

STATESVILLE CITY COUNCIL MEETING AGENDA

JULY 20, 2020

City Hall Council Chambers – 227 S. Center Street, Statesville, NC

Pre-Agenda Meeting – 6:00 p.m.

Regular Meeting – 7:00 p.m.

- I Call to Order**
- II Invocation** (Only at Council meeting)
- III Pledge of Allegiance** (Only at Council meeting)
- IV Adoption of the Agenda** (Only at Council meeting)
- V Code of Ethics** (*Pg. 3*)
- VI Public Comment** (Only at Council meeting)
- VII Consent Agenda** – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.
 - A. Consider approving the City Council May 19, 2020 Budget Workshop minutes, and the June 01, 2020 Pre-Agenda and Regular meeting minutes. *Pg. 6***
 - B. Consider approving an annual request from the Statesville ABC Board to approve the Board’s adopted Travel Policy. (*Tip Nicholson*) *Pg. 19***
 - C. Approve low bidder and award contract in the amount of \$644,493.67 to J.D. Goodrum Company, Inc. for the installation of new Instrument Landing System electronic components at the Statesville Regional Airport. (*Ferguson*) *Pg. 22***
 - D. Consider adopting the City’s 2019 Local Water Supply Plan. (*Harrell*) *Pg. 24***
 - E. Consider approving Budget Amendment #21-01 for a water main extension along Buffalo Shoals Rd. (*Harrell*) *Pg. 30***
 - F. Consider approving a request for a water service connection to serve a residence at 405 Bristol Drive. (*Harrell*) *Pg. 33***
 - G. Consider approving 2nd reading of an ordinance to amend the City Code as follows: 1. Renumber Chapter 20 – Streets and Sidewalks to Chapter 21; 2. Establish a new Chapter 20 – Stormwater; 3. Amend Section 1.07 – General Penalty. (*Harrell*) *Pg. 35***
 - H. Receive and concur with the FY2020-21 Budget for the Statesville Convention and Visitors Bureau. (*Tucker*) *Pg. 52***

REGULAR AGENDA

- VIII** Conduct a public hearing and consider approving first reading of annexation request AX20-03, an ordinance to annex the property located at 1243 Tonewood Street, Fairfield Inn and Suites, PIN 4745-35-2158. *(Ashley) Pg. 54*
- IX** Conduct a public hearing and consider approving first reading of annexation request AX20-04, an ordinance to annex the property located at 405 Bristol Drive owned by Steve Ervin and Joye Lamberth, PIN #4724-67-6304. *(Ashley) Pg. 60*
- X** Conduct a public hearing and consider approving site plan (Quasi-Judicial) P20-02 filed by Jordon Trotter for Harbor Freight located at 303-313 Turnersburg Highway (US 21 North), Tax Maps 4745-38-5329, 4745-38-6594, 4745-38-6495, 4745-38-6398, 4745-38-6383, and 4745-38-6298. *(Ashley) Pg. 65*
- XI** Conduct a public hearing and consider approving site plan (Quasi-Judicial) P20-08 for Georgetown Place Subdivision, Phase II located adjacent to 163 James Farm Road, Tax Map 4745-59-1376. *(Ashley) Pg. 74*
- XII** Receive a report on the recent water distribution system asset inventory and assessment study. *(Harrell) Pg. 79*
- XIII** Consider approving a policy to assist with repairs to developer-installed water and sewer service connections. *(Harrell) Pg. 84*
- XIV** Consider approving proposed operational changes to the City's Collections Division. *(Tucker) Pg. 86*
- XV** **City Manager's Report**
- XVI** **Boards and Commissions Updates Pg. 90**
 - 05/27/2020 and 07/08/2020 Airport Commission Meeting Minutes
 - 04/07/2020 Board of Adjustment Meeting Minutes
 - 04/09/2020 and 05/14/2020 Design Review Committee Meeting Minutes
 - 05/28/2020 Historic Preservation Commission Meeting Minutes
 - 05/26/2020 Planning Board Meeting Minutes
 - 06/18/2020 Stormwater Commission Meeting Minutes
 - 05/20/2020 and 06/17/2020 Technical Review Committee Meeting Minutes
- 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,

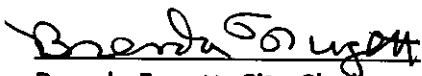
Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet 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.

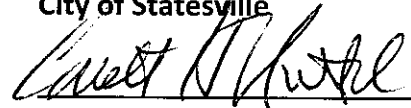
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

Accepted this the 2nd day of February, 2020.

ATTEST:


Brenda Fugett, City Clerk



City of Statesville

Constantine H. Kutteh, Mayor

**MINUTE BOOK 29, PAGE
STATESVILLE CITY COUNCIL BUDGET MEETING – MAY 19, 2020
CITY HALL – 2nd FLOOR CONFERENCE ROOM, STATESVILLE, NC – 4:00 P.M.**

Council Present: Mayor Constantine H. Kutteh presiding, J. Johnson, Morgan, Staford, Jones, Lawton, Foster, S. Johnson, Allison

Council Absent: 0

Staff Present: R. Smith, Fugett, Staley, Davis, Nesbit, Gregory, Weatherman, Ashley, Addison, Maclaga, Harrell

Media: 0

Others: 0

Mayor Kutteh called the meeting to order.

City Manager Ron Smith outlined the parameters of the budget and Council's priorities that they determined at their 2020 Council Budget Retreat meeting. Smith stated that in this budget there is an unavoidable 15% increase in employee health insurance costs. The budget has been revised to reflect revenue projects due to the Covid-19 virus as follows:

1. 15% decrease in Sales Tax revenue (over \$1 million)
2. 30% decrease in Occupancy Tax revenue
3. 12% in Utility Billing
4. 21% in Civic Center revenue
5. \$225,000 decrease in Recreation Department revenue

Smith stated that City employee should remain a priority, Capital Building Project should continue, and development of the Strategic Plan should continue. He reported that development is continuing and that the Certificate of Occupancy graph has went up by 600 homes which impacts the City's Sanitation Department as well as other departments in the city.

Smith reported that he has had development inquiries on approximately 1,000 homes, a major industrial development at Exit 45 and waterline extensions on Amity Hill Road and Moose Club Roads.

Smith explained the need and the funding for larger than normal budget items such as the \$35,000 for traffic calming and the GIS position.

Council member Morgan made a motion to approve the budget as presented, seconded by Council member Foster.

Council member J. Johnson said he wants the Sanitation Fee removed from the budget.

Council member Allison asked City Manager Ron Smith to explain the Sanitation Fee and asked if it can be changed later after the budget is adopted and rescinded and added to the tax rate. Smith replied that the revenue from this fee amounts to about \$1 million. If Council removes this

fee, then it will need to add 3-cents to the tax rate to replace this loss of revenue. If Council does this, then every residence and business will pay for city sanitation service, but the cost per household will vary depending on the value of each property. Adding the fee to the tax rate will tax industrial and small businesses for no sanitation service since the City only provides sanitation pickup for residential. The only time this 3-cent tax increase can be added to the tax rate is in the City's budget before July 1st. It cannot be changed after that until the next budget.

Council member S. Johnson said he is hesitant to borrow money to purchase rolling stock. Ron Smith replied that the only reason any purchases are included in this budget is simply because they cannot be put off any longer. He said that staff will go slow with any purchases and will try to avoid financing any purchases. He explained that staff just does not want to get any further behind on Capital purchases than it has too, but staff will be vigilant and not borrow to make purchases until it is just completely unavoidable.

Council members discussed the Stormwater Fee at length.

Council member Staford said the cost of the new Streetsweeper should be paid from the Stormwater Fee fund.

Council members discussed whether to borrow or pay for the purchase of rolling stock out of Fund Balance.

Council member Morgan amended his motion to direct staff to approve the budget as presented with the cost of the Streetsweeper purchase to be made from Stormwater Fund, to borrow \$575,000 for current critical Capital needs, but staff may not borrow more than that without Council approval, and for staff to create the official budget ordinance and bring to Council at their June 1st Council meeting, seconded by Council member Foster. The vote was as follows:

Ayes: Morgan, Foster, Allison, Jones, Lawton

Nays: S. Johnson, Staford, J. Johnson

Motion Carried 4-3

Council member S. Johnson asked staff to bring projects and their cost to Council at a mid-year meeting to discuss changing the Stormwater Fee.

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

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

**MINUTE BOOK 29, PAGE
STATESVILLE CITY COUNCIL PRE-AGENDA MEETING – JUNE 01, 2020
CITY HALL – COUNCIL CHAMBERS, STATESVILLE, NC – 6:00 P.M.**

Council Present: Mayor Constantine H. Kutteh presiding, J. Johnson, Morgan, Staford, Jones, Lawton, Foster, S. Johnson, Allison

Council Absent: 0

Staff Present: R. Smith, Fugett, Davis, Nesbit, Bridges, Anthony, Maclaga, Tucker, Addison, Gregory, Ferguson, Messick, Harrell

Media: 0

Others: Jenn Bosser, Chris Younger, Matthew Pierce

I Call to Order

Mayor Kutteh called the meeting to order and advised a Closed Session will be held following the Pre-Agenda meeting.

Mayor Kutteh stated that Items VII and XIV have been removed from the agenda.

II Invocation (Only at Council Meeting)

III Pledge of Allegiance (Only at Council Meeting)

IV Adoption of the Agenda (Only at Council Meeting)

V Code of Ethics

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).

John Maclaga stated that 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. If not approved, the City would absorb the costs of these pass-throughs.

- B. **Consider approving 2nd 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.**
No discussion.
- C. **Receive the Statesville Convention and Visitors Bureau Quarterly Financial Report for the quarter ended March 31, 2020.**
No discussion.
- D. **Consider approving 2nd reading of an amendment to a portion of the Special Events Ordinance (Ch. 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.**

Council member Stafford said that under Sec. 20-144(b) looks like something has been left off after “on a showing of financial hardship”. Staff will add “for good cause”. He asked if a Special Events permit is needed if a restaurant already has an ABC permit. City Manager Ron Smith explained that this permit is for Special Events only to organizations that are sponsoring an event and want to serve alcohol. Stafford said he did not think that the \$1 million liability insurance is enough. Smith replied that \$1 million is the “minimum” required, but if staff believes that an event warrants more, then it would require more.

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)**

This item was removed from the agenda.

- 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.**

No discussion.

- 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)**

Council member J. Johnson asked if the applicant still wants the property to be annexed if the rezoning is not approved. Elaine Anthony replied that the applicant can withdraw before the 2nd reading if the rezoning is not approved. Smith advised that a representative will be present at the Council meeting and Council members can ask them at that time.

- 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.

Mayor Kutteh stated that 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’s only concerns would be the size of the property and drop off/pick up creating a problem on the street.

XI Consider adopting a resolution to affix the terms, conditions and rate for the interfund loan from the Electric Fund to the Airport Fund.

Council member S. Johnson asked Airport Manager John Ferguson to report on how the pandemic has impacted fuel sales, stating that Council may want to wait to do this after the economy and revenues recover from it. Ferguson said that March and April fuel sales took a bit hit, but May revenues began to recover. There is a new tenant for the Rubbermaid hangar which will increase revenue, and there are also future private hangars that will revert to the city in the next 7-8 years which will significantly increase revenue.

Mayor Kutteh asked Council if they are okay with pulling this item so Finance Director Chris Tucker can find out if the City can postpone entering into this obligation and just pay the 2.5% interest payment until revenues recover.

This item was removed from the agenda and Tucker will research what options are available and report back to Council.

XII Consider approving the 2020-21 fiscal year budget ordinance.

No discussion.

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.

Scott Harrell stated that 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. He pointed out that the following has been added to the ordinance regarding tail ditches “*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*”.

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)

This item was removed from the agenda.

XV Discussion to amend the H-115 (Highway 115/Shelton Avenue Corridor) Zoning District.

Ron Smith stated that this request was received from Council member S. Johnson to potentially move the southernmost boundary of the Highway 115 zoning district that travels along Shelton Avenue up to Fayetteville Avenue. Smith said that this was added to the agenda for general discussion purposes only tonight to determine if Council would like to enter into this and if Council would like to move forward with it. Council member S. Johnson explained that a citizen would like to expand his building and cannot do it the way the ordinance is currently written.

Council member Morgan made a motion to move to Closed Session to discuss an Economic Development matter, a Personnel matter and to retain the attorney-client privilege, seconded by Council member Jones. The motion carried unanimously.

Upon return from Closed Session, Mayor Kutteh advised that Council discussed an Economic Development matter and no action was taken.

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

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

**MINUTE BOOK 29, PAGE
STATESVILLE CITY COUNCIL MEETING – JUNE 01, 2020
CITY HALL – COUNCIL CHAMBERS, STATESVILLE, NC – 7:00 P.M.**

Council Present: Mayor Constantine H. Kutteh presiding, J. Johnson, Morgan, Staford, Jones, Lawton, Foster, S. Johnson, Allison

Council Absent: 0

Staff Present: R. Smith, Fugett, Davis, Nesbit, Bridges, Anthony, Maclaga, Tucker, Addison, Gregory, Ferguson, Messick, Harrell

Media: 0

Others: 12

I Call to Order

Mayor Kutteh called the meeting to order and advised a Closed Session will be held following the Council meeting to discuss a Personnel matter and to retain the attorney-client privilege.

Mayor Kutteh stated that Items VII, XI, and XIV have been removed from the agenda.

II Invocation

Mayor Kutteh asked for a moment of silence.

III Pledge of Allegiance

Mayor Kutteh led the pledge of allegiance.

IV Adoption of the Agenda

Council member J. Johnson made a motion to adopt the amended agenda, seconded by Council member Foster. The motion carried unanimously.

V Code of Ethics

Copy included with the meeting agenda packet.

Mayor Kutteh made the following comment:

A group of community residents peacefully protested at my home last night. We shared our concerns, fears, and hopes. Everyone was given an opportunity to participate. I promised my guests last night and will promise you today – that we will meet constructively, we will plan together, we will implement change as a community – our community – the City of Statesville.

We will exalt our first amendment freedoms, but we will not condone or tolerate the use of excessive force against any person or their property, by anyone, at any time.

Just like with the pandemic, we must balance personal freedom with personal responsibility. Problems arise when we allow this balance to tilt one way or the other. We

hope to prevent that, and we hope to work together as a community for constructive benefit for all of our society.

VI Consent Agenda

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

- 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).**
- B. Consider approving 2nd 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.**
- C. Receive the Statesville Convention and Visitors Bureau Quarterly Financial Report for the quarter ended March 31, 2020.**
- D. Consider approving 2nd reading of an amendment to a portion of the Special Events Ordinance (Ch. 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.**

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

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

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)**

This item was removed from the agenda.

- 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.**

Ralph Staley stated that 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 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. 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. 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. Without annexation of the property Council cannot consider rezoning the properties as they are currently in Iredell County's Zoning Jurisdiction. The department recommends approving first reading of the ordinance to annex the property adjacent to 110 Vance PO Road.

Mayor Kutteh declared the public hearing open and asked if anyone wanted to speak on this item.

Dennis Blackburn, Senior Vice-President with the WODA group representing the project gave a brief overview of the development and the process they have followed to this point. Mr. Blackburn answered questions from Council regarding rental rates and the financing being used for the project.

Nathan Duggins, an attorney representing citizens who live on Bell Farm Road, spoke in opposition of the project, stating that the use is inconsistent with the area, there is already multi-family housing approximately three miles away from this site, the increased traffic will rob the area of its rural setting, and the negative impact the development will have on the tax value of the surrounding properties.

Council member Morgan pointed out that commercial/retail development would most likely create much more traffic than residential. Mr. Duggins replied that could be the case.

Burt Bell, 115 Farmwood Drive, spoke against the development stating that he is concerned about rental units that consist of a transient population that will not care as much about the neighborhood and increased traffic from the development creating issues.

Mr. Blackburn advised that these rentals will serve people that already live here, the developer will not be importing residents. The evidence does not support the property devaluation concern. The most recent report, May 19, 2020, the data suggests that new age restricted development funded with 9% LITEC would have a positive influence on nearby residential property values. His group will own and maintain the development, so they care how it looks and is maintained. For 80% of the units, at least one person living there must

be at least 62 years old. This is a senior development and will be marketed as such.

There being no other speakers, Mayor Kutteh declared the public hearing closed.

Council member Staford said he does not oppose the annexation, but he is opposed to the rezoning, so he assumes that the applicant will not want to annex the property if the rezoning is denied. He said that numerous studies show that low income housing has an adverse effect on property values in a more economically stable neighborhood as well as median incomes in those areas. He does not believe this development is compatible or comparable with the host neighborhood.

Council member Staford made a motion to deny first reading of annexation request AX20-01 to annex the properties located adjacent to 110 Vance PO Road, PINs 4765-32-5949 and 4675-33-7215, seconded by Council member S. Johnson. The vote on the motion was as follows:

Ayes: Staford, S. Johnson, J. Johnson, Jones

Nays: Morgan, Allison, Lawton, Foster

Mayor Kutteh voted nay on the motion and moved to approve the annexation.

First reading was approved by a 5-4 vote.

- 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.**

Mayor Kutteh stated that this is a continued public hearing. He asked if anyone present wished to speak in favor or in opposition of this item. There being no speakers, he declared the public hearing closed.

Council member Morgan made a motion to approve 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, seconded by Council member Allison.

Council member Staford read statistics of how many low-income housing developments have been built in Statesville compared to Mooresville. Statesville has absorbed 680 low income housing units out of 982 built in Iredell County in the last 10 years. He said he hears every day from citizens that they want more retail. He said these developments put a strain on the city's infrastructure, garbage services, needs and demands, but it does not get the tax base that supports it.

Council member Allison stated that people have a right to comfortable, safe housing that they can afford.

Council members S. Johnson stated that Council needs to put forth policies and recruit industries that bring in good paying jobs that will enable citizens to be able to purchase affordable housing that they will own and have when they get old, not just government sponsored affordable housing that citizens will never own.

Mayor Kutteh stated that Council has revisited development this property several times, and he believes this is the best use of the property that has been presented so far.

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

Ayes: Morgan, Allison, Lawton, Foster
Nays: Staford, S. Johnson, Jones, J. Johnson
Mayor Kutteh voted Aye
Motion carried 5-4

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.

Senior Planner Steve Bridges stated that 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.

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. Childcare 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 childcare 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 childcare center must meet the requirements of the State of North Carolina in regard to parking, handicap access, building code, fire code and sanitation.

The Planning Board voted 6 to 1 to recommend approval of the amendment as presented. The Planning Department and the City Manager recommends approving the text amendment. If approved, 2nd reading will be on June 15, 2020. If 2nd reading is approved, becomes new regulation and the amendment will be sent to Municode for updating the UDO.

Council member S. Johnson asked if the City will receive verification that she meets all the state requirements. Bridges replied it will.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak in favor or in opposition of this item.

The applicant, Angela Imes, advised that she has taken all the steps necessary to meet the requirements for this and currently has a waiting list of twelve children.

There being no other speakers, Mayor Kutteh declared the public hearing closed.

Council member Foster made a motion to approve 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, seconded by Council member Jones. The motion carried unanimously.

- XI Consider adopting a resolution to affix the terms, conditions and rate for the interfund loan from the Electric Fund to the Airport Fund.**

This item was removed from the agenda at the Pre-Agenda meeting.

- XII Consider approving the 2020-21 fiscal year budget ordinance.**

Ron Smith reviewed how the budget arrived at this point. He stated that staff anticipates coming back to Council with good news and to request changes later in the year.

Council member Staford said he would like to see the street sweeper funding come from the Stormwater Budget. Mayor Kutteh said Council does not want to finance it but pay for it out of the Stormwater Fund.

Council member Morgan made a motion to approve the 2020-2021 budget ordinance, seconded by Council member Allison.

Council member Staford said he will never vote for a budget that includes the Sanitation Fee so he will be voting no on this motion.

The vote on the motion was as follows:

Ayes: Morgan, Allison, Foster, Lawton, Jones

Nays: Staford, J. Johnson, S. Johnson

Motion carried 5-3

- 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.**

Scott Harrell stated that 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. He pointed out that the following has been added to the ordinance regarding tail ditches *“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”*.

Council member Staford said he wants to omit the word “City” before infrastructure in #2 above. Harrell replied that the statement is not saying that anything City staff touches belongs to the City; it is saying that anything staff touches is in an effort to protect what belongs to the City. He pointed out that the line above this says *“as well as maintenance*

and repair of other storm drainage infrastructure outside of the City right-of-way”, that is any, City owned or not “for the purpose of maintaining tail ditches and other City infrastructure” whether it is stormwater, water, sewer, etc. Harrell said that if the work “city” is removed it makes it appear as though the City will maintain and repair anybody’s infrastructure regardless of who owns it or is responsible for it. It was agreed that staff would amend the sentence to state, “for the good of the City infrastructure”.

Council member S. Johnson said he is concerned about only giving 72 hours to make repairs before assessing penalties. Harrell explained that Chapter 20 has its own penalty schedule. He said that Public Works issues very, very few civil penalties.

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

- 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)**

This item was removed from the agenda.

- XV Discussion to amend the H-115 (Highway 115/Shelton Avenue Corridor) Zoning District.**

Ron Smith stated that this request was received from Council member S. Johnson to potentially move the southernmost boundary of the Highway 115 zoning district that travels along Shelton Avenue up to Fayetteville Avenue. Smith said that this was added to this agenda for general discussion purposes only tonight in order to determine if Council would like to enter into this and if Council would like to move forward with it.

Council member S. Johnson explained that a citizen would like to expand his building and cannot do it the way the ordinance is currently written. S. Johnson said he would like to end the 115-Corridor south of Fayetteville Avenue so Mr. Woody can expand his building. S. Johnson said he would like to advise all Council that Mr. Woody is a friend of his, but there is no conflict of interest because he will not benefit in any form by bringing this to Council for him. Smith advised that this must still go through the regular rezoning process.

Council member Foster made a motion to move to Closed Session to discuss a Personnel matter and to retain the attorney-client privilege, seconded by Council member Allison. The motion carried unanimously.

Upon return from Closed Session, Mayor Kutteh advised that Council discussed a Personnel matter and no action was taken.

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

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Tip Nicholson, General Manager
DATE: July 13, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving an annual request from the Statesville ABC Board to approve the Board's adopted Travel Policy.

1. Summary of Information: The Statesville ABC Board adopted the City of Statesville's Travel Policy on January 27, 2010. The NC ABC Commission requires that Boards, who have adopted the travel policy of the appointing authority, annually submit to the Commission an approval from the appointing authority. North Carolina General Statute 18B-700(g2) states "...*The local board shall annually provide the appointing authority's written confirmation of such approval to the NC ABC Commission and a copy of the travel policy authorized by the appointing authority.*"

City Council last approved the policy at its September 19, 2016 meeting.

2. Previous Council or Relevant Actions:

3. Budget/Funding Implications:

4. Consequences for Not Acting:

5. Department Recommendation: Staff recommends approval.

6. Manager Comments:

7. Next Steps:

8. Attachments:

1. Travel Policy

TRAVEL POLICY

The purpose of this policy is to establish procedure for authorization of travel by ABC employees, and appointed officials for the purpose of conducting ABC business, and to establish procedures for reimbursement of the cost of the authorized travel.

- All employees and officials of the ABC Board and store are subject to this policy.
- Definitions
 - Authorizing party: individual authorized by this policy to approve or disapprove travel request, cash advance requests, and travel reimbursement requests.
 - Requesting party: employee or official who will be reimbursed for travel costs incurred while conducting ABC business.
 - Travel: going to and from the normal job location to a site located more than 10 miles from the normal job location to conduct ABC business.
 - Transportation: cost incurred for travel by automobile, taxi, rental cars, bus, train or plane. It includes tolls, parking fees, and tips for the handling of baggage.
 - Subsistence: Cost incurred during travel for lodging and meals, including tips.
- Guidelines
 - An employee travelling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays or luxury accommodations and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employees will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience.
 - Travel authorization for all in-state or out of state, other than travel by the Manager and Board, the Manager is responsible for determining that a sufficient unexpended appropriation remains in the store travel budget to reimburse all expected costs of travel.
 - Out-of-state travel requests by employees and Manager will be approved by the board. Arrangements, accommodations, travel advances, and travel allowances.
 - All arrangements for travel must be approved by the authorizing party. All travel costs will be paid directly by the requesting party. The requesting party is encouraged to use travel agents and reserve transportation and lodging in advance when possible.
- Travel Limitations
 - Reimbursement cost: Transportation will be obtained at the most economical rate available. Reimbursements will be made for actual cost that are incurred and receipt supported. This includes the cost of taxi service and parking fees.
 - Travel with Spouse and/or Family: Spouses and/or other family members may accompany an employee or board member on official trips as long as their presence does not interfere with the conduct of business. However, reimbursement will be made only for those expenses which the employee would normally incur if traveling alone.
- Vehicles
 - A requesting party may use his/her personal automobile for travel and be reimbursed at the same rate that is used by the City of Statesville.

- A rental automobile will be used when it is determined that no other mode of transportation is as economical or practical. A rental automobile should be used for business purposes only. Driving to and from dinner will be permitted.
- Any parking rates considered excessive and only for the convenience of the traveler will not be reimbursable. For example, valet parking would be inappropriate if other options are available.
- Local Transportation: Local transportation costs incurred while on out-of-town business will be reimbursed. The most economical and reasonable form of transportation will be used. Receipts will be obtained when possible, and submitted with travel reimbursement requests.
- Sustenance
 - Lodging costs will be reimbursed at the actual amount incurred. Receipts for lodging costs must be submitted. The lodging rate is limited to the lowest available room rate. Meals will be reimbursed at the actual cost and supported by receipts.
 - Alcoholic beverages are not reimbursable
 - Meals served as part of a convention or conference will be either reimbursed at actual cost or paid as part of the Registration Fees. Documentation of actual cost must be attached when reimbursement is requested.
 - Tips: A reasonable tip would be one that a prudent person would give if traveling or conducting personal business and expending personal funds. Excessive tips will not be reimbursed.
- Other Costs: Long distance personal telephone calls are not reimbursable except in emergencies. Phone calls for official business are reimbursable expenses. One personal phone call will be allowed, not exceeding two dollars in cost, to give your room number at the facility and verify that you arrived safely.
- Reimbursement Procedures
 - A requesting party will attach receipts for expenses requiring them, and submit it to the Board. Advances will be deducted from reimbursable cost.
 - A requesting party submitting a falsified receipt will be subject to disciplinary action and/or criminal prosecution. An authorizing party who approved a receipt which they know to be false will be subject to disciplinary action and/or criminal prosecution.
 - If while on store related business/travel, personal charges become intermixed with store charges, the person making such charges shall reimburse the Board on or by the next board meeting.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Ferguson, Airport Manager
DATE: July 6, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Approve low bidder and award contract in the amount of \$644,493.67 to J.D. Goodrum Company, Inc. for the installation of new Instrument Landing System electronic components at the Statesville Regional Airport.

