** It is estimated that the following Civic Center Fund revenues will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021 to meet the foregoing appropriations.

<u>CODE (580)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Fees and Other Revenue	\$ 253,750
	Transfers from Occupancy Tax Fund	592,500
	Fund Balance	250,000
	TOTAL CIVIC CENTER FUND REVENUES	<u>\$ 1,096,250</u>

**Section Fourteen.** That for said fiscal year there is hereby appropriated out of the Secondary E-911 Fund the following:

<u>CODE (240)</u>	<u>SECONDARY E911</u>	<u>AMOUNT</u>
	Secondary E-911 Department	\$ 40,000
	TOTAL SECONDARY E-911 FUND APPROPRIATIONS	<u>\$ 40,000</u>

**Section Fifteen.** It is estimated that the following Secondary E-911 Fund revenues will be available during the fiscal year beginning July 1, 2019, and ending June 30, 2020 to meet the foregoing appropriations.

<u>CODE (240)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Intergovernmental Revenue	\$ 40,000
	TOTAL SECONDARY E-911 FUND REVENUES	<u>\$ 40,000</u>

**Section Sixteen.** There is hereby levied for the fiscal year ending June 30, 2021 the following rates of taxes on each (\$100) assessed valuation of taxable property as listed as of January 1, 2020 for purpose of raising the revenues from the current year's property tax as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations.

TOTAL TAX RATE PER ONE HUNDRED DOLLARS (\$100)	
APPRAISED VALUATION FOR GENERAL FUND	<u>\$ 0.5478</u>
SERVICE TAX DISTRICTS:	
Downtown Service Tax District	0.1000
City-wide tax rate	<u>0.5478</u>
Total Downtown Service Tax District tax rate	0.6478
Woods Drive Dam Municipal Service District	0.2100
City-wide tax rate	<u>0.5478</u>
Total Woods Drive Dam Municipal Service District tax rate	0.7578
SOLID WASTE FEE:	
Annual Fee of \$120	<u>\$ 120</u>

The General Fund rate is based on an estimated total appraised value of property of \$3,265,400,000 at a 98.5% collection rate. Downtown Service Tax rate is based on an estimated total appraised value of property of \$103,436,500 at a 97.0% collection rate. Woods Drive Dam Service District is based on an estimated total appraised value of property of \$2,035,200 at a 95.00% collection rate.

Household Solid Waste Fees will be added on all 2020 tax bills for each residence of the City of Statesville. "Residence" means property used or, if vacant, designed to be used as a residential dwelling for one or more persons, whether or not the property is also used for non-dwelling purposes, excluding commercial uses. The term includes mobile homes, single family, multi-family, and other structures used or designed to be used as residential. There can be multiple residences within a single structure, such as apartments, duplexes, town houses or condominiums. The Household Solid Waste Fee is to be collected in the same manner as property taxes in accordance with G.S. 160A-314.1.(b), and it will be collected when delinquent in the same manner as delinquent real property taxes. It is estimated that \$1,035,000 will be available for the fiscal year July 1, 2020 through June 30, 2021.

**Section Seventeen.** The following balanced financial plan is approved for the Risk Management Fund of the City of Statesville for fiscal year beginning July 1, 2020 and ending June 30, 2021, according to the following estimated revenues and appropriations.

**Section Eighteen.** That for said fiscal year there is hereby appropriated out of the Risk Management Fund the following:

<u>CODE (600)</u>	<u>RISK MANAGEMENT FUND</u>	<u>AMOUNT</u>
	Risk Management Department	<u>\$ 8,105,950</u>
	TOTAL EXPENDITURES	<u>\$ 8,105,950</u>



**Section Nineteen.** It is estimated that the following Risk Management Fund revenues will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021 to meet the foregoing Risk Management Fund expenditures:

<u>CODE (600)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	City Contributions-Property and Liability	\$ 1,231,950
	City Contributions-Group Health	5,880,000
	Employee cost sharing	979,000
	Interest Income	15,000
	TOTAL REVENUES	<u>\$ 8,105,950</u>

**Section Twenty.** The following amounts are hereby appropriated for the operation of the City of Statesville's Occupancy Tax Fund for fiscal year beginning July 1, 2020 and ending June 30, 2021, according to the following estimated revenues and appropriations.

**Section Twenty-one.** That for said fiscal year there is hereby appropriated out of the Occupancy Tax Fund the following:

<u>CODE (210)</u>	<u>OCCUPANCY TAX FUND</u>	<u>AMOUNT</u>
	Reimbursements to the General Fund	\$ 15,000
	Distributions to Convention and Visitors Bureau	142,500
	Transfers to the Civic Center Fund	592,500
	Future Capital and Debt Service	-
	TOTAL APPROPRIATIONS	<u>\$ 750,000</u>

**Section Twenty-two.** It is estimated that the following Occupancy Tax Fund revenues will be available during the fiscal year beginning July 1, 2019, and ending June 30, 2020 to meet the foregoing Occupancy Tax Fund expenditures:

<u>CODE (210)</u>	<u>REVENUE SOURCES</u>	<u>AMOUNT</u>
	Occupancy Tax Receipts	\$ 750,000
	TOTAL REVENUES	<u>\$ 750,000</u>

**Section Twenty-three.** The fees, rates and charges as shown in Attachment A are amended effective as of July 1, 2020 for the purpose of billing and raising revenues as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations.

**Section Twenty-four.** The Budget Officer is hereby authorized to transfer appropriations within a fund contained herein

- He may transfer amounts between objects of expenditure within a department without limitations.
- He may transfer amounts between departments of the same fund with an official report of such transfers to the City Council.
- He may make interfund loans as he deems necessary.
- He may make expenditures and/or transfers from appropriations as he deems necessary.

**Section Twenty-five.** Copies of this budget Ordinance shall be furnished to the Finance Officer and the Budget Officer of the City of Statesville, North Carolina, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Adopted this 1st day of June, 2020.

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

Attest:

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

**City of Statesville**  
**Schedule of Fees and Rates**  
**Beginning July 1, 2020**

<b>FEE AND RATE SCHEDULE</b>	<b>AIRPORT</b>
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	<u>Fees</u>
Lease Grounds (per sq. ft.)	\$0.245
Sliding Scale Fuel Flowage Fee (per gallon):	
0 to 100,000 gallons	\$0.20
100,001 to 200,000 gallons	\$0.15
200,001 to 300,000 gallons	\$0.10
Over 300,000 gallons	\$0.05
Aircraft Hangar Rental (per sq. ft.)	\$3.65
Community Hangar Rental - Jet Aircraft (per sq.ft)	\$0.34
Community Hangar Rental - Piston Aircraft (per sq.ft)	\$0.28

<b>FEE AND RATE SCHEDULE</b>	<b>CIVIC CENTER</b>
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	<u>Fees</u>	<u>Non-Profit Fees</u>
Facility Rental Rates:		
Room A	\$303.00	\$182.00
Room B	\$303.00	\$182.00
Room A & B	\$606.00	\$364.00
Room C	\$698.00	\$456.00
Room A, B, & C	\$1,304.00	\$820.00
Room D	\$303.00	\$182.00
Room E	\$303.00	\$182.00
Room D & E	\$606.00	\$364.00
Room C, D, & E	\$1,304.00	\$820.00
Great Room	\$1,912.00	\$1,185.00
Media	\$182.00	\$121.00
F or G	Hourly \$35.00	Hourly \$30.00
	Max. \$121.00	Max. \$91.00
F & G	Hourly \$60.00	Hourly \$55.00
	Max. \$182.00	Max. \$121.00
Hallway	\$121.00	\$121.00
Entire Building	\$2,400.00	\$1,548.00
Permanent Tenant Rate (per meeting**):	\$40.00	
Kitchen Fee:		
Shared (1/2 Kitchen)	\$50.00	
Professional Caterer (1/2 Kitchen)***	\$75.00	
Exclusive Use (Full Kitchen)	\$150.00	
Food Services:		
Breakfast	\$5.50	
Afternoon Delight	\$5.50	
Drink Services:		
Coffee Service per		
(40) 8oz cups	\$20.00	
Drink Service		
(waters/assorted soft	\$1.25 per drink	
drinks)		

\*Non-Profit Rates are not available on Fridays or Saturdays. A Non-Profit is defined as a 501 (c) organization.

\*\*Requires an annual leasing agreement with monthly meeting (must have a minimum of 12 meetings). Rate only applies to Media, F, G, or combination F & G with two hour rental maximum.

\*\*\*Caterers used in the Civic Center must be on the Approved Caterers List.

## FEE AND RATE SCHEDULE

## CIVIC CENTER (cont'd)

	<u>Fees</u>
Equipment Rental:	
Easel	\$5.00
Stanchion	\$5.00
Pipe & Drape	\$8.00
Microphone	\$25.00
Lapel Microphone	\$25.00
Centerpiece Vase w/ Mirror Base	\$10.00
Centerpiece Vase Only	\$5.00
LCD Projector	\$100.00
TV or TV/DVD	\$40.00
DVD	\$20.00
Small Screen 5 x 5	\$10.00
Medium Screen 9 x 9	\$75.00
Large Screen 12 x 12	\$100.00
Lift Service	\$20 per hour
Phone Line	\$50.00
Piano	\$100.00
Piano on Stage	\$150.00
Stage 6 x 8 section	\$15.00
State over 12 sections	\$10.00
Dance Floor	\$100.00
Tradeshaw Booths	\$40.00
Skirting	\$12.00
Security (per hour*)	\$30.00
Silk Trees	\$10.00
Silk Trees w/lights	\$15.00
Portable Bar	\$20.00
Conference Phone	\$20.00
Office Services:	
Copies	\$0.10 per sheet
Fax	\$0.50 first sheet \$0.25 any sheet after To receive fax - \$0.10 per sheet

## FEE AND RATE SCHEDULE

## COLLECTIONS AND UTILITIES

	<u>Fees</u>	<u>Tax*</u>
Connect Fee	\$15.00	\$1.05
Same Day Connection Fee	\$75.00	\$5.25
Return Check Fee	\$25.00	
New Service Deposit-(Min	\$200.00	
New Service Deposit-(Min	\$300.00	
Unauthorized Usage:		
First Offense	\$250.00	
Second Offense	\$500.00	
Reconnect Fee	\$25.00	\$1.75
Reconnect After Hours @	\$75.00	\$5.25
Reconnect During Business	\$50.00	\$3.50
Reconnect After Hours @	\$150.00	\$10.50
Same Day Meter Install	\$75.00	\$5.25
Additional Re-Read Review	\$25.00	

