

**STATESVILLE CITY COUNCIL MEETING AGENDA**  
**October 19, 2020**  
**City Hall Council Chambers – 227 S. Center Street, Statesville, NC**  
**Pre-Agenda Meeting – 6:00 p.m. Council Chambers**  
**Regular Meeting – 7:00 p.m. Council Chambers**

- I Call to Order**
- II Invocation** (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 September 21, 2020 City Council meeting minutes.** *Pg. 6*
  - B. Consider accepting a \$5,000 ElectriCities grant for system betterment funding.** *(Maclaga) Pg. 22*
  - C. Consider approving 2<sup>nd</sup> reading of annexation request AX20-05, an ordinance to annex the properties located at 681 and 711 Wallace Springs Road submitted by JGNC, LLC for Kathy Talbert, Louella Stinson and Jerry Stinson, PIN's 4732-28-8431 and 4732-18-7463.** *(Ashley) Pg. 23*
  - D. Consider approving a request from the Statesville Police Department to enter into a vehicle lease agreement to outfit our Narcotics Division fleet.** *(Addison) Pg. 29*

**REGULAR AGENDA**

- VIII Conduct a public hearing and consider approving first reading of annexation request AX20-06, an ordinance to annex the property located at James Farm Road, submitted by C2C Ventures, LLC on behalf of Mark Lalumondier, PIN #4745-59-5419.** *(Ashley) Pg. 31*
- IX Conduct a public hearing and consider approving first reading of rezoning request ZC20-10 filed by C2C Land Development, LLC for the property located on James Farm Road (between US 21/Turnersburg Highway and Parcel Drive); Tax Map # 4745-59-5419 from R-15 (Urban Fringe Low Density Residential) District to R-5MF (High Density Multi-Family Residential) District.** *(Ashley) Pg. 36*
- X Conduct a public hearing and consider approving first reading of rezoning request ZC20-11 filed by Zen Homes, LLC for the property located on Jost Street (adjacent to/north of 816 Jost Street); Tax Map # 4744-41-4239 from B-5 (General Business) District to R-5 (High Density Single Family Residential) District.** *(Ashley) Pg. 46*

- XI Consider approving 2<sup>nd</sup> reading of Text Amendment TA19-08 Article 5. - Supplemental Regulations/Performance Standards for Specific Uses, Section 5.02 - Accessory Uses and Structures, A. Generally, 4.d., C. Accessory Dwellings, 7. and Article 6. - Development Standards, Section 6.02 - Density and Dimensional Standards, D. Building Setback Requirements, 5. Fences. (Ashley) Pg. 56**
- XII Consider approving a request from the Iredell Arts Council to contract the painting of a mural on the basketball court at Garfield Park. (Griggs) Pg. 58**
- XIII Consider approving a 5-year hangar lease with Air Helmuth, LLC. (Ferguson) Pg. 60**
- XIV Consider approving a Resolution supporting the closure of a portion of Bethlehem Road and signing an Abandonment Petition as the sole landowner within the closure portion of Bethlehem Road. (Ferguson) Pg. 68**
- XV Consider a request from Mr. Harry Tsumas to extend City water and sewer services to a proposed subdivision on Bell Farm Rd. (Harrell) Pg. 72**
- XVI Boards and Commissions Updates: Pg. 83**  
1. 07/09/2020 & 09/10/2020 Design Review Committee Meeting Minutes  
2. 08/20/2020 Stormwater Commission Meeting Minutes
- XVII Other Business**
- XVIII Closed Session** (Following the Pre-Agenda Meeting if Needed)
- XIX Adjournment**

**RESOLUTION NO. 10-20**

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

**PREAMBLE**

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

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

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

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

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

**GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

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

**CODE OF ETHICS**

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

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

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

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

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

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

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

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

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

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

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

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

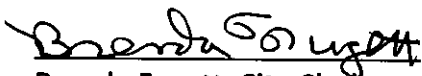
Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet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

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

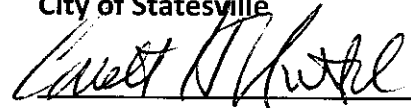
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

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

ATTEST:

  
Brenda Fugett, City Clerk



City of Statesville  
  
Constantine H. Kutteh, Mayor

**MINUTE BOOK 29, PAGE 177  
STATESVILLE CITY COUNCIL MEETING – SEPTEMBER 21, 2020  
CITY HALL – COUNCIL CHAMBERS, STATESVILLE, NC – 7:00 P.M.**

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

**Council Absent:** 0

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

**Media:** 0

**Others:** 0

**I Call to Order**

Mayor Kutteh called the meeting to order.

**II Invocation**

The City Clerk gave the Invocation.

**III Pledge of Allegiance**

Mayor Kutteh led the Pledge of Allegiance.

**IV Adoption of the Agenda**

Mayor Kutteh stated that Item XVI was moved to the Consent Agenda at the Pre-Agenda meeting. He asked for a motion to adopt the amended agenda.

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

**V Code of Ethics**

**VI Public Comment**

Kurt Nelson, 122 Jana Drive, spoke on the need for an emergency access route connecting Canada Drive and Megby Trail in the Larkin Golf Course subdivision.

Thomas Hamel, 334 Kentwood Drive, spoke against the actions of the people protesting against the statue in front of the Iredell County Government Center statue, stating that they had thrown drinks at people and the statue. He asked that City Council do something to stop their actions.

**VII Consent Agenda**

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

Mayor Kutteh reviewed the following Consent Agenda.

- A. Consider approving the August 3, 2020 Pre-Agenda and Regular Council meeting minutes and the August 17 Pre-Agenda and Regular Council meeting minutes.
- B. Consider approving an ordinance to establish a stop intersection on the 1400 block of Alexander Street at its intersection with Medlin Street. *(Onley)*
- C. Consider approving an ordinance to establish 25 mph speed zones on portions of Radio Road at the request of NCDOT. *(Onley)*
- D. Consider acceptance of NC Department of Commerce pass-through grant on behalf of Badger Sportswear and pass Budget Amendment No. 2021-06. *(Tucker)*
- E. Consider approving receipt of a grant through NCDOT Aviation in the amount of \$250,000 for the Southeast Corporate Apron Project and approve Budget Amendment No. 2021-7 to reflect the additional funds. No local match is required. *(Ferguson)*
- F. Consider approving Work Authorization No. 16 in the amount of \$1,139,869 for engineering and construction management by Parrish & Partners for the Runway Safety Area Extension Project. No local match required. *(Ferguson)*
- XVI Consider approving a request to demolish two buildings and a free-standing canopy located at 108 North Tradd Street and 110 North Tradd Street and construct a new Blue Harbor Bank. *(Ashley)*

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

## REGULAR AGENDA

- VIII **Presentation of a Proclamation for Constitution Week. *(Mayor Kutteh)***  
Mayor Kutteh read the proclamation and presented it to the Daughters of the American Revolution group. Regent of the Ft. Dobbs chapter, Lisa McBane reported on the group's involvement and activities for Constitution Week.
- IX **Continue the public hearing from the August 17, 2020 Council meeting and consider passing the first reading of TA19-08 Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.02 Accessory Uses and Structures, A. Generally, 4.d., C. Accessory Dwellings, 7. and Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, D. Building Setback Requirements, 5. Fences. *(Ashley)***

Sherry Ashley stated that the hearing for this text amendment was continued from the August 17, 2020 meeting until the September 21, 2020 City Council meeting. The purpose of this text amendment is as follows:

- When the UDO was adopted the rear-yard setback was inadvertently left out. This fixes this error and proposes to increase the setback from 3 ft. to 5 ft. to accommodate drainage easements.
- The setbacks for accessory dwellings conflict with the setbacks for accessory structures. Therefore, this amendment corrects the setbacks to be consistent.
- Amend and clarify the regulation for fences to reduce the fence height in the front yard and beyond the front plane of the structure from six feet to four feet (see proposed diagram). Six-foot fences in the front yard setback are unappealing and can be a safety concern from a motor vehicle standpoint regarding visibility.