1. **Summary of Information:** NCDOT awarded a grant in the amount of \$750,000 to the Statesville Regional Airport to replace the electronic components of the Instrument Landing System. This is a 90% grant with the City and County share at \$37,500 each. Due to the length of time to assemble the components and that the project would coincide with the Runway Safety Area Project, the installation will not begin until Spring of 2021. The contract amount includes the award of Schedule 1 (\$317,504.86) and Schedule 2 (\$469,459.06). It also includes a reduction Change Order in the amount of \$142,470.25.
2. **Previous Council or Relevant Actions:** Work Authorization #10 for engineering and design with Parrish and Partners was approved at the December 17, 2017 City Council meeting.
3. **Budget/Funding Implications:** The City will receive up to \$675,000 from NCDOT, \$37,500 from the Airport Improvement Fund and \$37,500 From Iredell County.
4. **Consequences for Not Acting:** Instrumentation is over 15 years old and needs replacement to enhance the safety and reliability of the system for pilots landing in inclement weather.
5. **Department Recommendation:** Staff recommends approval.
6. **Manager Comments:**
7. **Next Steps:** Upon approval, the contractor will begin to order and assemble the new components.
8. **Attachments:**
 1. Bid tab

BID SUMMARY

CONTRACTOR	CONTR. LICENSE	BID SECURITY	ADDENDA NOTED	PROPOSAL SIGNED	BID AMOUNT(\$)
S.D. GOODRUM	Yes (✓) No ()	Yes (✓) No ()	Yes (✓) No ()	Yes (✓) No ()	A) 786,963.92 B) 644,493.67 ADD) 175,546.84 NON DOA ADD) 32,761.88
AIRFIELD WESTERN	Yes (✓) No ()	Yes (✓) No ()	Yes (✓) No ()	Yes (✓) No ()	A) 912,532.00 B) 760,400.00 ADD) 183,810.00 NON DOA ADD) 10,429.00
DAKO CONST.	Yes (✓) No ()	Yes (✓) No ()	Yes (✓) No ()	Yes (✓) No ()	A) 829,055.25 B) 615,732.75 ADD) 180,022.00 NON DOA ADD) 36,085.00
	Yes () No ()	Yes () No ()	Yes () No ()	Yes () No ()	A) _____ B) _____ ADD) _____ NON DOA ADD) _____
	Yes () No ()	Yes () No ()	Yes () No ()	Yes () No ()	A) _____ B) _____ ADD) _____ NON DOA ADD) _____

This Bid Summary is certified to be true and correct to the best of my knowledge.

[Signature]
(signature)
Opened by (Name): JOHN MCCANN

Date: 4.8.2020

[Signature]
(signature)
Witness (Name): JOHN M. FERGUSON

Date: 4/8/2020

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: July 7, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider adopting the City's 2019 Local Water Supply Plan.

- 1. Summary of Information:** North Carolina General Statute §143-355 (l) requires units of local government that provide or plan to provide public water service to prepare a Local Water Supply Plan (LWSP). The LWSP is an assessment of a water system's current and future water needs and its ability to meet those needs. The LWSP is required by the State to be updated every five years and adopted by the local governing board.
- 2. Previous Council or Relevant Actions:** The City's previous Local Water Supply Plan was approved and adopted in 2015.
- 3. Budget/Funding Implications:** None
- 4. Consequences for Not Acting:** The LWSP will not be compliant with NCGS 143-355 until the resolution is adopted.
- 5. Department Recommendation:** Staff recommends adopting the 2019 Local Water Supply Plan.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** If approved, staff will send the resolution to NC DEQ.
- 8. Attachments:**
 1. Draft LWSP adoption resolution
 2. 2019 Local Water Supply Plan
 3. LWSP approval letter from NC DEQ

RESOLUTION # _____

RESOLUTION APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Statesville has been developed and submitted to the Statesville City Council for approval; and

WHEREAS, the Statesville City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Statesville, as well as useful information to the North Carolina Department of Environmental Quality for the development of a State Water Supply Plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville that the City of Statesville’s 2019 Local Water Supply Plan is hereby approved and shall be submitted to the North Carolina Department of Environmental Quality; and

BE IT FURTHER RESOLVED that the Statesville City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the _____ day of _____, 20_____.

Name: Constantine H. Kutteh

Title: Mayor

Signature: _____

ATTEST:

Brenda Fugett, City Clerk

Statesville

2019 ▾

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name: **Statesville** PWSID: **01-49-010**
 Mailing Address: **P.O. Box 1111** Ownership: **Municipality**
Statesville, NC 28687
 Contact Person: **Harry Hull** Title: **ORC Water Treatment Plant**
 Phone: **704-878-3441** Cell/Mobile: **704-437-2915**

Complete

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Cast Iron	4-20	25.00 %
Ductile Iron	6-24	71.00 %
Galvanized Iron	2	3.00 %
Polyvinyl Chloride	2-6	1.00 %

What are the estimated total miles of distribution system lines? **275 Miles**
 How many feet of distribution lines were replaced during 2019? **600 Feet**
 How many feet of new water mains were added during 2019? **12,672 Feet**
 How many meters were replaced in 2019? **437**
 How old are the oldest meters in this system? **60 Year(s)**
 How many meters for outdoor water use, such as irrigation, are not billed for sewer services? **220**
 What is this system's finished water storage capacity? **3.0000 Million Gallons**
 Has water pressure been inadequate in any part of the system since last update? *Line breaks that were repaired quickly should not be included.* **No**

Programs

Does this system have a program to work or flush hydrants? **Yes, Weekly**
 Does this system have a valve exercise program? **Yes, Semi-Annually**
 Does this system have a cross-connection program? **Yes**
 Does this system have a program to replace meters? **Yes**
 Does this system have a plumbing retrofit program? **No**
 Does this system have an active water conservation public education program? **Yes**
 Does this system have a leak detection program? **Yes**

We have leak detection equipment to detect leaks.

Water Conservation

What type of rate structure is used? **Flat/Fixed**
 How much reclaimed water does this system use? **0.0000 MGD** For how many connections? **0**
 Does this system have an interconnection with another system capable of providing water in an emergency? **Yes**

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
Catawba River (03-1)	98 %	Iredell	100 %
South Yadkin River (18-2)	2 %		

What was the year-round population served in 2019? **25,000**
 Has this system acquired another system since last report? **No**

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	9,408	1.2020	0	0.0000
Commercial	1,842	1.1480	0	0.0000
Industrial	92	0.2390	0	0.0000
Institutional	100	0.0800	0	0.0000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? **0.0360 MGD**

Water Sales

Purchaser	PWSID	Average Daily Sold	Days Used	Contract	Required to comply with water	Pipe Size(s) (Inches)	Use Type
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		(MGD)		MGD	Expiration	Recurring	use restrictions?		
City of Salisbury	01-80-010	0.0000	0	2.0000	2024	Yes	Yes	16	Emergency
Iredell Water Corp.	01-49-025	0.0785	132	1.0000		Yes	Yes	6	Regular
Town of Troutman	01-49-030	0.0000	0	1.0000	2037	Yes	Yes	10	Emergency
West Iredell Water Corp.	01-49-158	0.0513	365	1.0000	2037	Yes	Yes	12	Regular

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	3.0140	3.9420	May	3.1950	3.6160	Sep	3.5620	4.4580
Feb	2.8900	3.4910	Jun	3.1720	3.7250	Oct	3.5820	4.7850
Mar	2.8370	3.4550	Jul	3.4980	4.5750	Nov	3.1190	3.6250
Apr	2.9790	3.6540	Aug	3.4230	4.1460	Dec	2.5630	3.5000



Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Catawba River	Lookout Shoals Lake	3.1320	365	4.7600	15.0000	SY20	1,064.0000
South Yadkin River		0.0000	0	0.0000	9.0000	F	0.0000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Catawba River	Lookout Shoals Lake	140	Yes	Catawba River (03-1)	Iredell		Regular
South Yadkin River		117	Yes	South Yadkin River (18-2)	Iredell		Emergency

What is this system's off-stream raw water supply storage capacity? **49 Million gallons**
 Are surface water sources monitored? **Yes, As Needed**
 Are you required to maintain minimum flows downstream of its intake or dam? **Yes**
 Does this system anticipate transferring surface water between river basins? **No**

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
City of Salisbury	01-80-010	0.0000	0	2.0000	2024	Yes	Yes	16	Emergency

Water Treatment Plants

Plant Name	Permitted Capacity (MGD)	Is Raw Water Metered?	Is Finished Water Output Metered?	Source
City of Statesville	15.0000	Yes	Yes	Lookout Shoals Lake-Catawba River

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2019? **No**
 If yes, was any water conservation implemented?
 Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2019? **No**
 If yes, was any water conservation implemented?
 Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? **No**

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	5.2200	May	4.0600	Sep	3.3600
Feb	5.5600	Jun	4.3400	Oct	3.7700
Mar	4.4000	Jul	3.6800	Nov	3.4800
Apr	4.5300	Aug	3.5800	Dec	4.1500



How many sewer connections does this system have? **10,254**
 How many water service connections with septic systems does this system have? **930**
 Are there plans to build or expand wastewater treatment facilities in the next 10 years? **Yes**

We are currently studying the possibility of an upgrade at 4th Creek Wastewater Treatment Plant.

Wastewater Permits

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NC0020591	6.0000	6.0000	0.9200		Third Creek	Yadkin River (18-1)
NC0031836	4.0000	6.0000	3.2500		Fourth Creek	Yadkin River (18-1)
WQ0014543	0.0000	0.0000	0.0000		Land Application	Yadkin River (18-1)

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Town of Troutman	01-49-030	Receiving	0.2050	365	0.4550

5. Planning

Projections

	2019	2020	2030	2040	2050	2060
Year-Round Population	25,000	25,000	28,030	30,830	33,910	37,310
Seasonal Population	0	0	0	0	0	0
Residential	1.2020	1.1750	1.3174	1.4490	1.5938	1.7536
Commercial	1.1480	1.0250	1.1680	1.2850	1.4140	1.5550
Industrial	0.2390	0.1734	0.1907	0.2098	0.2308	0.2539
Institutional	0.0800	0.2683	0.2951	0.3246	0.3571	0.3928
System Process	0.0360	0.2500	0.2500	0.2500	0.2500	0.2500
Unaccounted-for	0.3473	0.3500	0.3600	0.3700	0.3800	0.3900

Demand v/s Percent of Supply

	2019	2020	2030	2040	2050	2060
Surface Water Supply	15.0000	15.0000	15.0000	15.0000	15.0000	15.0000
Ground Water Supply	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Purchases	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Future Supplies		0.0000	0.0000	0.0000	0.0000	0.0000
Total Available Supply (MGD)	15.0000	15.0000	15.0000	15.0000	15.0000	15.0000
Service Area Demand	3.0523	3.2417	3.5812	3.8884	4.2257	4.5953
Sales	0.0797	2.0000	2.0000	2.0000	2.0000	2.0000
Future Sales		0.0000	0.0000	0.0000	0.0000	0.0000
Total Demand (MGD)	3.1320	5.2417	5.5812	5.8884	6.2257	6.5953
Demand as Percent of Supply	21%	35%	37%	39%	42%	44%

The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 48 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here.

Are there other demand management practices you will implement to reduce your future supply needs? **Education to the public on water conservation and use.**

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? **N/A**

How does the water system intend to implement the demand management and supply planning components above? **Water system will obtain required permits and funding when upgrade to Water Plant is studied to be upgraded. Engineered plans for upgrading and cost analysis will be utilized for upgrade and budgeting concerns.**

Additional Information

Has this system participated in regional water supply or water use planning? **Yes, Members of Catawba Water River Management Group.**

What major water supply reports or studies were used for planning? **Data is sent yearly to Engineering firm HDR to compile data for the CWRMG water planning.**

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues: **Plans will be studied for plant expansion in the future as need arises. Plant currently uses about 20 percent of available capacity.**

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.



NORTH CAROLINA
Environmental Quality

April 27, 2020

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
Director

Harry Hull
Water Treatment Plant Supervisor
City of Statesville
P.O. Box 1111
Statesville, NC 28687

Subject: LWSP Meet Minimum Criteria
City of Statesville Water System
PWSID#: 01-49-010
Iredell County

Dear Mr. Hull,

This letter is to notify you that our staff has reviewed the information contained in the 2019 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the City of Statesville's Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355(I).

Your water system's 2019 LWSP is now viewable online from the LWSP website found at: https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/search.php. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2019 LWSP complete.

The 2019 LWSP must next be adopted by your water system's governing board; a model LWSP resolution is available online on the right side of the page in the Forms and Docs section at: https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/learn.php. A copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Section Supervisor, at the address printed at the bottom of this letter. The LWSP cannot be considered compliant with the requirements of NCGS 143-355(I) until an adopted resolution is received.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at louis.murray@ncdenr.gov or (919)707-9017, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

Linwood E. Peele, Supervisor
Division of Water Resources
NCDEQ



CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: July 8, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving Budget Amendment #21-01 for a water main extension along Buffalo Shoals Rd.

1. Summary of Information: Maymead, Inc. plans to extend City water service to their asphalt plant at 164 Bostian Bridge Rd. A portion of the water main extension will be along Buffalo Shoals Rd, which corresponds to a recommended capital project in the City's water system master plan.

Budget Amendment 2021-1 provides \$97,163 (50% of the cost) towards the water main extension along Buffalo Shoals Rd plus \$49,400 to upsize the water main from 8-inch to 12-inch.

The project also includes a six-inch water main along Bostian Bridge Rd, which will be installed by Maymead at their cost.

2. Previous Council or Relevant Actions:

- On March 20, 2020, Council approved a request from Maymead for water and sewer connections at 164 Bostian Bridge Rd, contingent on Maymead submitting a petition for voluntary annexation.
- On March 20, 2020, Council approved contributing up to \$95,000 toward upsizing the Buffalo Shoals Rd portion of Maymead's water main extension from 8-inch to 12-inch. Due to the timing of this project and the end of the 2019-20 fiscal year on June 30, those funds were not encumbered and reverted to the Water/Sewer fund balance.

3. Budget/Funding Implications: The City's total contribution to the water line extension is \$146,563.

4. Consequences for Not Acting: Not approving this budget amendment will violate the terms of the agreement between the City and Maymead, Inc. A 12-inch water line extension along Buffalo Shoals Rd is one of the higher priority recommendations for the City's water distribution system.

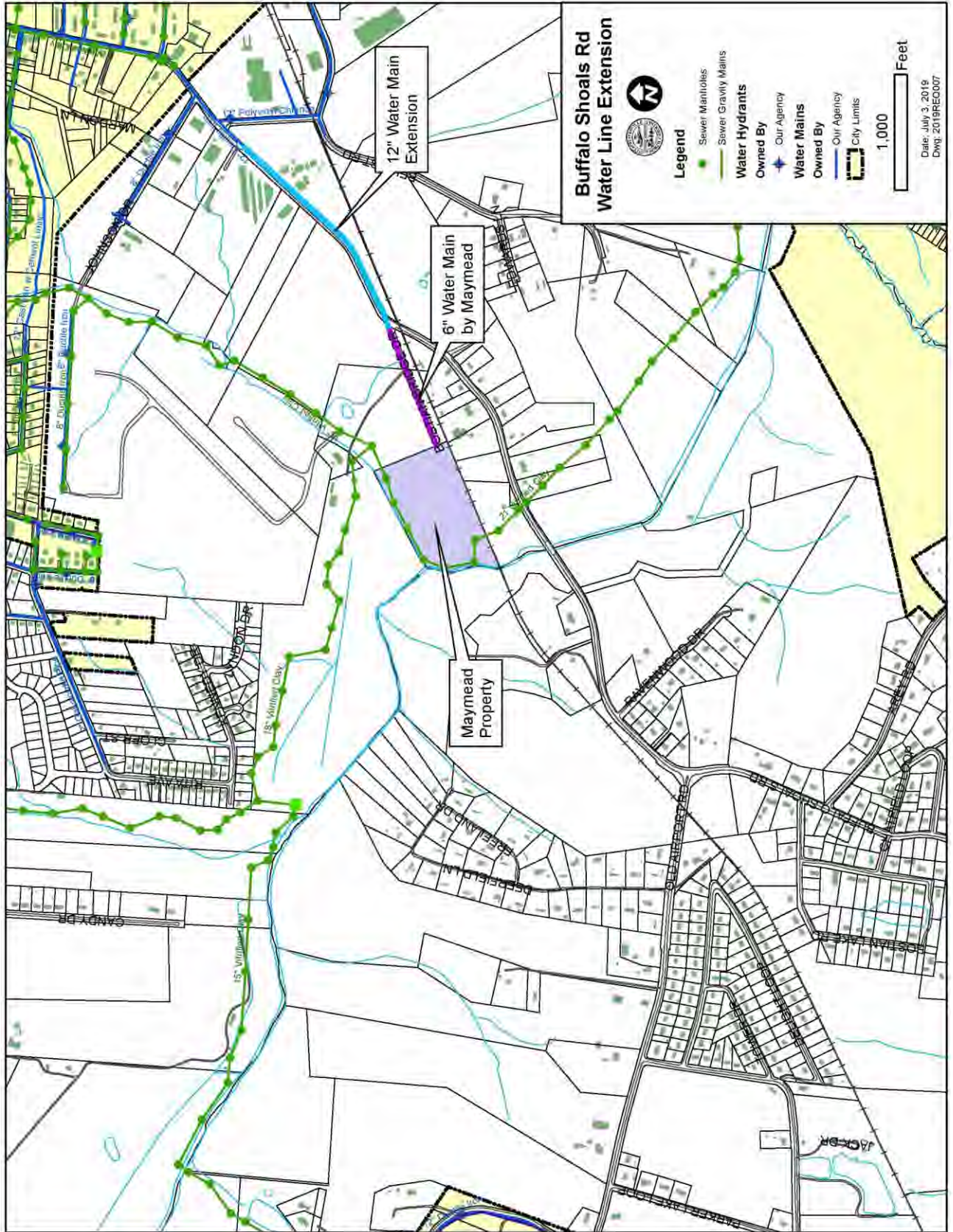
5. Department Recommendation: Staff recommends approving Budget Amendment #21-01.

6. Manager Comments: Recommend for approval.

7. Next Steps: If approved, the City will reimburse Maymead in the amount of \$146,563 upon completion and acceptance of the water main extension.

8. Attachments:

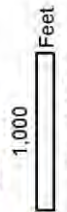
1. Location Map
2. Budget Amendment #21-01



**Buffalo Shoals Rd
Water Line Extension**



- Legend**
- Sewer Manholes
 - Sewer Gravity Mains
 - Water Hydrants**
 - Owned By + Our Agency
 - Water Mains**
 - Owned By — Our Agency
 - City Limits



Date: July 3, 2018
Dwg. 2018REC007

12" Water Main Extension

6" Water Main by Maymead

Maymead Property

CITY OF STATESVILLE
BUDGET AMENDMENT #2021-1
 July 20, 2021
 FISCAL YEAR 2020-2021

Water main extension along Buffalo Shoals Rd to upsize from an 8" to 12" line.

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Water / Sewer Fund					
550.0000.399.00.00	Revenue	Fund Balance	-	146,563	146,563
Total Revenues			<u>-</u>	<u>146,563</u>	<u>146,563</u>
Water / Sewer Fund					
550.5582.64.00	Expenditure	Capital Improvements - Water	250,000	146,563	396,563
Total Expenditures			<u>250,000</u>	<u>146,563</u>	<u>396,563</u>

DESCRIPTION: To fund oversizing a water line extension consistent with the City's water master plan



 Budget Officer

 Finance Director

APPROVED BY CITY COUNCIL:

 City Clerk

CITY COUNCIL ACTION REQUEST

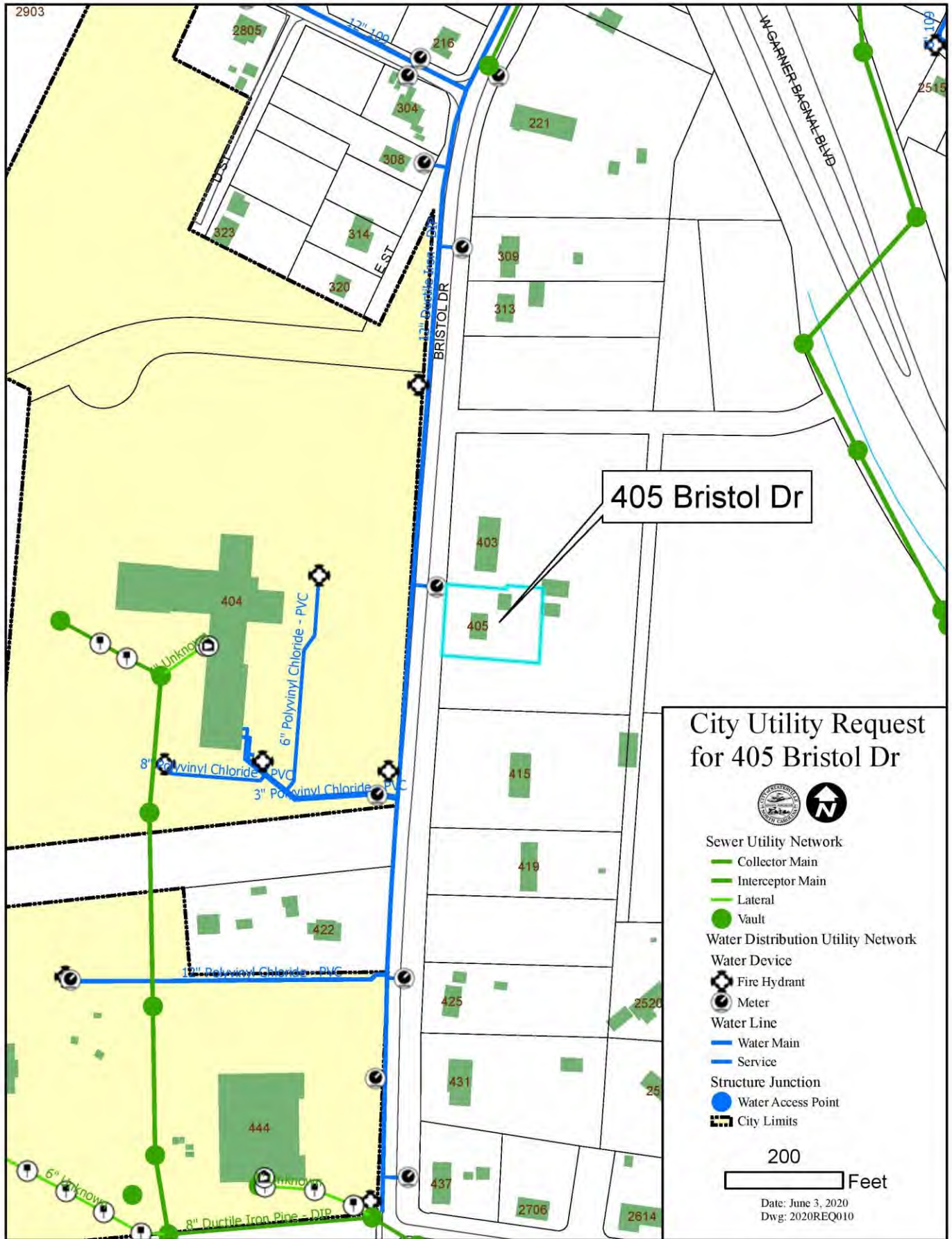
TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: July 7, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request for a water service connection to serve a residence at 405 Bristol Drive.

- 1. Summary of Information:** Mr. Steve Ervin owns the property at 405 Bristol Drive. It is currently connected to the water service at 403 Bristol Dr, and he desires to establish a separate water service for his property.
 - The parcel is approx. 0.495 ac and is in the vicinity of an existing Sanitation route
 - The parcel is served by City Electric
 - Mr. Ervin has submitted a petition for voluntary annexation
- 2. Previous Council or Relevant Actions:** At the June 15 Council meeting, Council approved a resolution setting a July 20, 2020 public hearing on the petitioned annexation of 405 Bristol Drive.
- 3. Budget/Funding Implications:**
 - If approved, the water tap fee (\$525) will apply.
 - The water system development fee will not apply. (When existing structures are sharing a water and/or sewer connection and the shared connection existed prior to 2004 (when system development fees began), the system development fee is not charged if the owner seeks to establish separate connections.)
 - Approximate tax value: \$110,000 (the parcel was recently subdivided from 403 Bristol Dr; revised tax values have not been published)
- 4. Consequences for Not Acting:** Mr. Ervin will remain connected to the water service at 403 Bristol Dr.
- 5. Department Recommendation:** Approve a water service connection subject to inside rates.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:**
 1. If approved, staff will notify Mr. Ervin. Upon payment of the water tap fee, crews will install a new water service connection.
 2. A public hearing and first reading of Mr. Ervin's annexation request are scheduled for July 20, 2020.
- 8. Attachments:**
 1. Location Map



405 Bristol Dr

City Utility Request for 405 Bristol Dr



Sewer Utility Network

- Collector Main
- Interceptor Main
- Lateral
- Vault

Water Distribution Utility Network

Water Device

- ⊕ Fire Hydrant
- ⊙ Meter

Water Line

- Water Main
- Service

Structure Junction

- Water Access Point
- ⊞ City Limits

200

Feet

Date: June 3, 2020
Dwg: 2020REQ010

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: July 8, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd 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.**
-

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 drainpipes, 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 protecting City-owned infrastructure.

2. Previous Council or Relevant Actions:

- June 1, 2020: Council approved first reading of the proposed ordinance and repealed Resolution 21-95 prohibiting City forces from working outside the right-of-way. Sections 20-28. – Right of Entry and 20-29. – Enforcement have subsequently been edited in response to Council comments.
- 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
- November 11, 2016: The City's Phase II NPDES permit went into effect. 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.

- 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 second reading of the attached ordinance to amend the City Code as follows:

- Renumber Chapter 20 – Streets and Sidewalks to Chapter 21 (the Code chapters are arranged alphabetically; there currently is no Chapter 21);
- Establish a new Chapter 20 – Stormwater;
- 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.

6. Manager Comments: Recommend for approval.

7. Next Steps: Once second 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

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), 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 the right of entry on or upon to inspect the property and/or facility 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. Such inspection shall be made with the prior 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 pursuant to G.S. 15-27.2 or its successor.
- (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) In no case shall inspection, monitoring, sampling, or other duties performed by the Stormwater Program Manager or designee to ensure compliance with the article confer an obligation on the City of Statesville to assume responsibility for the structural SCM.

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 (1) registered or certified mail, and (2) 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 consideration of a civil penalty as described herein. When a civil penalty is assessed, 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 (1) certified mail, and (2) 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, may ~~shall~~ be subject to civil penalties as follows:
 - a. For first-time offenders:
 1. 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 written warning ~~Category I Civil Penalty per violation, per day~~ describing the offense and any corrective action(s) necessary to mitigate the discharge and prevent its recurrence. The warning shall also establish a date by which the corrective action(s) shall be completed, which shall be 30 days from the date of the written warning. If the corrective action(s) are not completed by the date specified, the offender shall be assessed a Category I Civil Penalty per violation, per day.
 2. 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 I ~~I~~ ~~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 assess 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 and/or volume 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, may ~~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. First Offense, discharge less than 5 gallons of domestic, household, and/or ordinary products: Written warning, with the conditions outlined in paragraph (h) (5) a.1. above.
 - b. Category I: civil penalty not to exceed \$100 per day per violation.
 - c. Category II: civil penalty not to exceed \$1,000 per day per violation.
 - d. Category III: civil penalty not to exceed \$5,000 per day per violation.
- (9) *Other remedies still required.* Assessment of a civil penalty does not exempt the violator from the responsibility to perform other remedies as allowed in paragraphs (e), (f) and (g) of this Section.

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 protecting City-owned 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

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Christopher Tucker, Finance Director
DATE: July 7, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Receive and concur with the FY2020-21 Budget for the Statesville Convention and Visitors Bureau.