\*Electric Services Only



Outside Lighting Service:	Lumens	Monthly Rate
Mercury Vapor Lights*:		
175 watt/Open Globe-Existing Pole O/H (1) (OL-1)	7,500	\$11.05
175 watt/Open Globe-New 30' Wood Pole O/H (OL-6)	7,500	\$13.45
175 watt/Open Globe-New 30' Wood Pole U/G (OL-7)	7,500	\$17.18
175 watt/Open Globe-New 30' Fiberglass Pole U/G (OL-8)	7,500	\$23.62
400 watt/Cobra Head-Existing Pole O/H (1) (OL-2)	20,000	\$17.66
400 watt/Cobra Head-New 30' Wood Pole O/H (OL-9)	20,000	\$21.21
400 watt/Cobra Head-New 30' Wood Pole U/G (OL-10)	20,000	\$23.52
High Pressure Sodium Lights:		
100 watt/Pole Top (15' pole) (OL-11)	9,500	\$20.41
100 watt/Open Globe-Existing Pole O/H (1) (OL-3)	9,500	\$11.05
100 watt/Open Globe-New 30' Wood Pole O/H (OL-12)	9,500	\$13.45
100 watt/Open Globe-New 30' Wood Pole U/G (OL-13)	9,500	\$17.18
250 watt/Cobra Head-Existing Pole O/H (1) (OL-4)	27,500	\$19.46
250 watt/Cobra Head-New 30' Wood Pole O/H (OL-14)	27,500	\$23.04
250 watt/Cobra Head-New 30' Wood Pole U/G (OL-15)	27,500	\$27.63
250 watt/Cobra Head-New 30' Fiberglass Pole U/G (OL-16)	27,500	\$37.65
250 watt/Flood Existing Pole O/H (1,2) (OL-17)	27,500	\$20.41
250 watt/Flood-New 30' Wood Pole O/H (2) (OL-18)	27,500	\$23.72
250 watt/Flood-New 30' Wood Pole U/G (OL-19)	27,500	\$28.12
250 watt/Flood-New 30' Fiberglass Pole U/G (2) (OL-20)	27,500	\$38.10
Metal Halide Lights:		
400 watt/Flood-Existing Pole O/H (OL-21)	41,000	\$24.46
400 watt/Flood-New 30' Wood Pole O/H (OL-22)	41,000	\$28.72
400 watt/Flood-New 30' Wood Pole U/G (OL-23)	41,000	\$36.60
400 watt/Flood-New 30' Fiberglass Pole U/G (OL-24)	41,000	\$41.15
3000 Kelvin LED Lights:		
38 watt Town & Country LED on 15' Fiberglass Pole (OL-25)	3,242	\$20.41
49 watt Type III (Roadway)-Existing Pole O/H (OL-26)	5,000	\$7.35
49 watt Type III (Roadway)-New Pole O/H (OL-27)	5,000	\$9.75
49 watt Type III (Roadway)-New Pole U/G (OL-28)	5,000	\$13.48
49 watt Type III (Roadway)-New FBG Pole U/G (OL-29)	5,000	\$26.58
50 watt Type V (Area)-Existing Pole O/H (OL-30)	4,713	\$7.30
50 watt Type V (Area)-New 30' Wood Pole O/H (OL-31)	4,713	\$9.70
50 watt Type V (Area)-New 30' Wood Pole U/G (OL-32)	4,713	\$13.43
50 watt Type V (Area)-New 30' Fiberglass Pole U/G (OL-33)	4,713	\$26.58
135 watt Type III (Roadway)-Existing Pole O/H (OL-34)	14,080	\$12.00
135 watt Type III (Roadway)-New 30' Wood Pole O/H (OL-35)	14,080	\$15.58
135 watt Type III (Roadway)-New 30' Wood Pole U/G (OL-36)	14,080	\$20.17
135 watt Type III (Roadway)-New 30' Fiberglass Pole U/G (OL-37)	14,080	\$30.19
121 watt Type V (Area)-Existing Pole O/H (OL-38)	13,040	\$11.60
121 watt Type V (Area)-New 30' Wood Pole O/H (OL-39)	13,040	\$15.18
121 watt Type V (Area)-New 30' Wood Pole U/G (OL-40)	13,040	\$19.77
121 watt Type V (Area)-New 30' Fiberglass Pole U/G (OL-41)	13,040	\$29.29
125 watt Flood-Existing Pole O/H (OL-42)	15,000	\$15.60
125 watt Flood-New 30' Wood Pole O/H (OL-43)	15,000	\$18.91
125 watt Flood-New 30' Wood Pole U/G (OL-44)	15,000	\$23.31
125 watt Flood-New 30' Fiberglass Pole U/G (OL-45)	15,000	\$33.29
150 watt Flood-Existing Pole O/H (OL-46)	18,200	\$16.65
150 watt Flood-New 30' Wood Pole O/H (OL-47)	18,200	\$19.96
150 watt Flood-New 30' Wood Pole U/G (OL-48)	18,200	\$24.36
150 watt Flood-New 30' Fiberglass Pole U/G (OL-49)	18,200	\$34.34
Residential Service:		
Basic Facilities Charge		\$14.00
Energy Charge per kWh for all kWh		9.14 cents

\*Mercury Vapor and Metal Halide lights are not available for new installations.

Rate information provided here is for reference. For details, please see rate schedules at:

[https://www.statesvillenc.net/departments/electric\\_utilities/rates](https://www.statesvillenc.net/departments/electric_utilities/rates)

## FEE AND RATE SCHEDULE

## ELECTRIC UTILITY (cont'd)

			Monthly Rate
Small General Service:			
Basic Facilities Charge			\$20.78
Demand Charge:			
	First 30 kW per kW		\$0.00
	Next 20 kW per kW		\$3.18
	Additional kW		\$9.27
Energy Charge:			
	First 3,000 kWh		13.089 cents
	Additional kWh		7.265 cents
Medium General Service:			
Medium Industrial General Service:			
Basic Facilities Charge			\$20.78
Demand Charge:			
	First 30 kW per kW		\$0.00
	Next 20 kW per kW		\$3.39
	Additional kW		\$9.72
Energy Charge:			
	First 3,000 kWh		14.477 cents
	Additional kWh		7.393 cents
Large Commercial General Service:			
Large Industrial General Service:			
Basic Facilities Charge			\$20.78
Demand Charge per kWh for all kW			\$10.85
Energy Charge per kWh for all kWh:			
	Billing Months October through May		6.215 cents
	Billing Months June through September		6.706 cents
Commercial Time-of-Use Service:			
Basic Facilities Charge			\$55.14
Demand Charge per kW for all kW			\$13.01
Energy Charge per kWh for all kWh			5.655 cents
Industrial Time-of-Use Service:			
Basic Facilities Charge			\$55.14
Demand Charge per kW for all kW			\$14.29
Energy Charge per kWh for all kWh:			
	Billing Months October through May		4.924 cents
	Billing Months June through September		5.415 cents
Commercial Customer Incentive Rate:			
Industrial Customer Incentive Rate:			
Basic Facilities Charge			\$53.55
Demand Charge:			
On Peak Demand Charge:			
	First 2,000 kW per kW	June - September	\$18.35
		October - May	\$10.80
	Next 3,000 kW per kW	June - September	\$16.84
		October - May	\$9.26
	Over 5,000 kW per kW	June - September	\$15.27
		October - May	\$7.67
Off Peak Excess Demand Charge:		June - September	\$1.42
(per kW for all kW)		October - May	\$1.42
Energy Charge:			
All On Peak Energy:		June - September	6.028 cents
(per kWh for all kWh)		October - May	6.028 cents
All Off Peak Energy:		June - September	3.009 cents
(per kWh for all kWh)		October - May	3.009 cents

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			Monthly Rate
Very Large Industrial Customer Incentive Rate:			
Basic Facilities Charge			\$49.87
Demand Charge:			
On Peak Demand Charge:			
First 2,000 kW per kW	June - September		\$17.08
	October - May		\$10.06
Next 3,000 kW per kW	June - September		\$15.66
	October - May		\$8.64
Over 5,000 kW per kW	June - September		\$14.19
	October - May		\$7.12
Off Peak Excess Demand Charge:	June - September		\$1.37
(per kW for all kW)	October - May		\$1.37
Energy Charge:			
All On Peak Energy:	June - September		5.613 cents
(per kWh for all kWh)	October - May		5.613 cents
All Off Peak Energy:	June - September		2.801 cents
(per kWh for all kWh)	October - May		2.801 cents
Industrial Economic Development Rider:			
Monthly Credit (Discount) Period:			
Months 1-12			20%
Months 13-24			15%
Months 25-36			10%
Months 37-48			5%
After Month 48			0%
Coincident Peak Rate Medium Service:			
Basic Facilities Charge			\$85.00
Demand Charge:			
Monthly CP Demand:	June - September		\$28.91
(per kW for all kW)	October - May		\$8.00
Excess Demand (All Months)			\$2.41
Energy Charge:			
All On Peak Energy:	June - September		6.741 cents
(per kWh for all kWh)	October - May		4.932 cents
All Off Peak Energy:	June - September		6.027 cents
(per kWh for all kWh)	October - May		4.504 cents
Coincident Peak Rate Large Service:			
Basic Facilities Charge			\$425.00
Demand Charge:			
Monthly Billing Demand:	June - September		\$26.02
(per kW for all kW)	October - May		\$4.76
Excess Demand (All Months)			\$2.41
Energy Charge:			
All On Peak Energy:	June - September		5.591 cents
(per kWh for all kWh)	October - May		4.639 cents
All Off Peak Energy:	June - September		5.135 cents
(per kWh for all kWh)	October - May		4.271 cents
Coincident Peak Rate Very Large Service:			
Basic Facilities Charge			\$371.20
Demand Charge:			
Monthly Billing Demand:	June - September		\$22.58
(per kW for all kW)	October - May		\$3.53
Excess Demand (All Months)			\$2.11
Energy Charge:			
All On Peak Energy:	June - September		5.27 cents
(per kWh for all kWh)	October - May		3.7 cents
All Off Peak Energy:	June - September		4.405 cents
(per kWh for all kWh)	October - May		3.345 cents

Rate information provided here is for reference. For details, please see rate schedules at:  
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		<u>Monthly Rate</u>
REPS Rider - Renewable Energy Portfolio Standards:		
	Residential	\$0.72
	Commercial	\$3.93
	Industrial	\$40.51
RECR-1 Rider - Renewable Energy Credit Rider:		
Monthly Credit (Discount):		
Wind and Biomass Energy Credit (per kWh):		
Fixed Long-term Rate:		
On Peak Energy:	All	\$0.028
Off Peak Energy:	All	\$0.0103
Solar Photovoltaic Energy Credit (per kWh)		
Fixed Long-term Rate:		
All Energy:	All	\$0.0304
CG-1 Rider - Customer Generation Credit Rider:		
CG-2 Rider - Customer Generation Credit Rider:		
Monthly Customer Generation Credit Rate (Discount):		
June - September (per kW)		\$11.48
ECCR - Excess Capacity Credit Rider:		
Monthly Credit (Discount):		
All On Peak Demand (per kW)		\$1.75
Surge Protection Rider:		
Per Device		\$7.00

Rate information provided here is for reference. For details, please see rate schedules at:

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		<u>Fees</u>	
Routine Maintenance Inspections:			
	Less than 1,000 sq. ft.	\$50.00	
	1,000 - 2,499 sq. ft.	\$75.00	
	2,500 - 9,999 sq. ft.	\$100.00	
	Over 10,000 sq. ft.	\$150.00	
	Foster Home	\$50.00	
	Inspection (outside normal business hours)	\$45.00/hour	
	(Requested by owner/contractor - min. 1 hr)	in addition to Routine Fee	
Life Safety Violations:			
	1st Offense	\$125.00	
	2nd Offense	\$300.00	
	3rd Offense	\$750.00	
	Fire Lane Violation	\$75.00	
	Open Burning without a permit, per violation	\$250.00	
Plan Reviews:			
	Construction Plans	\$50.00 + \$0.02/sq. ft.	
	Fire Alarm System Plans	\$50.00 or \$0.02/sq. ft.	*(whichever is greater)
	Hood System Plans	\$75.00/per hood	
	Spray Booth Plans	\$75.00/per booth	
	Sprinkler/Standpipe System Plans	\$50.00 or \$0.02/sq. ft.	*(whichever is greater)
	Other Extinguishment Systems	\$75.00	
Other Fees:			
	Hydrant Flow Test	\$100.00	
	No Key Holder Response	\$100.00	
	Fireworks Displays (2 hr minimum)	100.00/hr + standby fee	
	Cost for Standby (2 hr minimum)	\$25.00/hr./firefighter	
	Incident Commander (2 hr minimum)	\$35.00/hr	
	Engine/Ladder (2 hr minimum)	\$125.00/hr	
	Supplies/Materials/Rental Equipment	Replacement Cost	
Special Permits:			
	ABC License	\$75.00	
	Amusement Buildings	\$75.00	
	Burning Permit	\$75.00	
	Carnivals/Fairs	\$75.00	
	Combustible Dust Producing Operations	\$75.00	
	Covered Mall Buildings	\$75.00	
	Cryogenic Fluids	\$75.00	
	Exhibits & Trade Shows	\$75.00	
	Explosives	\$75.00	
	Fire Pumps and related equipment	\$75.00	
	Flammable/Combustible Liquids	\$75.00	
	(only mandated according to NC Fire Prevention Code)		
	Fumigation/Insecticide/Fogging	\$150.00	
	Hazardous Materials	\$75.00	
	(as required by Table 105.6.20 of the NC Fire Prevention Code)		
	Liquid or Gas Fueled Vehicles/Equipment in Assembly E	\$75.00	
	Open Burning Permit	\$75.00	
	Private Fire Hydrant Installation/Removal	\$75.00	
	Spraying/Dipping	\$75.00	
	Tank Removal/Installation	\$75.00	
	Temporary Membrane Structures (≤3,000 sq.ft.)	\$75.00	
	Temporary Membrane Structures (≥3,001 sq.ft.)	\$125.00	
	Any Required Permit not listed	\$75.00	
	(as listed in Section 105 of the NC Fire Prevention Code)		