This amendment was presented to the Planning Board minus the accessory dwelling section back in August of last year and was unanimously recommended for approval as presented. City Council postponed the text amendment at their September and December meetings in hopes of discussing it further at their retreat. However, since that time, due to a Board of Adjustment case and daily requests, the text needs to be amended.

Council member Stafford stated that he would like to postpone this item until it can go before the Historic Preservation Commission for their recommendation. Mayor Kutteh replied that this text amendment does not affect the Historic Districts and he would like to move forward with the public hearing and first reading and postpone the 2<sup>nd</sup> reading if needed.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak in favor or in opposition of this item. There being no speakers, Mayor Kutteh declared the public hearing closed.

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

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Council member Stafford explained why he wanted to postpone 2<sup>nd</sup> reading of this item until after the HPC could hear it.

Mayor Kutteh instructed Sherry Ashley to not put 2<sup>nd</sup> reading of this item on the Council agenda until the HPC had heard it and gave their recommendation.

**The vote on the motion was as follows:**

**Ayes: Morgan, Foster, Jones, J. Johnson, Allison, S. Johnson, Lawton**

**Nays: Stafford**

**Motion Carried: 7-1**



**X Conduct a public hearing and consider approving first reading of rezoning request ZC20-07 filed by AMH Holdings, LLC for the property located at 1441, 1443, 1417, 1415, and 1449 Wilkesboro Highway; Tax Map 4735-33-7067 from B-3 (Shopping Center Business) District to B-5 CU (General Business Conditional Use) District and LI CU (Light Industrial Conditional Use) District. (Ashley)**

Sherry Ashley stated that Mr. Jay Wolff with Dynamic Nutraceuticals on behalf of AMH Holdings, LLC is requesting a partial rezoning of approximately 9.636 acres, parcel 4735-33-7067 from B-3 (Shopping Center Business) District to B-5 CU (General Business Conditional Use) District and LI CU (Light Industrial Conditional Use) District for a manufacturing and distribution site. The remaining 1.652 acres of the shopping center, parcels 3 (Coffee House) and 4 (vacant) will remain B-3. The community meeting was held on August 17, 2020 at 6:00 PM at the project site. Only 1 person attended, and they were in support of the project. The former Billiards Hall and PlayStation is currently vacant, and I-40 Flea Market and auto detail shop are in the former Kmart/Fred's building. The Coffee House Waffle Shop and temporary farmer's market stand is located along the front of the property. The intended use of the property is to remodel the Kmart/Fred's building for manufacturing nutritional supplements and to remodel the former Billiards/Playstation building for warehousing and distribution of nutritional supplements. The applicant will leave the Coffee House and the vacant parcel fronting Wilkesboro Highway B-3. City sewer, City water and Energy United electric utilities are available to the site. The land use plan calls for the property to be commercial and it is currently zoned B-3 (Shopping Center Business) District. Since the applicant is requesting a conditional use district, the conditions submitted by the applicant are:

1. Petitioner agrees to eliminate the following uses for the property:

- Animal Husbandry; Asphalt, Cement, Concrete, Gypsum, and Plaster manufacturing/mixing plants; Bio-Fuel Plant; Bus garages/shelters; Cemetery (Animal or Human); Contractor's office, including yard maintenance and outdoor storage; Correctional facilities/Jails; Dairy, meat, and seafood processing and distribution; Disassembly plant; Hatcheries; Houses of Worship; Landfills; Livestock sales; Manufactured or mobile home and recreational vehicle sales; Oil, gasoline and propane distribution; Outdoor Storage; Race shops; Stone and clay products manufacturing; Transfer/Trucking companies; Truck Stop/Travel Plaza; Truck terminals; Wrecker/Tow Service.
- 2. Any tractor trailers that are stored on-site will be screened.
- 3. No outside manufacturing machines will be used.

Mayor Kutteh stated that Council member Jones is representing the seller for this item and was recused from voting on this item at the Pre-Agenda meeting due to a conflict of interest.

Mayor Kutteh declared the public hearing open.

Jay Wolff, applicant, further explained the project and that the only reason he is asking for LI zoning is because that is what he needs to operate his business. He said that his company makes products such as what is sold at GNC stores. There will be no noise and no fumes from the business.

Council member Stafford stated that the neighbors have asked that adult uses, and rehab centers also be excluded from the list of allowed uses and the applicant has agreed to this.

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Mayor Kutteh asked if a single LI use could be approved. Mr. Wolff stated that he would not like to do that simply because his company could outgrow the space quickly and he would have a hard time re-leasing it with only one allowed use.

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

**Council member Foster made a motion to approve first reading with the addition of excluding adult uses and rehab centers as allowed uses, seconded by Council member Allison. The motion carried unanimously.**

**Council member Stafford read the following Consistency Statement:**

**In addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the City Council has considered in amending the zoning ordinance to meet the development needs of the community are as follows: The 2005 plan projects the future use as commercial. The current use is B-3 and the proposed use will be B-3, B-5 CU and LI CU. All but the LI CU are consistent the land use plan. The LI CU would provide a good transition between the smaller commercial sites along NC 115 and the Heavy Industrial site to the rear provided the conditions are met.**

**XI Conduct a public hearing and consider approving first reading of rezoning request ZC20-08 filed by Greenbriar Bowman, LLC for the properties located on S. Greenbriar Road; Tax Maps 4754-77-4649 and 4754-78-4690 from R-15 (Urban Fringe Low Density Residential) District to R-5 CU (High Density Residential Conditional Use) District. (Ashley)**

Sherry Ashley stated that Greenbriar Bowman, LLC on behalf of Statesville Glens, LLC is requesting to rezone two parcels from R-15 (Urban Fringe Low Density Residential) District to R-5 CU (High Density Residential Conditional Use) District with the intention of developing a single-family residential subdivision. A community input meeting was held by the applicant on July 13, 2020 at 6:00 p.m. at the project site. Seven neighbors attended with questions regarding property line, buffers, and landscaping. The site is approximately 59.36 acres in size and located between Hollingswood Drive and Fourth Creek. The intent of this request is to develop a subdivision of approximately 139 lots for single-family residential use. This is a conditional use zoning request and, if approved, will be tied to the submitted concept plan and the conditions that have been submitted by the applicant. The site is being designed to accommodate the additional right of way needed for the future widening of Greenbriar road as presented in the 2019 City of Statesville Mobility and Development Plans.