- 1. Summary of Information:** The attached FY2020-21 Budget Ordinance for the Statesville Convention and Visitors Bureau in the amount of \$126,000 in total revenues and appropriations was adopted by the Bureau's Board of Directors on June 1, 2020 and is hereby submitted for City Council review and concurrence. Revenues and related program expenses meet the by-law requirements.
- 2. Previous Council or Relevant Actions:** Council annually concurs with the SCVBs budget
- 3. Budget/Funding Implications:** The SCVB, with its hotelier presence, was slightly less optimistic in regard to occupancy tax revenue due to COVID19. As such, they have a smaller budget than what the City approved going to them, but I was not uncomfortable with that, as the appropriations stayed conservative as well. The SCVB reduced its operating overhead significantly by removing its physical presence in downtown and establishing an information kiosk in the Statesville Civic Center. The SCVB will continue investing in the marketing, social media and web presence, and promotion of tourism related events.
- 4. Consequences for Not Acting:** The SCVB Bylaws seeks City Council concurrence. A lack of concurrence would put the Council at odds with the current direction of the SCVB.
- 5. Department Recommendation:** Concur/Accept via motion as presented.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** The SCVB will operate under this budget until June 30, 2021.
- 8. Attachments:**
 1. FY21 SCVB Budget Ordinance

**STATESVILLE CONVENTION
AND VISITORS BUREAU
2020-2021
BUDGET ORDINANCE**

BE IT ORDAINED by the Statesville Convention and Visitors Bureau in session assembled:

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

Section Two. That for said fiscal year there is hereby appropriated the following:

Administration	\$ 9,800
Promotion	116,000
Tourism Related	<u>200</u>
 TOTAL APPROPRIATIONS	 \$126,000

Section Three. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2020 and ending June 30, 2021 to meet the appropriations above.

Hotel/Motel Taxes	\$ 120,000
Fund Balance Appropriated	<u>6,000</u>
 TOTAL REVENUES	 \$126,000

Section Four. Copies of this Budget Ordinance shall be furnished to the City Finance Officer and for direction in the collection of revenues and the expenditure of amounts appropriated.

Duly adopted this the 1st day of June, 2020.

Chairman



CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: June 25, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

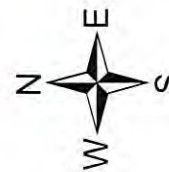
COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving first reading of annexation request AX20-03, an ordinance to annex the property located at 1243 Tonewood Street, Fairfield Inn and Suites, PIN 4745-35-2158.

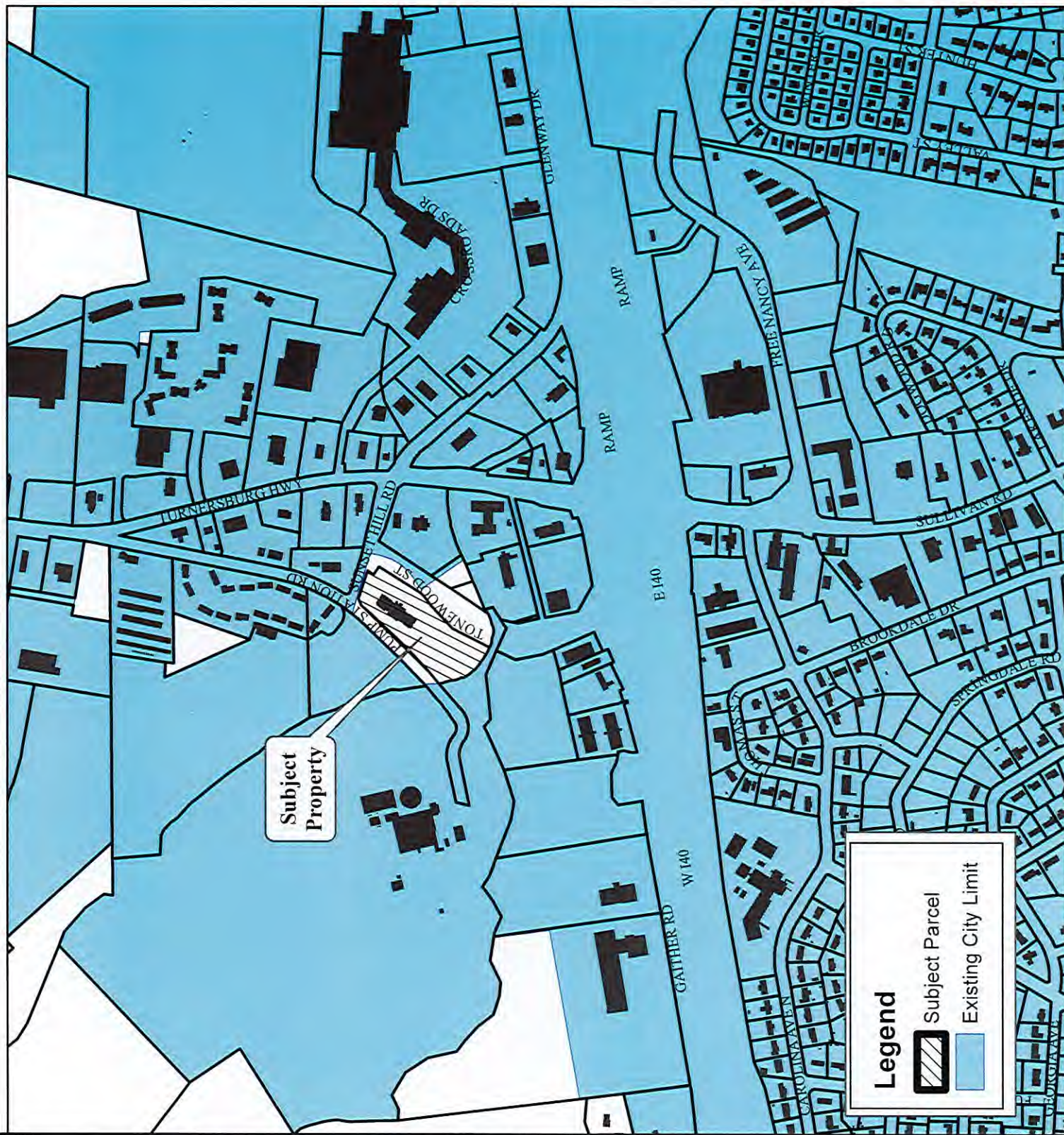
- 1. Summary of Information:** The property being considered for annexation was submitted by David Norman on behalf of Fairfield Inn and Suites. The subject property is located at 1243 Tonewood Street and is approximately 3.598 acres in size and is further identified as Iredell County Parcel Identification Number (PIN) 4745-35-2158. The subject property is contiguous to the primary corporate limits of the City of Statesville. The property is zoned B-5 (General Business) District and the hotel is currently under construction on the site.
- 2. Previous Council or Relevant Actions:** The site plans for a new Fairfield Inn were approved by City Council on August 5, 2019 contingent upon several corrections and annexation. All the corrections have been made; thus, the annexation petition has been submitted.
- 3. Budget/Funding Implications:** The tax value of this property is \$630,710. The estimated value of the completed development is approximately \$9.5 million. City water and sewer is provided to the site. Electrical service is provided by Duke Energy.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes.
- 5. Department Recommendation:** The department recommends passing the first reading of the ordinance to annex the property located at 1243 Tonewood Street.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If approved the second reading will be August 3, 2020. The annexation will be effective on August 31, 2020.
- 8. Attachments:**
 1. City Limit Location Map
 2. Utility Location Map
 3. Ordinance for Annexation

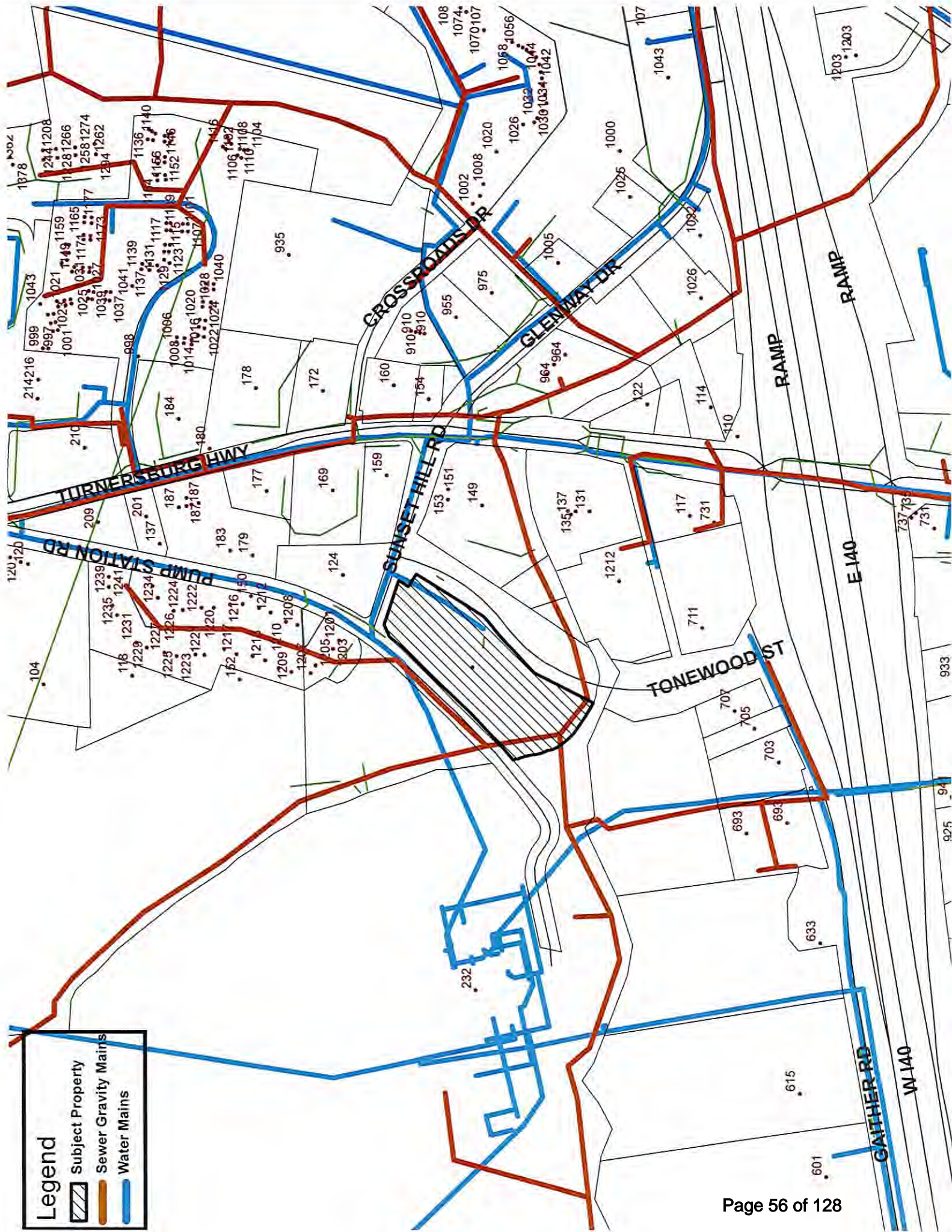
**City of Statesville
Planning Department**

1243 Tonewood Street
Property



1 inch = 666.666667 feet





Legend

-  Subject Property
-  Sewer Gravity Mains
-  Water Mains

ORDINANCE NO. _____

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

**State F.F., LLC, Fairfield Inn & Suites
1243 Tonewood Street
AX20-03
4745-35-2158**

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 held at Statesville City Hall at 7:00 o'clock p.m. on the 20th day of July, 2020 after due notice by publication on 10th day of July, 2020; 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 contiguous territory is hereby annexed and made part of the City of Statesville, as of August 31, 2020 at 11:59 p.m.

Description

ALL THAT CERTAIN tract or parcel of land situate in the City of Statesville ETJ, Iredell County in the state of North Carolina. Said parcel being more particularly described as follows:

BEGINNING AT A CALCULATED POINT IN THE CENTERLINE OF FOURTH CREEK WHERE THE SAME IS INTERSECTED BY THE EASTERLY MARGIN OF PUMP STATION ROAD (SR-1933 60' WIDE PUBLIC RIGHT OF WAY) SAID POINT ALSO BEING DISTANT N 56°36'37" E A DISTANCE OF 199.34' FROM NCDOT CONTROL POINT "BY8-228" (PROJECT #34192.3.1), SAID POINT ALSO BEING DISTANT S 09°17'27" E A DISTANCE OF 34.49' FROM A PK NAIL FOUND IN THE CENTERLINE OF A BRIDGE OVER SAID CREEK; AND FROM SAID POINT OF BEGINNING RUN THENCE, WITH THE WESTERLY MARGIN OF PUMP STATION ROAD THE FOLLOWING FIVE COURSES AND DISTANCES: 1) N 51°09'22" E PASSING A #4 REBAR SET AT 25.00' AND CONTINUING 29.71' FOR A TOTAL DISTANCE OF 54.71' TO A #4

REBAR SET; THENCE, 2) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1151.31', AN ARC LENGTH OF 135.89', WITH A CHORD BEARING OF N 47°46'30" E , AND CHORD DISTANCE OF 135.81', TO A #4 REBAR SET; THENCE, 3) WITH A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 4132.34', AN ARC LENGTH OF 190.28', WITH A CHORD BEARING OF N 43°04'28" E , AND CHORD DISTANCE OF 190.26', TO A #4 REBAR SET; THENCE, 4) N 41°45'19" E A DISTANCE OF 45.58' TO A #4 REBAR SET; THENCE, 5) THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 2141.31', AN ARC LENGTH OF 120.18', WITH A CHORD BEARING OF N 39°56'59" E , AND CHORD DISTANCE OF 120.17', TO AN NCDOT RIGHT OF WAY DISK FOUND; THENCE, N 63°42'20" E A DISTANCE OF 38.80' TO AN NCDOT RIGHT OF WAY DISK FOUND IN THE SOUTHERN MARGIN OF SUNSET HILL ROAD (SR-1935 50' RIGHT OF WAY); THENCE, WITH SAID MARGIN OF SUNSET HILL ROAD S 71°28'23" E A DISTANCE OF 144.21' TO A #4 REBAR SET WHERE THE SAME IS INTERSECTED BY THE WESTERLY MARGIN OF TONEWOOD STREET (VARIABLE WIDTH RIGHT OF WAY); THENCE, WITH SAID MARGIN OF TONEWOOD STREET THE FOLLOWING EIGHT COURSES AND DISTANCES: 1) S 32°13'25" W, A DISTANCE OF 35.99' TO A #4 REBAR SET; THENCE, 2) S 57°46'35" E, A DISTANCE OF 46.80' TO A #4 REBAR SET; THENCE, 3) S 32°13'25" W, A DISTANCE OF 176.76' TO A #4 REBAR SET; THENCE, 4) S 32°13'25" W, A DISTANCE OF 68.44' TO A #4 REBAR SET; THENCE, 5) WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 498.00', AN ARC LENGTH OF 50.49', WITH A CHORD BEARING OF S 49°40'38" W, AND A CHORD DISTANCE OF 50.47', TO A #4 REBAR SET; THENCE, 6) WITH A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 568.00', AN ARC LENGTH OF 92.02', WITH A CHORD BEARING OF S 47°56'27" W, AND A CHORD DISTANCE OF 91.92', TO A #4 REBAR SET; THENCE, 7) S 47°23'13" W, A DISTANCE OF 90.40' TO A #4 REBAR SET; THENCE, 8) S 26°22'03" W PASSING A #4 REBAR AT 192.62' AND CONTINUING 17.60' FOR A TOTAL DISTANCE OF 210.22' TO A CALCULATED POINT IN THE CENTERLINE OF THE AFORESAID FOURTH CREEK AND IN THE EASTERLY LINE OF THE CITY OF STATESVILLE (WATER PLANT), (DEED BOOK 1080, PAGE 752); THENCE, ALONG THE CENTERLINE OF FOURTH CREEK AND WITH THE CITY OF STATESVILLE THE FOLLOWING EIGHT COURSES AND DISTANCES: 1) N 63°59'14" W A DISTANCE OF 27.41' TO A POINT; THENCE, 2) N 62°37'35" W A DISTANCE OF 30.69' TO A POINT; THENCE, 3) N 59°43'10" W A DISTANCE OF 43.68' TO A POINT; THENCE, 4) N 61°44'57" W A DISTANCE OF 41.88' TO A POINT; THENCE, 5) N 19°06'46" W A DISTANCE OF 63.69' TO A POINT; THENCE, 6) N 23°15'57" W A DISTANCE OF 50.88' TO A POINT; THENCE, 7) N 04°09'08" W A DISTANCE OF 39.45' TO A POINT; THENCE, 8) N 09°08'41" W A DISTANCE OF 30.72' TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 156,731.9 SQUARE FEET, 3.598 ACRES MORE OR LESS. BEING IDENTIFIED AS ALL OF PIN # 4745352158 AS SHOWN ON THE TAX MAPS OF IREDELL COUNTY, NORTH CAROLINA.

Section 2. Upon and after August 31, 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-31.

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 carried on the 20th day of July, 2020.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the 3rd day of August, 2020 and upon motion of Council member _____, seconded by Councilmember _____, and unanimously carried, was adopted.

AYES:

NAYS:

The Ordinance to be in full force and effect from and after the 31st day of August 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

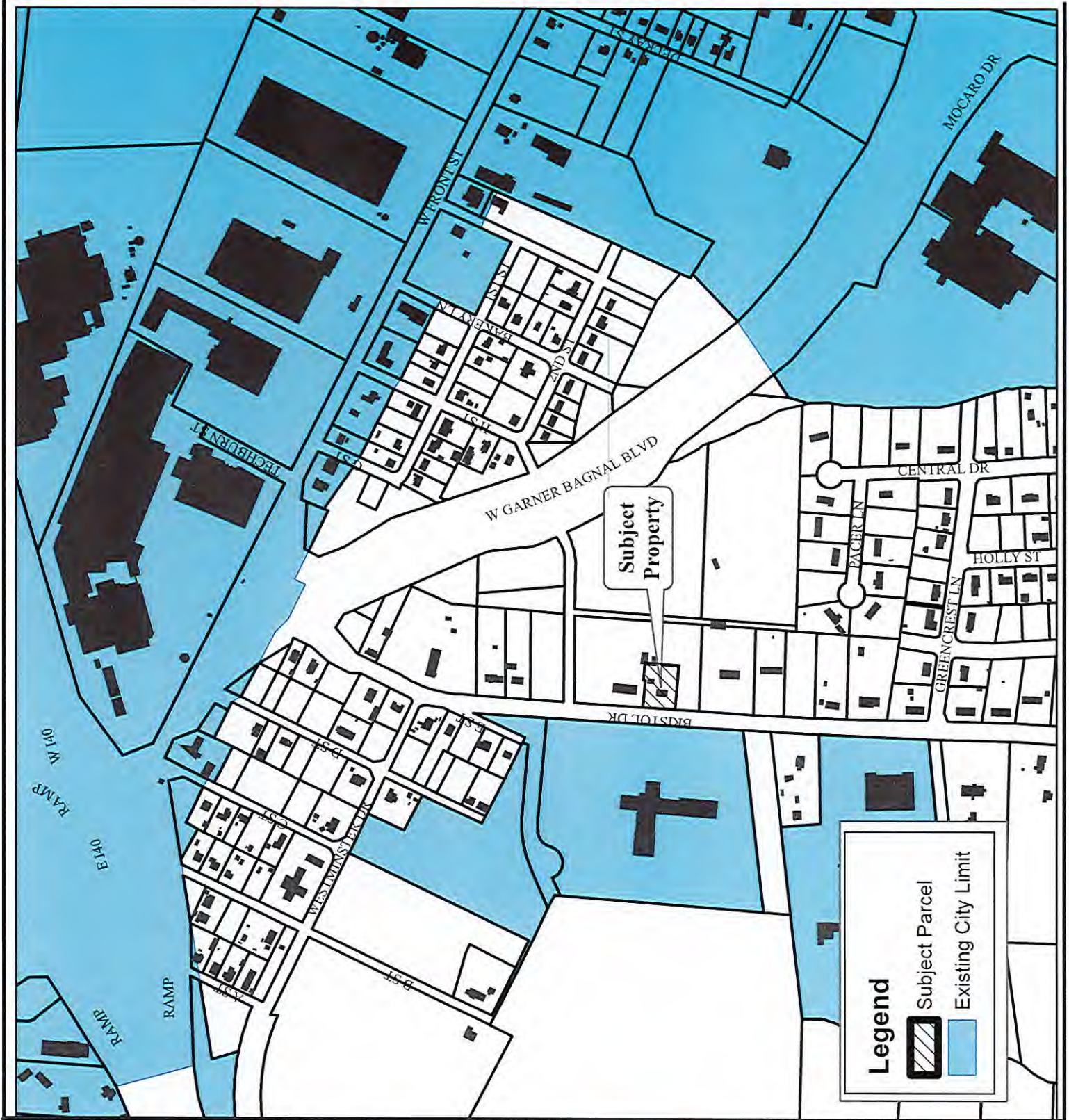
TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: June 25, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

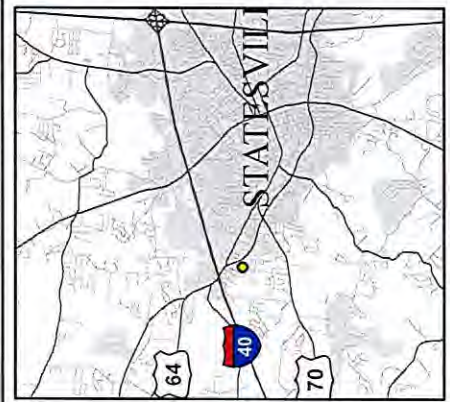
Conduct a public hearing and consider approving first reading of annexation request AX20-04, an ordinance to annex the property located at 405 Bristol Drive owned by Steve Ervin and Joye Lamberth, PIN #4724-67-6304.

- 1. Summary of Information:** The property being considered for annexation was submitted by Steve Ervin and Joye L. Lamberth and is located at 405 Bristol Drive. The applicants would like for 405 Bristol Drive to have its own water meter. This property currently shares water with 403 Bristol Drive. The subject property is approximately .495 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4724-67-6304. The subject property is not contiguous to the primary corporate limits of the City of Statesville, and therefore, the petition is being processed as a voluntary satellite annexation. The property is located within the City's Zoning Jurisdiction and is zoned R-20, therefore no rezoning will have to occur.
- 2. Previous Council or Relevant Actions:** N/A
- 3. Budget/Funding Implications:** The tax value of this property has not been set at this time due to the property being subdivided. Only the water tap (\$525.00) will apply for a split from the meter at 403 Bristol Drive. The property is served by City electric service and water.
- 4. Consequences for Not Acting:** Without annexation, City Council could approve the water request with the applicants paying outside rates or deny the request and 405 Bristol Drive would continue sharing water with 403 Bristol Drive.
- 5. Department Recommendation:** The department recommends passing the first reading of the ordinance to annex the property located at 405 Bristol Drive.
- 6. Manager Comments:** Concur with department's recommendation.
- 7. Next Steps:** If approved, the second reading will be August 3, 2020. The annexation will be effective on August 31, 2020.
- 8. Attachments:**
 1. City Limit Location Map
 2. Utility Location Map
 3. Ordinance for Annexation



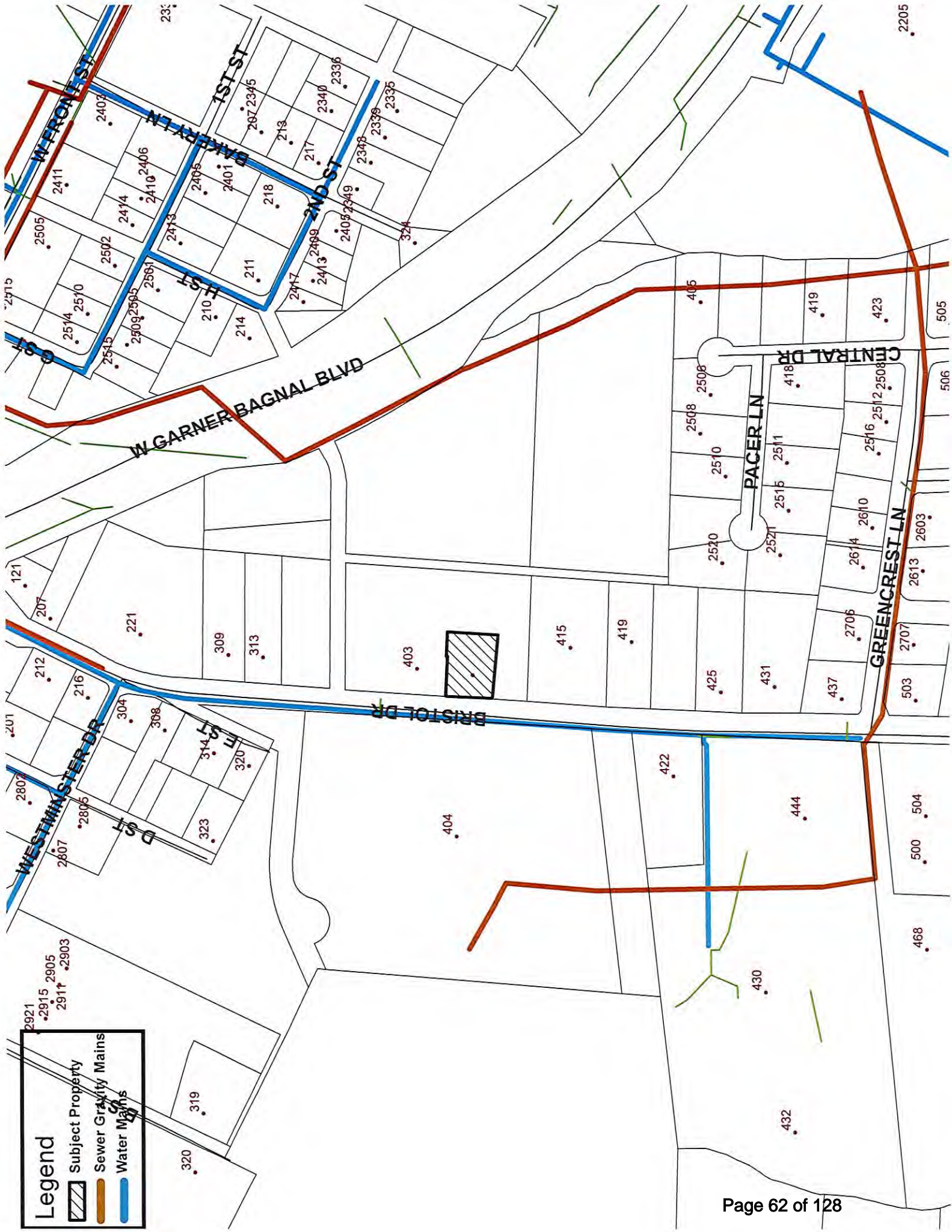
**City of Statesville
Planning Department**

405 Bristol Drive Property





Page 61 of 128

1 inch = 500 feet



Legend

-  Subject Property
-  Sewer Gravity Mains
-  Water Mains

ORDINANCE NO. _____

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

**Steve Ervin and Joye Lamberth
405 Bristol Drive
AX20-04
Tax Map 4724-67-6304**

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Statesville City Hall at 7:00 o'clock p.m. on the 20th day of July 2020 after due notice by publication on the 10th day of July 2020; and

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described noncontiguous territory is hereby annexed and made part of the City of Statesville, as of the August 31, 2020 at 11:59 p.m.

Description

Beginning at a pin in the R/W of Bristol Dr. and corner of Joye L. Lamberth property and running with the Bristol Dr. R/W North 03 deg. 01 min. 39 sec. East 118.53 feet to a pin in the R/W of Bristol Dr. and Lamberth; thence South 85 deg. 28 min. 02 sec. East 104.60 feet to a pin; thence North 04 deg. 31 min. 58 sec. East 1.20 feet to a pin; thence North 04 deg. 31 min. 58 sec. East 3.80 feet to a pin; thence South 85 deg. 28 min. 02 sec. East 62.10 feet to a pin corner of Lamberth thence South 03 deg. 01 min. 39 sec. West 122.33 feet to a pin corner of Lamberth thence North 85 deg. 28 min. 02 sec. West 166.80 feet to the point and place of beginning containing .495 Ac. as shown on the plat recorded in the Iredell County ROD at book 71 page 130. Property

Address: 405 Bristol Drive

Section 2. Upon and after August 31, 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 20th day of July, 2020.