\*Any work started prior to issuance of a permit is subject to permit fees times two (2)

## FEE AND RATE SCHEDULE

## PLANNING

	<u>Fees</u>
Development Fees:	
Property Clearances:	
Zoning Permits	\$25.00
Sign Permits	\$25.00
Zoning Verification	\$25.00
Home Occupation	\$25.00
Plans Review:	
TRC Plans	\$300.00
Non TRC Plans	\$50.00
Annexations	\$100.00
Subdivisions:	
Preliminary Minor	\$100.00 + 1.00 lot
Preliminary Major	\$300.00 + 1.00 lot
Minor Final	\$100.00
Major Final	\$100.00
Recombinations/Amendments	\$50.00
Board of Adjustments:	
Variance	\$300.00
Planning Board:	
Rezoning	\$500.00
Conditional Use Rezoning	\$600.00
Special Use Permit	\$250.00
Text Amendment	\$350.00
Vested Rights	\$400.00
Publications:	
Unified Development Code	\$45.00
Minimum Housing:	
Second Reinspection	\$150.00
Nuisance and Abatements:	
Mow Weeded Lot:	
1st hour or fraction	\$250.00
2nd/subsequent hour	\$100.00

## FEE AND RATE SCHEDULE

## POLICE

	<u>Fees</u>
Precious Metals	\$180.00
Finger Printing	\$10.00
Precious Metals Emp. Init.	\$10.00
Precious Metal Emp. Ren.	\$3.00
False Alarm Fee	\$50.00
Parking Tickets:	
Original Ticket	\$5.00
Past Due After 14 Days \$25 Penalty	\$30.00
Past Due After 28 Days \$50 Penalty	\$80.00

Statesville Fitness & Activity:		<u>Fees</u>
Memberships and Daily Fees:		
Individual (Ages 18-54):		
	Statesville Resident:	
	Annual	\$160.00
	Annual w/ monthly draft	\$20/month
	Monthly	\$20.00
	Daily	\$3.00
	Non-Resident:	
	Annual	\$235.00
	Annual w/ monthly draft	\$30/month
	Monthly	\$30.00
	Daily	\$5.00
Youth (17 & Under):		
	Statesville Resident:	
	Annual	\$110.00
	Annual w/ monthly draft	\$15/month
	Monthly	\$15.00
	Daily	\$2.00
	Non-Resident:	
	Annual	\$160.00
	Annual w/ monthly draft	\$20/month
	Monthly	\$20.00
	Daily	\$4.00
Senior (55+):		
	Statesville Resident:	
	Annual	\$110.00
	Annual w/ monthly draft	\$15/month
	Monthly	\$15.00
	Daily	\$2.00
	Non-Resident:	
	Annual	\$160.00
	Annual w/ monthly draft	\$15/month
	Monthly	\$20.00
	Daily	\$4.00
Family:		
	Statesville Resident:	
	Annual	\$235 + \$50/person after 3
	Annual w/ monthly draft	\$30 + \$10/per person after 3/month
	Monthly	\$30 + \$10/person after 3
	Non-Resident:	
	Annual	\$350 + \$75/person after 3
	Annual w/ monthly draft	\$40 + \$10/per person after 3/month
	Monthly	\$40 + \$10/person after 3
Rec ID (basketball only):		
	18+ Resident	\$20.00
	18+ Non Res.	\$40.00
	14-17 Resident	\$10.00
	14-17 Non Res.	\$20.00
	Under 14 Res.	\$5.00
	Under 14 Non Res.	\$10.00
Corporate:		
	Individual	\$125.00
	Family	\$210 plus \$45/person after 3
Military:		
	Individual	\$125.00
Fitness on Demand (add on product)		\$5/month (added to membership)

		<u>Fees</u>
Wall Climbing:		
Gear Rentals:		
Harness:	Members	FREE
	Non-members	\$5.00
Shoes	Members	FREE
	Non-members	\$1.00
Supervised Child Care (per visit):		
1st Child		\$5.00
Additional Child		\$3.00
Room Rental:		
Weekdays Before 5:00pm:		
Without Charging Admissions Fee:		
1 Room:	Hourly	\$20.00
	Daily (4+ hours)	\$80.00
2 Rooms:	Hourly	\$35.00
	Daily (4+ hours)	\$140.00
3 Rooms:	Hourly	\$45.00
	Daily (4+ hours)	\$180.00
4 Rooms:	Hourly	\$50.00
	Daily (4+ hours)	\$200.00
Charging Admissions Fee:		
1 Room:	Hourly	\$25.00
	Daily (4+ hours)	\$100.00
2 Rooms:	Hourly	\$40.00
	Daily (4+ hours)	\$160.00
3 Rooms:	Hourly	\$55.00
	Daily (4+ hours)	\$220.00
4 Rooms:	Hourly	\$65.00
	Daily (4+ hours)	\$260.00
Weekdays or Weekends After 5:00pm:		
Without Charging Admissions Fee:		
1 Room:	Hourly	\$30.00
	Daily (4+ hours)	\$120.00
2 Rooms:	Hourly	\$55.00
	Daily (4+ hours)	\$220.00
3 Rooms:	Hourly	\$75.00
	Daily (4+ hours)	\$300.00
4 Rooms:	Hourly	\$90.00
	Daily (4+ hours)	\$360.00
Charging Admissions Fee:		
1 Room:	Hourly	\$35.00
	Daily (4+ hours)	\$140.00
2 Rooms:	Hourly	\$65.00
	Daily (4+ hours)	\$260.00
3 Rooms:	Hourly	\$90.00
	Daily (4+ hours)	\$360.00
4 Rooms:	Hourly	\$110.00
	Daily (4+ hours)	\$440.00
Programs:		
Teacher Workday Camp (per day)		\$25.00
Youth Fit:		
	Resident	\$40.00
	Non Resident	\$50.00
Belay Class		\$10.00



	<u>Fees</u>
Bike Rental	\$5.00
After School (per semester)	
Resident	\$150.00
Non Resident	\$200.00
Day Camps:	
Statesville Resident	\$65.00
Non-Resident	\$75.00
Adventure Camp:	
Statesville Resident	\$115.00
Non-Resident	\$130.00
Statesville Leisure Pool:	
General Admission Fees:	
Day Swim:	
Under age 1	Free
Ages 1 and over	\$5.00
Evening Swim:	
Under age 1	Free
Ages 1 and over	\$3.00
Group Camp Pool Admission	\$3.00
Pool Birthday Party	\$100.00
Exclusive Rental:	\$1,000.00
Season Pool Passes:	
Individual:	
Statesville Resident	\$100.00
Non-Resident	\$150.00
Family:	
Statesville Resident	\$175.00
Non-Resident	\$260.00
Athletics:	
Concession Stand (Daily)	\$50.00
Dumpster Fee (Daily) (Tournaments)	\$50.00
Iredell Senior Games:	\$10.00
Banquet Fee	\$5.00
Youth Baseball:	
Statesville Resident	\$20.00
Non-Resident	\$30.00
Youth Wrestling:	
Statesville Resident	\$20.00
Non-Resident	\$30.00
Youth Basketball:	
Statesville Resident	\$20.00
Non-Resident	\$30.00
Youth Softball:	
Statesville Resident	\$20.00
Non-Resident	\$30.00
Middle School Softball:	
Statesville Resident	\$30.00
Non-Resident	\$40.00
Adult Team League Fee:	\$100.00
Late Roster Addition:	\$15.00
Shelter (per hour):	
Statesville Resident	\$10.00
Non-Resident	\$15.00
Annual Dog Park Permit:	
Statesville Resident	\$20.00
Non-Resident	\$40.00

	<u>Fees</u>
Baseball/Softball Fields:	\$15.00/Hour
Daily	\$120.00
Baseball/Softball Field Lights:	\$20.00/Hour
Soccer Fields:	\$15.00/Hour
Daily	\$120.00
Soccer Field Lights:	\$20/Hour
Public Grounds and Cemetery:	
Cemetery interment Fees:	
Regular Adult	\$400.00
Cremation	\$150.00
Infant Burial (Under 6 months) Hand Dug	\$200.00
Double Depth Adult	\$800.00
Cemetery Space Fees:	
Full Size Grave Space:	
Statesville Resident	\$500.00
Non-Resident	\$1,000.00
Grave Space Cremation Section:	
Statesville Resident	\$125.00
Non-Resident	\$250.00
Veteran Space	\$0.00
Bentley Community Center:	
Membership Fees:	
Individual (18-54):	
Statesville Resident:	
Annual	\$80.00
Monthly	\$10.00
Daily	\$1.00
Non-Resident:	
Annual	\$120.00
Monthly	\$15.00
Daily	\$2.00
Youth (16 & 17):	
Statesville Resident:	
Annual	\$50.00
Monthly	\$5.00
Daily	\$1.00
Non-Resident:	
Annual	\$75.00
Monthly	\$10.00
Daily	\$2.00
Senior (55+):	
Statesville Resident:	
Annual	\$50.00
Monthly	\$5.00
Daily	\$1.00
Non-Resident:	
Annual	\$75.00
Monthly	\$10.00
Daily	\$2.00
Room Rental Fees:	
Room Deposit	\$50.00
Room Rental (per hour)	\$20.00
Gym Deposit	\$100.00
Half Court Gym (per hour)	\$25.00
Full Court Gym (per hour)	\$35.00
Set-up Fee	\$50.00

			<u>Fees</u>
Bristol Community Center:			
Room Rental Fees:			
	Deposit		\$50.00
	Room Rental:	Per Hour	\$20.00
		4 Hours	\$60.00
		8 Hours	\$100.00
Equipment Rental Fee:			
	8' Tables (each)		\$5.00
	Chairs (each)		\$1.00
	Bingo Set		\$6.00

	<u>Fees</u>	
Driveway Permit	\$25.00	
Re-inspection Residential Construction	\$50.00	
In Lieu of Sidewalk	\$25.00/lf	
In Lieu of Curb and Gutter	\$27.00/lf	
Water Tap (by meter diameter, in inches):	<b>Effective Jan 1, 2021*</b>	<b>Prior to Jan 1, 2021*</b>
3/4"	\$2,800.00	\$525.00
1"	\$3,200.00	\$650.00
1 1/2"	\$4,775.00	\$1,075.00
2"	\$5,775.00	\$1,225.00
>2"	Call For Estimate	Call For Estimate
Sewer Tap	\$2,100.00	\$750.00
>4"	Call For Estimate	Call For Estimate

\*For pre-Jan 1, 2021 tap fees to apply, applications for water and/or sewer taps must be received prior to Jan 1, 2021 and the service location(s) must be ready and able to utilize water/and or sewer services. Speculative or otherwise premature tap purchases will not be granted.