The conditions that have been submitted by the applicant are:

1. The overall project density will not exceed 2.5 units per acre.
2. There will be no modular homes.
3. All homes will be single-family homes.

4. Any additional sheds/out-buildings will be in accordance with the neighborhood architecture and HOA requirements.
5. All homes will have front-loaded two car garages.
6. The HOA will be responsible for the maintenance and upkeep of all common areas.
7. Dedicate a 20' greenway easement along Fourth Creek.
8. Sidewalks will be provided on both sides of all streets.
9. Maintain existing tree stand on the North side of the property where applicable as shown on concept plan.
10. Provide a Class "C" 25ft. buffer adjacent to Bell Aire property.

The requested R-5 CU District allows for 5,000 sf lots with a minimum of 50 feet in width and the development must have a minimum of 10% open space. However, with the plan submitted, the developer intends to create lots with a minimum size of 5,750 sf and provide additional open space above the 10% minimum. Open space includes areas such as green space, walking trails, and a greenway easement for the future extension of Statesville's Greenway. The site also contains a well owned by Iredell Water Corporation, the well will be maintained by Iredell Water Corporation, and an access easement has been provided.

Mayor Kutteh declared the public hearing open.

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Nate Bowman, the developer, came forward and stated he would answer any questions Council members may have.

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

**Council member Foster made a motion to approve first reading, seconded by Council member Allison. The motion carried unanimously.**

**Council member Morgan read the following consistency Statement:**

**In addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: The 2005 Land Use Plan calls for the property to be Medium Density Residential. The R-5 High Density Residential District allows up to 8.7 dwelling units per acre. The current zoning of R-15 allows 2.9 units per acre. The proposed plan shows a density of 2.34 units per acre which is less than the current R-15 zoning district and less than the requested R-5 zoning district allow. It is also less than the Medium Density Residential which allows 5.4 units per acre adopted in the 2005 Land Development Plan. The applicant is also providing additional permanent open space.**

- XII Conduct a public hearing and consider approving first reading of an ordinance to annex the properties located at 681 and 711 Wallace Springs Road. Annexation Request AX20-05 JGNC, LLC for Kathy Talbert, Louella Stinson and Jerry Stinson, PIN's 473228-8431 and 4732-18-7463. (Ashley)**

Sherry Ashley stated that the property being considered for annexation was submitted by

JGNC, LLC on behalf of Kathy Talbert, Louella Stinson and Jerry Stinson. The two parcels are located 681 and 711 Wallace Springs Road. The subject properties are approximately 106.82 acres in size and encompasses Iredell County Parcel Identification Numbers (PINS) 4732-28-8431 and 4732-18-7463. The 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. However, the properties are located on Statesville's side of the Annexation Agreement boundary with the Town of Troutman and Mooresville. The applicant would like to rezone the property for a cluster subdivision. Since the change in regulations of statutory annexations, it has been the policy of the city to annex properties voluntarily requesting annexation so long as the site is not too remote and in close proximity to existing routes for city services. The Hidden Lakes Subdivision that is in the city limits is immediately north of this site. The tax value (land value) of this property is approximately \$784,100. System development fees will apply to the proposed 276 lots. The property will be served by City water, sewer and electric service. Without annexation the City would not collect property taxes or be able to consider rezoning the properties. The Planning Department recommends approving first reading of the ordinance to annex the properties located at 681 and 711 Wallace Springs Road and the City Manager concurs. If first reading is approved the applicant has asked for the second reading to be delayed to October 19, 2020. The annexation will be effective on October 31, 2020.

Council member S. Johnson asked if the Troutman Fire Department will cover this area. Fire Chief Weatherman replied that he believes that this area is already covered by a Mutual Aid Agreement with Troutman. Ashley added that the Planning Department notifies the Fire Department when annexations are approved.

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

Michael Johnson, representing the applicants, stated that he would like to reserve his comments until after those opposed to the project speak.

Mayor Kutteh asked if anyone present wished to speak in opposition of this item.

Don Strauss, 157 Woodfield Drive, stated he did not know anything about this project until about two weeks ago. He said that this is a small community. He expects the property to be developed, but he does not believe that it needs to have over 276 houses.

Jim Tarman, 548 Wallace Springs Rd, spoke against the density of the project.

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Chuck Harris, 106 Woodfield Dr, spoke against the project and the rezoning.

Karen Gunther, 185 Southview Dr, spoke against the project citing concerns about overcrowding in the schools and on the roads.

Bill Gunther, 185 Southview Dr, spoke against the project, citing concerns about traffic, infrastructure and emergency services.

Madge Sides, 217 Southview Dr, spoke against the project, stating that she would like the area to remain more of a rural area.

Michael Johnson came forward and said that he understands what these people are concerned about, but the issue is that there are no spec loans being made by banks for single-family homes on ½ acre lots to private builders. Johnson advised that the developer will be paying the costs of the water and sewer expansions, and they have contracted with Kimley-Horn to do a Traffic Impact Analysis to determine what road improvements will need to be done. He said that the density of this project is 2.6 units per acre and that they have already done topo, soil, etc, surveys. The project is not even close to working with a builder yet. He explained that to do 100 ft. lots, the price of the homes would need to start at \$400,000 and that is simply not the market in Statesville.

Council member S. Johnson asked what can be built on the property by right as it is zoned currently by the County. Michael Johnson replied that the County water does not meet Fire Flow requirements and a septic tank and a well cannot be put on a 100 sq. ft. lot so the development will not work with the current county zoning. He said that he could get maybe 108-110 lots with septic and water on them on the entire property, which is not economically feasible. He added that the build out will take 4-6 years.

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

**Council member Morgan made a motion to approve first reading, seconded by Council member Foster.**

Council member Staford stated that Council needs to look at what its future land use plan will be. He asked how many homes make a garbage route. Ron Smith replied that 600 homes is a route.

Council member Foster said he is excited about this development and that it will bring in grocery stores, etc. to south Statesville which is a food desert right now.

Council member S. Johnson said that Council needs to be careful about doing spot annexing, but the city needs the heads in beds.