AYES:
NAYS:

The second and final reading of this ordinance was heard on the 3rd day of August, 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 31st day of August 2020 at 11:59 p.m.

City of Statesville

Constantine H. Kutteh, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Fugett, City Clerk

Leah Gaines Messick, City Attorney

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: July 6, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving site plan (Quasi-Judicial) P20-02 filed by Jordon Trotter for Harbor Freight located at 303-313 Turnersburg Highway (US 21 North), Tax Maps 4745-38-5329, 4745-38-6594, 4745-38-6495, 4745-38-6398, 4745-38-6383, and 4745-38-6298.

1. Summary of Information: The site is located at 303-313 Turnersburg Highway (US 21) (see GIS Map). The property is currently 1.83 acres in size and is proposed to be developed with a Harbor Freight retail store. Currently there are 5 dwellings on the property that will be demolished. The site is zoned B-4 (Highway Business) District. The site will be accessed from Turnersburg Hwy (US 21) via the main access drive being limited to a right in/right out as required by NCDOT, with a future access being at the signal with James Farm Road to the North as part of U-5799. A third possible future access would be to the North Pointe Shopping center via a 30' access easement. This easement will be stubbed to the property line. In addition, US 21 is scheduled to be widened from Pump Station Road to Fort Dobbs Road under project U-5799.

New construction in the B-3, B-4 and B-5 zoning districts are required to get Planning Board and City Council approval. The building is proposed to be 15,500 square feet. The setback requirements are met. Landscaping requirements are met. The site has 64 parking spaces which meets the requirement of the UDO. Fee in lieu will be submitted to the City in place of installing sidewalk. The sidewalk will be constructed as part of the widening project. The exterior walls will be constructed of brick with metal canopies (see elevation) which meets the architectural requirements of the UDO. The site will utilize city sewer and electric utilities and Iredell water.

2. Previous Council or Relevant Actions: The TRC approved this request at its March 18, 2020 meeting contingent upon receipt of revised site plan, dumpster enclosed with materials that match the building, setbacks being labeled, height of building being labeled, fence around stormwater detention must be black or green coated, completion of annexation and recombination plat, fee in lieu of for sidewalk, 10' utility easement for City utility use, the site being built in conjunction with NCDOT Project U-5799, the direct access drive being built as right in/right out if completed before U-5799 median installed, and approval of stormwater plans.

Several corrections were made prior to the planning board meeting. Therefore, the Planning Board recommended unanimously to approve the site-plan contingent upon completion of annexation and a recombination plat, fee in lieu of for sidewalk, the site being built in conjunction with NCDOT Project U-5799, final approval of roadway plans by Engineering, and approval of stormwater plans. Otherwise the plans meet the requirements of the UDO.

In addition, the Planning Board directed staff to pursue Elmridge Lane as a future public city street due to the amount of developable land in the area (see GIS map). Elmridge Lane is projected in the

Mobility & Development Plan to be a future collector street (see attached). By expanding Statesville's collector street system, travel can be enhanced between local streets and arterials and it can relieve pressure from major thoroughfares. Several of the proposed collector streets enhance travel east and west in Statesville.

3. **Budget/Funding Implications:** The tax value of the land is not indicated on Iredell County's GIS website because the lots are being combined. However, the estimated value of the completed development is approximately \$1.3M. City sewer, city electric and Iredell water will service the site.
4. **Consequences for Not Acting:** Parcels may remain vacant.
5. **Department Recommendation:** Staff recommends approval of site plan contingent upon completion of annexation and recombination plat, fee in lieu of for sidewalk, the site being built in conjunction with NCDOT Project U-5799, final approval of roadway plans by Engineering, and approval of stormwater plans. Otherwise the plans meet the requirements of the UDO.
6. **Manager Comments:** Because this is a quasi-judicial matter, I have no recommendation at this time.
7. **Next Steps:** If approved, permits would be issued.
8. **Attachments:**
 1. GIS map
 2. Site/Land Plan
 3. Road Access Plan
 4. Elevations
 5. Mobility & Development Plan, Collector Street Plan
 6. GIS map of area with proposed roads
 7. Finding of Fact



TURNERSBURG HWY

COWAN LN

NORTHCROSS LN

VENTURE LN

318

318

308

304

302

300

294

108

118

116

114

122

126

128

130

110

111

113

117

121

123

124

120

119

284

313319

309

307

303

323

321

134

JORDAN TROTTER COMMERCIAL REAL ESTATE

SITE PLAN FOR:

LOCATION ADDRESS: 303-13 TURNERSBURG HIGHWAY - STATESVILLE, N.C. 28625

OWNER: JORDAN GRANT & ASSOCIATES, PLLC

DATE OF MAP: 12-03-19

DATE OF FIELD SURVEY: 10-31-19

SCALE: 1"=20'

CHECKED BY: MFG

DRAWN BY: SMS

DRAWING NO: 20190726-BY-120319

DEED REF: ILLUSTRATED

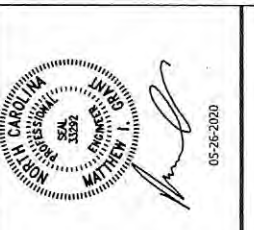
STATEVILLE TOWNSHIP - IREDELL COUNTY - NORTH CAROLINA

NO.	DATE	DESCRIPTION
1	12-27-19	TRC CONCEPT PLAN
2	03-17-20	TRC COMMENTS -31820
3	05-26-20	TRC COMMENTS-31820

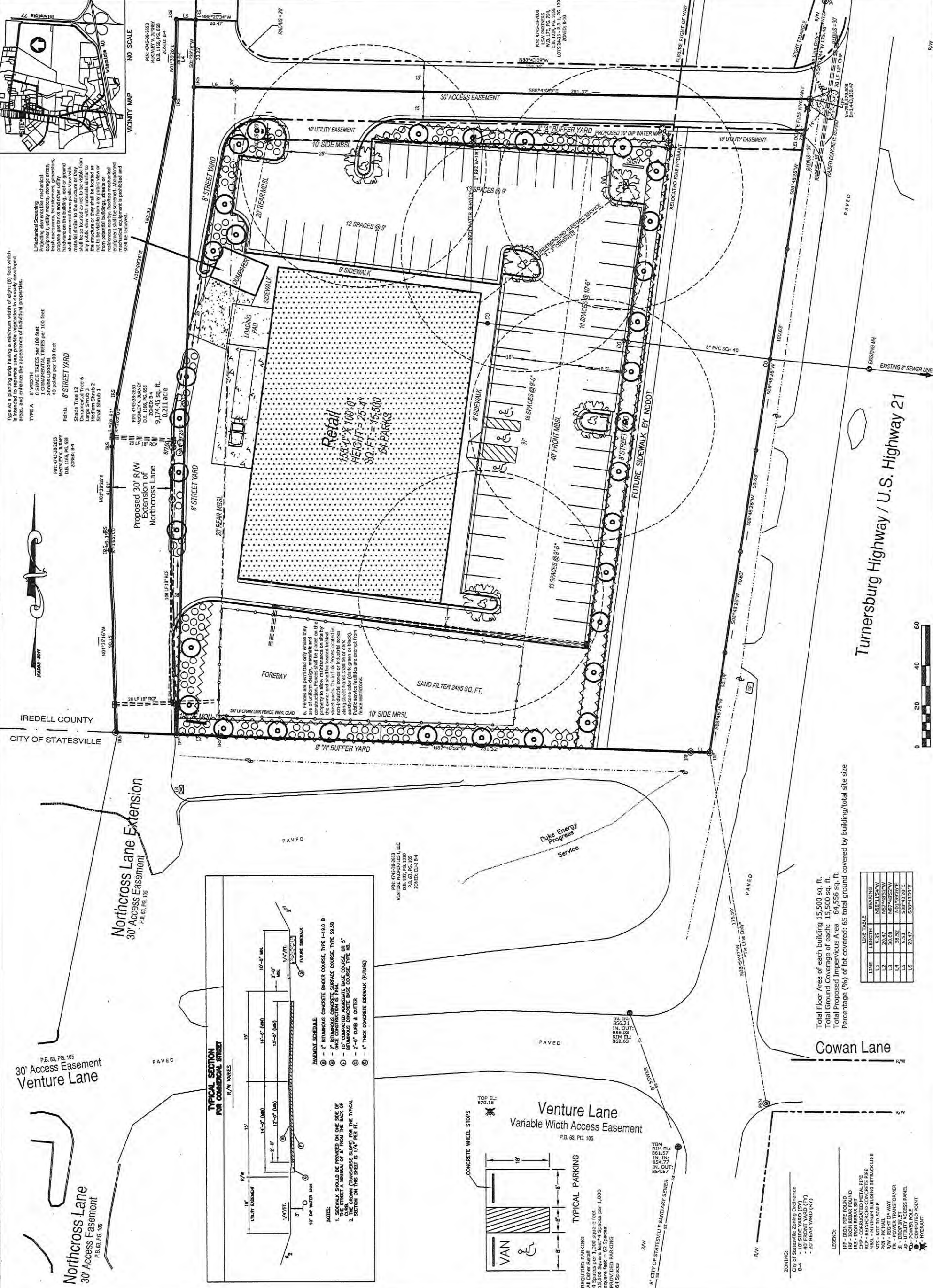
MAP REVISIONS:

Sheet No:

C200



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



Type A: A planting strip having a minimum width of eight (8) feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of residential properties.

TYPE A
 8' WIDTH
 1 ORNAMENTAL TREE PER 100 FEET
 40 POINTS PER 100 FEET
 8' STREET YARD
 Ornamental Tree 6
 Large Shrub 3
 Small Shrub 2
 Small Shrub 1

TYPE B
 8' WIDTH
 1 ORNAMENTAL TREE PER 100 FEET
 40 POINTS PER 100 FEET
 8' STREET YARD
 Ornamental Tree 6
 Large Shrub 3
 Small Shrub 2
 Small Shrub 1

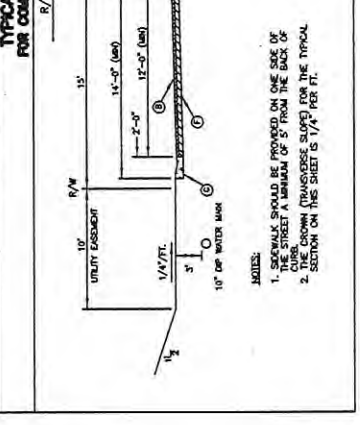
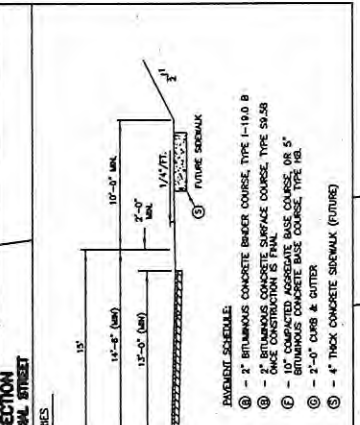
TYPE C
 8' WIDTH
 1 ORNAMENTAL TREE PER 100 FEET
 40 POINTS PER 100 FEET
 8' STREET YARD
 Ornamental Tree 6
 Large Shrub 3
 Small Shrub 2
 Small Shrub 1

TYPE D
 8' WIDTH
 1 ORNAMENTAL TREE PER 100 FEET
 40 POINTS PER 100 FEET
 8' STREET YARD
 Ornamental Tree 6
 Large Shrub 3
 Small Shrub 2
 Small Shrub 1

TYPE E
 8' WIDTH
 1 ORNAMENTAL TREE PER 100 FEET
 40 POINTS PER 100 FEET
 8' STREET YARD
 Ornamental Tree 6
 Large Shrub 3
 Small Shrub 2
 Small Shrub 1

TYPE F
 8' WIDTH
 1 ORNAMENTAL TREE PER 100 FEET
 40 POINTS PER 100 FEET
 8' STREET YARD
 Ornamental Tree 6
 Large Shrub 3
 Small Shrub 2
 Small Shrub 1

Proposed 30' RW Extension of Northcross Lane



REQUIREMENTS FOR CONCRETE SIDEWALK (FUTURE)

- 2" BITUMINOUS CONCRETE BRICKER COURSE, TYPE 1-100 B
- 2" BITUMINOUS CONCRETE SURFACE COURSE, TYPE 50-58
- 10" CONCRETE BASE COURSE, TYPE 100
- 2" CURB & GUTTER
- 4" THICK CONCRETE SIDEWALK (FUTURE)

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REQUIREMENTS FOR CONCRETE SIDEWALK (FUTURE)

- 2" BITUMINOUS CONCRETE BRICKER COURSE, TYPE 1-100 B
- 2" BITUMINOUS CONCRETE SURFACE COURSE, TYPE 50-58
- 10" CONCRETE BASE COURSE, TYPE 100
- 2" CURB & GUTTER
- 4" THICK CONCRETE SIDEWALK (FUTURE)

Turnersburg Highway / U.S. Highway 21

Cowan Lane

Northcross Lane Extension
 30' Access Easement
 Venture Lane

Northcross Lane
 30' Access Easement

LINE	LINE STYLE	BEARING	LENGTH	REMARKS
L1	S85°11'54"W	9.35		
L2	N87°48'52"W	20.47		
L3	N87°48'52"W	30.00		
L4	N01°53'25"E	35.52		
L5	S89°43'02"E	20.47		

Total Floor Area of each building 15,500 sq. ft.
 Total Ground Coverage of each: 15,500 sq. ft.
 Total Proposed Impervious Area 64,556 sq. ft.
 Percentage (%) of lot covered: 65 total ground covered by building/total site size

ZONING: City of Statesville Zoning Ordinance
 B-1 - 40' FRONT YARD (FY)
 - 20' REAR YARD (RY)

LEGEND:
 IFF - IRON PIPE FOUND
 IRF - IRON REBAR FOUND
 RCP - REINFORCED CONCRETE PIPE
 CMP - CORRUGATED METAL PIPE
 NIS - NOT TO SCALE
 PNN - PK NAIL
 RW - RIGHT OF WAY
 d1 - DROPPED INLET
 d2 - UTILITY ACCESS PANEL
 H - HYDRANT



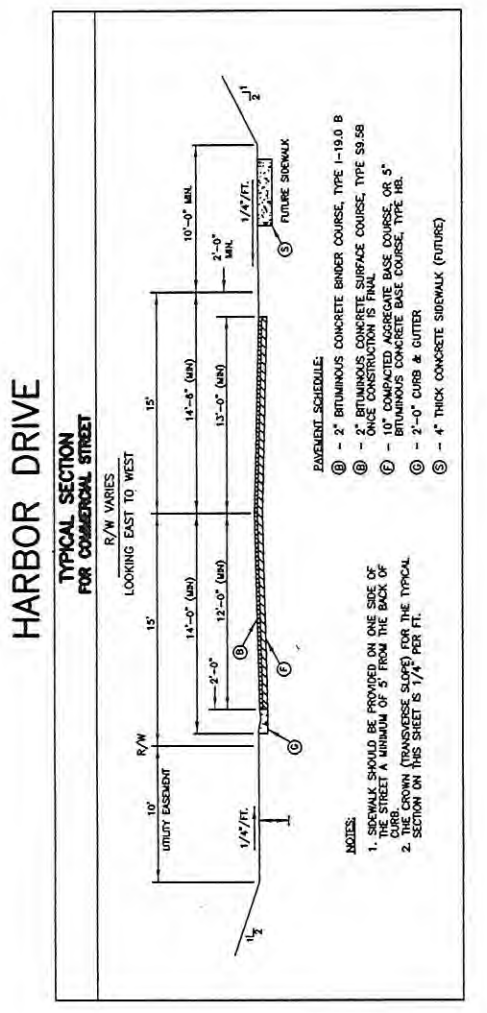
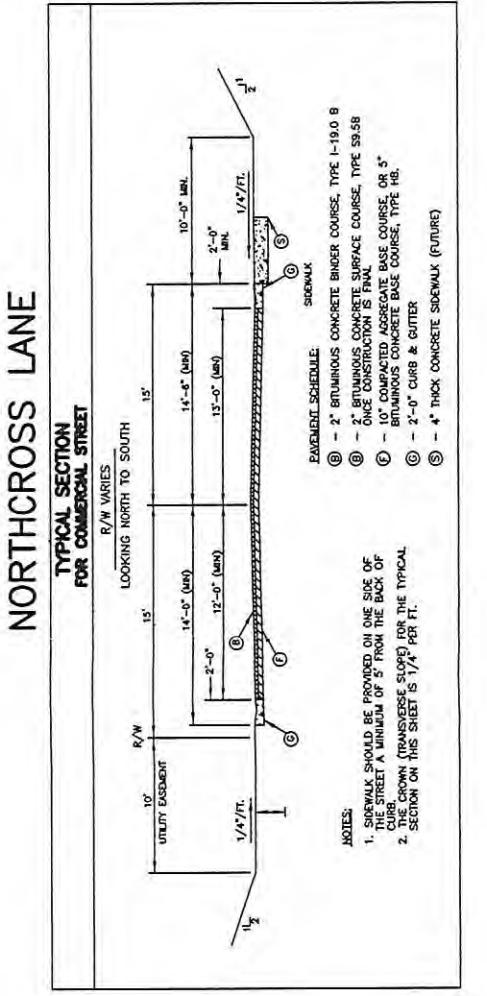
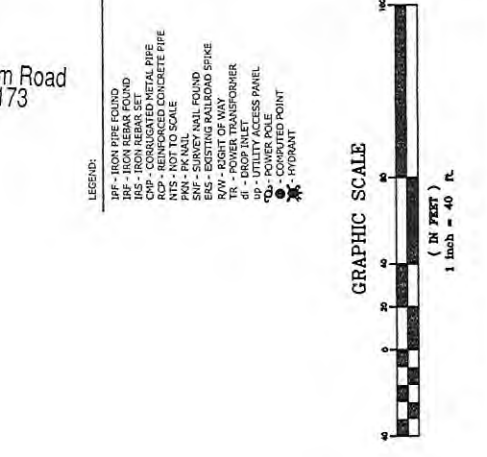
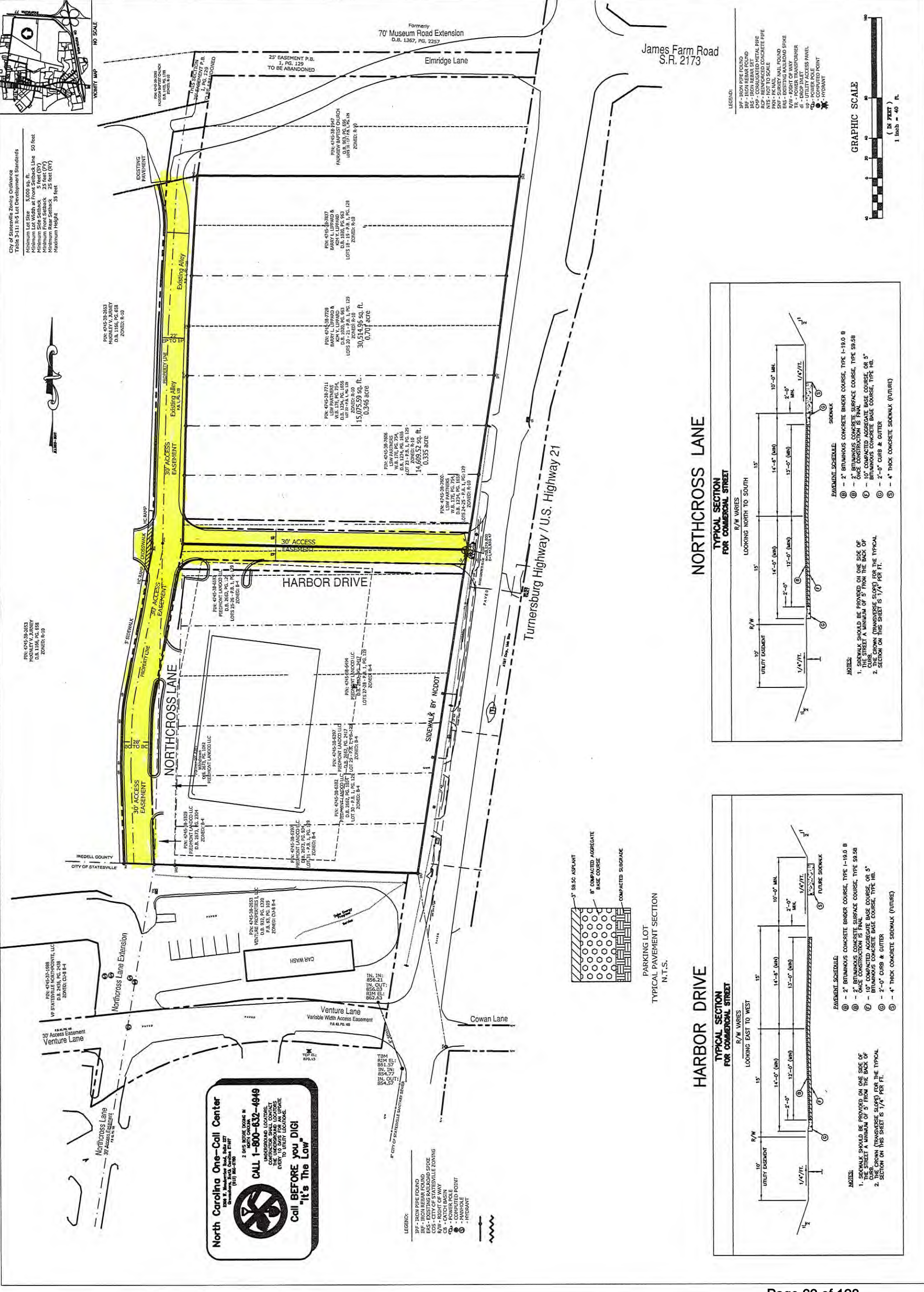
JORDAN TROTTER COMMERCIAL REAL ESTATE
 STREET PLAN FOR:
JORDAN GRANT & ASSOCIATES, PLLC
 ENGINEERING • SURVEYING • PLANNING
 P.O. BOX 151 • STATESVILLE, NC 28687
 mattjg@jordan-grant.com (704) 928-7919
 FIRM # P-1227

STATEVILLE TOWNSHIP -- IREDELL COUNTY -- NORTH CAROLINA
 DEED REF: ILLUSTRATED PLANNING NO: 20190722-NORTHCHROSS
 DATE OF MAP: 02-06-20 PIN NO: ILLUSTRATED
 LOCATION ADDRESS: 301-313 TURNERSBURG HIGHWAY, STATESVILLE, N.C. 28625
 DRAWN BY: GVG CHECKED BY: MIG
 SCALE: 1"=40'
 DATE OF FIELD SURVEY: 12-04-19

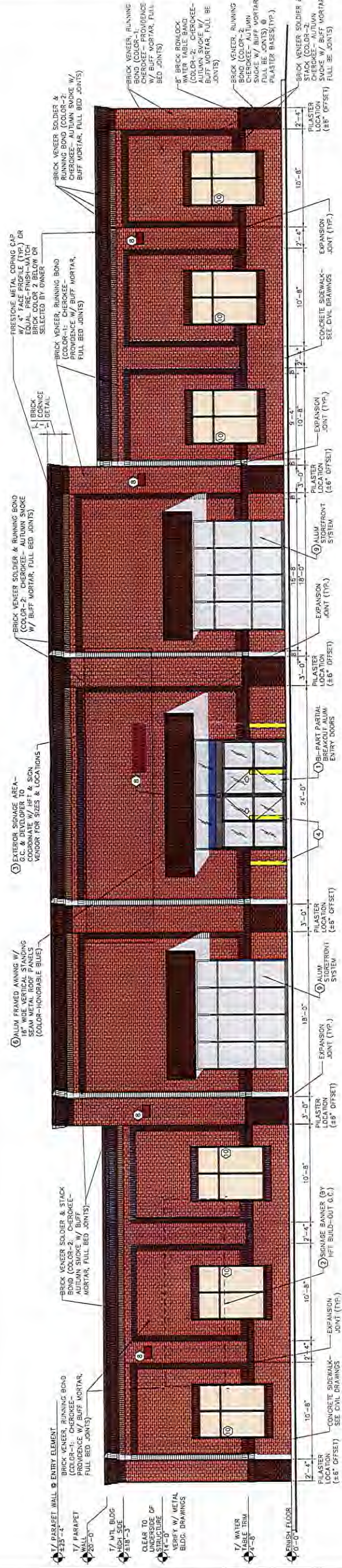
NO.	DATE	DESCRIPTION
1	04-21-20	EROSION COMMENTS
2	05-20-20	OWNER COMMENTS
3	05-26-20	OWNER COMMENTS
4	06-05-20	OWNER COMMENTS
5	06-16-20	OWNER COMMENTS

MAP REVISIONS:

Sheet No: **C300**



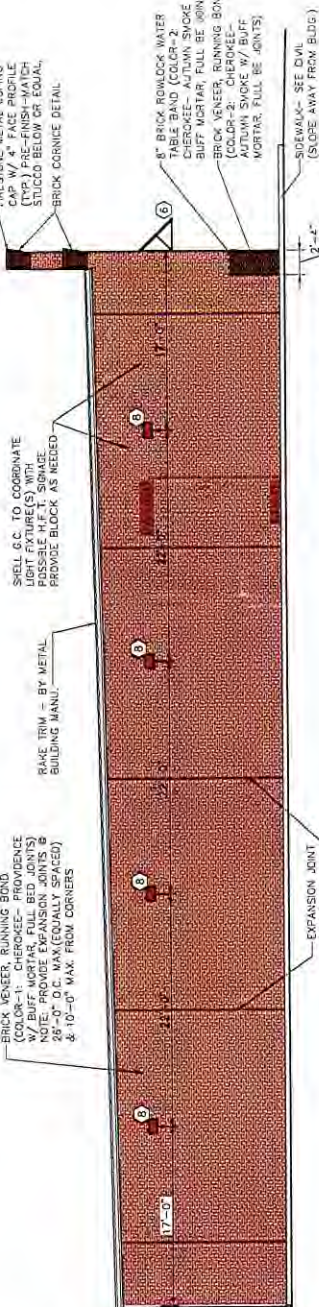
North Carolina One-Call Center
 2 DAYS BEFORE DIGGING IN NORTH CAROLINA
CALL 1-800-632-4949
 UNDERGROUND LOCATIONS, THE UNDISCOVERED LOCATIONS, EVERY UTILITY LOCATION, EVERY TO UTILITY LOCATION.
Call BEFORE you DIG! "It's The Law"



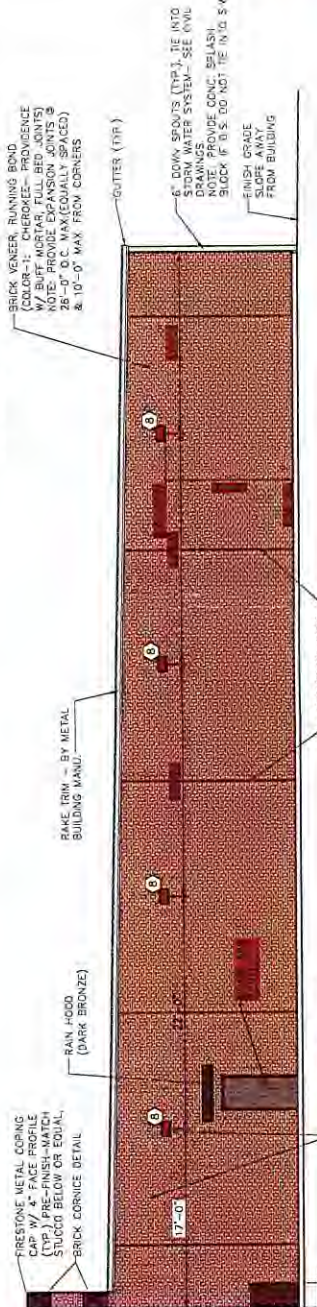
1 NEW FRONT - EAST ELEVATION
SCALE: 3/16" = 1'-0"

- GENERAL NOTES:**
1. SIGNAGE PERMIT DRAWINGS TO BE SUBMITTED SEPARATELY.
 2. SIGNAGE SCHEDULE FOR REFERENCE ONLY - ACTUAL SIGNAGE SIZE AND TYPE TO BE DETERMINED BY HFT AND LANDLORD.
 3. ALL SIGNAGE TO COMPLY WITH LANDLORD TENANT CRITERIA AND STATE/LOCALITY CODES.
 4. SHELL G.C. TO COORDINATE WITH HFT P.M. AND SIGNAGE VENDOR FOR ANY SPECIFIC CRITERIA TO BE USED.
 5. ALL SIGNAGE TO BE UL RATED.