Water Connect Fee (when tap made by others)	\$50.00 + meter cost
Sewer Connect Fee (when tap made by others)	\$50.00
Tap Recovery Fee (to reinstall abandoned water & sewer taps <sup>1</sup> )	\$150 + meter cost + SDF

Water System Development Fee (by water meter size <sup>2</sup> ):	
5/8"	\$652.00
1"	\$1,090.00
1 1/2"	\$2,180.00
2"	\$3,490.00
3"	\$6,980.00
4"	\$10,910.00
6"	\$21,820.00
8"	\$34,910.00
10"	\$50,180.00
12"	\$67,630.00
Sewer System Development Fee (by water meter size <sup>2</sup> ):	
5/8"	\$2,705.00
1"	\$4,510.00
1 1/2"	\$9,020.00
2"	\$14,430.00
3"	\$28,860.00
4"	\$45,090.00
6"	\$90,180.00
8"	\$144,290.00
10"	\$207,420.00
12"	\$279,570.00

1 To restore water and/or sewer taps that were previously abandoned by the City at the request of the owner.

2 When the water tap size is larger than the water meter size, the SDF will be based on the tap size.

	<u>Fees</u>	
Stormwater Fee:	Equivalent Residential Unit (ERU)	\$4.70 per ERU



Inside Rates:		<u>Fees</u>
Water Charges:		
	Basic Facility Fee	\$8.36
	Per 100 cubic feet	\$2.47
Sewer Charges:		
	Basic Facility Fee	\$12.53
	Per 100 cubic feet	\$4.12
Flat rate sewer charge:		\$29.73
Outside Rates:		
Water Charges:		
	Basic Facility Fee	\$20.91
	Per 100 cubic feet	\$6.18
Sewer Charges:		
	Basic Facility Fee	\$31.33
	Per 100 cubic feet	\$10.30
Flat rate sewer charge:		\$74.31
Pretreatment Fees:		
	New Permittees (One-Time Charge)	\$300.00
	Existing Permittees (Every 5 Years)	\$100.00



May 21, 2020

In accordance with the provisions of the N.C. General Statutes, the City Manager's 2020-21 Recommended Budget was presented to the City Council on May 4, 2020. The City Council duly advertised for and conducted a public hearing on the budget on May 18, 2020.

The City Council held one budget work session on May 19, 2020. From this work session, several recommendations were made by Council and are being considered as a proposed balanced budget on June 1, 2020 in their regularly scheduled meeting.

Proposed Operating Budgets by Fund:

<u>General Fund</u>	<u>\$37,598,800</u>
<u>Airport Operating Fund</u>	<u>\$2,326,000</u>
<u>Electric Fund</u>	<u>\$43,277,700</u>
<u>Water / Sewer Fund</u>	<u>\$14,957,000</u>
<u>Stormwater Fund</u>	<u>\$2,241,000</u>
<u>Civic Center Fund</u>	<u>\$1,096,250</u>

**Total: \$101,496,750**

Change Highlights:

The capital purchase of a Street Sweeper has been moved from the General Fund to the Stormwater Fund. This change decreases the General Fund by \$260,000 and increases the Stormwater Fund by \$260,000.

Council also provided guidance on a desired tiered approach to debt issuance. This guidance does not affect the appropriation amounts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Tucker", written over a light blue rectangular background.

Christopher Tucker  
Finance Director

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** Scott Harrell, Executive Director of Public Works / City Engineer  
**DATE:** May 20, 2020

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**ACTION NEEDED ON:** June 1, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

Consider the following actions:

1. Approving 1<sup>st</sup> reading of an ordinance to amend the City Code as follows:
    - Renumber Chapter 20 – Streets and Sidewalks to Chapter 21;
    - Establish a new Chapter 20 – Stormwater;
    - Amend Section 1.07 – General Penalty.
  2. Repealing Resolution 21-95 – Discontinuing the Storm Drainage Policy on Private Property
- 

1. **Summary of Information:** Staff is proposing to add a new chapter to the City Code. This chapter will contain guidelines and procedures for two required functions of the Stormwater Program: (1) Illicit discharge detection and elimination and (2) Tail ditch maintenance.

(1) Illicit discharge detection and elimination (IDDE) is one of the six primary requirements of the City's Phase II NPDES (National Pollutant Discharge Elimination System) permit. It requires City staff to work with property owners to correct inappropriate discharges and connections to the City's storm drainage network, which includes storm drain pipes, drainage structures, channels, creeks and streams. The proposed Chapter 20 provides guidelines for identifying illicit discharges and connections, inspection authority for City staff, timelines and protocols for correcting such activity, enforcement procedures and civil penalties.

(2) City-maintained storm drainage infrastructure is often affected by conditions outside of City right-of-way (ROW), when the tail ditches that carry flows away from City infrastructure become blocked or clogged due to lack of maintenance. About one-fourth of identified stormwater infrastructure issues involve tail ditch issues, but City staff have limited options to address these concerns due to a 1995 City resolution (Resolution 21-95) that prohibits City crews from working on private property. The proposed Chapter 20 provides guidelines and criteria for City staff to perform tail ditch maintenance outside of City ROW, as well as maintenance and repair of other storm drainage infrastructure outside of City ROW for the purpose of maintaining tail ditches and other City infrastructure.

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

(1) The City's Phase II NPDES permit went into effect on November 11, 2016. The permit specifies a 60-month time frame, or by November 11, 2021, for implementing six stormwater-related activities. Illicit discharge detection and elimination is one of the six required activities.

(2) On September 17, 2018, Council instructed staff to include tail ditch maintenance in the scope of the Stormwater Program. Funding for this work was included in the Stormwater Utility that went into effect

July 1, 2019.

(3) On August 21, 1995, Council adopted Resolution 21-95 prohibiting City forces from “providing labor and equipment concerning storm drains, creeks, ditches, etc. on private property.”

3. **Budget/Funding Implications:** The Stormwater Program budget was developed to fund all required and anticipated program tasks, including IDDE and tail ditch maintenance.
4. **Consequences for Not Acting:** The City will be found in violation of its NPDES permit and could be subject to penalties and/or fines if the IDDE practice is not in place by November 11, 2021. City storm drainage infrastructure will continue to be impacted by poor tail ditch maintenance.
5. **Department Recommendation:** Staff recommends approving 1<sup>st</sup> reading of the attached ordinance to amend the City Code as follows:
  - (1) Renumber Chapter 20 – Streets and Sidewalks to Chapter 21 (the Code chapters are arranged alphabetically; there currently is no Chapter 21);
  - (2) Establish a new Chapter 20 – Stormwater;
  - (3) Amend Section 1.7 of the City Code to prevent a conflict with Section 20.29 of the proposed new chapter, related to civil penalties.

Staff also recommends that Council repeal Resolution 21-95 to allow tail ditch maintenance outside City ROW (on private property), in accordance with the guidelines in the proposed Chapter 20.

6. **Manager Comments:** Recommend for approval.
7. **Next Steps:**
  - If 1<sup>st</sup> reading is approved tonight, 2<sup>nd</sup> reading will be on the June 15, 2020 agenda.
  - Once 2<sup>nd</sup> reading is approved, Stormwater Program staff will begin performing IDDE and tail ditch maintenance activities immediately.
8. **Attachments:**
  1. Proposed Ordinance establishing Chapter 20 – Stormwater and related Code amendments
  2. Resolution 21-95

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING CHAPTER 20 OF THE STATESVILLE CITY CODE

WHEREAS, the City of Statesville is directed by the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and the Federal Phase II Stormwater Rules promulgated under it, as well as the rules of the North Carolina Environmental Management Commission promulgated in response to Federal Phase II requirements, to incorporate Illicit Discharge Detection and Elimination into the activities of the City and,

WHEREAS, the Statesville City Council has directed that staff should incorporate maintenance of tail ditches into the activities of the City's Stormwater Program and,

WHEREAS, it is appropriate to codify these changes in a new Chapter 20 of the Statesville City Code,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STATESVILLE:

- Chapter 20 – Streets and Sidewalks is renumbered to Chapter 21 – Streets and Sidewalks and;
- Section 1-7. – General Penalty is amended to read as follows:

(b) **Except as set forth in subsection (c),** ~~Any~~ violation of any provision of this Code shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00), to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of seventy-two (72) hours after he has been cited for violation of the ordinance. Citation shall be in writing, signed by the appropriate department head or the department head's designee charged with the enforcement of the particular ordinance which has been violated, and shall be delivered or mailed to the offender either at his residence or at his place of business or at the place where the violation occurred. Each day's continuing violation shall be a separate and distinct offense. Violations of the following provisions shall not be misdemeanors, but shall subject the offender to the civil penalty; chapter 3; chapter 5; chapter 9; chapter 10; chapter 11; portions of chapter 12, including sections 12-4, 12-86, 12-125 and 12-170; chapter 13; portions of chapter 14, excluding section 14-11, subsection (a), sections 14-17 through 14-19, 14-52 through 14-54 and section 14-76; section 15-37; chapter 19; chapter 20; chapter 21; chapter 22, excluding section 22-2; chapter 23, article VIII; and the city's zoning ordinance. Any action to recover such civil penalty may be joined in action for appropriate equitable or other legal remedy, including injunctions and orders of abatement and including an action to recover damages owing to the city by reason of expenses incurred by the city in abating, correcting, limiting and otherwise dealing with the harmful effects of the offending action.

**(c) Violations of Chapter 20 shall subject the offender to civil penalties as set forth in Section 20-29.**

- A new Chapter 20 – Stormwater is established to read as follows:

**CHAPTER 20 – STORMWATER**

**Article I. – GENERAL**

**Article II. – ILLICIT DISCHARGE AND ILLICIT CONNECTION**

**Article III. – TAIL DITCH MAINTENANCE**



## **ARTICLE I. – GENERAL**

### **Sec. 20-1. – Supervision of Work.**

It shall be the duty of the Public Works Director and the Stormwater Program Manager, or their authorized representative, to supervise all work upon the stormwater conduits, structures, basins, and channels belonging to the city which are now or may be established. They shall report from time to time to the city council as directed on the condition of the stormwater conduits, structures, basins, and channels belonging to the city and, generally, keep the stormwater infrastructure of the city free from obstructions and in a state of good repair.

### **Sec. 20-2. – 20-25. – Reserved.**

## **ARTICLE II. – ILLICIT DISCHARGE AND ILLICIT CONNECTION**

### **Sec. 20-26. - General Provisions.**

- (a) *Authority.* The City Council of the City of Statesville, further referred to herein as “the City”, is authorized to adopt this section pursuant to North Carolina law, including but not limited to, Article 14, Section 5 of the Constitution of North Carolina; G.S. 143-214.7 and rules promulgated by the environmental management commission thereunder; Session Law 2004-163, G.S. 160A-174 and 160A-185.
- (b) *Findings.* It is hereby determined that:
  - (1) Pollutants allowed to enter streams and lakes are harmful to public health and safety as well as to the natural environment.
  - (2) Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and Federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to Federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this section.
  - (3) Therefore, the Statesville City Council establishes this set of water quality regulations to meet the requirements of state and federal law regarding non-stormwater discharges to the storm drainage system.
- (c) *Purpose.* The purpose of this article is to provide for the health, safety, and general welfare for the citizens of the City of Statesville through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm

sewer system (MS4) in order to comply with requirements of the City's National Pollutant Discharge Elimination System (NPDES) permit. The objectives of this article are:

- (1) To enforce the City's Stormwater Management Program;
- (2) To reduce or prevent pollutants in the MS4 to the maximum extent practicable;
- (3) To prohibit illicit connections and discharges to the MS4;
- (4) To prevent improper disposal of materials that degrade water quality; and
- (5) To authorize all inspections, surveillance and monitoring procedures necessary to ensure compliance with this article.