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

**Upon a vote, the motion to approve first reading carried unanimously.**

**XIII Conduct a public hearing and consider approving first reading of rezoning request ZC20-09 filed by JGNC, LLC for Kathy Talbert and Jerry Stinson for the properties located at 681 and 711 Wallace Springs Road; Tax Maps 4732-28-8431 and 4732-187463 from Iredell County's RA (Residential Agricultural) District to the City of Statesville's R-8 (Medium Density Single-Family Residential Cluster Subdivision) District. (Ashley)**

Sherry Ashley stated that the property is currently in Iredell County's zoning jurisdiction. The intended use of the property is a single-family subdivision of 276 homes. Zoning the property R-8 will require water and sewer service from the City of Statesville, therefore the applicant has also submitted a voluntary annexation request for these properties. The site will also be a City electric user. The site would have a density of 2.61 units per acre. The intent of this request is to bring the property into the City of Statesville and allow for smaller lots with city utilities and set aside permanent open space. For example, the normal lot

size for the R-8 zoning district is 8,000 square feet. In order to cluster, the lots can be reduced to 6,500 sq. ft as long as the difference in square footage (1,500) is set aside as open space. The site is approximately 106.82 acres in size located on Wallace Springs Road across from Woodfield Drive, north of Autumn Brook subdivision, and south of Hidden Lakes Subdivision. All subdivision sketch plans regardless of zoning district are required to be reviewed by TRC, Planning Board and City Council. A concept plan was

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not required for this rezoning but was provided by the developer. Ashley clarified that the annexation is only for these properties, no adjoining properties. She added that the developer will be required to do a Traffic Impact Analysis to mitigate any traffic issues.

Mayor Kutteh declared the public hearing open.

Bill Gunther, 185 Southview Dr, spoke against the rezoning, citing concerns about infrastructure and schools. He said a traffic light should be installed at Hill Haven Road.

Kurt Nelson, 122 Jana Dr, questioned the density of the project.

Michael Johnson stated that this property has been timbered all except for about 10 acres, so they are cleaning up the mess. The development will have four retention ponds.

**Council member Morgan made a motion to approve first reading, seconded by Council member Foster. The motion carried unanimously.**

**Council member Morgan read the following Consistency Statement:**

**In addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: The 2005 Land Development Plan projects the property to be low density residential. It defines Low Density Residential as having a "maximum density of 2 dwellings per acre." However, since 2005, water and sewer can be provided to the site. The density is proposed to be 2.61 units per acre and permanent open space will be provided.**

**XIV Conduct a public hearing and consider approving first reading of TA20-02 Text Amendment to Amend Article 3. Zoning, Section 3.04 Zoning District Regulations, V. H-115 – Highway 115/Shelton Avenue Corridor District, Article 4. Non-Conforming Situations, Section 4.05 Non-Conforming Uses, C. 3. and Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, Table 6-1. (Ashley)**

Sherry Ashley stated that the purpose of this text amendment is to allow for some flexibility for existing viable businesses along the H-115/Shelton Avenue Corridor to expand while re-developing the corridor over time per the Downtown & NC Streetscape/Land Use Master Plan. The rezoning of 118 parcels along Shelton Avenue that make up the H-115 District was adopted by City Council back in March of 2009. The Downtown & NC 115 Streetscape/Land Use Master Plan followed the rezoning and was adopted by City Council 6 months later, October 5, 2009. All non-conforming businesses in the H-115 District could continue to operate but could not expand. Conforming businesses could only expand in compliance with the new standards. If the text amendment is not approved, non-

conforming businesses can continue to operate but cannot expand. Conforming businesses can expand, but only in compliance with the new standards. The Planning Department recommends approving the text amendment as presented. In addition, the Planning Department staff has inventoried all the existing businesses in the H-115 District as of September 1, 2020.

Council member S. Johnson said that the City has regulated capital investment clear out of the equation and this needs to be tabled for further discussion.

Mayor Kutteh declared the public hearing open.

**Council member S. Johnson made a motion to postpone this item until the November 16, 2020 Council meeting, seconded by Council member J. Johnson. The motion carried unanimously.**

Sherry Ashley asked Council members to contact her if there are any uses that they want to allow that are not currently allowed.

**XV Consider approving a 5-year lease with Iredell Air Care. (Ferguson)**

Airport Manager John Ferguson stated that this company, Iredell Air Care, a mom-and-pop business at the airport that provides aircraft maintenance and repairs to small aircraft, has not previously had a written lease with the City, nor with Statesville Flying Service. Iredell Air Care had an unofficial lease with Statesville Flying Service at whatever rate SFS was charging. Iredell Air Care rents a 10,400 sq. ft hangar that was built around 1985. The

**Page 184**

Airport Commission at their August 19, 2020 meeting approved a lease for Iredell Air Care that includes a 30% increase from \$2,000/month to \$2,600/month for the hangar rental plus they must begin to pay their own utilities. Ferguson said he does not agree with the Airport Commission's recommendation of this high increase in rent, especially this year since this small business has lost considerable revenue due to COVID-19. Ferguson said he recommends a 12.5% increase plus Iredell Air Care paying the utilities. The City Manager commented in the Staff Report that the Airport Commission's recommendation is a significant rent increase, in addition to requiring the tenant to pay their utilities. He agrees with the Airport Manager's recommendation to begin at a lower level and escalate the lease rate over five years, all the while requiring Iredell Air Care to pay their own utilities.

Council member S. Johnson said that there was some disagreement by the Airport Commission as to how to proceed with this. He said that it is difficult to chair a meeting on Zoom to hear everything and how everybody voted, so he was a bit confused coming out of the meeting. He said that he voted in favor of the motion that was made by the Airport Commission and their recommendation. Since then, after listening to Iredell Air Care and Mr. Ferguson, where both further substantiated their argument for Mr. Ferguson's recommendation, all of which was not completely understandable via Zoom, he has concluded that Mr. Ferguson's original recommendation is the best way to proceed. He said that Mr. Ferguson has done a good job of bringing about uniformity in policies across the airfield, whereas before, it was a hodgepodge, and everybody had a special deal, and he has made tremendous progress in changing that.

Council member Staford asked if Council member S. Johnson would agree to make Mr. Ferguson's recommendation non-transferrable. Council member S. Johnson agreed.

**Council member S. Johnson made a motion to approve approving a 5-year non-transferrable lease with a 12.5% increase and Iredell Air Care to pay the utilities, seconded by Council member J. Johnson. The motion carried unanimously.**

- XVI Consider approving a request to demolish two buildings and a free-standing canopy located at 108 North Tradd Street and 110 North Tradd Street and construct a new Blue Harbor Bank. (Ashley)**

**This item was moved to the Consent Agenda at the Pre-Agenda meeting.**

- XVII Consider acceptance of Surface Transportation Block Grant Direct Attributable (STBG-DA) shortfall funds in the amount of \$242,000 and approve BA #2021-5 for the purpose of conducting a feasibility study to convert the Jane Sowers Road / I-77 overpass to an Interchange. (Ashley)**

Sherry Ashley stated that in 2019 when the City applied for the STBG-DA funds, it was for an interchange justification report for a new interchange at Jane Sowers Road. However, the City was notified by CRTPO that they would award funds for the feasibility study only. On October 21, 2019 City Council approved a professional services agreement to assist the City with applying for STBG-DA shortfall funds and approved the Planning Department to apply for STBG-DA Shortfall funds for the Interchange Justification Report for a new interchange at Jane Sowers Road. On April 7, 2020 CRTPO awarded the City up to \$242,000 of CRTPO planning funds (80%) with a City match of \$60,500 (20%) for a total of \$302,500 to conduct the feasibility study for the Jane Sowers Road interchange. Mayor Kutteh added that most other municipalities are giving more than a 20% match when applying for these funds, so it is great that the City was awarded this grant with only the required 20% match. These funds are to be used within one fiscal year, starting July 1, 2020 and with all reimbursable work completed by June 30, 2021. These are federal direct attributable funds for the CRTPO, and the City must follow the federal procurement process. This is a reimbursable grant at 80%, so the city must spend the funds up front and then be reimbursed by CRTPO. The total cost of the project will be a maximum of \$302,500. CRTPO will reimburse the City \$242,000 and the City's match will be \$60,500. The Planning Department included an amount of \$154,365 needed for this project in the 2020/2021 budget. This amount was based on the 20% match for the Interchange Justification Report.