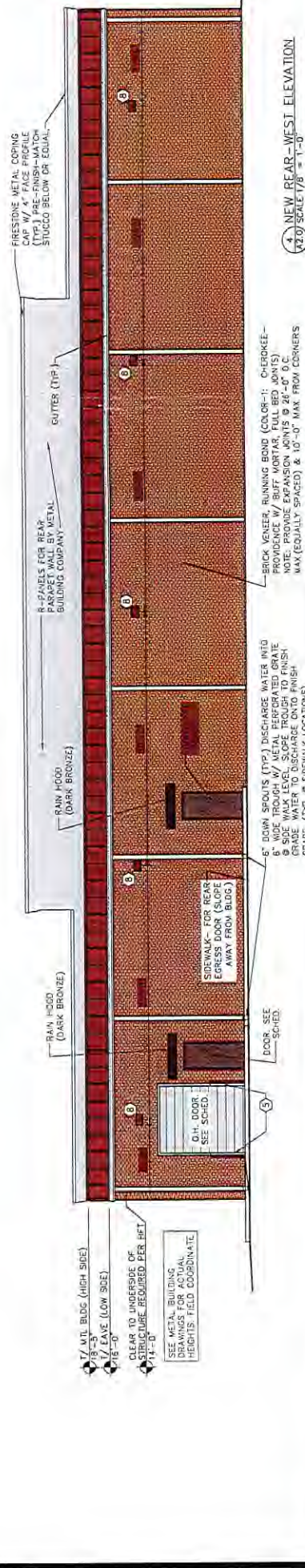
- EXTERIOR ELEVATION NOTES:**
1. AUTOMATIC BI-PART PARTIAL BREAKOUT ALUM ENTRY DOORS - SEE DOOR SCHEDULE AND CONFIGURATIONS.
 2. SIGNAGE BANNER - PROVIDE 3/4" GALVANIZED EXLETS SPACED AS SHOWN ON DETAIL A/A2.0. GENERAL CONTRACTOR TO COORDINATE EXACT PLACEMENT OF BANNER WITH HFT SIGNAGE VENDOR.
 3. APPROPRIATE LOCATION OF HFT EXTERIOR SIGN - STOREFRONT SIGNAGE PROVIDED AND INSTALLED BY HFT SIGN CONTRACTOR - SHELL G.C. TO COORDINATE MOUNTING, ATTACHMENT & POWER REQUIREMENTS W/ HFT BUILD-OUT G.C. & SIGNAGE VENDOR. ALL SIGNAGE IS BY SEPARATE PERMIT.
 4. 6" DIAMETER STEEL PIPE BOLLARD. SEE DETAIL E/A31.
 5. 8" DIAMETER STEEL PIPE BOLLARD. ALUM COVERINGS @ BOLLARD WITH EDGE OF DOOR OPENING AT OVERHEAD DOOR. SEE DETAIL E/A31.
 6. ALUM. FRAMED AWNING W/ 18" WIDE VERTICAL STANDING SEAM METAL ROOF.
 7. EMERGENCY EGRESS LIGHT FIXTURE CENTERED OVER DOOR. SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION, PROVIDED BY TENANT. NOT SHOWN IN SHELL ELEVATIONS.
 8. EXTERIOR LIGHT FIXTURE - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
 9. ALUMINUM STOREFRONT SYSTEM - SEE WINDOW CONFIGURATIONS COORDINATE CLEAR GLASS & SPANREL GLASS REQUIREMENTS WITH HFT BUILD OUT DRAWINGS.
 10. FIBER CEMENT BOARD TRIMMED FAUX WINDOW - SEE DETAILS & SECTIONS.



2 NEW LEFT - SOUTH SIDE ELEVATION
SCALE: 3/16" = 1'-0"



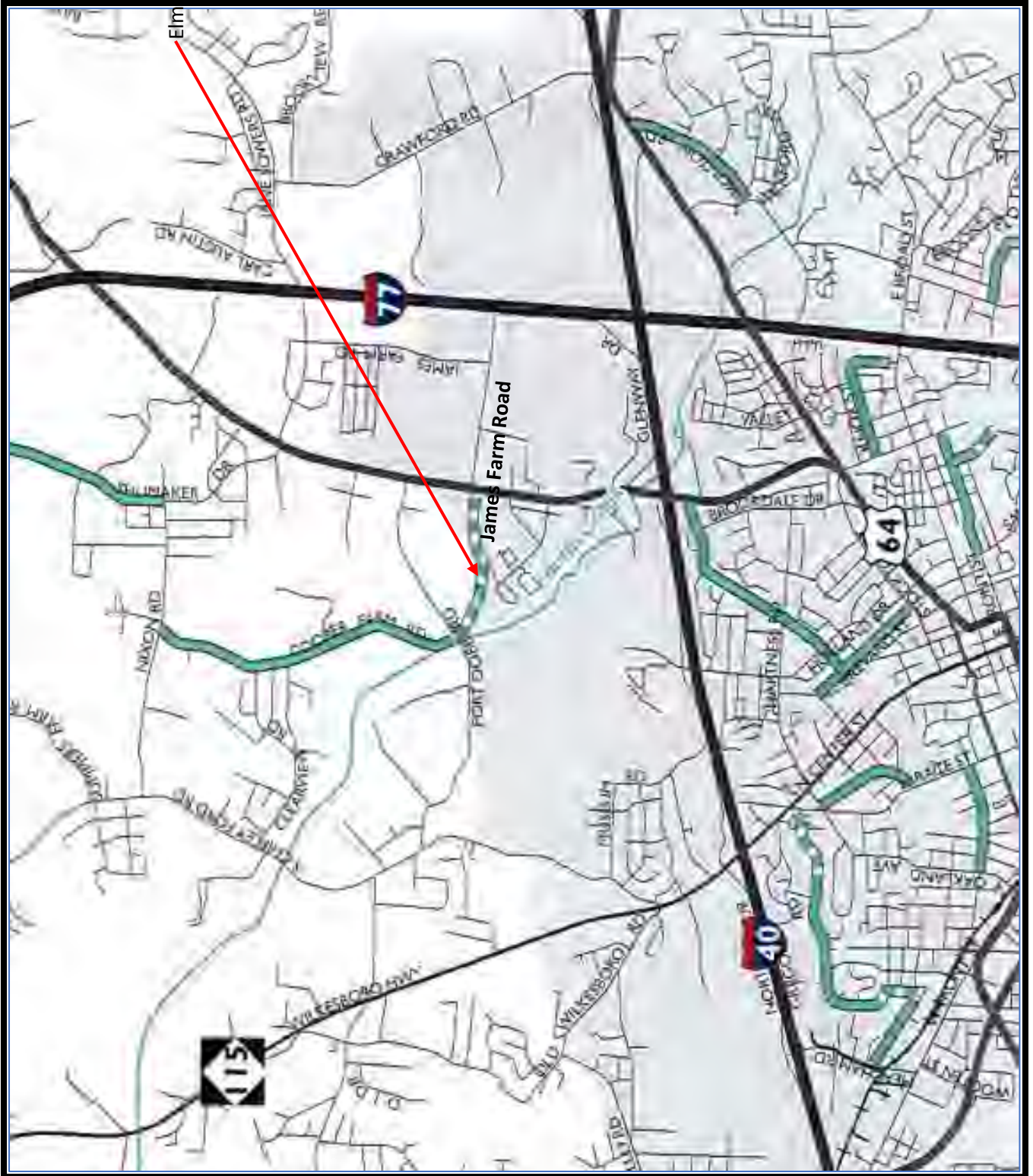
3 NEW RIGHT - NORTH SIDE ELEVATION
SCALE: 3/16" = 1'-0"



4 NEW REAR - WEST ELEVATION
SCALE: 3/16" = 1'-0"








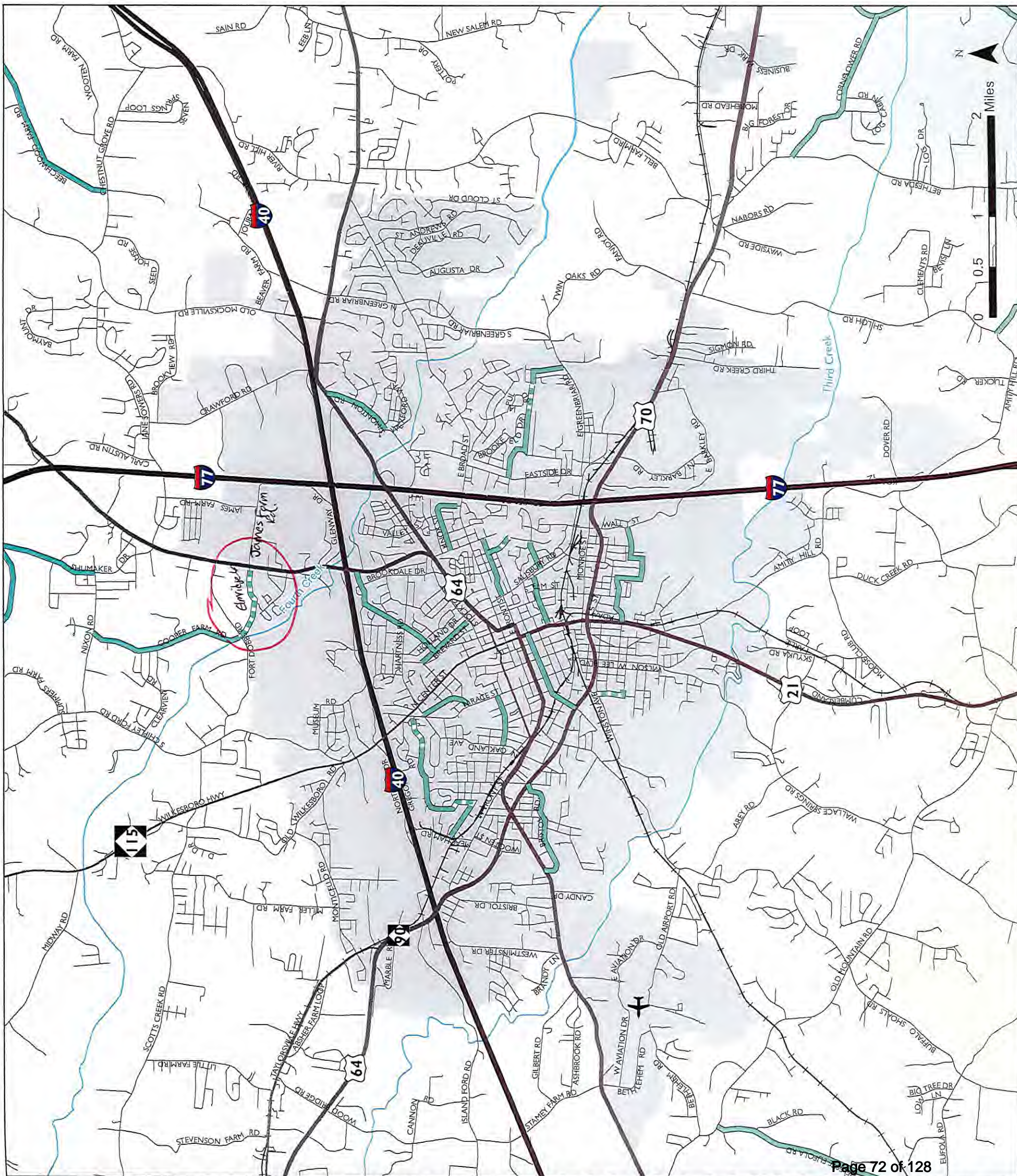
Elmridge Lane



Collector Street Plan Inset

Figure 3.12b

-  Upgrade to Collector Street
-  Proposed Collector Street
-  Statesville Municipal Airport
-  City of Statesville Study Area
-  County Boundary



consider the siting of proposed construction and its impact on topography, vegetation, adjacent development, improvements in the immediate area and tie site plan's conformance to the goals, objectives, and policies of the Comprehensive Plan.

B. Applicability

No person shall construct or modify an applicable building or structure, nor shall any excavation for such building or structure be commenced, until a site development plan has been approved in accordance with this section. Applicable buildings and structures include any new development or redevelopment in the B-3, B-4 and B-5 zoning districts, see Table 2-1: Summary of Application Procedures and all multi-family development.

C. Application and Procedures

A property owner or designated representative shall initiate building permit review by filing an application with the Planning Department.

D. Review Criteria

The building and site design described in the Site Development Plan shall be compatible with and shall not adversely impact adjoining properties whether residential or nonresidential.

E. Decision Maker

The City Council shall approve, conditionally approve, or deny applications for site development plan approval.

F. Amendments

Amendments to building plans may be approved prior to completion of the approved construction. Once approved, such amendments become part of the original application. Changes to the building footprint or site development plan for multi-family or non-residential structures shall require an amended site development plan.

G. Completion of Buildings

Nothing contained herein shall require any change in the plans, construction, size or designated use of a building having a valid permit issued prior to the effective date of this Code.

H. Condition of the Permit

All work performed under a valid permit shall conform to the approved application and subsequent amendments.

(Ord. No. 05-14, 5-5-14)

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: July 7, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider approving site plan (Quasi-Judicial) P20-08 for Georgetown Place Subdivision, Phase II located adjacent to 163 James Farm Road, Tax Map 4745-59-1376

1. Summary of Information: The site is located behind 151 James Farm Road (see GIS Map). The property is currently 8.2 acres in size and is proposed to be developed with 47 Townhomes. The site is zoned R-5 MF (High Density Multi-Family Residential) District. The site will be accessed from James Farm Road at one location.

Multi-family Developments/Sketch Plans are required to get Planning Board and Council approval. The site plan/sketch plan indicates 47 duplex townhome type units. The setback requirements are met. Landscaping requirements are met. A playground and picnic shelter will be provided. Curb, gutter, and sidewalk will be installed on all new streets. The streets shown on the site plan/sketch plan as Luna Lane and Gaelic Drive will be stubbed to the property line and will be temporary cul-de-sacs until adjacent property is further developed. The site will utilize City sewer, Iredell water, and Duke Energy for Electric.

2. Previous Council or Relevant Actions: City Council approved the rezoning from R-10 to R-5 MF on March 2, 2020.

The TRC approved this request at its April 15, 2020 meeting contingent upon approval of stormwater plans and approval of the proposed road names.

The Planning Board recommended unanimously to approve the site plan/sketch plan contingent upon approval of the stormwater plans and the street names. Otherwise the plans meet the requirements of the UDO.

3. Budget/Funding Implications: The tax value of the land is \$79,950. The estimated value of the completed development before vertical construction is approximately \$588,000. Again, the site will utilize city sewer and the potential for 47 new families.

4. Consequences for Not Acting: Parcel may remain vacant.

5. Department Recommendation: Staff recommends approval of site plan/sketch plan contingent upon approval of the stormwater plans, approval of the street names, and the sidewalk being

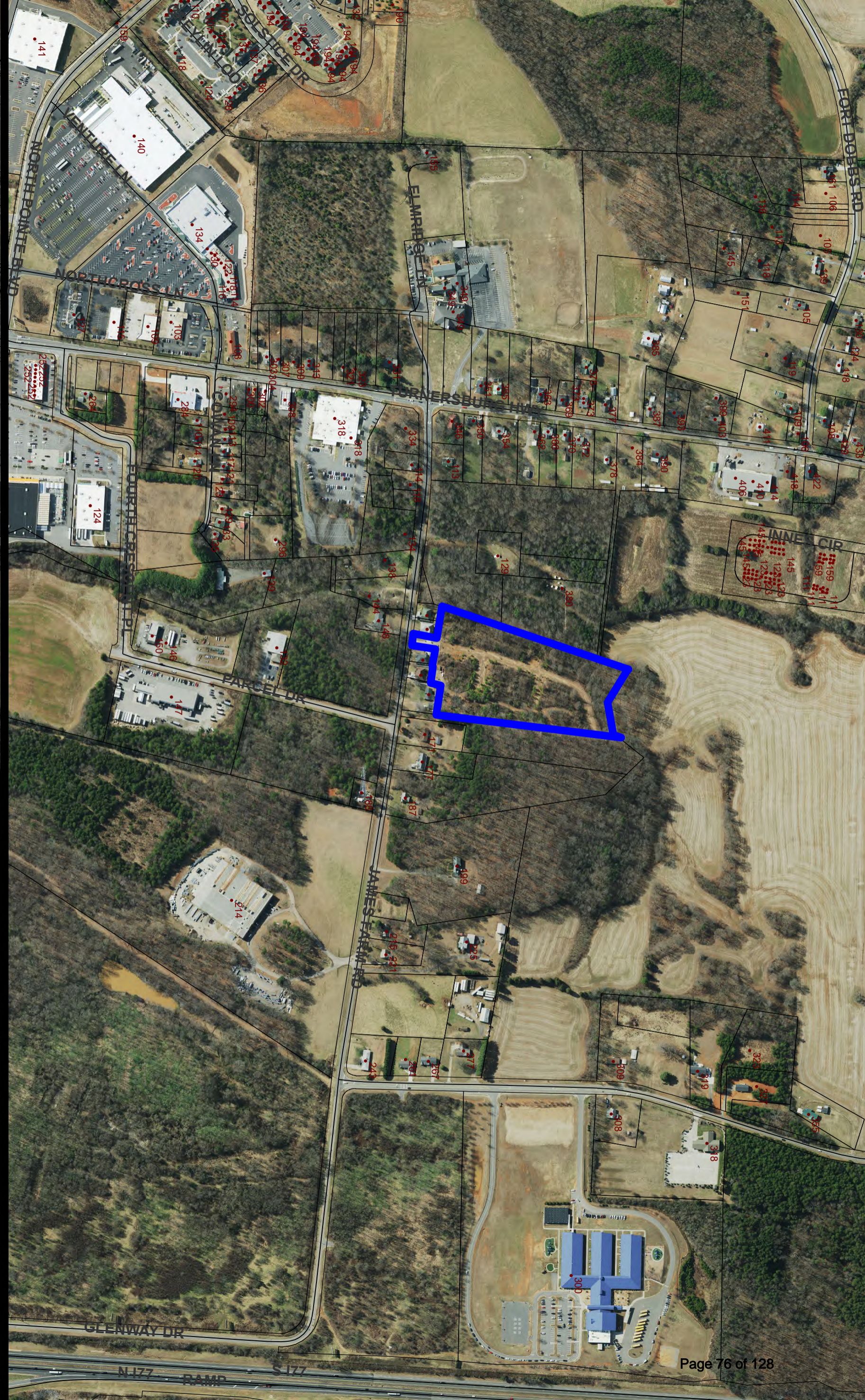
extended from the Limerick Lane cul-de-sac to the sidewalk to the playground and picnic shelter. Otherwise the plans meet the requirements of the UDO.

6. Manager Comments: Due to the quasi-judicial nature of this request, I have no recommendation at this time.

7. Next Steps: If approved, permits would be issued.

8. Attachments:

1. GIS Map
2. Site Plan/Sketch Plan
3. Findings of Fact



141, 139, 140, 134, 130, 122, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 59, 58, 57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1

NORTH POINTE BLVD
NORTH ROSSELLA
ELMORE BLVD
FORT DOBBS RD
JAMES FARM RD
GLENWAY DR
PARCEL DR
INNER CIR

135, 134, 133, 132, 131, 130, 129, 128, 127, 126, 125, 124, 123, 122, 121, 120, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 59, 58, 57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1

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consider the siting of proposed construction and its impact on topography, vegetation, adjacent development, improvements in the immediate area and tie site plan's conformance to the goals, objectives, and policies of the Comprehensive Plan.

B. Applicability

No person shall construct or modify an applicable building or structure, nor shall any excavation for such building or structure be commenced, until a site development plan has been approved in accordance with this section. Applicable buildings and structures include any new development or redevelopment in the B-3, B-4 and B-5 zoning districts, see Table 2-1: Summary of Application Procedures and all multi-family development.

C. Application and Procedures

A property owner or designated representative shall initiate building permit review by filing an application with the Planning Department.

D. Review Criteria

The building and site design described in the Site Development Plan shall be compatible with and shall not adversely impact adjoining properties whether residential or nonresidential.

E. Decision Maker

The City Council shall approve, conditionally approve, or deny applications for site development plan approval.

F. Amendments

Amendments to building plans may be approved prior to completion of the approved construction. Once approved, such amendments become part of the original application. Changes to the building footprint or site development plan for multi-family or non-residential structures shall require an amended site development plan.

G. Completion of Buildings

Nothing contained herein shall require any change in the plans, construction, size or designated use of a building having a valid permit issued prior to the effective date of this Code.

H. Condition of the Permit

All work performed under a valid permit shall conform to the approved application and subsequent amendments.

(Ord. No. 05-14, 5-5-14)

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: July 8, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Receive a report on the recent water distribution system asset inventory and assessment study.

- 1. Summary of Information:** In June 2018, the City of Statesville was awarded \$150,000 from the North Carolina Department of Environmental Quality (DEQ) to study the condition of the City's water distribution system. Called an asset inventory assessment (AIA) grant, the purpose of the study was to identify and prioritize the most critical maintenance and/or replacement projects in the City's water distribution system.

Council awarded the AIA to Hazen & Sawyer in February 2019, who then worked with staff on the following tasks:

- Access water line conditions based on construction records and field investigations;
- Inspect 62 large diameter water valves to ensure their operability;
- Update the City's water system model and train staff on its use, including software that allows staff to perform similar assessments in the future
- Identify areas in the water system where flushing will improve water quality;
- Identify and prioritize system maintenance projects; and
- Identify and prioritize system expansion projects.

To guide staff with future capital project planning, Hazen developed two lists of recommended capital projects. The first list (Table 4-2, attached) describes projects that will enhance the performance of the City's water distribution system, primarily by connecting dead end lines to form loops. The second list (Table 4-3) identifies projects to replace existing water lines whose condition and hydraulic capacity have deteriorated due to age.

The AIA study concluded in May 2020. The total cost of the study, water model upgrade, field investigations, and grant fee was \$172,500, which represents the \$150,000 grant plus the City's 15% match (\$22,500).

Staff has prepared the grant report to submit to DEQ. Upon acceptance by DEQ, the City will receive the \$150,000 grant as reimbursement for the study. Reporting the results of the AIA study to the City Council tonight is the final component in the grant report to DEQ.

2. Previous Council or Relevant Actions:

- On February 4, 2019 Council awarded the AIA study contract to Hazen & Sawyer.
- On June 4, 2018 Council accepted the \$150,000 AIA grant from NC DEQ.

- 3. Budget/Funding Implications:** The \$150,000 grant will be received upon DEQ's acceptance of the grant report.

The recommended capital improvement projects will be incorporated into future budget requests and considered when reviewing proposed private development.

- 4. Consequences for Not Acting:** No action required. Presentation of this information is required prior to submitting the grant report to NC DEQ.

- 5. Department Recommendation:** No action is required at this time.

- 6. Manager Comments:** No comment other than this is a great resource for the City to understand its future utility infrastructure needs.

7. Next Steps:

- Staff will submit the grant report to DEQ and await receipt of the grant funds.
- The capital improvement recommendations will be incorporated into future budget requests and considered when reviewing proposed private development.

8. Attachments

1. CIP Project Location Map
2. Table 4-2 – Recommended Capital Improvement Projects (CIP)
3. Table 4-3 – Recommended CIPs from the Condition Assessment (CIP-CA)

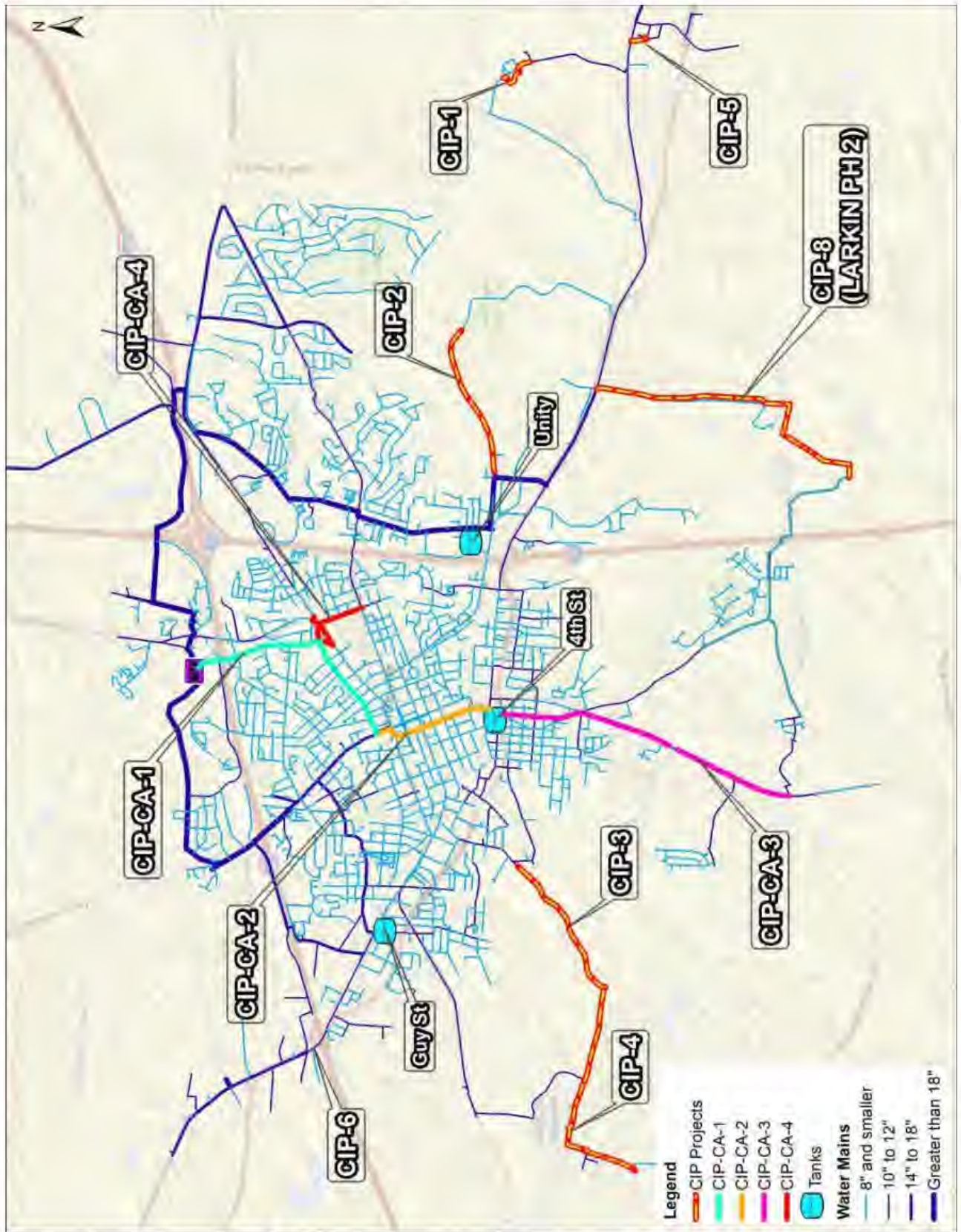


Figure 4-1: Overall map of proposed capital improvement projects

Table 4-2: Planning Level Cost Summary Table for Proposed CIPs

Capital Improvement Projects (CIP): Order of Magnitude Cost Estimates										
Project Name	Project Location	Dia. (in)	Length (LF)	Construction Cost	Construction Contingency (35%)	Construction Subtotal	Engineering (20%)	Construction Administration Services (10%)	Consultant Subtotal	Total Cost
CIP-1	John Long Rd E Greenbriar Rd, Twin Oaks Rd	8	2,000	\$ 200,000	\$ 70,000	\$ 270,000	\$ 40,000	\$ 20,000	\$ 60,000	\$ 330,000
CIP-2	Buffalo Shoals Rd, Old Airport Rd	8	7,000	\$ 876,000	\$ 307,000	\$ 1,183,000	\$ 175,000	\$ 88,000	\$ 263,000	\$ 1,446,000
CIP-3	Old Airport Rd, Hangar Dr	12	11,300	\$ 3,650,000	\$ 1,278,000	\$ 4,928,000	\$ 730,000	\$ 365,000	\$ 1,095,000	\$ 6,023,000
CIP-4	US 70 Business Park	12	6,500	\$ 1,073,000	\$ 376,000	\$ 1,449,000	\$ 215,000	\$ 107,000	\$ 322,000	\$ 1,771,000
CIP-5	Duplex (Jockey) BPS w/ bypass and check valve	12	800	\$ 96,000	\$ 34,000	\$ 130,000	\$ 19,000	\$ 10,000	\$ 29,000	\$ 159,000
CIP-6	Install five to six (5-6) Automatic Flushers as indicated in Technical Memorandum			\$ 250,000	\$ 88,000	\$ 338,000	\$ 50,000	\$ 25,000	\$ 75,000	\$ 413,000
CIP-7	Larkin Phase 2, Third Creek Road, Private Property	12	14,200	\$5-6,000 per unit	\$ 800,000	\$ 3,086,000	\$ 457,000	\$ 229,000	\$ 686,000	\$ 3,772,000

Table 4-3 Planning Level Cost Summary Table: Prop. CIPs from Condition Assessment

Capital Improvement Projects (CIPs) from Condition Assessment: Order of Magnitude Cost Estimates										
Project Name	Project Location	Dia. (in)	Length (LF)	Construction Cost	Construction Contingency (35%)	Construction Subtotal	Engineering (20%)	Construction Administration Services (10%)	Consultant Subtotal	Total Cost
CIP-CA-1 <i>(12-in Replacement)</i>	Brookdale Dr and Stockton St	20 to 12	10,700	\$ 3,884,000	\$ 1,359,000	\$ 5,243,000	\$ 777,000	\$ 388,000	\$ 1,165,000	\$ 6,408,000
CIP-CA-2	Center St, Water St, Meeting St to Monroe St	16	5,600	\$ 2,712,000	\$ 949,000	\$ 3,661,000	\$ 542,000	\$ 271,000	\$ 813,000	\$ 4,474,000
CIP-CA-3	Old Charlotte St, Caldwell St, US Hwy 21	10, 12, 16	13,200	\$ 3,225,000	\$ 1,129,000	\$ 4,354,000	\$ 645,000	\$ 323,000	\$ 968,000	\$ 5,322,000
CIP-CA-4	Davie Ave, Stockton St, Sullivan St, Sherwood St, East End Ave	6, 12	5,200	\$ 2,390,000	\$ 837,000	\$ 3,227,000	\$ 478,000	\$ 239,000	\$ 717,000	\$ 3,944,000
CIP-CA-5	Annualized ULCI Replacement Program	Various	37.9 (mi)	\$ 746,000 (per mile)			-			\$ 28,241,000

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: July 8, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a policy to assist with repairs to developer-installed water and sewer service connections.