(d) *Definitions.* For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Clean Water Act.* The federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), and any subsequent amendments thereto.
- (2) *Construction Activity.* Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (3) *Facility.* Any land use including, but not limited to: commercial, industrial, and residential land uses, and any other source including, but not limited to: motor vehicles and rolling stock that directly or indirectly contribute, cause, or permit the contribution of any discharge, illicit or otherwise, to the MS4.
- (4) *Hazardous Materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (5) *Illegal or Illicit Discharge.* Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted elsewhere in this article.
- (6) *Illicit Connections.* Either of the following:
  - a. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

- b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- (7) *Industrial Activity*. Activities subject to NPDES industrial stormwater permits as defined in 40 CFR, § 122.26 (b)(14).
- (8) *Municipal Separate Storm Sewer System (MS4)*. The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Statesville and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.
- (9) *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit*. A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- (10) *Non-Commercial Car Washing*. Any occasional automotive washing performed by individuals or groups without charging any fee or in exchange for a charitable donation. This shall include, but is not limited to, car washes performed by local church groups, school groups, athletic teams, youth organizations, and individuals at their place of residence.
- (11) *Non-Stormwater Discharge*. Any discharge to the storm drain system that is not composed entirely of stormwater.
- (12) *Person*. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (13) *Pollutant*. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid wastes, solid wastes, animal wastes, and yard wastes (including grass clippings and leaves); refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage (including flushing of sanitary sewer lines and equipment), fecal coliform, and pathogens; dissolved and particulate metals; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (14) *Premises*. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (15) *Storm Drainage System*. Facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped

storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

- (16) *Stormwater*. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (17) *Stormwater Control Measures (SCMs)*. There are two major categories of SCMs: structural and non-structural.
  - a. Structural SCMs refer to physical structures designed to remove pollutants from stormwater runoff, reduce downstream erosion, provide flood control, and/or promote groundwater recharge. Structural SCMs may be mandated as a condition of site development.
  - b. Non-Structural SCMs are typically passive or programmatic and tend to be source control or pollution prevention measures that reduce pollution in runoff by reducing the opportunity for stormwater runoff to be exposed to pollutants. Non-Structural SCMs are encouraged on all properties and should be implemented wherever feasible, however Non-Structural SCMs are typically not mandated as a condition of site development.
- (18) *Stormwater Conveyance System*. A network of linear and point structures designed to collect, receive, convey, and otherwise manage the controlled movement of stormwater runoff on and from the development site. The Stormwater Conveyance System can consist of numerous types of manmade structures and devices and natural conveyances including, but not limited to, swales, ditches, channels, pipes, culverts, tiles, curb inlets, yard inlets, drop inlets, junction boxes, manholes, outfalls, and the like.
- (19) *Stormwater Management Plan*. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.
- (20) *Stormwater Management System*. All conveyances and structures (SCMs) that are constructed on a development site for the purposes of managing stormwater runoff by collecting, conveying, controlling, storing, detaining, retaining, infiltrating, filtering, and otherwise mitigating the negative impacts that stormwater has on the natural environment.
- (21) *Stormwater Program Manager*. The City employee hired by the City Manager to manage the City's stormwater programs.
- (22) *User*. Any person who owns real property on which a facility is owned.
- (23) *Wastewater*. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
- (e) *Jurisdiction and Scope of Authority*. The Illicit Discharge and Illicit Connection Ordinance codified in this article, hereinafter the article, shall apply to all facilities within the City limits. All users

whose facility is subject to this article, regardless of whether the user's facility is managed or operated by another person, shall comply with this article as well as any permits, enforcement actions or orders issued hereunder. The Stormwater Program Manager shall administer, implement, and enforce the provisions of this article. Any powers granted or imposed on the Stormwater Program Manager may be delegated by the Stormwater Program Manager to other designated personnel as may be necessary. Nothing in this article shall be interpreted to impose an obligation on the City to construct, maintain, repair or operate a storm drainage system, or any part thereof, located on another person's property.

- (f) *Abrogation.* This article is not intended to repeal, abrogate, annul, impair, or interfere with any existing agreements, covenants, rules, regulations or permits previously adopted or issued. However, if any provisions or requirements of this article conflict with any existing regulations or ordinances, the more restrictive provisions shall apply.

#### **Sec. 20-27. - Prohibited Discharges and Connections.**

- (a) *Illicit Discharges.* No person shall cause or allow the discharge, emission, disposal, pouring or pumping of any liquid, solid, gas or other substance, including but not limited to fuel, oil, anti-freeze, chemicals, soaps, animal waste, paints, garbage or litter, other than stormwater, in such manner and amount, directly or indirectly, so that the substance either does or is likely to reach any stormwater conveyance, waters of the state or lands within the City, except as provided in Sec. 20-27.(b).
- (b) *Allowable Discharges.* Non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:
  - (1) Water line flushing;
  - (2) Landscape irrigation;
  - (3) Diverted stream flows;
  - (4) Rising ground waters;
  - (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
  - (6) Uncontaminated pumped ground water;
  - (7) Discharges from potable water sources;
  - (8) Foundation drains;
  - (9) Air conditioning condensation;
  - (10) Irrigation water;
  - (11) Springs;



- (12) Water from crawl space pumps;
- (13) Footing drains;
- (14) Lawn watering;
- (15) Residential and charity car washing;
- (16) Flows from riparian habitats and wetlands;
- (17) De-chlorinated swimming pool discharges (free and total chlorine less than 1 ppm);
- (18) Firefighting discharge;
- (19) Dyes (that are both biodegradable and non-toxic) normally used to identify and trace underground pipe networks, but only if the user has notified the Stormwater Program Manager at least 24 hours prior to the time of the test;
- (20) Street wash water (note: prior to street washing, excess mud, sediment, debris, and other pollutants shall be removed to prohibit such from entering the drainage system);
- (21) Any other non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the user and administered under the authority of the EPA, or DWQ, provided that the user is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Discharges specified in writing by the Stormwater Program Manager as being necessary to protect public health and safety or discharges that have been filtered through an approved pretreatment system that consistently demonstrate no discharge of pollutants.

(c) Illicit Connections.

- (1) Connections to a stormwater conveyance system that allow or potentially allow the discharge of non-stormwater, other than the exclusions described in Section 20-27 (b) are unlawful. Prohibited connections include, but are not limited to: floor drains, domestic and commercial washing machines, commercial vehicle washing or steam cleaning, septic systems and sanitary sewers.
- (2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this article. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

- (3) Where it is determined that said connection:
- a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat; or
  - b. Was made in violation of any applicable regulation or ordinance, other than this section;

The City Stormwater Program Manager shall designate the time within which the connection shall be removed.

- (4) In setting the time limit for compliance, the Stormwater Program Manager shall take into consideration:
- a. The quantity and complexity of the work;
  - b. The consequences of delay;
  - c. The potential harm to the environment, to the public health, and to public and private property; and
  - d. The cost of remedying the damage.
- (5) When necessary to stop an actual or threatened discharge that is imminently dangerous or prejudicial to the public's health or safety, the Stormwater Program Manager may, without prior notice, order that a user's access to the MS4 be suspended. If the violator fails to comply with this suspension order, the Stormwater Program Manager may take such steps as deemed necessary to remove, abate or remedy the actual or threatened discharge. The user shall reimburse the City the full cost of such removal, abatement or remedy according to the terms of this article. The user may appeal the Stormwater Program Manager's decision pursuant to this article, but the user may not reconnect to the MS4 without prior written approval of the City.

(d) Spills.

- (1) Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.
- (2) In the event of a known or suspected illicit discharge of hazardous materials into the MS4, the user or their employee, contractor, or agent, shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a non-hazardous illicit discharge, the user shall notify the Stormwater Program Manager in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Statesville Stormwater Program Manager within three business days of the phone notice. If an illicit discharge emanates from a commercial or industrial land use, the user shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**Sec. 20-28. - Right of Entry.**

- (a) The Stormwater Program Manager or designee shall have right of entry on or upon the property of any person subject to this article and any permit/document issued hereunder. The Stormwater Program Manager or designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this article. However, in no case shall the right of entry, of itself, confer an obligation on the City of Statesville to assume responsibility for the structural SCM.
- (b) Where a person has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Stormwater Program Manager or designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (c) The Stormwater Program Manager or designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations.
- (d) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the Stormwater Program Manager or designee. The costs of clearing such access shall be borne by the person.
- (e) The Stormwater Program Manager or designee may inspect the facilities of any User in order to ensure compliance with this article. Such inspection shall be made with the consent of the owner manager, or signatory official. If such consent is refused the Stormwater Program Manager or designee may seek issuance of an administrative search warrant.

**Sec. 20-29. – Enforcement.**

- (a) *Authority to Enforce.* The provisions of this section shall be enforced by the Stormwater Program Manager, his or her designee, or any authorized agent of the City of Statesville. Whenever this section refers to the Stormwater Program Manager, it includes his or her designee as well as any authorized agent of the City of Statesville.
- (b) *Violation Unlawful.* Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this section, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this section, is unlawful and shall constitute a violation of this article.
- (c) *Each Day a Separate Offense.* Each day that a violation continues shall constitute a separate and distinct violation or offense.

- (d) *Responsible Person/Entities.* Responsible persons are all persons or dischargers who participate in, assist, direct, create, cause, or maintain a condition that constitutes a violation of this article, or fails to take appropriate action so that a violation of this article results or persists.
- (1) Responsible persons include, but are not limited to, owners of property where a violation occurs; persons in the design or construction field who have created, directed, or assisted in the design or construction of an improvement or feature in violation of the requirements of this article; and persons who have control over the use or maintenance of property or the activities occurring on property where a violation has occurred.
  - (2) Multiple violations may be charged against multiple individuals or entities for an action that violates this article.
- (e) *Public Nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the responsible person's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- (f) *Notice of Violation.*
- (1) Whenever the City finds that a user has violated this article, the City shall notify the user and/or property owner in writing by registered or certified mail, personal service, or posting of said notice at the facility where the alleged violation occurred. The notice shall specify the violation and actions needed to be taken to comply. The notice may also indicate a requirement for the discharger to perform any or all of the following:
    - a. Install equipment or perform testing necessary to monitor, analyze and report of the condition of the user's storm drainage system;
    - b. Eliminate illicit connections or discharges;
    - c. Cease and desist all violating discharges, practices or operations;
    - d. Abate or remedy the stormwater pollution or contamination hazards and restore any affected property;
    - e. Pay a civil penalty; or
    - f. Implement source control or treatment SCM(s).
  - (2) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the user fail to meet the deadline, then representatives of the City shall enter upon the facility and are authorized to take any and all measures necessary to abate the violation and/or restore the facility and the expense thereof shall be charged to the user and collected pursuant to Section 20-28. – Right of Entry. Refusal to accept the notice shall not relieve the user of the obligation set forth herein.
- (g) *Remedies.*
- (1) *Recovery of costs and fines.* As authorized by G.S. § 160A-193, the offender shall be liable to the City for the civil penalty, all costs incurred by the City while enforcing this article,

including but not limited to: abatement costs, remedying the damage caused by the illicit discharge, restoring the facility, sampling, clean-up, the City's administrative costs, costs of court, and costs of litigation, to include reasonable attorney's fees. Within 30 days after the City has completed its abatement of the violation, restoration of the facility and/or its investigation and inspection, the violating user or person will be notified of the City's total costs and the civil penalty, if any. The total amount due shall be paid within 30 days of the date of notice. If the amount due is not paid within 30 days, the charges shall constitute a lien on the land or premises where the nuisance occurred. A lien established pursuant to this division shall have the same priority and be collected as unpaid ad valorem taxes. The total amount due is also a lien on any other real property owned by the user within the City limits, except for the person's primary residence. A lien established pursuant to this division is inferior to all prior liens and shall be collected as a money judgment. The user may avoid the lien on any other real property owned by the user within the City limits only if the user can show that the accrual or threatened discharge was created solely by another person. In the event that the user is able to pass the liability onto another person, the other person shall be liable to the City pursuant to this section.