Council member S. Johnson asked if the study has to be done to get to the next step. Ashley replied yes.

Council member Jones asked if anyone else has asked for this report. Ashley replied no.

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Council member Morgan reminded Council that if this had been done years ago, it would have opened up the Peppercorn site to the City that ended up going somewhere else.

Council member S. Johnson said he is afraid that the City will pay for the study and then it will go on the shelf and be outdated before the funding is available to build the project.



He said the last he heard, it was a \$25-\$30 million project and that was years ago, and currently there is no funding at the State or the U.S. Department of Transportation.

Mayor Kutteh asked what the shelf life of the study would be. Ashley replied that she is not sure and would need to check.

**Mayor Kutteh instructed Ashley to find out what the shelf life of the study would be and to bring this item back on the 10/05 Council agenda.**

**XVIII Receive a report providing background information on an emergency access route connecting Canada Drive and Megby Trail in the Larkin Golf Course subdivision. (Harrell/Ashley)**

Scott Harrell stated that in 2015, the developer of Phase 6 of the Larkin Golf Course subdivision (US Developments LLC) requested a waiver from constructing a creek crossing to connect Phase 6 to the previously constructed Phase 4. The crossing would have connected the proposed Canada Drive in Phase 6 to Megby Trail in Phase 4. The waiver was granted by Council with the condition that a secondary access route be established to provide access for emergency vehicles. The development was subsequently sold to Dependable Development Inc, who elected to install a creek crossing between Canada Dr and Megby Trail to serve as the emergency access route. After the emergency access route was constructed, residents in Phase 6 requested it be upgraded to a City street and opened to the public. The Timeline is as follows:

April 15, 2015: The sketch plan was approved by TRC, contingent on establishing an emergency access route from Margo Ln to Canada Dr in lieu of a connection between Canada Dr and Megby Tr. The location of the emergency route was to be determined by the developer and the City Fire Marshal.

May 26, 2015: The Planning Board recommended approval of the sketch plan with a waiver for the Canada Dr / Megby Trail street connection.

June 15, 2015: City Council approved the sketch plan and considered a request from US Developments LLC to waive the street connection between Canada Drive and Megby Trail. The waiver was granted based on:

- Existence of steep slopes
- Upstream presence of 2 earthen dams – NCDEQ involvement
- Environmental concerns – permitting & stream impacts
- Grading & roadway impact to adjacent Phase 4 (Megby Tr), which is under different ownership.

The development was subsequently purchased by Dependable Development Inc.

The developer and the Fire Marshal could not agree on an appropriate location for the emergency access route, so the developer proposed to construct a gravel stream crossing.

Staff (Fire Marshal) reviewed and approved the stream crossing as an emergency access route on November 22, 2017 as part of final plat approval. The developer submitted a

bond for the stream crossing to satisfy staff's concerns that it would be constructed. The developer also changed the grades in Phase 6, flattening the slope to the creek.

The developer elected to pave most of the emergency access.

Currently Residents have requested the emergency access route be accepted as a public street, which will require the following:

- Recording a new plat for the subdivision dedicating right-of-way for the street. The area is currently designated as common open space and is owned by Dependable Development Inc.

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- Widening the existing access drive and constructing curb & gutter and sidewalks. (Staff estimates this cost to be approx. \$35,000)
- Confirming with NC DEQ whether a public street at this location will cause the two upstream dams to be classified as high hazard, which will increase the scrutiny they receive from the DEQ Dam Safety Program. The dams are owned by Wingate Holdings II LLC.

Options are:

1. Dependable Development Inc. can choose to file a new subdivision plat dedicating the right-of-way and upgrade the access drive to City street standards.
2. The residents can petition the City to construct the roadway improvements and recover the cost through an assessment. Dependable Development Inc. will still need to file a plat dedicating the right-of-way.

Council member Staford asked if the City should contact DENR about this. Harrell replied that he already has.

**Council members agreed they would like to have a firmer cost estimate and what DENR's answer is. They instructed Harrell to bring the item back to Council with a refined estimate and an answer from DENR.**

**XIX Consider awarding the construction contract for the Sullivan Road & Old Country Club sewer rehabilitation project to Prism Contractors. (Harrell)**

Bill Vaughn stated that Staff received bids to perform sewer rehabilitation work in the Sullivan Road and Old Country Club areas on September 3, 2020. The scope of work includes replacing and/or inserting structural liners in sewer mains and manholes that have reached the end of their service life. The bid results were as follows:

<u>Company</u>	<u>Bid Total</u>
Prism Contractors, LLC	\$2,152,245.00
CaJenn Construction & Rehabilitation	\$2,695,090.00
KRG Utility	\$2,710,730.00

Prism Contractors, LLC of Williamsburg, VA is the low bidder in the amount of \$2,152,245.00.

Construction Admin services (materials review, invoice review, periodic inspection, and project certification) will be provided by Highfill Infrastructure Engineering, PC. Highfill's cost for these services are a not-to-exceed amount of \$132,200. Daily construction inspection will be performed by City staff. The total proposed project cost is \$2,350,000.00, which includes construction, construction admin services, and a 3% project contingency. \$477,000 was budgeted for this project in the FY2018-19 budget. (After the investigation, design, and bidding phases, \$265,970 of this amount remains.) Council awarded a design services contract to Highfill Infrastructure Engineering in February 2019. The total project cost is \$2,350,000, which includes construction, construction admin services, and project contingency. Based on inspections of the sewer infrastructure in these areas, the pipes and manholes targeted by this project have reached the end of their service life. Failure to replace or rehabilitate this infrastructure will result in increased maintenance expense and the potential for sewer blockages, backups, and/or releases to the environment. Staff recommends awarding the Sullivan Rd & Old Country Club sewer rehabilitation construction contract to Prism Contractors, Inc., and approving Budget Amendment #2021-08. In the Staff Report the City Manager stated that this is another great bid number because this project was recently estimated at over \$3,000,000. He recommended approval. If Council approves, Staff will issue a Notice of Award to Prism Contractors and anticipates construction will begin by mid-November and is expected to last about nine months. If approved, Staff will also present to Council a Resolution of Intent to Reimburse to allow preparation of a debt package to fund this project and the Larkin water line extension.