1. Summary of Information: Staff has been approached by residential homebuilders for assistance with repairs to water and sewer service connections (laterals). During the economic downturn of the late 2000s, several residential subdivisions sat inactive for an extended period of time. As economic conditions improved in recent years and building activity resumed, several sewer service connections were found to be in need of repair. Such repairs are typically performed by the contractor who originally performed the work, but due to the length of inactivity during the recession, contractor warranties have expired.

To provide consistency in responding to such requests, staff is proposing a policy by which the City will assist with the repair of water and sewer service laterals. To be eligible for City assistance, there must have been a construction delay of at least 10 years due to conditions beyond the control of the builder/developer. In such situations, the City will prepare a cost estimate and, upon receipt of 50% of the cost estimate from the builder/developer, City crews will perform the repair work. The proposed policy follows:

It is the policy of the City of Statesville to accept for service and maintenance water and sewer service connections (service laterals) to a building lot in a residential subdivision upon the initial installation of a water meter at that location. For residential subdivisions where service connections were installed over ten (10) years ago, but building construction was delayed due to either economic hardship or a condition present beyond the control of the developer, the City will evaluate water and/or sewer service connection repairs as they are identified and prepare a cost estimate of necessary repair work. Upon agreement by the property owner and payment to the City of 50% of the cost estimate, as well as fund availability within the fiscal budget for the City, the City will perform the repair work prior to acceptance of the service connections for maintenance.

2. Previous Council or Relevant Actions: N/A

3. Budget/Funding Implications: Staff has identified 88 service laterals that are currently eligible for repair assistance under the proposed policy. Of these, 22 have been found to need repair at this time, at an estimated cost of \$30,000. The City's share of these costs will be about \$15,000. Adequate funds for the City's cost exist in the Water/Sewer Maintenance Division's operating budget.

4. **Consequences for Not Acting:** Without a policy in place, staff will evaluate and present subsequent requests for assistance to Council for consideration on a case-by-case basis.
5. **Department Recommendation:** Staff recommends adoption of the service lateral repair policy.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** If approved, staff will add this policy to the Services Policy Manual and begin consideration of requests for service lateral repair assistance.
8. **Attachments:** N/A

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Christopher Tucker, Finance Director
DATE: July 7, 2020

ACTION NEEDED ON: July 20, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving proposed operational changes to the City's Collections Division.

1. Summary of Information: Staff has had many discussions over the past several months about the Collections Division and our COVID19 response. Since the Mayor declared a State of Emergency in Statesville on March 16, 2020, the Collections Division has remained consistently staffed and able to perform its primary functions without being open to the public.

Staff is pleased to report that we have received minimal complaints about the payment options that have been provided during the pandemic. Between the drive-thru, web, phone, and mail payments, the division feels they have been able to provide a better customer experience despite not having face to face interactions.

Staff is proposing several operational changes to the division:

- Rename the Collections Division to the Customer Service Division
- Discontinue the practice of accepting face to face payments for regular utility payments
- Allow the Customer Service Division to have limited public access by appointment only to handle certain matters
- Install a doorway between the Engineering hall and Customer Service to limit public access

Our peers in Concord recently made the decision to end the practice of face to face payments. Our peers in Gastonia have not accepted face to face payments in several years.

Our major goal from this proposal is to allow us to excel at the customer experience. These one on one interactions will allow us to engage in matters that are sensitive and more time consuming without the pressure of payment transactions occurring around the discussion. We desire to be seen as customer centric instead of collections officers.

2. Previous Council or Relevant Actions: N/A

3. Budget/Funding Implications: There is potential for minimal building improvements, but we foresee being able to request reimbursement funding from COVID-19 programs.

4. Consequences for Not Acting: Staff is concerned that not proceeding with these changes allows for a continued environment that allows people to congregate in a confined space unnecessarily and does

not allow the increased positive customer service.

5. **Department Recommendation:** Concur with operational change recommendations.
6. **Manager Comments:** Concur with the department's recommendation. As we enter a higher growth cycle, this change would allow for our Customer Service Representatives (CSRs) to work with new customers, developers and builders on applications that do take some time. Because we are offering multiple payment options, we feel we are not sacrificing customer service to our existing residents by making this change.

This is not meant to eliminate staff. Even with these changes the CSRs process the same amount of work, just in a different way. We do feel that by moving in this direction it could offset the need for more employees as the City grows.

7. **Next Steps:** Implement the proposed plan.
8. **Attachments:**
 1. Customer Service Division Recommendations

Collections Opening to the Public

- Public access to lobby by appointment only (8:00 am-4:30 pm)
 - Questions on billing
 - New utility accounts
 - Water Permits
 - Beer/Wine Licenses
 - New Water Taps
 - Discuss water leak adjustments

- Install glass divider and petitions
 - Glass will allow customers access to pass documentation or payment and communicate with CSRs

- Install Door in Hallway
 - The door will allow access from hallway for city employees only
 - The door will allow customers in the collections lobby access to the hallway and restroom area

- Continue to primarily use email to open utility accounts (adding a fillable form for the utility application to website), answer billing questions, process landlord requests, etc.

- Customers can continue to use the following payment options
 - Drive-Thru
 - Dropbox
 - Drive-by dropbox (coming soon)
 - IVR and Web

- A CSR workstation will be set-up in the corner of the lobby for appointments and to manage the customer traffic at the door

Current Collections Operations

- Operations are flowing smoothly
- There have been minimal complaints from customers
- Customers appreciate the courtesy calls and updates (continue this going forward for all customers)
- CSRs appreciate customers not being confrontational in person or allowed a stage to degrade them and insult the city's policies
- Customers like using their debit/credit card in the Drive-Thru (continue this moving forward)

**Airport Commission Minutes
Statesville Regional Airport – FBO Conference Room
May 27, 2020**

The Statesville Airport Commission met on Thursday, February 12, 2020 at 12:00pm in the FBO Conference Room at the Statesville Regional Airport.

Members Present: Mike Colyer, Todd Bodell, Steve Johnson
ZOOM: Robert Saltzman, David Alexander, David Bullins

Staff Present: John Ferguson, April Nesbit

Others Present: Pete Cistare – CATS
ZOOM: Tim Gruebel – Parrish & Partners, Jeff Kirby – Parrish & Partners

Chairman S. Johnson called the meeting to order.

Colyer made a motion to approve the February 12, 2020 Airport Commission meeting minutes, seconded by Bodell. The motion carried unanimously.

Review of New Leases – Ferguson

Ferguson reported that three leases needed to be reviewed and sent to City Council – CATS, Brown and Wilson. The leases are based on a CPI increase of 8.3%. The CATS lease will be reviewed every three years for an increase. The other two will be reviewed yearly. Saltzman stated that these should be uniform across the board. All members agreed that the leases would be reviewed for a CPI increase every three years.

Alexander made a motion to approve the leases with the following changes:

- 1- CPI increase**
- 2- Review every three years**
- 3- No decrease in the amount**

The motion was seconded by Bodell and carried unanimously.

Staff Report & Airport Operations – Ferguson

Ferguson reported that the Airport's finances were still \$184,000 to the good. However that does not include the \$137,000 debt payment for the FBO. The \$157,000 Care Grant that the Airport is set to receive can be used for the debt payment. We are hoping to have these funds by June 30th. The airport has seen an increase in fuel sales over the last two weeks. We are trying to keep the AVGAS below average.

Due to a hiring freeze, we cannot hire temps to help with the summer maintenance. Ferguson stated that he has been assisting Lee Keller with some of the mowing. The grass around the safety lights are their first priority.

A 2.5% increase has been implemented on the community hangar rent.

A pest control company was called out for an estimate on netting to keep birds out of the ceiling of the hangars. The estimate came back at \$20k. Ferguson stated that he checked for the netting online and purchased one for \$129. Staff will be installing to see if it helps with the situation.

Last week Reese was towing a plane and the front wheel came off the tow bar. He hit another plane and caused some damage.

The insurance company estimated the roof repairs at \$6,700. They have received one quote and it was for \$25k.

The Core of Engineers sent a letter to neighbors with land adjacent to the airport property in regards to the Runway Extension Project. They mentioned that wetlands may be affected. City Council has been notified of the letter in case they receive calls.

There is a house for sale near the airport that could benefit the airport in the future. Ferguson stated that he spoke to Rachel and this could possibly be purchased with an entitlement grant. The current asking price of the home and land is \$175k.

Fuel sales for May doubled the April numbers.

June 30 marks the end of the fiscal year. The City has a spending freeze through then.

Alexander asked Ferguson how the relationship with the new fuel provider was going. Ferguson stated that all is well and there have been no problems. The new Shell sign is up on the ramp side.

Chairman Johnson asked if the Care Grant was applied for in-house or if someone else helped. Ferguson stated that the grant was fairly simple to apply for, and he has already received the notice to proceed. He will provide documentation from mid-March to present along with the debt payment info. Ferguson again stated that the grant can only be used for operational expenses.

Saltzman asked Ferguson to provide base vs. transient aircraft usage report. Ferguson stated that he should be able to get this to him.

Project Updates – Tim Gruebel, Parrish & Partners

Gruebel stated that he and Ferguson had a planning meeting with Rachel last week in regards to the South Parallel Taxiway Project. They are looking at funds that may be available.

There is a review meeting on June 2nd for the East Corporate Area Project. There will be a meeting with the City's Public Works Department afterwards.

There is a budget crisis with NCDOT. They are shutting down and furloughing some projects. The East Corporate Area is not one of the projects. There could be some lag in the hangar construction. It does not appear that any of our projects will be affected at this time.

Gruebel stated that they received an email from FAA on the Safety Area Project and it is on schedule. A public notice was sent out in regards to the wetlands. This is currently under review with the FAA. Ferguson stated that the FAA is pushing to have the this project out to bid by July. He is very confident this will be on schedule.

City Council Items – Ferguson

Ferguson stated that the only item on the next agenda for City Council is the consideration for members.

Other Business

Chairman Johnson stated that he spoke with Commissioner Houpe and Iredell County did not agree to fund five (5) years of John Ferguson's salary in their budget. However, they did add funds to capital. Johnson stated that he would speak with CM Smith about this.

Ferguson stated that the next meeting would be held in person at the Airport on July 8th.

There being no further business to discuss, Colyer made a motion to adjourn, seconded by Bodell. The motion carried unanimously.

**Airport Commission Minutes
Statesville Regional Airport – ZOOM Conference Call
July 8, 2020**

The Statesville Airport Commission met on Wednesday, July 8, 2020 via Zoom.

Members Present: Mike Colyer, David Bullins, Steve Johnson, Todd Bodell, Bob Saltzman

Staff Present: John Ferguson, April Nesbit

Others Present: Tim Gruebel, Parrish & Partners; Bob Stamey; David Stamey, Dwayne Gaulding

Chairman S. Johnson called the meeting to order.

Colyer made a motion to approve the May 27, 2020 Airport Commission meeting minutes, seconded by Saltzman. The motion carried unanimously.

Staff Report/New Business - Ferguson

- June 30th marked the end of the fiscal year. The virus caused a hit on fuel sales, but it appears that we will end on a positive note. June fuel numbers were good, but not as good as the pre-virus months.
- The Care Grant funds of \$150,000 were received.
- CM Smith has given his blessing to get estimates for the terminal building roof replacement.
- Hangars are full and we currently have a waiting list.
- Looking at possibly adding hours back to the FBO.
- Theia Group brought in a J41 Jetstream and a Turbine DC3. They will be bringing other planes in and possibly a Gulfstream.
- The Balloon Fest will be a much smaller event this year and will not be held at the Airport.
- There is a home off Old Airport Road near the grading site that had water overflow and going into his yard and crawl space again. This is a contractor issue and is being turned over to the City Attorney.
- The public meeting for the Runway Safety Project including environmental plans and Bethlehem Road was held on June 18th. There were between 60-70 people in attendance. Comments included the fear of Bethlehem Road washing out again and EMS response times. All comments will be submitted to the FAA for their review.
- We were able to hire one temporary employee for summer grass mowing.

Bob Stamey asked for the square footage of the terminal building. Ferguson stated that he thinks it is around 4,500sf.

Project Updates – Tim Gruebel, Parrish & Partners

South Parallel Taxiway – Bimco is working on additional earth work and secondary measures to prevent water from flowing over the road again.

The ILS project has been bid out and the contract goes to City Council for approval of the contract at the next meeting.

The Safety Area Project is out for bid with currently 18-19 bidders at this time.

The East Corporate Area has slowed due to NCDOT funding issues. The bidding of Phase 1 project will hopefully be soon.

City Council Items – Ferguson

July 20 – ILS System contract for approval.

Other Business

Dwayne Gaulding stated that he was largest landowner in the Landings Subdivision and was there to represent all the residents. They have concerns with the closing of Bethlehem Road and they were stated at the public meeting. He does not like the idea of his 16-year-old daughter turning left onto Old Mountain Road from the new Bethlehem Road. He also fears the road will get washed out again and they will not have a way out. He offered suggestions for other ways to help with the road and to keep people coming into Statesville instead of going to Troutman/Mooresville. He stated that there would be much support from the community to have this road connect to Hwy 70.

Gruebel stated that all the comments from the public hearing would be submitted to the FAA and would help this cause.

Bob Stamey added to Mr. Gaulding's comments and agreed that the traffic is being pushed to the Troutman area, and commerce is being shifted to the south.

Saltzman asked who maintains the road. Ferguson stated that it is NCDOT maintained.

Chairman Johnson stated that this was taken out of the Airport Layout Plan and he voted against the agreement that was made with NCDOT.

Bodell asked if the Safety Area Project could be completed and then deal with the road afterwards. Grubel stated that the road must be closed to complete the Safety Area Project.

There being no further business to discuss, Saltzman made a motion to adjourn, seconded by Bodell. The motion carried unanimously.

**STATESVILLE BOARD OF ADJUSTMENT
VIRTUAL MEETING MINUTES
April 07, 2020**

The Statesville Board of Adjustment met Tuesday, April 7, 2020 at 12:30 p.m. in the City Hall Council Chambers located at 227 South Center Street, Statesville, NC.

Board members present: David Steele, Craig Morrow, Bill Winters, George Simon, Gurney Wike, Pete Jones

Board members absent: 0

Council present: David Jones

Staff present: Sherry Ashley, Lori Deal, City Attorney-Leah Gaines Messick, Nancy Davis

Others: Jay Smith, Rhyne Scott – Randy Marion Ford-Lincoln

Media: 0

Chairman David Steele called the meeting to order and approved the April 16, 2019, December 3, 2019, and March 17, 2020 meeting minutes by acclamation with all members stating aye.

Steele explained the quasi-judicial meeting process and that a 5/6 majority is required for approval.

Chairman Steele stated variance V20-04 has people unable to attend the virtual meeting and it may be better to postpone hearing the case and asked Messick for her legal opinion. Messick stated there needs to be a motion to postpone and it is her recommendation for the board to continue the hearing to the next session. There is somebody, with standing that objects to the variance would like to be heard and is not able to go into City Hall or access it electronically. Steele asked for a motion to continue the hearing for V20-04 and Smith stated he is opposed to continuing the case to the next session. Wike made a motion to continue the hearing until the May meeting, seconded by Winters. The motion carried unanimously.

Chairman Steele swore in Sherry Ashley and Rhyne Scott who planned to speak during the hearing. Ashley asked Scott if he consents to the virtual meeting and he replied yes.

V20-03 Variance request from Randy Marion Ford-Lincoln from Section 6.07 Sign Regulations. The request is to allow a taller and larger sign for the new Randy Marion Ford-Lincoln dealership. The property is located at the corner of Gateway Crossing Drive and Salisbury Road, further described as tax map 4744-62-2424.

Sherry Ashley gave the following staff report:

Background Information

- The subject property is located at the corner of Gateway Crossing Drive and Salisbury Road and is owned by 6K Properties, LLC (Exhibit 1 – GIS Map, street view photo, and new dealership site plan),
- The subject property is approximately 1.522 acres in size and is to be combined with the new Ford-Lincoln Dealership
- The subject property is located within the Highway Business (B-4) District,
- The variance application was submitted on 3/11/2020 (Exhibit 2 – Application).

Variance Request

The applicant, Mr. Rhyne Scott on behalf of 6K Properties, LLC and Randy Marion Ford-Lincoln is requesting 2 variances in regards to a sign for the new Randy Marion Ford-Lincoln Dealership. Both variance requests are from Section 6.07 Sign Regulations, G. Permitted Sign Standards, Table 6-13 (Exhibit 3 - Code) which allows businesses in the B-4 District 2 types of signs. A monument sign and an interstate vicinity sign. The new dealership already has an interstate vicinity sign “Ford” along I-77. The Board of Adjustment on November 18, 2018 also granted a variance to allow a second interstate vicinity sign along I-77 for “Lincoln” (Photos, Exhibit 4 and 5).

Contingent upon this property being combined with the new dealership property, 1 monument sign would be allowed at this location. The monument sign is 32 square feet in size and no taller than 6 feet. An interstate vicinity sign is only allowed when the lot is within 1,000 feet of an interstate. It is 200 square feet in size, no taller than 65 feet and only 1 interstate vicinity sign is allowed per lot. Randy Marion Ford-Lincoln already has 2 interstate vicinity signs as referenced above. In addition, there are 2 grandfathered billboards on the new dealership site along the I-77 side that can also advertise the dealership.

The first variance is for the size of the sign. The applicant is requesting a 159.99 square foot sign instead of the allowed 32 sq. ft. creating the need for a 127.99 size variance (Exhibit 2 – Application). The second variance is for the height of the sign. The applicant is requesting the sign to be 20 feet tall instead of 6 ft. creating the need for 14-foot height variance (Exhibit 2 – Application).

Review

The applicant states that the property does not permit the size sign needed for the parcel. The property is the side of the dealership that fronts a local main road where it would be beneficial to have a sign the size he is requesting. This parcel fronts 2 major roads, I-77 and Salisbury Road (Hwy.70) which needs a proper size sign for identification. Given the size and layout of the whole property, signage this size is needed for identification.

Alternative/Interpretation

The applicant can have another sign for the dealership at this location, however it must be a monument sign 32 square feet in size and 6 feet in height that would meet the requirements of the UDO. The dealership already has 3 additional signs, another interstate vicinity sign and two grandfathered billboards.

Exhibits

Exhibit 1 - GIS Map, Street view Photo, and New Dealership site plan
Exhibit 2 – Application

Exhibit 3 – Table 6-13 Sign Table, Unified Development Code

Exhibit 4 – Photo, Ford Sign

Exhibit 5 – Photo, Lincoln Sign

Wike asked for the square footage of the Lincoln monument sign already approved and Ashley replied that sign can be up to 200 sq. ft. and up can be 65' to 80' in height. Steele asked Ashley why the lots have to be combined with the dealership and Ashley replied that is how setbacks are measured, the sign is for the business and the business is on a separate lot, so it needs to be combined. Winters asked Ashley about the two billboards that were grandfathered and she replied the two existing billboards were taken down for construction of the new building and parking lot and they were allowed to be relocated when the building was completed. Ashley added the city code was changed to allow any business to advertise on the billboard, so Randy Marion has the option to advertise on both billboards. Steele asked Ashley if they grant the variance can they specify where the sign goes and she replied they can attach reasonable conditions on the variance.

Scott stated they are open to recommendations for the location of the sign for safety reasons so it would not to block visibility on Fox Avenue or Gateway Crossing. The request is for the size of the sign on Salisbury Road to be in line with the size of the parcel and the lots on Fox Avenue were purchased from the Corner of Salisbury Road and Fox Avenue to the back drive to the 16 acre property.

Steele opened the floor for questions and Winters asked if customers were expected to enter from Fox Avenue or Gateway Crossing and Scott replied the bulk of customers enter through Gateway Crossing. A signal head cannot be approved at Gateway Crossing and Salisbury Road, so there is another access at Fox Avenue where there is a signal head for additional safety exiting the dealership.

Wike asked why the maximum size monument sign allowed by the statute would not work and Scott replied due to the size of the lot and the complex it represents it would be too small to accomplish identity, directions, and is not sufficient for their needs. Simon asked for his preference of location for the sign and Scott replied for safety it should be in the middle of the lot along Salisbury Road so it does not block the view on Fox Avenue or Gateway Crossing. Steele asked if Ford or Lincoln has a sign requirement and Scott replied they are allowed to request the signs for their location. The existing Ford and Lincoln monument signs were required and approved by the manufacturer, but they had to request a variance for the Lincoln sign because Ford and Lincoln do not offer dual signs.

Being no speakers against the request Chairman Steele closed the public hearing and opened the floor to discuss the facts of the case.

Simon stated the sign should be in the middle because traffic is using Gateway Crossing and a corner sign would not help and there is a Fast Phil's on the corner and the sign could cover up their sign. Winters stated a 32 sq. ft. 6' high sign is too small for the site and would be difficult to see on the four lane road, but because of the difference between the UDO and what is requested it does not make sense to have a sign that large. Wike asked if the position of the sign would interfere in the future with the property in front of the hotel and Ashley replied there are no plans submitted at this time. Morrow stated he has reservations about the sign size because of facing the same issue in the future with another dealership locating at an interstate exit if this sign is approved. Simon asked if the sign proposed is the size of an interstate sign and Ashley replied yes based on the height and size. Simon asked if they are entitled to an

interstate sign and she replied they are entitled to one, but they already have two. Simon asked if they are located on a separate property and Ashley replied it is the same business and the business is allowed to have one interstate and one monument sign. Steele asked Winters and Morrow if the major issue is the height of the sign or the square footage and Winters replied because of the location it needs additional height and square footage, but it not necessary to be so different from what is allowed. He added they already have two interstate signs, two billboards available on their property and billboards along the interstate with tremendous exposure, so they need a sign large enough for traffic on Salisbury Road to know where to enter the dealership and this is overkill. Morrow agreed with Winters' assessment. Simon asked Scott if they would consider removing the 6'-5" American flag portion of the sign and leave the Randy Marion portion of the sign and he replied he would prefer to take the height out of the legs not the display. Winters stated the sign has to be 6'-5" from the ground to be seen. Scott stated the panel with the flag is illustration only and it is a digital panel, not a fixed panel with a flag. Simon asked if the entire sign is digital and Scott replied just the center section with the flag is digital and asked Ashley to clarify a monument sign. Ashley stated a monument sign is on a solid base not on legs. Steele asked if there are different rules for electronic signs and Ashley replied the diagram does not state it is digital and there are stipulations for digital signs that they cannot flash, scroll and have to be static for a certain length of time. Steele asked if the board would be amenable to a 13' high x 12'-3" wide monument sign and Winters replied that would accomplish the goal of letting their customers know where to turn. Ashely added additional directional signage is allowed. Wike asked for the setback of the monument sign from the street and Ashley replied 5' from the property line. Wike asked if a monument sign would block the view of traffic and Ashley replied it cannot be placed in the visibility triangle. Simon asked for clarification and Ashley replied the sign cannot be placed within the sight visibility triangle, and the City's is 35' by 35', however Salisbury Road is a DOT street and it is 10' by 70'.

There being no other questions Simon made a motion to close discussion and vote on the checklist. The motion carried unanimously.

Chairman Steele reviewed the following variance checklist questions.

1. If the variance is granted, it will not substantially conflict with any City adopted plans or policies, or the purposes or intent of this Code,

Winters - True	Jones – True	Total
Simon – True	Morrow – True	True - 6
Wike – True	Steele - True	False - 0

Explanation:

Winters – Does no substantially conflict.

Simon – Does no substantially conflict.

Wike – We are approving a monument sign.

Jones – A monument sign is adequate.

Morrow – Meets the specifications for a monument sign that has been amended.

Steele – It fits the size of the property and is small enough to be true interstate monument sign.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography,

Winters - True	Jones – True	Total
Simon – True	Morrow – True	True - 6
Wike – True	Steele - True	False - 0

Explanation:

Winters – The business does not front Salisbury Road.
Simon – Because of the location of the property to the actual business.
Wike – It does not conflict.
Jones – None stated.
Morrow – None stated.
Steele – The business is so far from the Salisbury Road they needs a larger sign.