- (2) *Withholding of inspections, permits, certificate of occupancy or other approvals.* Building inspections; permits for development or other improvements; requests for plan approval for zoning, subdivision, other development or construction; and certificates of occupancy may be withheld or conditioned upon compliance with this article until a responsible person with ownership or management of the property for which permits or approvals are sought has fully complied with this article and all actions taken pursuant to this article.
- (3) *Remedies not limited.* The remedies provided herein, whether civil, criminal, or administrative, are not exclusive; may be exercised singly, simultaneously, or cumulatively; may be combined with any other remedies authorized under the law; and may be exercised in any order.
- (4) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

(h) Civil Penalties.

- (1) Any person who violates or fails to act in accordance with any of the provisions of this article or rules or orders adopted or issued pursuant to this article shall be subject to a civil penalty as described herein. Each day of a continuing violation shall constitute a separate violation under this subsection. Failure to comply with the requirements of this article may result in imposition of enforcement measures as authorized by G.S. 143-215.6B.
- (2) Said penalties shall be assessed by the City Manager, or his/her designee. No penalty shall be assessed until the person alleged to be in violation is served in writing by certified mail, personal service, or posting of said notice at the facility where the alleged violation occurred.



- (3) In the event the City is fined by the state or federal governments resulting from an illicit discharge or connection made by a discharger or other person, the discharger or other person at fault shall reimburse the City for the full amount of the civil penalty assessed by the state and/or federal governments as well as for the abatement costs incurred by the City during the investigation and restoration process pursuant to this article.
- (4) Civil penalties collected pursuant to this article shall be used or disbursed as directed by law.
- (5) *Illicit discharges.* Any user or other person, including but not limited to, a designer, contractor, agent, or engineer, who allows, acts, participates in, assists, or directs an illicit discharge, either directly or indirectly, shall be subject to civil penalties as follows:
- a. For first time offenders, if the quantity of the discharge is equal to or less than five (5) gallons and consists of domestic or household products in quantities considered ordinary for household purposes, said person shall be assessed a Category I Civil Penalty per violation, per day. If the quantity of the discharge is greater than five (5) gallons or contains non-domestic substances, including but not limited to process waste water, or if said person cannot provide clear and convincing evidence of the volume and nature of the substance discharged, said person shall be assessed a Category II Civil Penalty per violation, per day.
  - b. First time offenders who discharge into the MS4 any substance that is a byproduct of a commercial or industrial process or any substance that was purchased at a bulk sales location shall be assessed a Category II Civil penalty. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
  - c. Repeat offenders. A user who discharges into the MS4 in violation of this article more than once within a 12-month period, shall be assessed a civil penalty at one category level higher than the category assessed for a first time offender of the substance discharged. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
- (6) *Illicit Connections.* Any user or other person, including but not limited to a designer, contractor, agent, or engineer, who allows, acts, participates in, assists, or directs the establishment of an illicit connection, either directly or indirectly, shall be subject to civil penalties as follows:
- a. First time offenders shall be assessed a Category II civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.
  - b. A user or person who is found to have violated this section more than once within a 12-month period shall be assessed a Category III civil penalty in an amount set forth in the schedule of civil penalties. Each day's continuing violation shall constitute a separate and distinct offense for the purpose of assessing a civil penalty.

- (7) *Penalty considerations.* In determining the amount of the penalty, the Stormwater Program Manager or designee shall consider:
- a. The degree and extent of harm to the environment, public health and public and private property; and
  - b. The cost of remedying the damage; and
  - c. The duration of the violation; and
  - d. Whether or not the violation was willful; and
  - e. The prior record of the person responsible for the violation in complying with this article; and
  - f. The City's enforcement costs and the amount of money saved by the violator through his, her or its noncompliance; and
  - g. Any other consideration relevant to the violation.
- (8) *Schedule of penalties.* The following civil penalties shall be imposed, up to the amount shown for each category, upon the user or person found to have violated this article:
- a. Category I: civil penalty not to exceed \$100 per day per violation.
  - b. Category II: civil penalty not to exceed \$1,000 per day per violation.
  - c. Category III: civil penalty not to exceed \$5,000 per day per violation.

**Sec. 20-30. – Appeals.**

- (a) Any order, requirement, decision or determination made by the Stormwater Program Manager may be appealed to and decided by the Statesville Board of Adjustment.
- (b) An appeal from a decision of the Stormwater Program Manager must be submitted to the Statesville Board of Adjustment within 30 days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Appeals must be mailed or delivered to the Public Works Director and clearly marked with the following: "Appeal of IDIC Decision – Board of Adjustment." Following submission of an appeal, the Public Works Director will forward the appeal request to the BOA. Within 30 days or at the next regular BOA meeting, the Stormwater Program Manager shall provide all documentation constituting the record upon which the action appealed from was taken.
- (c) An appeal stays all proceedings in furtherance of the action appealed, unless the Statesville Public Works Director certifies to the Statesville Board of Adjustment, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record upon due cause shown.
- (d) The Statesville Board of Adjustment shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney. Decisions of the Statesville Board of Adjustment are final.

**Sec. 20-31. - Nuisance; Injunctive Relief.**

- (a) Illicit discharges and illicit connections which exist within the City are hereby found, deemed, and declared to be dangerous or prejudicial to the public health or public safety and are found, deemed, and declared to be public nuisances.
- (b) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**Sec. 20-32. – 20-50. – Reserved.**

**ARTICLE III. – TAIL-DITCH MAINTENANCE**

**Sec. 20-51. – General Purpose.**

- (a) The intended purpose of this policy is to provide general guidelines and procedures for maintenance and repair of tail ditches within the City of Statesville's (City) jurisdiction. The City maintains the drainage system within the City's right-of-way (ROW) and on City property. Consistent with the provisions of this Policy and City ordinances, the City may also maintain and repair drainage infrastructure outside of City ROW for the purpose of maintaining tail-ditches and other City infrastructure.
- (b) It is recognized that many properties have been privately developed in the floodplains of creeks and streams in Statesville and that such properties are occasionally subject to nuisance flooding, standing water, and poor drainage. The City is not legally or fiscally responsible for the repair and maintenance of general flooding on private property. However, it shall be the policy of the City to enter onto private property under these conditions and for the purpose of maintaining and repairing city infrastructure, which includes but is not limited to streets, curb and gutter, pavement, or storm pipes when it is determined that: (1) a problem has been created due to a tail-ditch issue; and (2) the City determines all of the Primary Criteria listed herein are met. The Stormwater Program Manager or designee shall administer and interpret this policy.
- (c) This policy is not intended for problems affecting recently constructed, occupied structures. This policy is intended only for a residence wherein a certificate of occupancy has been issued at least ten (10) years prior. This policy is also not intended to address control issues such as algae, mosquitoes, water quality, and trash removal, and they do not qualify for maintenance or improvements through this policy.

**Sec. 20-52. – Primary Criteria for Tail Ditch Maintenance.**

- (a) The Stormwater Program Manager shall analyze each tail ditch to determine if the following primary criteria are present:
  - (1) The tail-ditch is located within the City limits of Statesville, North Carolina, or a tail-ditch located outside of the territorial limits affects City infrastructure, such as roads or streets;
  - (2) A Certificate of Occupancy has been issued for the residence at least ten (10) years prior to the date the application was submitted;
  - (3) The property owner(s) is (are) willing to execute a Right of Entry Agreement;
  - (4) The problem threatens or creates a danger to public safety in a City ROW;
  - (5) The problem is caused by stormwaters emanating from public or private lands or right-of-way (i.e. public stormwater).

**Sec. 20-53. – Terms and Conditions of City Participation.**

- (a) If the Stormwater Program Manager determines all primary criteria are present, he or she shall do repair and maintenance work to tail-ditch issues as funding allows. The Stormwater Program Manager must prioritize approved applications according to approved, available funds, net public benefit, and potential dangers and harm to the public or public property.
- (b) Any work performed must be done according to the following terms and conditions:
  - (1) All work must be performed by City personnel or a City contractor. The City will not furnish materials to the property owner for installation by Owner or Owner's contractor;
  - (2) Participating property owners must donate to the City, where necessary, a permanent easement to construct the Project and maintain the drainage system. Future stormwater maintenance by the City shall be limited to repairs and maintenance of a substantive nature that ensures the adequate performance of the infrastructure. Ongoing stormwater system maintenance for the purposes of aesthetics or convenience shall be the responsibility of the property owner.
  - (3) All maintenance and repair services are subject to available funding, determined each Fiscal year pursuant to the direction of the Statesville City Council.
  - (4) The City will not participate in maintenance and repair of Stormwater Control Measures or Stormwater Best Management Practices that are privately owned and/or required under site plans approved by the City or NC Department Environmental Quality.
  - (5) All work performed by the City shall be constructed to meet current City design standards located in the Drainage Design Manual

**Sec. 20-54. – 20-75. – Reserved.**

Effective date:

This amendment, and any ordinances affected by this amendment, is effective on the date of its enactment.

This, the \_\_\_\_ day of \_\_\_\_\_, 2020.

This ordinance was introduced for first reading by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried on the \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the \_\_\_\_ day of \_\_\_\_\_, 2020, and upon motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF STATESVILLE

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

APPROVED AS TO FORM

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

ATTEST:

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



RESOLUTION DISCONTINUING THE  
STORM DRAINAGE POLICY ON PRIVATE PROPERTY

WHEREAS, the City of Statesville has for many years participated with property owners in piping ditches on private property; and

WHEREAS, this policy creates more problems than it solves; and

WHEREAS, it is in the best interest of the City of Statesville to discontinue providing labor and equipment to construct or pipe ditches on private property;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Statesville that the policy of providing labor and equipment concerning storm drains, creeks, ditches, etc. on private property is hereby discontinued effective this date of adoption.

This the 21 day of August, 1995.

John E. Marshall  
Mayor

ATTEST:

Mary L. Kerley  
City Clerk



# CITY COUNCIL ACTION REQUEST

**TO:** Ron Smith, City Manager  
**FROM:** Scott Harrell, PE, Exec Director of Public Works/City Engineer  
**DATE:** May 18, 2020

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**ACTION NEEDED ON:** June 1, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving water and sewer betterments in conjunction with the NC Department of Transportation I-40 / I-77 Interchange project (I-3819B) and Budget Amendment No. 2020-23.**

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- 1. Summary of Information:** In May 2018, staff was contacted by representatives from NC Department of Transportation (DOT) to discuss relocating City water and sewer lines to accommodate the second phase of the I-40 / I-77 interchange project (NC DOT Project No. I-3819B). During the following conversations it was determined that the City's water and sewer lines in the project area predate the interstates, which means that NC DOT is responsible for 100% of the cost of relocating these City utilities.