**Council member Stafford made a motion to award the contract to Prism Contractor, seconded by Council member Morgan. The motion carried unanimously.**

**XX Consider adopting a Resolution of Intent to Reimburse for the Old CC/Sullivan Rd Sewer Rehab Project, Amend the Capital Project Fund ordinance to add this project,**

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**Consider approving a Resolution to allow the Finance Officer to submit an LGC application and Approve Budget Amendment #2021-8. (Tucker)**

Chris Tucker stated that the resolution of intent to reimburse allows the City to begin incurring costs on the project while it procures the proper debt package to handle the project. The maximum is set at \$3,000,000 which allows for other costs such as engineering, inspection, design and easement acquisitions to be reimbursed by debt proceeds assuming they fit within the final time window. This is not necessarily the debt issue amount at this time. Additionally, staff would like to amend the Capital Project Ordinance from July 20, 2020 to add this project. This accounting tool allows staff to combine the debt but segregate the projects and capitalize them as upon completion. Finally, staff is also presenting a Resolution for LGC application that allows the finance officer to submit an application to the LGC for the debt package for the project. On July 20, 2020 Council approved similar items for the Larkin Water Line Extension. The construction contract with contingency is \$2,350,000. Other costs associated with the project can either be paid directly from the Water/Sewer Fund or through the debt proceeds assuming they fall within the time criteria of the resolution. Assuming a \$3M debt issuance at 15 years at 3%, the future debt payments would be around \$255,0000 annually. All costs of the project would come from the Water/Sewer Fund balance. The City Manager recommends approval based on the financial information shared at the Summer work session.

Council member Staford asked if the City could spend the \$6 million Development Fees that we have now, and could we borrow the money from LGC for the lawsuit when it is settled. Tucker replied that he will find out if that is possible.

Council member S. Johnson said that Council needs to make a projection on how this debt would affect water/sewer rates. He advised that Council needs to start including capital improvement costs along with working expenses before making decisions on rates and debt.

Ron Smith said that when considering this item Council should consider it with the discussion about the Larkin Water Line project that was held at the 8/28 Workshop meeting. Staff needs guidance as to how much of this Council wants to go out for debt for both of these projects. Staff will bring specifics to Council at their next meeting.

Smith stated that one of the decisions from the August workshop meeting was to do this, but these two steps must be taken regardless.

**Council member S. Johnson made a motion to approve stating that he is not committing to any special amount or project, seconded by Council member J. Johnson. The motion carried unanimously.**

**XXI Consider acceptance of CARES Act grant via Budget Amendment #2021-09. Discuss and concur with plan for grant uses. (Tucker)**

Chris Tucker stated that the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law in March 2020. The law directed \$150B to states and territories, with NC receiving \$4.066B. Iredell County received \$6,736,524 and the City of Statesville is a sub-recipient eligible for \$622,454. This budget amendment will allow the City to receive the grant funds from the County and establishes a line item that allows staff to directly expend against or reclass previous claims into. The initial plan for the funds calls for monies to be used for establishing remote working environments and costs associated with the Families First Coronavirus Response Act. Staff is seeking direction from Council on proceeding with establishing a relationship with an outside agency to be a sub-recipient for \$100,000 to be distributed for utility assistance.

Mayor Kutteh stated that recipients must be City residents but may not necessarily be City utility customers. Ron Smith said that there are restrictions on what the funds can actually be used for.

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

**XXII Boards and Commissions Updates:**

1. 8/19/2020 Airport Commission Minutes

**XXIII Other Business**

Mayor Kutteh announced that he was notified during the meeting that former Mayor Fanjoy had passed away.

**XXIV Closed Session**

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

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Brenda Fugett, City Clerk

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Constantine H. Kutteh, Mayor

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** John Maclaga, Electric Utilities Director  
**DATE:** October 5, 2020

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**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider accepting a \$5,000 ElectriCities grant for system betterment funding.**

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- 1. Summary of Information:** The Electric Utilities department applied for and was awarded \$5,000 for system betterment. These funds will be used for the ongoing 4 kV to 23 kV conversion project.
- 2. Previous Council or Relevant Actions:** Each year the Electric Utilities department applies for System Betterment grants from ElectriCities that are usually for the amount of \$5,000. These grants require no match and have typically been accepted by Council on Consent Agenda.
- 3. Budget/Funding Implications:** These additional monies will help with the costs associated with the project (materials, contractor labor, etc.).
- 4. Consequences for Not Acting:** Need to approve acceptance of the grant to use the money.
- 5. Department Recommendation:** Accept the grant.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** Accept the grant.
- 8. Attachments:** None

# CITY COUNCIL ACTION REQUEST

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** September 2, 2020

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**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving 2<sup>nd</sup> reading of annexation request AX20-05, an ordinance to annex the properties located at 681 and 711 Wallace Springs Road submitted by JGNC, LLC for Kathy Talbert, Louella Stinson and Jerry Stinson, PIN's 4732-28-8431 and 4732-18-7463.**

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**1. Summary of Information:** The property being considered for annexation was submitted by JGNC, LLC on behalf of Kathy Talbert, Louella Stinson and Jerry Stinson. The two parcels are located 681 and 711 Wallace Springs Road. The subject properties are approximately 106.82 acres in size and encompasses Iredell County Parcel Identification Numbers (PINS) 4732-28-8431 and 4732-18-7463. 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. However, the properties are located on Statesville's side of the Annexation Agreement boundary with the Town of Troutman and Mooresville. The applicant would like to rezone the property for a cluster subdivision.

Since the change in regulations of statutory annexations, it has been the policy of the city to annex properties voluntarily requesting annexation so long as the site is not too remote and in close proximity to existing routes for city services. The Hidden Lakes Subdivision that is in the city limits is immediately north of this site.

**2. Previous Council or Relevant Actions:** N/A

**3. Budget/Funding Implications:** The tax value (land value) of this property is approximately \$784,100. System development fees will apply to the proposed 276 lots. The property will be served by City water, sewer and electric service.

**4. Consequences for Not Acting:** Without annexation the City would not collect property taxes or be able to consider rezoning the properties.