3. Unnecessary hardship would result from the strict application of the Zoning Ordinance,

Winters - True	Jones – True	Total
Simon – True	Morrow – True	True - 6
Wike – True	Steele - True	False - 0

Explanation:

Winters – The customers have to be able to find their business.
Simon – Same reason.
Wike – Same reason.
Jones – Same reason.
Morrow – Same reason.
Steele – Same reason.

4. Granting the variance will not set a precedent for future applications,

Winters - True	Jones – True	Total
Simon – True	Morrow – True	True - 6
Wike – True	Steele - True	False - 0

Explanation:

Winters – It conforms to the piece of property and its needs.
Simon – We do not set a lot of precedents with most of our decisions.
Wike – It will not set a precedent.
Jones – Due to the unique location of the property and access points.
Morrow – It will not set a precedent.
Steele – It will not set a precedent.

5. Granting the variance will not be detrimental to adjacent properties or the area,

Winters - True	Jones – True	Total
Simon – True	Morrow – True	True - 6
Wike – True	Steele - True	False - 0

Explanation:

Winters – I do not see conflict with the adjacent property owners.
Simon – Nothing in the area it should have a problem with.
Wike – I do not see anything that would be a problem.
Jones – Not detrimental.
Morrow – I do not see it would be a problem in that area.
Steele – true for the reasons stated.

6. Granting the variance will not be detrimental to public health, safety or welfare,

Winters - True	Jones – True	Total
Simon – True	Morrow – True	True - 6
Wike – True	Steele - True	False - 0

Explanation:

Winters – None stated.
Simon –the safety part is driving and making the turns from the property and where they position the sign will have no effect.
Wike – I so not see a problem with safety or health.
Jones – None stated.
Morrow – None stated.
Steele – They meet the setbacks and range of visibility of the state code.

7. The basis for the variance was not created by the current owner or any previous owners of the property,

Winters - True	Jones – True	Total
Simon – True	Morrow – True	True - 6
Wike – True	Steele - True	False - 0

Explanation:

Winters – None stated.
Simon – None stated.
Wike – None stated.
Jones – None stated.
Morrow – None stated.
Steele – The site is determining what size sign is needed and not the owner.

Simon made a motion to approve variance V20-03 to allow Randy Marion Ford Lincoln to place a monument sign with a 1’ pedestal base with two 6’-5” panels on top by 12’-3” wide set on Salisbury Road so that the sight lines for the state code are met for setbacks and visibility, seconded by Morrow. The motion carried unanimously.

Simon made a motion to adjourn the meeting, seconded by Wike. The motion carried unanimously.

**DESIGN REVIEW COMMITTEE MEETING
VIRTUAL MEETING VIA ZOOM
APRIL 09, 2020 @ 2:00pm**

Members present: Chuck Goode, Bryan George, John Marshall, Lisa McBane, and Rebecca Jones

Absent: None

Staff present: Marci Sigmon, Lori Deal, Sherry Ashley, Marin Tomlin

Council present: None

Others: David Saleeby – Iredell County

Chairman Goode called the meeting to order and asked for a motion to approve the DRC minutes from March 12, 2020 meeting.

George made a motion to approve the March 12, 2020 DRC Meeting minutes, seconded by McBane. The motion carried unanimously.

Review Design Review Application, DRC 20-05, from Iredell County to renovate the exterior house and garage located at 305 N. Tradd Street; Tax Map 4744-07-0371.

Sigmon gave the following staff report:

Background

The property located at 305 North Tradd Street was built circa 1926 according to Iredell County tax records. A house and detached garage stands on the property currently. The house is currently vacant. Previously, the house was utilized as a Bail Bonds business with living quarters including a kitchen, bathroom, living room, two bedrooms, and an office in the front room.

Iredell County purchased 305 North Tradd Street in 2017 and plans to utilize the house for the Guardian ad Litem (GAL) volunteers. Guardian ad litem refers to an individual appointed by the court to represent the best interests of a minor child in legal proceedings, such as divorce, child custody, child abuse and neglect, and parental rights and responsibilities cases.

As part of the plans for the Guardian ad Litem office space, Iredell County proposes to complete the exterior renovation of the house and detached garage. Neither structure is located in a national or local historic district.

The parcel is zoned Central Business Perimeter and located in the Downtown Overlay District.

Request

Iredell County is requesting approval for several items involving the exterior of the house and garage.

- Requesting house siding to be Hardie board. Previous siding was cement siding boards. The siding did not contain any asbestos per the applicant. Hardie board color to be determined.
- Requesting house fascia and soffits to be aluminum. Seeking color guidance from Design Review Committee.

- Requesting house gutter system to be aluminum gutters. Seeking color guidance from Design Review Committee.
- Wooden columns on front and side porch have rotten areas. Seeking guidance from the Design Review Committee to suggest what material to use in place of rotten wood – i.e. metal poles surrounded by Hardie board material to mimic current columns with tapering style and texture to look like wood or other material. Seeking color guidance from Design Review Committee.
- House - Exterior wood window edging is rotten. Seeking guidance from the Design Review Committee to suggest what material to use in place of rotten wood – i.e. Hardie board which has style and texture to look like wood or other material.
- Rear entrance porch deck on the house has been replaced with all-weather decking material. Requesting approval to retain this item already installed. The deck material is dark brown.
- The basement/crawl space area on the house needs repairs to cover or change window and door areas. Seeking guidance from the Design Review Committee to suggest what material to use to cover or change the windows and cover or change the door.
- Wooden windows in the house have been replaced with vinyl windows. Request approval to retain the vinyl windows previously installed.
- Vinyl railings have been installed on the front porch, side porch, rear porch and rear stairway. Request approval to retain all vinyl railings previously installed.
- Garage siding to Hardie board. The siding did not contain any asbestos per the applicant. Hardie board color to be determined.
- Requesting garage fascia and soffits to be aluminum. Seeking color guidance from Design Review Committee.
- Requesting garage gutters to be aluminum. Seeking color guidance from Design Review Committee.
- Requesting approval for new architectural shingles on house and garage.
- Requesting approval to place 6' x 16' concrete pad on east side of garage.

Committee Review

Before rendering a decision, the committee should reference design guidelines:
 Pages 8-10: Chapter 2: Changes to Buildings; Section 2. B. Façade Treatment
 Pages 10-13: Chapter 2: Changes to Buildings; Section 2. C. Materials/Details
 Pages 13-14: Chapter 2: Changes to Buildings; Section 2. D. Paint
 Page 20-21: Chapter 3: New Construction; Section 3. B. Additions

Sherry Ashley stated the contractor contacted the City for a permit and there was miscommunication about it being used as a business instead of a house. The permitter did not realize it was in the Design Review Committee's jurisdiction and should have been reviewed before the siding was removed and replaced, so that was an error by the staff.

Sigmon presented photos of the front and rear elevation of the house before and after the siding was removed and photos of the garage and the concrete pad requested.

Chairman Goode opened the meeting for David Saleeby to make his presentation. Saleeby stated the County stopped the improvements immediately when they were notified. He proposed to move forward with Hardie board in the color wicker to match the Board of Elections, Courthouse, and other county buildings in the area. The columns in the front will be replaced with Hardie board or something more cost effective. The windows have been replaced and the window

trim will be Hardie board and asked if the rest of the trim can be covered in aluminum like the fascia and soffit. The brick on the front porch columns and the chimney will be painted wicker to match the house. The garage will be the same wicker color, is structurally in good shape, insulated, has heat and air conditioning and will be used to store elections equipment. The gravel drive will stay and there is ample parking. The Guardian ad Litem will to use the house as a "home setting" for the children instead of using the District Attorney's office. Saleeby stated he plans to get started May 1, 2020.

George asked Saleeby if he plans to put Hardie board on the basement area of the house to the ground and Saleeby replied yes due to rotted planks between the brick columns and it was replaced with OSB as a backing for the Hardie plank. George stated his recommendation is for the house foundation to look like the garage parged foundation instead of using Hardie plank. He added the OSB can be removed and replaced with cement board for the parging to go over and look better.

Goode stated the tapered columns should keep the same profile and use Hardie board material like the trim around the windows to be low maintenance. George asked Saleeby if he is requesting the window trim to be wrapped in metal coil, not Hardie trim and the only Hardie product will be the siding and Saleeby replied yes. George stated the profile of the existing casing will require another board to be added so the lap siding can go into the casing with a reveal and if approved that board will be wrapped in aluminum coil and run the Hardie to it and Saleeby agreed. George added the sills will need to be cut off and picture frame the windows with the same elevation all the way around for a uniform reveal for the siding to go into the trim on all four sides and Saleeby agreed. Goode asked Saleeby if it would be more economical to use Hardie board as trim, so it does not have to be wrapped and he replied you are correct. Saleeby asked if the Hardie board trim around the windows can be white and Goode and George replied yes. George asked Saleeby if the tapered columns are going to be wrapped with aluminum and Saleeby replied he is putting Hardie board on them and painting them white. Saleeby asked if the OSB on the back of the house should be replaced with a backer board and George replied to skim it with cement board and parge it smooth like the detached garage. Saleeby asked if the color should be the same and George replied it can be wicker.

Sigmon asked if the soffit, fascia, and gutters will be white aluminum and Saleeby replied they proposed soffit and fascia to be white and the gutters to be dark brown to match the roof. George and Goode agreed the gutter should be a darker color.

George made a motion to approve Design Review Application, DRC 20-05, from Iredell County to renovate the exterior house and garage located at 305 N. Tradd Street; to include parging the basement, allow the front columns to be wrapped in Hardie board, and use a non-rot material for the window casings for the Hardie board to be applied, seconded by Jones. The motion carried unanimously.

Other Information

Sigmon stated the next meeting will be May 14, 2020.

Jones made a motion to adjourn, seconded by McBane. The motion carried unanimously.

**DESIGN REVIEW COMMITTEE MEETING
VIRTUAL MEETING VIA ZOOM
May 14, 2020 @ 2:00pm**

- Members present:** Chuck Goode, Bryan George, John Marshall, Lisa McBane, and Rebecca Jones
- Absent:** None
- Staff present:** Marci Sigmon, Lori Deal, Marin Tomlin
- Council present:** None
- Others:** Michael and Anita Johnson – Magnolia Homes, Erica Welch and Ashley Gregory – Urban Roots

Chairman Goode called the meeting to order and asked for a motion to approve the DRC minutes from April 9, 2020 meeting.

Marshall made a motion to approve the April 9, 2020 DRC Meeting minutes, seconded by Jones. The motion carried unanimously.

Review Design Review Application, DRC 20-01, from Magnolia Homes, represented by Michael and Anita Johnson, to apply a protective covering for the alley facing windows on the building located at 110 Court Street; Tax Map 4734-95-8583.

Sigmon gave the following staff report:

Background

The property located at 110 and 112 Court Street was built circa 1911-1918. 110-116 Court Street is listed on the national survey as the former Bristol Hotel. 110 and 112 Court Street is part of a two-story, three-unit brick building with altered storefronts but intact second stories. The second story features double one-over-one double hung sash windows topped by a pair of recessed panels and modest corbelling. The Bristol Hotel originally accommodated the hotel office and a small restaurant in the north storefront, a print shop in the south units, and hotel rooms on the entire second floor. Currently, the structure contains the Bristol Café Restaurant.

Request

The owner, Magnolia Homes, is requesting to cover the windows on the east side of the building due to vandalism continually occurring. The windows face the alley off Court Street between the Bristol Café and Wooten Insurance. The owner is requesting to cover the windows with wood which would have a design element. Please see attached photos of the windows facing the alley.

Committee Review

Before rendering a decision, the Committee should reference design guidelines: Page 8-10: Chapter 2: Changes to Existing Buildings; Section 2. B. Façade Treatment, and Page 10-13: Chapter 2: Changes to Existing Buildings; Section 2. C. Materials/Details

Goode opened the floor for the Johnsons to speak and Mrs. Johnson stated the windows have been broken with rocks and BB's. Goode asked if the windows could be covered with shutters or faux wood with shutter-like details and Mr. Johnson replied that the windows are an odd size and will have to be custom made. They looked at low country, powder coated aluminum shutters, but the cost was about \$600.00 per window. They also considered using plywood panels with louvered shutters, but the panels will also have to be custom made. Mr. Johnson agreed that architecturally that would be the best fit for the building, however due to the cost they cannot afford it for the alley. Marshall asked if they had explored other options and Mr. Johnson stated he was going to use marine plywood as a backer instead of regular, exterior plywood due to water exposure. George asked if the windows are taller than 5' from top to bottom and Mr. Johnson replied yes. Jones asked about the restaurant vent in the second window and Mr. Johnson replied it would be cut out. George recommended using masonry, hardie backer material and picture frame it with a 1" by 4", since this board comes in a 36" x 60" and you can get two panels from it and simulate the one over one window and masonry board holds paint remarkably well. Mr. Johnson asked if the committee's first choice is that they use shutters as opposed to other items discussed and Goode replied he would like to see some type of shutter even if they use a board to close the window and face it with louvered, bi-fold doors. George stated he is not aware of a weather-proof application without using something more expensive and custom made. Mr. Johnson asked if he could use 5/4" pressure treated decking, 1" x 6" boards, put three together with a brace at the top and bottom and put a pair in the window with hasps to look a colonial shutter and install shutter dogs on each side of the box and Goode replied he liked the suggestion.

George asked if the Johnson's were going to reface the building where Bristol's painting ends with parging or stucco repair and Mr. Johnson replied they intend to paint it the same. George asked about the exposed brick and Mr. Johnson stated they would probably paint it. Goode stated using mortar parging over the brick would hold up but would be an additional cost instead of just painting it. Mrs. Johnson stated they could paint everything but the old brick one color to camouflage the new brick and leave the old brick as a point of interest and Goode replied that might be better to give it an architectural accent.

Marshall stated the building has seven windows and very few people are going to see the window treatment. Goode made a suggestion to replace the first window between the painted façade and the exhaust fan and put maintenance free board in the back five windows not readily seen from Court Street. Mrs. Johnson stated have considered put curtains on the window and a lamp on a timer to make it look occupied and less tempting to vandalize. Marshall stated the back windows appear to have more vandalism than the windows closer to Court Street and Mr. Johnson agreed. Mr. Johnson stated he will get a price for replacing the first window and asked if Plexiglas can be used and Goode and Marshall said yes.

Mrs. Johnson asked if an additional application will be need to be submitted to extend the same paint color down the side of the building and Sigmon replied if the Board agrees to extend the same color down the alley it can be added and all board members agreed to approve the paint request. Mrs. Johnson clarified the salmon color will be continued down the side of the building and leave the old brick exposed after pressure washing to remove the black smudge.

Marshall asked if windows two through seven can be approved today with the shutters recommended, so the applicants will not have to come back, and Mr. Johnson said he would build a sample for them to look at. George stated the second window will need a horizontal divider to treat the top of the window and cut through for the vent.

Marshall made a motion to approve Design Review Application, DRC 20-01 from Magnolia Homes to paint the exterior side of the building to match the existing color on the front and leave the exposed brick, make a pair of vertical boards with a cross beam at the top and bottom and install on a window for the board to look at to be used on windows three through seven, use a cut out configuration on window two, and install Plexiglas on window one, seconded by Jones. The motion carried unanimously.

Review Design Review Application, DRC 20-06, from Urban Roots to paint the exterior walls of the structure located at 120 South Elm Street; Tax Map 4744-16-8255.

Sigmon gave the following staff report:

Background

The property located at 120 South Elm Street was built circa 1937. The property currently houses Urban Roots, a hair salon and beauty bar. The property is located in the Downtown Overlay District and the Downtown Design Guidelines apply.

Request

Ms. Erica Welch and Ms. Ashlee Gregory, owners of Urban Roots, are requesting an after-the-fact approval to paint the structure Cloud Burst from Sherwin Williams. The exterior brick was previously painted light blue by past property owners.

Committee Review

Before rendering a decision, the Committee should reference design guidelines: Page 13-14: Chapter 2: Changes to Existing Buildings; Section 2. D. Paint

Welch and Gregory apologized and stated they did not know they needed approval to change the exterior color. Marshall asked if the building is already painted and Gregory replied yes. She also said they purchased the building in April 2019, and it was painted in July 2019. Goode asked if a permit was issued for the sign and Gregory replied yes. Welch stated it was built to sign standards and the permit fee was paid. Sigmon stated she will look for it in the permitting database.

George made a motion to approve Design Review Application, DRC 20-06, from Urban Roots to paint the exterior walls of the structure located at 120 South Elm Street, seconded by Marshall. The motion carried unanimously.

Other Business

Sigmon stated 235 and 237 West Front Street, the old A & W, came before DRC and paint colors were approved for the building and they have requested to paint additional walls with the approved rustic room green and artic white. They also want to paint the other side of the wall facing Mayo Street to match the building. Goode stated he and Sigmon were going to staff approve the request but wanted an opinion from the committee. McBane asked if the white is in the standard color palette can staff approve and Sigmon replied she wanted the Board to be aware of the request. Goode stated this is staff approval and agrees to allow the request but wanted the committee to be informed.

Goode stated Elaine Anthony with the Planning Department has not issued a zoning permit to G.L. Wilson because of retaining walls not approved for the new ARS building. Mark Tart wants to use segmental block type of retaining wall, CMU units and he and Sigmon reviewed with Anthony and it has been staff approved. The retaining wall across the street at Floyd's Barber Shop is the same type of material and is compatible with the neighborhood.

Marshall made a motion to adjourn, seconded by George. The motion carried unanimously.

**Historic Preservation Commission Meeting Minutes
Virtual Meeting via Zoom
May 28, 2020 @ 7:00 p.m.**

Chairman Dearman called the meeting to order and conducted roll call with the following attendance recorded:

Members Present: Jonathan Dearman, Agnes Wanman, Billie Chrystler, Barry Edwards, Don Underhill, Brittany Hill, David Richardson, Glenn Setzer

Members Absent: Richard Boyd

Staff Present: Marci Sigmon - Historic Preservation Planner, Brenda Fugett - City Clerk

Council Present: John Staford

Others: Robert Pinkston, Jason Morrison, Karen Childers, Gina Redmond, John Brenner, Grace Cunningham, John Gorman, Frank Kostos

Media: 0

Chairman Dearman explained that this is a quasi-judicial hearing and that all those who planned to speak must be sworn in. He swore in those that wished to speak.

Consider approving the April 23, 2020 HPC meeting minutes.

Richardson made a motion to approve the April 23, 2020 minutes, seconded by Setzer. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA20-07) from Mr. Jason Pinkerton on behalf of Carol Cornelius for a permanent handicap ramp in the front yard on the property located at 510 Armfield Street; Tax Map 4734-83-7124.

Marci Sigmon stated that she had not received a signed application from the applicant for this case so it will not be heard at this meeting.

Consideration for a Certificate of Appropriateness (COA20-11) from Mr. John Gorman to place a wooden privacy fence in the rear yard and rear side yard on the property located at 411 Davie Avenue; Tax Map 4744-17-4487.

The house located at 411 Davie Avenue was constructed between 1918 and 1925. The two-story brick veneer Elizabethan Revival-Prairie style house has a hip roof and hipped dormer with bracketed eaves, traceried upper sash and dormer casements. The front entrance is trabeated with leaded glass. The front porch is one story with heavy quoined brick posts and extends into a porte-cochere on the left side. A matching two story garage exists on the left rear of the property. Past Certificate of Appropriateness approvals include a handicap ramp in the front yard and reinstalling the original French doors on the carriage house as a design element in front of the new modern door during January 2019. The ramp was not built. The owner, Mr. John Gorman, is requesting to place a wooden privacy fence in the rear yard, rear side yard and front yard along Brevard Street. Mr. Gorman's request includes connecting to the existing brick wall on Brevard

Street for approximately 8 feet in distance to the northwest property corner placing a 4-foot-tall, dog-eared privacy fence. Then continuing with a 4-foot-tall, dog-eared privacy fence, east to the face of the house located at 216 Brevard Street. Beginning at the face of the house at 216 Brevard Street, place a 6 foot tall, dog-eared privacy fence along the northern property line to the northeast property corner of 411 Davie Avenue, then continue south with a 6 foot tall, dog-eared privacy fence to connect with the brick wall on the eastern property line. The Commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 2 - District Settings & Site Features, Pages 20-21: I. Fences & Walls

Chrystler asked how the new fence will be attached to the brick. Sigmon replied that it will not be attached. The owner, Mr. Gorman stated that the fence will be very close to the brick wall, but it will be self-supporting and not attached to the brick.

Chrystler asked if the tree will be disturbed or removed. Mr. Gorman replied the tree will not be removed or disturbed. The fence is about 7-8 ft. from the tree.

Setzer asked what the height of the brick wall is. Mr. Gorman replied it is about 5 ½ ft. tall.

Edwards asked if the 6-ft. fence will go past the house behind it. Mr. Gorman replied that it will not and will be even with the front of the house.

Chairman Dearman asked Mr. Gorman if he plans to completely fence in the back yard. Mr. Gorman replied that eventually he plans to put a pool in the backyard which will require a 6 ft. fence around it.

Chairman Dearman declared the public hearing open.

John Brenner asked if Mr. Gorman is planning to build directly on his property line which appears to run across the existing driveway or will he build it a little bit off of that line. Mr. Gorman stated that he has not made the final decision yet on exactly where the fence is going to go; however, this is his property. Gorman said he measured it and the distance from the property line to the corner of the house is almost 10 ft., which is plenty of room for a vehicle. Chairman Dearman advised that the fence placement is a civil decision not an HPC decision.

Chrystler asked if the fence will be painted. Mr. Gorman said he has not decided yet, but he will stain or paint it white. He said he is mainly installing the fence for security and safety.

There being no other questions, Chairman Dearman declared the public hearing closed.

Findings of Fact

The Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Commission reviewed the following Findings of Fact:

1. The historic character of the property will be retained and preserved.

Yes: Unanimous

2. **Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.**

Not Applicable: Unanimous

3. **Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.**

Not Applicable: Unanimous

4. **Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.**

Not Applicable: Unanimous

5. **New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.**

Yes: Unanimous

Wanman made a motion to approve COA20-11, citing guidelines Chapter 2 - District Settings & Site Features, Pages 20-21: I. Fences & Walls #4 and #5, seconded by Richardson. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA20-12) from Ms. Gina Redmond to construct a deck and awning in the rear yard on the property located at 307 Kelly Street; Tax Map 4734-86-6966.

Commission member Setzer asked to be recused from hearing this item due to a conflict of interest. He is the applicant's neighbor.

Edwards made a motion to recuse Setzer, seconded by Chrystler. The motion carried unanimously.

Sigmon stated that the structure located at 307 Kelly Street was built ca. 1950 and is listed as the Ed Shoemaker House in the Mitchell College historic survey. The structure is described as a one-story brick house with a small gable over arched doorway. Sigmon stressed to Commission members that this home was listed as a fill-in by Raleigh in the 1980 survey. A large corrugated metal garage stands behind the house. The owner, Ms. Gina Redmond, is requesting to build a deck and awning in the rear elevation area of the property. The main deck area will follow a portion of the perimeter of the house in the rear. The deck will measure approximately 11' 6" deep on the northern portion of the deck and approximately 8' deep at the southern portion of the deck near the existing concrete steps. The length of the deck will be approximately 14' 8". The applicant is requesting to use ArchaDeck materials to build the deck. Ms. Redmond is choosing an alternate, composite material which looks like wood and resists rotting, fading and splintering due to weather. The requested awning will be placed a few inches lower than the house roofline. The

awning will be built above the existing rear door, rear concrete steps and rear window directly north of the rear door, placed on 6-inch by 6-inch posts, and stand approximately 14' 1 3/16' tall. The awning width will be approximately 12 feet 1 inch and the depth will be 8 feet. The awning structure will be constructed with rough cut lumber and have a standing seam metal roof with crimped edging. The Commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 4 - New Construction & Additions, Page 47: A. Decks and Patios.

Chrystler said that it looks like what has been built has been attached to the brick and that some of the trim has been removed to attach it.

Jason Morrison, representing the applicant and the designer of the project, apologized to the Commission for starting this project without permission from the HPC, but he was not aware that the house was in the Historic District. In response to Chrystler's statement, he said that the awning is only temporarily attached to the house.

Wanman asked if the deck will extend out to the front of the awning. Jason replied it will protrude 8 ft. from the house at an angle or curve.

Wanman asked if the existing stairs will be retained. Jason replied yes, they will be.

Chairman Dearman declared the public hearing open.

Edwards asked what the railing material will be. Jason replied that he wants to install a matching black wrought iron railing, but that is not a final decision yet.

Edwards stated that this is a roof structure, not an awning. He asked if it will match the roof line and asked if the deck is free standing. Jason replied yes to both questions.

Chrystler asked Jason if he is going to replace the detailing that was removed on the roof line. Jason replied that what was removed was part of the gutter system, not hidden gutters, regular gutters and there was no trim. Edwards said that Chrystler is referring to the wood that was behind the gutter. Jason stated that is was a 2 x 4, not a trim piece.

Karen Childers, adjacent neighbor to the applicant, stated that she lives behind this house and was thrilled when they started working on it because the old stuff could not be kept clean and was falling apart.

Sigmon read e-mails she had received from other neighbors that were in favor of the project.

Chairman Dearman declared the public hearing closed.

Findings of Fact

The Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Commission reviewed the following Findings of Fact:

1. The historic character of the property will be retained and preserved.

Yes: Unanimous

2. **Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.**

Not Applicable: Unanimous

3. **Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.**

Not Applicable: Unanimous

4. **Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.**

Not Applicable: Unanimous

5. **New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.**

Not Applicable: Unanimous

Hill made a motion to approve citing guidelines Chapter 4 - New Construction & Additions, Page 47: A. Decks and Patios #1, 2, 3, and 4 with the condition that if they want to add a railing other than the black metal that matches the back porch railing then they must come back to the Commission for approval. Edwards seconded the motion. The motion carried unanimously.

Edwards made a motion to return Setzer to his seat, seconded by Wanman. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA20-10) from Ms. Grace Cunningham to construct a detached garage in the rear yard on the property located at 628 West End Avenue; Tax Map 4734-750608.

Sigmon stated that the house located at 628 West End Ave was built ca. 1935 and is referenced in the historic survey as the Hefner House. The structure is a classical revival-style two-story, brick house with a gable roof, exterior end chimneys, classical entrance with sidelights and transom, and a two-story pedimented portico. A brick gable-roof garage stands behind the house. In 1999, the garage was enlarged and converted to a residence. A chimney now occupies one gable end. The home was constructed by Burton N. Hefner and his wife, Julia. Burton Hefner owned Hefner's Café, a popular eatery located at 119 E. Broad Street in downtown Statesville. Ina Hefner, whose relation to Burton N. Hefner is not determined, later owned the house. Ina Hefner owned Ina's Beauty Shop in Cooper Street. In 1999, a COA was granted to enclose the garage with matching brick. During 2004, approval was given to expand the driveway and parking area. During 2019, an application was approved to replace the metal roof shingles on the house and detached garage with architectural shingles. In March 2020, the existing detached garage

had a fire and destroyed the structure. The garage demolition was approved by city council on May 18, 2020. Ms. Grace Cunningham is requesting to construct a new detached garage in the rear yard. The new garage will have the same dimensions as the fire damaged previous garage. The applicant is requesting to build the new structure in a different location. The functionality of the previous garage was decreased due to the location in the middle of the rear yard. The applicant is requesting to construct the new structure in a different location to increase functionality and to meet the needs of today's vehicles. The proposed site will be at the end of the existing driveway located 10 feet from the east property line. The structure will be 24 feet wide and 34 feet in length. The width will run east to west and the length will run north to south. The chimney height will be approximately 21.5 feet and the roofline will be approximately 18 feet tall. The architectural design of the new garage will be as similar to the original garage as possible.