DOT offered staff the option to upsize existing City water and sewer lines in the project area. In this case, the City will be responsible for the difference in cost between installing a larger size vs. the existing size. Staff requested estimates to upsize City utilities in three locations. The upsizing estimates for each location are:

<u>Location</u>	<u>Current Utility Size</u>	<u>Proposed Size</u>	<u>Upsize Cost</u>
I-40, 0.34 miles east of I-77	15" sewer	24" sewer	\$157,000
I-77 at Davie Avenue	12" water	16" water	\$90,000
I-77 at East Broad St	12" water	16" water	<u>\$121,000</u>

**Total cost, all locations:** **\$368,000**

Please note that conditions encountered during construction may affect the final costs. A 5% contingency is included in the above estimates.

Increasing the size of these utility crossings will enable the City to more readily accommodate future growth in these areas. Of particular interest is the sewer line beneath I-40. The current 15-inch sewer line serves the northeast quadrant of the I-40 / I-77 interchange, as well as the Crawford Rd, Auto Auction, and I-77 Rest Stop areas.

- 2. Previous Council or Relevant Actions:** None.
- 3. Budget/Funding Implications:** The City's estimated cost to upsize these utility crossings is \$368,000. Staff anticipates this expense will occur during FY2020-21.
- 4. Consequences for Not Acting:** Interstate crossings are among the most expensive items in any utility project. The cost of these upsizing options is about 19% of the total installation cost at these locations. This is an opportunity to accommodate future growth by upsizing three interstate crossings at a significant discount.
- 5. Department Recommendation:** Staff recommends approving the water and sewer betterments and Budget Amendment No. 2020-23. Staff also recommends authorizing the City Manager to execute a utility agreement

with NC DOT documenting the costs and payment terms for this project.

- 6. Manager Comments:** This is a large expenditure that was unplanned. However, the Water and Sewer Fund Balance can handle this amount, and the ability to get these crossings in place for a significant price reduction will provide a long-term benefit. Recommend for approval.

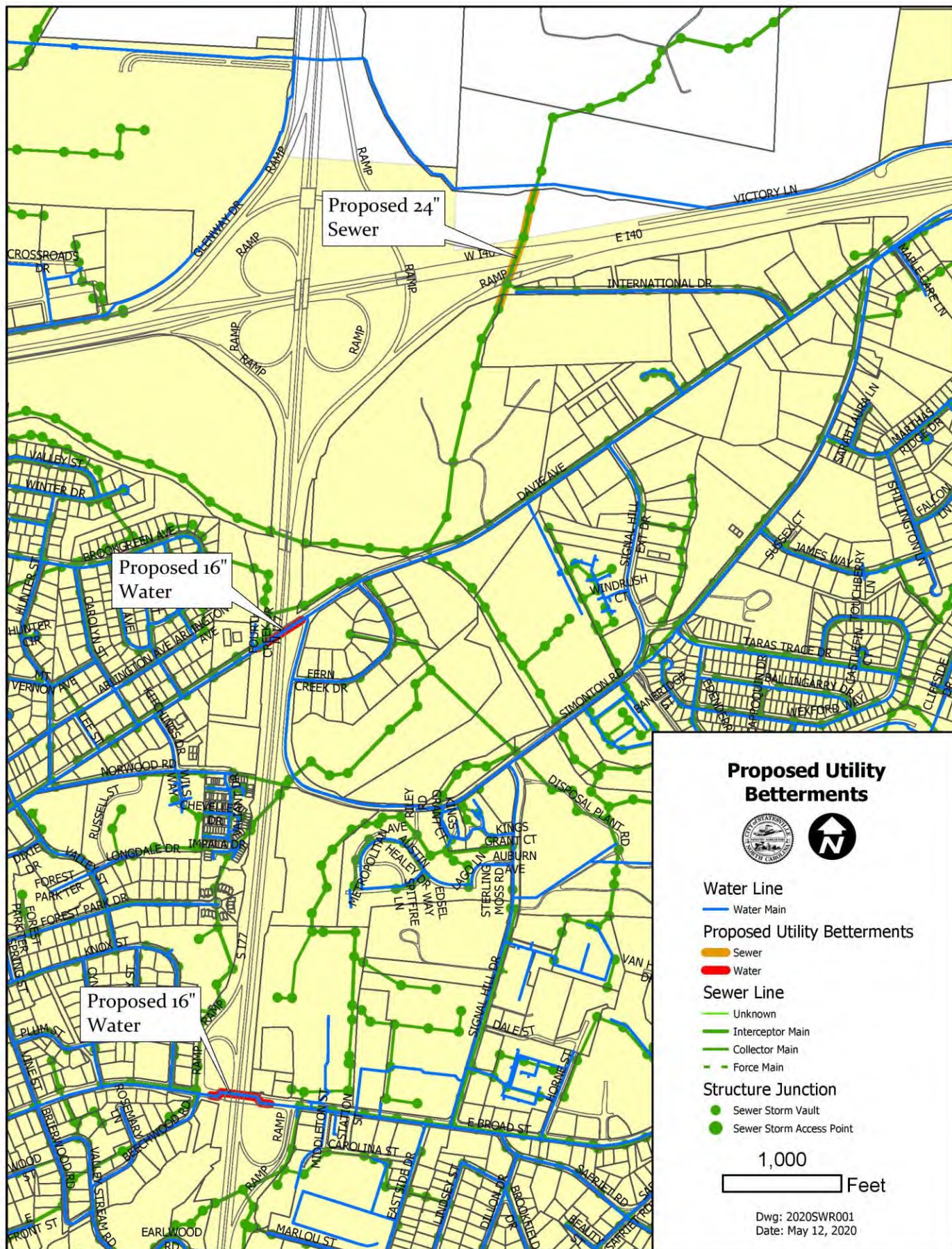
**7. Next Steps:**

- If approved, the City Manager will review and execute the utility agreement prepared by NC DOT.
- NC DOT's contractor (Lane Construction) is prepared to begin utility relocations immediately upon execution of a utility agreement by the City.

**8. Attachments:**

1. Location map
2. Budget Amendment 2020-23





**CITY OF STATESVILLE**  
**BUDGET AMENDMENT #2020-23**  
**June 1, 2020**  
FISCAL YEAR 2019-2020

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
<b>Water / Sewer Fund</b>					
550.0000.399.00.00	Revenue	Fund Balance	2,659,148	368,000	3,027,148
Total Revenues			<u>2,659,148</u>	<u>368,000</u>	<u>3,027,148</u>
<b>Water / Sewer Fund</b>					
550.5582	Expenditure	Water Maintenance	2,312,650	368,000	2,680,650
Total Expenditures			<u>2,312,650</u>	<u>368,000</u>	<u>2,680,650</u>
<i>DESCRIPTION: To appropriate fund balance for utility betterments on NCDOT projects</i>					

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

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

APPROVED BY CITY COUNCIL:

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



## **CITY COUNCIL ACTION REQUEST**

**TO:** City Council  
**FROM:** Ron Smith, City Manager  
**DATE:** May 19, 2020

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**ACTION NEEDED ON:** June 1, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Two Council members have requested to discuss amending the H-115 (Highway 115/Shelton Avenue Corridor) Zoning District.**

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- 1. Summary of Information:** This request would be for the Council to consider amending boundaries of this district, which runs one to two blocks deep off Shelton Avenue from Allison Street (north of Garner Bagnal Blvd.) south to 1500 feet south of the Amity Hill Road and Shelton Avenue intersection.
- 2. Previous Council or Relevant Actions:** The H-115 District was adopted on March 3, 2009 in preparation of the Downtown & NC 115 Streetscape/Land Use Master Plan which was adopted October 5, 2009. There were 118 parcels that were rezoned as part of the H-115 Corridor. Since that time Dollar General was built, Skinners and the Dental Clinic moved into existing strip center, property was acquired for a future municipal service center, Advance Auto has been built, and preliminary engineering for the multi-use path is underway along with the streetscape cross section. The purpose of the plan is to facilitate redevelopment of the 115 Corridor by making it a more attractive gateway into Downtown Statesville.
- 3. Budget/Funding Implications:** Amending the boundaries would be an amendment to the adopted plan and a rezoning, which would require going through the typical rezoning process.
- 4. Consequences for Not Acting:**
- 5. Department Recommendation:** None currently.
- 6. Manager Comments:**
- 7. Next Steps:** Hold a detailed discussion or workshop on this issue.
- 8. Attachments:**
  1. Land Use Inventory 2008 List
  2. Coordinating 115 District Map