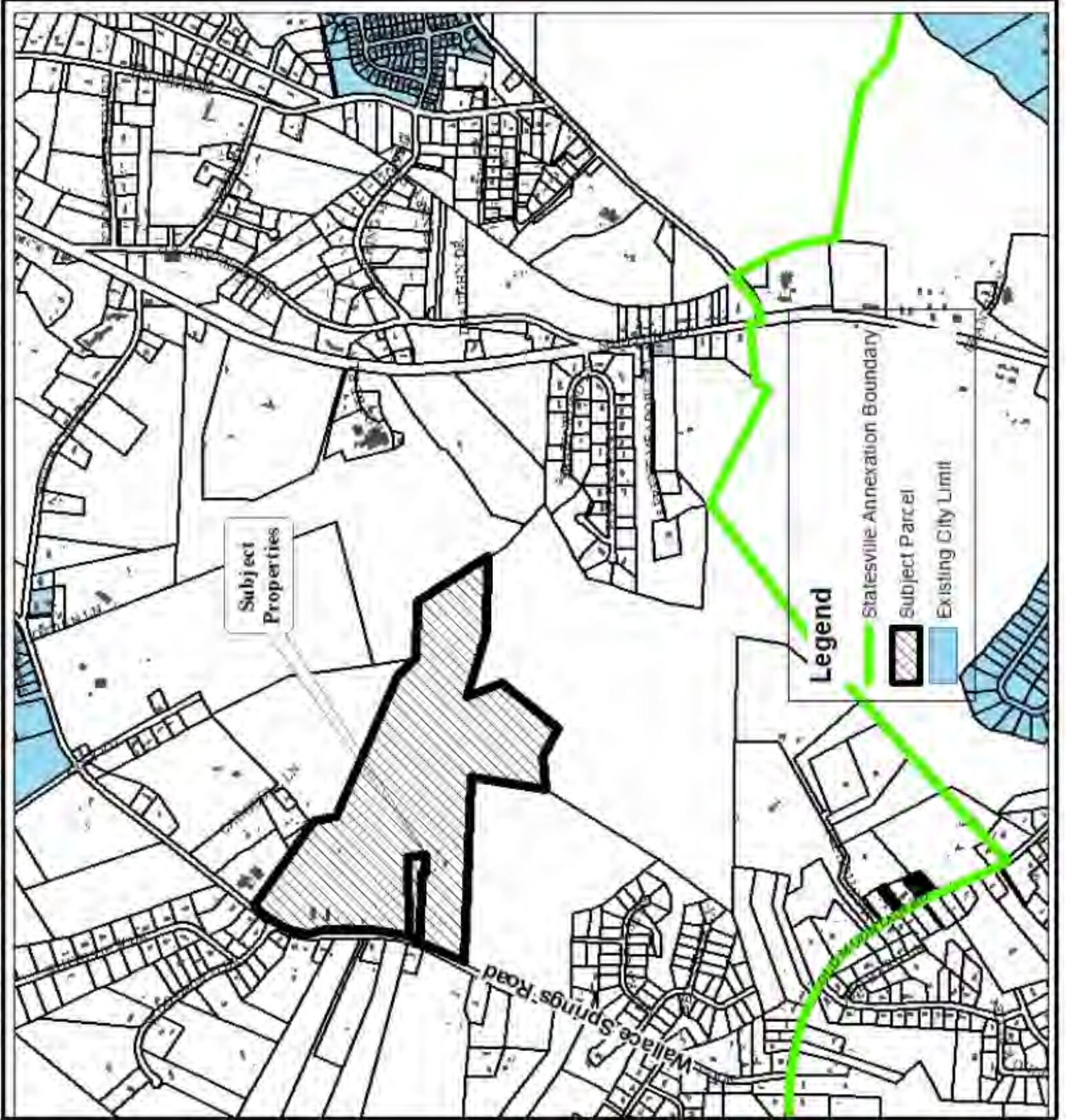
**5. Department Recommendation:** The department recommends passing the first reading of the ordinance to annex the properties located at 681 and 711 Wallace Springs Road.

**6. Manager Comments:** Concur with the department's recommendation.

**7. Next Steps:** If approved the applicant has asked for the second reading to be delayed to October 19, 2020. The annexation will be effective on October 31, 2020.

## **Attachments:**

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



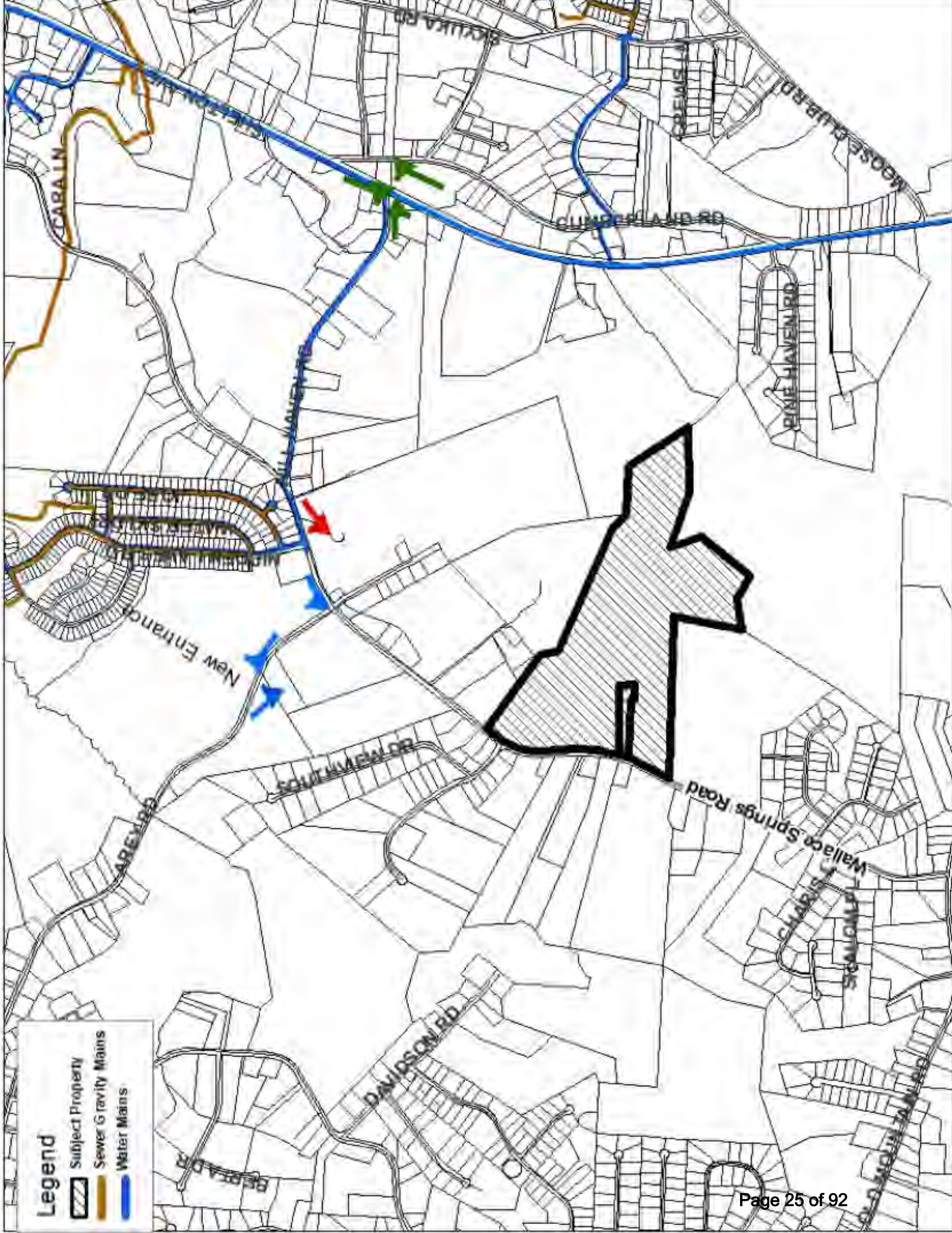
**City of Statesville  
Planning Department**

681 and 711 Wallace Springs Road



1 inch = 1,250 feet





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

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

**AX20-05**

**Kathy Talbert, Louella Stinson and Jerry Stinson  
681 and 711 Wallace Springs Road  
4732-28-8431 and 4732-18-7463**

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 21th day of September, 2020 after due notice by publication on the 11th day of September 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 October 31, 2020 at 11:59 p.m.