The similar elements include:

- Brick construction to match the primary structure
- A fireplace/chimney on one end
- Wooden windows and doors in similar placements
- A similar roofline/pitch of 5/12
- Similar eaves and guttering system
- Incorporating the brick diamond pattern from the primary structure in the garage wall design

The applicant is requesting to place a true garage door in the new structure to emulate the original structure and design. At some point in time the original garage underwent a renovation which partially bricked in the garage door space and added a French door. The garage door will be steel with a wood grain texture and white in color. The walk-in door on the west side will be a wooden French door. The floor will be concrete. The exterior light fixtures will be historic in nature to fit the character of the property and the roofing material will be black architectural shingles. The black architectural shingles were approved as replacement roofing material for the primary house and garage in September 2019. The Commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 4 - New Construction, Pages 49-51: C. New Construction; Appendix - Page 82: G. New Construction - Materials Guide

Chrystler asked if the side door will be wood. Sigmon replied that it will be.

Chairman Dearman declared the public hearing open.

Ms. Cunningham stated the burned garage will be demolished this week.

Setzer asked if any of the brick can be saved. Ms. Cunningham replied the contractor said it would cost more to try to salvage it than it would be to use new brick so she is going to try to save as much of it as she can and use it in the yard for other things such as walkways, patio, etc.

There being no other questions, Dearman declared the public hearing closed.

Findings of Fact

The Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Commission reviewed the following Findings of Fact:

- 1. The historic character of the property will be retained and preserved.**

Yes: Unanimous

2. **Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.**

Not Applicable: Unanimous

3. **Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.**

Not Applicable: Unanimous

4. **Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.**

Yes: Unanimous

5. **New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.**

Wanman made a motion to approve citing guidelines Chapter 4 - New Construction, Pages 49-51: C. New Construction; Appendix - Page 82: G. New Construction - Materials Guide #1 and 2, seconded by Setzer. The motion carried unanimously.

Consideration for a Certificate of Appropriateness (COA20-09) from Mr. Frank Kostos to construct a deck in the rear yard on the property located at 434 Armfield Street; Tax Map 4734-83-9283.

Sigmon stated that the structure located at 434 Armfield Street was built ca. 1945. The historic survey describes the building as a one-story frame house with a projecting center entrance bay. A garage is located in the rear yard. The owner, Mr. Frank Kostos, is requesting to build a deck in the rear elevation area of the structure. The main deck area will measure 8 feet deep by 16 feet long and be located off the back entrance to the house. A portion of the deck (west side, directly in front of the rear door) will extend 12 feet out from the rear elevation, acting as a deck/stair platform, to accommodate the stairs being parallel to the deck. This portion will be 4 feet long. The deck floor will be approximately 6 feet from the ground. The deck posts will be 6 inches by 6 inches. The lumber will be pressure treated and ground contact rated where required. Mr. Kostos is also requesting to remove the existing brick stairs at the rear door entrance in order to construct the new deck. The Commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 4 - New Construction & Additions, Page 47: A. Decks and Patios.

Chairman Dearman declared the public hearing open.

Chrystler asked if the deck will be inset or start right at the corner. Mr. Kostos replied that it will start at the edge of the house and go to the left of the window. Chrystler asked if the deck will be

attached to the house. Mr. Kostos replied that it will be free standing. Chrystler asked if he can keep the steps. Mr. Kostos replied no because the deck will be over them. Edwards stated that it is obvious that these steps and the room are additions to the house.

Setzer asked if there will be lattice under the deck. Mr. Kostos replied there will not be because there is a door in the bottom that goes under the house to the water heater and the furnace.

Dearman asked what the pickets will be and if they will conform to City Code. Mr. Kostos replied they will be 2 x 2 balusters with a standard railing and will meet the City Code.

There being no other questions, Chairman Dearman declared the public hearing closed.

Findings of Fact

The Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Commission reviewed the following Findings of Fact:

1. The historic character of the property will be retained and preserved.

Yes: Unanimous

2. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.

Not Applicable: Unanimous

3. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest method possible.

4.

Not Applicable: Unanimous

5. Archeological resources will be protected and preserved in place. If such resources must be disturbed, the applicant has shown that mitigation measures will be undertaken.

Not Applicable: Unanimous

6. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work will be differentiated of the old and will be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.

Not applicable: Unanimous

Richardson made a motion to approve citing guidelines Chapter 4 - New Construction & Additions, Page 47: A. Decks and Patios #1, 2 and 4, seconded by Wanman. The motion carried unanimously.

Other Business

Chrystler asked if the letters to try to keep people from starting projects without HPC approval first had been sent to Historic District residents yet. Sigmon replied that they were supposed to go out with the utility bills, but she was not sure in light of the virus complications. Wanman said that these need to be sent to those specifically in the Historic District because unless someone knows about the historic districts, they will not pay any attention to it.

Chrystler said it has been some time since the Commission has added new houses with violations to the list. Dearman stated that we will work on this.

Chrystler said that if the Coley house is as bad on the inside as it looks on the outside, it could be condemned if we could get an inspector in there to inspect it. Dearman said he will follow up with Chrystler and Edwards on houses that they have concerns about.

Chrystler reported that there is a house on Sharpe Street that has knee high grass and a tree down. Edwards said he notified the Code Enforcement Officer about the entire street and she has sent letters. She advised him that this house just sold, and she does not have the new owner information yet.

Edwards said he has a meeting with the owner of a house on West Front Street on Saturday to try to assist her with structure repairs.

Sigmon reported the funeral home is coming along, and they have asked for an extension due to the Corona virus which staff granted to them.

531 Walnut Street - Is currently receiving fines and staff is talking to the City Attorney about how the courts being shutdown will affect moving forward and what staff and the commission should expect with court dates. Should hear from City Attorney tomorrow or Monday.

Scroggs House – Sigmon stated this property has already been turned it over to the City Attorney; however, the courts are very behind due to the Corona virus state of emergency situation.

Hill stated that 621 W. Front Street is back on the market.

Chrystler said that it looks like the clean-up at the Willard house at the corner of Armfield and Race Streets has come to a halt. Is there any way to get that going again? Sigmon stated that he was applying for a grant for help and does not know what the status of the grant is. Dearman asked if this case has been given to Code Enforcement. Sigmon replied that it has. The owner has fixed the holes in the gable and completed some painting. She will talk to Bill Bailey and Code Enforcement and see if there is anything else the City can do.

There being no other business, Setzer made a motion to adjourn, seconded by Wanman. The motion carried unanimously.

**Planning Board Meeting Minutes
Virtual Zoom Meeting
May 26, 2020 @ 7:00 p.m.**

Members Present: Mark Tart, Tammy Wyatt, Bernard Robertson, Don Daniel, Todd Lange, Bo Walker, Brian Long, Charlotte Reid, Alternate - Rosetta Williams

Members Absent: 0

Staff: Sherry Ashley-Planning Director, Brenda Fugett-City Clerk, Steve Bridges-Senior Planner, Ralph Staley-Assistant City Manager

Others: Jean Foster – Adjoining property owner, Alan Fletcher – Adjoining property owner, Ralph Altavilla – 2217 James Way Drive, Robert Carman - 2223 James Way Drive, Jack Minor, Hannah Breed – Cadence Senior Apartments, Holly Colony – Design Partners, James Pressly – Developer, Chuck Goode, Jack Minor – Adjoining property owner, Brian Smith – Design Partners

Media: 0

Consider approving the April 28, 2020, Planning Board meeting minutes.

Robertson made a motion to approve the April 28, 2020 meeting minutes as presented, seconded by Lange. The motion carried unanimously.

P20-02 site plan review for Harbor Freight Site Plan located at 303-313 Turnersburg Hwy (US 21); Tax Maps 4745-38-5329, 4745-38-6594, 4745-38-6495, 4745-38-6398, 4745-386383, and 4745-38-6298.

Sherry Ashley advised that this item was withdrawn from the agenda.

Ashley explained the Planning Board courtesy hearing process to those present. She advised that when this item goes to City Council it will be a quasi-judicial hearing, which means that only those that have standing (live adjacent to the site) are allowed to offer evidence and sworn testimony as to whether or not the site plan meets the requirements of the City standards during the hearing. If the site plan requirements are met, then the site plan should be approved.

P20-04 site plan review for Cadence Statesville Senior Apartments Site Plan located on Simonton Road; Tax Map 4755-23-7198.

Steve Bridges stated that the site is located at 2344 Simonton Road between Martha's Ridge Subdivision and Deer Creek Subdivision. The property is currently 10.03 acres in size and is proposed to be developed with 161 senior apartment units. The site is zoned CU 0-1 (Office Single Lot) District. The site will be accessed by one driveway from Simonton Road. Multi-family development is required to get Planning Board and Council approval. The site plan indicates all the units will be housed in one building. The building is proposed to be 52,275 sf. It will contain 161 senior apartment units. The setback requirements are met. However, in this case, the height of the building is 50' which required the side setbacks to increase from 10' to 25' and those

setbacks are met. Landscaping requirements are met. The site has 166 parking spaces which meets the requirement of the UDO. Units must be limited to seniors for the parking requirements to be met. If not, the development shall provide additional parking spaces. Sidewalk will be installed along Simonton Road. NCDOT did not require curb and gutter along Simonton Road. Extra landscape buffer area has been added between the site and Deer Creek Subdivision per the conditional use requirements (see attached conditions/2002). The site will utilize City sewer and water utilities and Energy United electrical. The Technical Review Committee approved this request at its March 18, 2020 meeting contingent upon approval of Stormwater plans. Staff recommends approval of the site plan contingent upon:

1. Approval of the Stormwater plans
2. Setbacks labeled on the site plan
3. 10% active open space calculations added to the plan
4. Materials and dimensions added to elevation plan
5. Tree protection added to the grading plan.
6. Adding the stream with the proper stream buffers to the plan

Otherwise the plans meet the requirements of the UDO and the rezoning conditions.

Robertson asked how many stories the building will be and if it is restricted to ages 50+ and will it stay that way. Bridges replied it is four stories and will have elevators and will be a 55+ community.

Daniel said it looks like they will be using about half of the 10 acres. Chairman Tart stated that the developer can answer this question during the courtesy hearing.

Long asked if sidewalks will be installed. Bridges replied that sidewalk will be installed along Simonton Road. NCDOT did not require curb and gutter along Simonton Road.

Daniel asked if there are sidewalks there already. Bridges replied he believes there are sidewalks on the other side where hospice is located. Ashley added that they must either pay the fee in lieu of or install the sidewalks and the developer has chosen to install them.

Chairman Tart declared the courtesy public hearing open and asked for those in favor of the site plan to speak.

James Pressly stated he is the project sponsor. In response to Mr. Daniel's question, he advised that the development is actually restricted to 62 years of age and older. This is a condition of the loan program and will be verified by the site manager. He described the project explaining that it is designed for mobility and accessibility and will have two elevators. He said that the site is a 10-acre site, which is 435,600 sq. ft., and the building will be 52,275 sq. ft. Pressly said that the plan has been reviewed by the City's Technical Review Committee and meets the requirements of the City Code and the zoning.

Chairman Tart asked if there are any other restrictions regarding the occupants. Pressly replied that the Head of Household must be 62 or older and meet the minimum income requirements. Tart asked if there is a limit on the number of occupants each apartment may have. Pressly replied that there should not be any parking problems or negative traffic impact.

Long asked if anyone that is under age 62 may live there. Pressly replied that the head of household must be 62 or older. He said he would be happy to answer any questions in regard to whether or not the site plan meets the requirements of the ordinance.

Robertson asked how many bedrooms the units will have. Pressly replied that 60% are one bedroom and 40% are two bedrooms.

Long asked again if anyone under 62 may live in the apartments. Pressly replied again that the head of the household must be 62 or older.

Lange asked if there are any other restrictions other than that the leaseholder must be 62 years or older. He asked what the limit is on how many can live in each apartment. Pressly replied that he believes that it is two per bedroom and the site manager will be in charge of verifying this and each person will be listed as living there on the lease.

Jean Foster said that she is not for or against this item at this time, but she does have a question. She asked how residents can verify if the grading plan has been changed so that no grading is done within 50 ft. of the creek and harm any of the existing vegetation.

Bridges said that the building plan does not show any grading within 50' of the stream per the buffer requirements. Essentially, staff just wants to see it on the site plan as well.

Chairman Tart asked if the updated plan will be ready before this item goes before City Council.

Holly with Design Partners replied that the 50 ft. buffer will be added to the site plan, and she has already submitted the Erosion Control Plan to the County, and this is included on it. She explained that at this point they could not change it without resubmitting.

Robert Carman asked if there will be any treatment to the water to control mosquitos, etc. in the stormwater retention pond. Brian Smith replied that this is a dry pond and will not hold water more than 2-5 days as it drains through the sand. Carman said he would like to state for the record that having this right behind his home is very distressing to him.

Ralph Altavilla stated that his property is located directly behind the retention pond. He asked how far it will be from his property line. Smith replied it will be approximately 90 ft. Altavilla stated that the pond will not drain well in this location because of the type of soil that is there. Smith explained how a retention pond is structured and how it works.

Carman asked what the landscape buffer around the retention pond will be and will he be able to see through it. Chairman Tart stated that the landscape plan meets the requirements of the ordinance. Smith stated that the pond will be lower than the adjoining property so the landscaping should screen it pretty well. Bridges said that he cannot guarantee that it will provide 100% coverage, but it will be opaque. Holly explained that there is a natural grade there.

Alan Fletcher stated that he has 50-55 ft. tall Leland Cypress screening his rear property line. He asked what height the new bushes will be as he already has this nice natural buffer that he cannot see through. Holly replied that they were able to protect a few of the current Leland Cypress and will be replacing with a multi-tiered buffer. The shrubs will be in 3-gallon buckets and the trees will be 10 ft. tall and will become larger over the years.

Ashley read what the City Code landscape requirements are and that it will take a number of years for the landscaping to grow to full height.

Daniel asked if there is any way to save all of the Leland Cypress. Ashley replied that Holly has stated that they will save as many as they can.

Alan Fletcher asked what kind of lighting will be used. Ashley replied that all lights will be facing down.

Robert Carmen stated he is worried that where the pond will be higher than his property that it will decrease his property value and destroy his property and peacefulness.

Board member Todd Lange asked what this property was zoned since the residential development. Tart stated that in the packet it shows that the rezoning was in 2002 and there were conditions. Lange asked Mr. Carmen when his home was built. Carmen replied about six years ago. Lange pointed out that this property was zoned this way when Mr. Carmen purchased his home.

Jack Minor asked if his tree line will be disturbed. Holly replied that they will not be, however they are on the property owned by the developer.

Ralph Altavilla asked if there will be any Section 8 housing. Mr. Pressley replied there will not be. Ashley advised that the Planning Board cannot base their decision on that anyway, they are only reviewing whether or not the Site Plan meets the requirements of the Unified Development Code.

There being no other speakers, Chairman Tart declared the courtesy public hearing closed.

Lange made a motion to approve with a request that the developer try to save as much of the Leland Cypress tree line as possible, and contingent upon the following:

- 1. Approval of the Stormwater plans**
- 2. Setbacks labeled on the site plan**
- 3. 10% active open space calculations added to the plan**
- 4. Materials and dimensions added to elevation plan**
- 5. Tree protection added to the grading plan**
- 6. Adding the stream with the proper stream buffers to the plan**

Daniel seconded the motion. The vote on the motion was as follows:

Ayes: Mark Tart, Tammy Wyatt, Bernard Robertson, Don Daniel, Todd Lange, Bo Walker, Brian Long, Charlotte Reid

Nays: 0

Motion carried unanimously.

Sherry Ashley advised attendees that this site plan will go before City Council at their June 15th meeting and will be a quasi-judicial hearing.

Reports-City Council Meeting

Ashley reported that the first reading of the Calvary Baptist rezoning was unanimously approved by Council and 2nd reading will be held at their 6/1/20 Council meeting. The first reading of the text amendment for the in-home daycare item, and the first reading of the annexation and rezoning of the Vance PO Road item was postponed until the 6/1 Council meeting.

Ashley stated that the June 23rd Planning Board meeting will be held in person.

Other Business

There was no other business.

There being no other business, Lange made a motion to adjourn, seconded by Long. The motion carried unanimously.

**STORMWATER ADVISORY COMMISSION MEETING MINUTES
ZOOM MEETING
June 18, 2020 – 10:00AM**

Members present: Mary Katherine Harbin, Steve Knight, Dan Pope, David Reese, Pressly Mattox, Charles Taylor, Janice Powell and Joe Hudson

Council present: Amy Lawton

Staff present: Mark Taylor, Ray Allen, and April Nesbit

Others: Amy Black – Jewell Engineers

Call to Order

Mark Taylor called the meeting to order.

Introductions and New Members

Allen stated that City Council appointed Pressly Mattox and Joe Hudson to the Stormwater Advisory Commission at the June 15th Council Meeting. They also reappointed Mary Katherine Harbin, Steve Knight, Dan Pope and David Reese.

Old Business

Taylor asked if anyone had changes to the May 21, 2020 minutes. There were no changes.

Status of Ordinance Changes Under Consideration

1. Maintenance bonds
Taylor stated that they are looking at performance bonds as a possibility. They are trying to make this a little friendlier to the developers.
2. CMP pipe use
Taylor stated that this topic is still being discussed heavily. Staff has reached out to other municipalities and private individuals to obtain more information. They are currently gathering data and plan to weigh the options.
3. Board of Adjustment vs. SWAC recommendations
Allen stated that the ordinance currently states that the Board of Adjustment “may” seek the Stormwater Advisory Commission’s input for stormwater variances. The question to the commission is if we should request that the ordinance be changed to state that the Board of Adjustment “shall” seek input from the Stormwater Advisory Commission. Mattox stated that he previously served on City’s Board of Adjustment. It would be smart to change the language in the ordinance for stormwater variances as they will need the expertise from the commission. All members of the commission agreed with this. Taylor stated they would add this to discuss with the City Attorney.

EPS Outfall Inventory Update

Taylor stated that the process is approximately 50% complete. The plan is to have the information added to the GIS layer next week.

Stormwater Program Manager

Taylor stated that 18 applications were received for the Stormwater Program Manager position. They are currently reviewing these to narrow down the applicants and hope to begin interviews next week.

Ordinance Amendment Update – IDDE Ordinance and Tail Ditch Policy

Taylor stated that this item was pulled from the agenda at City Council on Monday due to questions that require further conversation on intent and interpretation. It should be back on the July 20, 2020 agenda. The proposed ordinance is on the website if you would like to review. A few tweaks have been made.

Other Business

Harbin asked for an update on the revision of the ERU discussion from last month. Taylor stated that they currently have almost 300 parcels that have to be identified. Allen stated that it could be closer to 500 including commercial property. Taylor stated that staff will be reaching out to customers that have changes to explain what is going on. Harbin asked for a timeline to wrap this up. Allen stated that once a Stormwater Program Manager is hired and up to speed, he should be able to provide more attention to the project. At this time he cannot provide a date on when the project will be complete. Taylor stated that the City does have a suspect list and other staff members are looking to find out why they were missed and/or over/under assessed.

Hudson requested a time to talk with Taylor in the next week to ask questions and get some background information on the Commission.

Pope stated that he was informed that City Council is discussing tapping into stormwater funds to use for other city departments. Lawton stated that Council wants to move the cost of the street sweeper - \$350,000 – over to the stormwater budget as this is a requirement of the stormwater permit. Taylor stated that some of the projects on the books could be postponed to cover the cost of the street sweeper. Chris Tucker has been working through this. He will get with him and have more answers at the next meeting. Harbin asked if the cost could be split between the street department and stormwater since they will be sharing the equipment. Taylor stated that we would be talking with Tucker to get more answers. Harbin stated that if all of this comes out of the stormwater budget it could cripple the budget for projects this year. Taylor stated that this will not hinder or delay any major effort. Pope stated that a large project or showcase project that could be marketed to show citizens where the money is being used could potentially be delayed by this purchase. Taylor will provide the projects for this fiscal year and next at the next SW meeting. He will also ask Tucker to be involved to show where the street sweeper is coming from in the budget. Taylor stated that we still have two showcase projects that are moving forward. Engineers are looking at the scope and funds should be allocated for the repairs next year.

Next Meeting Date/Time

July 23, 2020 in the City Office Building Training Room at 12pm. Lunch will be provided at 11:30am for anyone that would like to come early.

Technical Review Committee
Site Plan Review Comments
May 20, 2020

Iglesia Aqua Viva - Parking Lot Expansion - 1021 Clay Street

The parking addition is approved with the following revisions or information requested and required before final zoning approval can be released.

1. The design shows two catch basin inlet boxes that will cross connect and project from the property into the public right-of-way. Be advised that an encroachment permit will be needed for this work prior to commencement. An installation security bond or letter of credit may be needed once an application is received.
2. Be advised that the proposed design is contradictory to the City Stormwater Design Manual including the General Role of Stormwater management currently in place with the City. Our Stormwater Ordinance encourages the preservation of natural drainage systems as well and minimize the use of hard pipe conveyances when able.
3. As proposed the project will not improve the quality of stormwater runoff, but will cause oils, anti-freeze and other contaminants to enter the surface and groundwater unabated. Will steps be taken to prevent pollutants from leaving the property in the catch basins?
4. As designed, it is unclear if the project would cause property damage in the public way by adding more volume to the existing stormwater system and could cost the City funds to repair or upgrade the infrastructure from the additional drainage. The condition of the existing catch basins in Marshall St. is unknown at this time.
5. If additional drainage volume is directly added to the City Stormwater System a Drainage Plan must be provided that is sealed by a Design Professional showing the proposed drainage flows, calculations for the volume proposed and proof that the existing City stormwater system can support the new drainage volume.
6. The use of inlet catch basins and hard pipes to convey drainage is an added and unnecessary expense when a passive, greener and easily maintained drainage alternative is available. City Ordinance recommends the use of grassy swales to convey property drainage. This would prevent most if not all of the impacts addressed above. Grassy swales are cheap and easy to maintain, existing site conditions and topography would make swale construction easy, there are no replacement parts, and the environment benefits as dirty parking lot drainage is filter through the natural medium.
7. We would strongly suggest that the design be reconsidered by using openings in the parking lot curbing to incorporate the exiting topography and natural features to allow parking lot drainage to pass through the existing grass areas. We would also encourage the installation of a new grassy swales to convey the proposed drainage to be detained on site and sheet flow as needed toward the right-of-way of Marshall St., as directed in the City's Ordinance and Design Manual.

Please note - If a revised design shows parking lot drainage flows to an on-site swale and no point discharge to the City right-of-way or drainage infrastructure is proposed, then calculations and a Stormwater Drainage Plan are not required because the added impervious area is less than 20,000 sq ft and less than an acre will be disturbed for the project. We still would encourage calculations for sizing of the drainage areas and swale configuration be included on the revised plan.

8. Fire - No comments (Maury Jenkins)
9. Water Resources - No comments (Brandy Johnson)
10. Planning - No comments (Elaine Anthony)
11. Plant species not listed on site plan (Shawn Cox)
12. BFA Coordinator - No comments (Regina Hoke)

7- Eleven - Revised Plans - Salisbury Road

This site plan was approved contingent upon the following revisions or information being submitted before zoning can be released. Two full size copies of the Revised Plans and a Digital Copy must be submitted.

1. Stormwater comments and O&M Agreement completed. (Ray Allen)
2. City of Statesville will be the electric provider (Jared Wiles)
3. Approved grease trap (Brandy Johnson)
4. Landscape Plan approved (Shawn Cox & Elaine Anthony)
5. Fire - No comments (Maury Jenkins)
6. BFA approved but need to note that Statesville must inspect before backfilling and after pad is in place. BFA must have passing test by certified tester and results on file with Statesville before CO is issued. (Regina Hoke)
7. Erosion Control Plan has been submitted (Randall Moore)
8. NCDOT needs approved Traffic Impact Analysis
9. Zoning will not be released until Driveway Permit is approved if this requires major site adjustments a re-review by TRC will be required. (Elaine Anthony).
10. Lots must be combined before a CO will be issued. (Elaine Anthony)
11. Right of way plat and deed must be recorded. Can put on recombination plat before CO. (Elaine Anthony)

George Town MF - Revisions to Townhomes - James Farm Road

This site plan was approved with the following comments:

1. We discussed the SCM locations, the 30-foot buffer from surface waters with allowable encroachment of the backslope of the SCM with 12 ft easement at the toe of the slope and SCM easement requirements. We would need a complete plan submittal with stormwater conveyance features, grading, SCM designs and calculations for Stormwater compliance review. An O&M Agreement with attachments must be provided. NCGO1 plan and proof of the Erosion and Sediment control by Iredell County must be provided. The plan provided shows the lot locations of the SCMs we had discussed with him. We would encourage using grassy swales for stormwater conveyance as much as possible in the final design. (Ray Allen)
2. Fire - No comments (Maury Jenkins)
3. BFA Coordinator - No comments (Regina Hoke)
4. Water Resources - No comments (Brandy Johnson)
5. The road name "Limerick Road" is not available. It is currently in use elsewhere in the County. (Richard Hoffman)
6. Water service is Iredell water
7. City will serve sewer (Regina Hoke)
8. Electric is served by Duke Power (Jared Wiles)
9. Need to submit an Erosion Control Plan to Iredell County (Randall Moore)
10. NCDOT - No comments (Jonathan Barnett)

Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
June 17, 2020 at 9:00 a.m.

City Staff: Elaine Anthony – Planning, Charles Jenkins – Fire, Mark Taylor – Public Works, Regina Hoke – W/S Maintenance-BFCC, Clyde Fox – W/S Maintenance, Ray Allen – Stormwater, Brenda Fugett – City Clerk

County Staff: 0

Others: 0

Elaine Anthony called the meeting to order.

Larkin Spec Building – Site Plan – Dover Road

Charles Jenkins – The FDC connection needs to be a 4” Storz not a 5”

Regina Hoke – Must label on both 2” meters that they need to call out 2” hard copper from the tap to 5 ft. past the backflow preventor. Must label from the tap to 5 ft. past the fire line to the backflow preventor. They need to change the PVC to Ductile Iron. Add a note somewhere that when the backflow preventor is installed that the City needs a 24-48 hour notice so they can inspect it before it is covered. This is for all the pipes from the right-of-way to 5 ft. past the backflow assembly.

Mark Taylor – Stormwater device needs to be associated with the lot for the permanent building. It needs to be in the deed.

Clyde Fox – On all 2” domestic lines they need a ¼ turn 2” ball valve installed after the tap and before the meter with a traffic rated valve box for access.

Elaine Anthony – Dover Road must be 72 ft. wide and Larkin Parkway must be 108 ft. wide. Approved trees must be planted in the right-of-way.

Ray Allen

1. Prior to Stormwater Division approval of the project an O&M Agreement must be submitted to the Program Director. An attached Maintenance Bond must be included. The O&M Agreement must reference the maintenance responsibility, the installation or conversion cost of the SCMs and the annual operation, inspection and reporting costs of the SCMs.
2. Prior to recording the O&M Agreement an as-built survey and Plat must be attached with a note indicating that the adjacent properties containing the permanent SCM and other stormwater drainage features cannot be sold separately.
3. Note that the City currently does not have a Riparian Buffer program. Our Stormwater Management Ordinance requires a 30-foot setback from built-upon areas to the top of bank of perennial and intermittent surface waters. The 30-foot buffer must be labeled on the grading plan with no disturbance permitted in this area.

4. Prior to land disturbance applicant must provide a NCGO1 Certificate of Coverage.
5. Prior to site grading provide a copy of the County approved ESC plan letter.

Taylor made a motion to approve contingent upon the above changes being made before it goes to the Planning Board, seconded by Fox. The motion carried unanimously.

There being no further business, Fox made a motion to adjourn, seconded by Jenkins. The motion carried unanimously.