# Hwy. 115 Land Use Inventory

	A	B	C	D	E	F	G
	Business/Property Use	PIN	Current Zoning	Nonconforming	Proposed Zoning	Nonconforming	CL/ETJ
2	Ride with Pride Carwash	4744-01-9895	B-2	yes	H115	yes	CL
3	Vacant Lot/Part of Ride with Pride Carwash	4744-01-8885	B-2	yes	H115	yes	CL
4	Residential 117 Mill St. (Phillip and Janis Mills)	4744-01-8389	B-2	no	H115	no	CL
5	Residential 115 Mill St. (Phillip and Janis Mills)	4744-01-9411	B-2	no	H115	no	CL
6	Residential 900/902 Shelton Av. (Phillip and Janis Mills)	4744-11-0402	B-2	no	H115	no	CL
7	Residential 904/906 Shelton Av. (Phillip and Janis Mills)	4744-11-0309	B-2	no	H115	no	CL
8	Residential 908 Shelton Av. (David Johnson)	4744-11-0305	B-2	no	H115	no	CL
9	Residential 910 Shelton Av. (Todd and Cynthia Rhyne)	4744-01-9370	B-2	no	H115	no	CL
10	Vacant /914 Shelton Av. (Talmadge Kinney)	4744-01-9265	B-2	no	H115	no	CL
11	Vacant Lot (Berth Oil Company of Statesville)	4744-01-9155	B-2	no	H115	no	CL
12	Vacant Commercial 930 Shelton (Berth Oil Company of Statesville)	4744-01-9071	B-2	no	H115	no	CL
13	Vacant/Concrete pad (Judyth White & Timothy Brinn)	4744-00-9840	B-2	no	H115	no	CL
14	Vacant Lot 111 Winston Ave (Judyth White & Timothy Brinn)	4744-00-8811	B-2	no	R-SMFM	yes	CL
15	Child Care Center	4744-00-9639	B-2	no	H115	no	CL
16	Resurrection Church of God	4744-00-9639	B-2	no	H115	no	CL
17	Warehouse/Chemical	4744-00-7596	B-2	yes	R-SMFM	yes	CL
18	Brickhouse Salon	4744-00-9534	B-2	no	H115	no	CL
19	Skinner's Seafood	4744-00-9534	B-2	no	H115	no	CL
20	Statesville Family Medical	4744-00-9534	B-2	no	H115	no	CL
21	1st Legacy Credit	4744-00-9534	B-2	no	H115	no	CL
22	Vacant Lot 1025 S. Meeting St. Part of Desco	4744-00-7596	B-2	no	R-SMFM	yes	CL
23	Desco Equipment	4744-00-7486	B-2	yes	R-SMFM	yes	CL
24	Bumper to Bumper (Auto Parts Sales)	4744-00-9320	B-2	yes	H115	no	CL
25	Xavier's Barber	4744-00-9116	B-2	no	H115	no	CL
26	The Church of God	4744-00-9116	B-2	no	H115	no	CL
27	Williams Car Care	4744-00-9008	B-2	yes	H115	yes	CL
28	Commercial Vacant (was America Home Place)	4744-00-8091	B-2	no	H115	no	CL
29	Rolling Pin	4743-09-8984	B-2	no	H115	no	CL
30	Casey's Automotive	4743-09-9707	B-5	no	H115	yes	CL
31	Vacant (Paper Stock Dealers)	4743-09-8708	B-5	no	H115	no	CL
32	Residential Rent/Property Management 115/117 W Raleigh Av (Douglas M Safriet)	4743-09-7709	B-5	yes	H115	no	CL
33	Vacant Lot (Douglas Safriet)	4743-09-6830	B-5	no	H115	no	CL
34	Jesus Save Ministries	4743-09-6451	B-5	no	H115	no	CL
35	Habitat Restore (Tree Mount LLC)	4743-09-6451	B-5	no	H115	no	CL
36	Family Dollar	4743-09-6451	B-5	no	H115	no	CL
37	Sunbelt Gas Store	4743-09-6451	B-5	no	H115	no	CL
38	Yokefellow	4743-09-6451	B-5	no	H115	no	CL
39	Police Sub Station	4743-09-6451	B-5	no	H115	no	CL
40	Shermans & Derricks Carwash/Detailing	4743-09-7001	B-5	no	H115	yes	CL
41	C&H Laundry	4743-08-6961	B-5	no	H115	no	CL
42	Copy Service	4743-08-6961	B-5	no	H115	no	CL
43	Wigs & Jewelry	4743-08-6961	B-5	no	H115	no	CL
44	Salvation Army	4743-08-3994	B-5	no	R-SMFM	no w/c	CL
45	Halls Plumbing	4743-08-6746	B-5	no	H115	yes	CL
46	Warehouse	4743-08-6601	B-5	no	R-SMFM	yes	CL
47	Vacant Warehouse (Commercial Holdings LLC)	4743-08-3682	B-5	no	H115	yes	CL
48	Express Tax	4743-08-5477	B-5	no	H115	no	CL
49	Cool Spot Restaurant/Dairy Bar	4743-08-4297	B-5	no	H115	no	CL
50	5th Street Ministries Store	4743-08-4297	B-5	no	H115	no	CL
51	Fast Phil's Gas Station	4743-08-4297	B-5	no	H115	no	CL
52	Gravel Parking Lot for Stand Outreach Ministries	4743-08-3023	B-5	no	H115	no	CL
53	Stand Outreach Ministries	4743-07-3955	B-5	no	H115	no	CL
54	Hilltop Ice Cream	4743-07-3862	B-5	no	H115	no	CL
55	Residential 1604 Shelton Av (Lorene B Johnson)	4743-07-3775	B-5	yes	H115	no	CL
56	Vacant Residential Lot (Ruby Lorene Johnson)	4743-07-2787	R-SMFM	no	H115	no	CL
57	Vacant Residential Lot (Ruby Lorene Johnson)	4743-07-2822	R-SMFM	no	H115	no	CL
58	First Wesleyan Church	4743-07-2611	R-SMFM	no	H115	no	CL
59	Vacant (use to be Trailers Plus) (Joseph A. Palzone)	4743-07-2405	B-5/HI	no	H115	yes	CL
60	Outdoor Heavy Equipment Storage for John Woodie Enterprises	4733-97-9356	B-5	no	H115	yes	CL
61	John Woodie Enterprises	4733-97-9176	B-5	no	H115	yes	ETJ
62	Barko Hydraulics	4733-96-8683	B-5	no	H115	yes	ETJ
63	Hughes Supply/Plumbing Wholesale w/outdoor storage, displays (should be screened)	4733-96-8683	B-5	no	H115	yes	ETJ
64	City Stripe & Decal	4743-06-3694	HI	no	H115	yes	ETJ
65	Residential 1908 Amity Hill Rd (Di-Mike LLC)	4743-06-6631	HI	yes	H115	no	ETJ
66	Godfrey Lumber (11 Lots) 4743-16-0646 & 0725, 4743-06-9895 & 9976	4743-07-8385	HI	no	H115	yes	ETJ
67	Residential 1840 Amity Hill (Henry and Helen Hall)	4743-06-6716	HI	yes	H115	no	ETJ
68	Vacant Lot (Irene P Bustle)	4743-06-4970	HI	no	H115	no	ETJ
69	Residential 1824 Amity Hill (Irene P Bustle)	4743-07-4191	HI	yes	H115	no	ETJ
70	Good As Gold Towing	4743-07-5216	HI	no	H115	yes	ETJ
71	Vacant Lot Car Storage for Good as Gold	4743-07-5341	HI	no	H115	yes	ETJ
72	Vacant Lot Car Storage for Good as Gold	4743-07-3391	HI	no	H115	yes	ETJ
73	Residential (Jerry K Cline)	4743-07-5318	HI	yes	H115	no	ETJ
74	Residential 1707 Shelton Ave (Godfrey Wilson)	4743-07-5416	HI	yes	H115	no	ETJ
75	Residential 1706 & 1708 Amity Hill Rd. (Godfrey Lumber Co)	4743-07-5522	HI	yes	H115	no	CL/ETJ
76	Vacant Warehouse	4743-07-1388	B-5	no	H115	yes	CL
77	Future Cell Tower	4743-07-7857	B-5	no	H115	no w/c	CL



# Hwy. 115 Land Use Inventory

	A	B	C	D	E	F	G
	Business/Property Use	PIN	Current Zoning	Nonconforming	Proposed Zoning	Nonconforming	CL/ETJ
72	Statesville Glass & Mirror	4743-08-6053	B-5	no	H115	no w/c	CL
83	Wagner Hardware	4743-08-7282	B-5	no	H115	no	CL
84	Mini Storage/Carport Sales (Part of Wagner Hardware)	4743-08-7282	B-5	no	H115	yes	CL
85	Juniors Garage	4743-08-8427	B-5	no	H115	yes	CL
86	South Statesville Skills Center	4743-08-8669	B-5	no	H115	no	CL
87	Apartment (Upper Level of Squires Cafe) (Don R Glenn)	4743-08-9920	B-5	yes	H115	no	CL
88	Squires Cafe	4743-08-9920	B-5	no	H115	no	CL
89	Plant/Statuary Sales	4743-08-9920	B-5	no	H115	no	CL
90	Commercial Vacant (formerly Jesus Auto Repair)	4743-09-9161	B-5	no w/c	H115	no	CL
91	Y & A Body Shop	4743-09-9161	B-5	no w/c	H115	yes	CL
92	Pedro's Mechanics	4743-09-9161	B-5	no w/c	H115	yes	CL
93	Jesus Auto Repair/Tires	4743-19-0315	B-5	no w/c	H115	yes	CL
94	Rainbow Carwash	4743-19-0436	B-5	no	H115	yes	CL
95	Carlos Body Shop	4743-19-0436	B-5	no w/c	H115	yes	CL
96	Car Storage lot fenced (Same lot as Apartments and Hair Cutters)	4743-19-0650	B-5	no w/c	H115	yes	CL
97	Apartments (Same lot as Hair Cutters) (Colala Reavis Pettit)	4743-19-0650	B-5	yes	H115	no w/c	CL
98	Hair Cutters Unlimited	4743-19-0650	B-5	no	H115	no	CL
99	Warehouse	4743-19-0775	B-5	no	H115	yes	CL
100	Troutman Saw	4743-19-1905	B-2	yes	H115	yes	CL
101	Junk /Old Mowers (Part of Troutman Saw)	4744-10-1003	B-2	yes	H115	yes	CL
102	Adams Taxi Stand	4744-10-1110	B-2	no	H115	yes	CL
103	Car Repo/Storage Lot	4744-10-1244	B-2	no w/c	H115	yes	CL
104	Phifers Chicken	4744-10-1453	B-2	no	H115	no	CL
105	Bass Car Audio	4744-10-1665	B-2	yes	H115	yes	CL
106	Vacant Lot (James Allen Edmiston Jr Estate, et. al.)	4744-10-1783	B-2	no	H115	no	CL
107	Vacant Lot (Troutman Limited Family Partnership)	4744-10-1882	B-2	no	H115	no	CL
108	Vacant Lot with Building 939 Shelton Ave (Troutman Limited Family Partnership)	4744-10-2916	B-2	no	H115	no	CL
109	Trick Go Karts	4744-11-2120	B-2	yes	H115	yes	CL
110	Residential 921 Shelton Avenue (Todd and Dennis Rhyne)	4744-11-2148	B-2	no	H115	no	CL
111	Vacant Lot (J I Alexander and Son Inc.)	4744-11-2377	B-2	no	H115	no	CL
112	Residential 119 Mill Street (Janie Jones)	4744-01-8316	R-SMF	no	H115	no	CL
113	Residential 917 S. Meeting Street (Johnny & Lisa Myers)	4744-01-8202	R-SMF	no	H115	no	CL
114	Residential 919 S. Meeting Street (Randy & Sharon Brown)	4744-01-8106	R-SMF	no	H115	no	CL
115	Residential 923 S. Meeting Street (Luctisia Bowman)	4744-01-8101	R-SMF	no	H115	no	CL
116	One Accord Ministries Church	4744-01-8023	R-SMF	no	H115	no	CL
117	Residential 1103 S. Meeting Street (Duncan Doyle)	4744-00-7386	R-SMF	no	H115	no	CL
118	Residential 1107 S. Meeting Street (Flake and Alice Pratt)	4744-00-7350	R-SMF	no	H115	no	CL
119	Residential 1111 S. Meeting Street (Flake & Alice Pratt)	4744-00-7266	R-SMF	no	H115	no	CL
120	Residential 1113 S. Meeting Street (Harvey Dalton)	4744-00-7251	R-SMF	no	H115	no	CL
121	Residential 1115 S. Meeting Street (Harvey Dalton)	4744-00-7156	R-SMF	no	H115	no	CL
122	Residential 1117 S. Meeting Street (Robert & Veander Hammond)	4744-00-7150	R-SMF	no	H115	no	CL
123	Residential 1121 S. Meeting Street (Harry & Nita Bevington)	4744-00-7042	R-SMF	no	H115	no	CL
124	Vacant Lot S. Meeting Street & W. Raleigh Avenue (Peggy Mills)	4743-09-7934	R-SMF	no	H115	no	CL
125	Vacant Lot between 5th Street & Shelton Avenue (W.A. Evans, Est.)	4733-96-7716	B-5	no	H115	no	ETJ
126	Public Service Co. of NC/Gas Utility	4743-07-9489	HI	no	H115	no	ETJ
127	Residential 1618 Wallace Road (Chester & Susan Godfrey)	4743-17-3534	HI	yes	H115	no	ETJ
128	Residential 1624 Wallace Road (Dorman Brown)	4743-17-3457	HI	yes	H115	no	ETJ
129	Residential 1630 Wallace Road (Dorman Brown)	4743-17-3470	HI	yes	H115	no	ETJ
130	Residential 1631 Wallace Road (Nathan & Denise Sharpe)	4743-17-5395	HI	yes	H115	no	ETJ
131	Vacant Lot Wallace Road (Gilbert Roth)	4743-17-5473	HI	no	H115	no	ETJ
132	Residential 1623 Wallace Road (American General Finance Services Inc.)	4743-17-5541	HI	yes	H115	no	ETJ
133	Residential 1615 Wallace Road (Brenda & Jeffrey Day)	4743-17-4684	HI	yes	H115	no	ETJ
134	Residential 204 Whites Mill Road (Godfrey Lumber Company)	4743-17-4736	HI	yes	H115	no	ETJ
135	Yellow- Land uses currently non-conforming and will continue to be non-conforming.						
136	Blue- Land uses currently non-conforming and will now be permitted uses.						
137	Pink- Land uses currently permitted that will become non-conforming.						