**Description** - Parcels: 4732288431 and 4732187463 - Statesville Township, Iredell County, NC BEGINNING at a #4 Rebar that is North 17 degrees 37 minutes 53 seconds East 3133.55 feet from a NC Grid Monument "William"; thence running North 29 degrees 39 minutes 9 seconds East 465.00 feet to a computed point; thence running North 4 degrees 37 minutes 29 seconds West 27.02 feet to a #5 Rebar Disturbed; thence running North 11 degrees 00 minutes 00 seconds East 114.14 feet to a computed point; thence running North 8 degrees 00 minutes 11 seconds East 206.74 feet along Wallace Springs Road (State Route 1358) to a computed point; thence running North 2 degrees 52 minutes 28 seconds East 835.51 feet to a computed point; thence running North 34 degrees 35 minutes 09 seconds East 360.40 feet to a computed point, no iron set; thence running South 55 degrees 09 minutes 57 seconds East 403.00 feet along the boundary line of the adjoining property owned by Southview Baptist Church Inc Deed Book 2473, Page 2347 Iredell County Registry to a 1/2 in open Top Pipe; thence running South 55 degrees 09 minutes 57 seconds East 587.86 feet along the boundary line of the adjoining property owned by Bransom and Lori W. Blankenship, Deed Book 1094, Page 1402, Iredell County Registry to an Axle Found 4.93' LT at 577.66 feet; thence running South 11 degrees 39 minutes 15 seconds East 210.22 feet to a 1" Flat Iron; thence running South 66 degrees 52 minutes 54 seconds East 1473.33 feet to a #4 Rebar; thence running South 49 degrees 53 minutes 05 seconds East 242.58 feet to a Stone; thence running North 87 degrees 53 minutes 49 seconds East 532.83 feet to a 1/2 inch Open Top Pipe; thence running South 29 degrees 55 minutes 07 seconds East 809.00 feet to a Iron Set; thence running North 89 degrees 47 minutes 15 seconds West 695.19 feet to a 1/2 inch Open Top Pipe; thence running North 77 degrees 08 minutes 26 seconds West 645.47 feet to a 1/2 inch Open Top Pipe; thence running South 19 degrees 49 minutes 00 seconds East 313.39 feet to a Stone; thence running South 37 degrees 52 minutes 07 seconds West 676.49 feet to a #4 Rebar; thence North 60 degrees 45 minutes 55 seconds West 280.35 feet to a #4 Rebar; thence running South 81 degrees 15 minutes 15 seconds West 408.31 feet to a #4 Rebar; thence running North 9 degrees 28 minutes 34 seconds East 752.46 feet to an Iron Set; thence running North 89 degrees 34 minutes 59 seconds West 423.96 feet to a #4 Rebar; thence running North 89 degrees 47 minutes 18 seconds West 438.74 feet to a #4 Rebar; thence running North 89 degrees 48 minutes 04 seconds West 869.13 feet to a #4 Rebar back to a point and place of BEGINNING, containing 106.82 acres, more or less, as surveyed by R. Joe Harris & Associates, Inc, on 07-16-2020 (Project No. 4160) and being a combination of a 104.39 acre tract (PIN # 4732187463.000) and a 2.43 acre tract (PIN # 4732288431).

Address: 681 and 711 Wallace Springs Road

Section 2. Upon and after October 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 21<sup>st</sup> day of September, 2020.

AYES:  
NAYS:

The second and final reading of this ordinance was heard on the 19th day of October, 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 31<sup>st</sup> day of October 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:** Chief David W. Addison

**DATE:** October 8, 2020

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**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving a request from the Statesville Police Department to enter into a vehicle lease agreement to outfit our Narcotics Division fleet.**

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**1. Summary of Information:** The department's narcotics fleet consists of three vehicles, a 2007 Jeep Cherokee, a 2007 Ford Fusion, and a 2013 Chevrolet Equinox. The purchase date and mileage on the vehicles currently utilized by the Narcotics Investigators are as follows:

2007 Jeep Cherokee	Purchase date: August 6, 2010	Mileage 142,000
2007 Ford Fusion	Purchase date: October 1, 2010	Mileage 114,270
2013 Chevrolet Equinox	Purchase date: May 23, 2017	Mileage 79,987

Servicing the older vehicles is expensive, as well as replacing these vehicles. The vehicle lease program would allow us to lease three new vehicles, which would be full-size crew cab trucks, 2WD for a yearly expense of approximately \$23,000.00.

Typically, by the end of the first year after a narcotics vehicle is purchased, the narcotics vehicle becomes "burned," meaning the vehicle is easily recognized by those associated with criminal activity. The suspects and or their associate's recognition of undercover vehicles is a direct result of the suspects' arrest at the conclusion of the narcotics investigation. These operations are not limited to but include "buy, bust," undercover purchases, surveillance, and meeting with confidential informants.

For example, a Narcotics Investigator meets with a suspect and purchases illegal narcotics or firearms. When the investigation concludes, the suspect is arrested. At the time of arrest, the suspect may not ever see the undercover officer, therefore making it hard for the suspect to remember who they sold illegal narcotics too until they receive discovery.

Discovery falls under Federal case law, Brady v. Maryland, 373 U.S. 83 (1963). Discovery requires a prosecuting attorney to disclose to a defendant all material associated with a case. The material includes covert videos and surveillance videos obtained during an undercover purchase, surveillance operation, or "buy, bust." Most of the time, these videos capture the undercover vehicle, surveillance vehicles, and vehicle utilized when conducting a "buy, bust."

When a narcotics vehicle becomes "burned", officer safety issues arise. Narcotics Investigators know suspects, or their associates may retaliate against the Narcotics Investigator.

Safety issues also arise when Narcotics Investigators meet confidential informants on a daily basis using their assigned vehicle. When a narcotics vehicle is “burned”, the safety of the confidential informant is of concern, and the identity of the confidential informant can be compromised.

The narcotics vehicles are an essential tool used daily by the Investigators. If a leased vehicle gets “burned” before the end of the lease, the leasing company will switch the vehicle out with another vehicle. Leasing the narcotics fleet will add an extra layer of safety and aid the Narcotics Investigators when conducting operations.

2. **Previous Council or Relevant Actions:** None
3. **Budget/Funding Implications:** The current narcotics fleet was purchased with money from drug seizure funds. Currently, the department has \$20,000.00 obtained from drug seizure funds, which was approved in our last budget year to purchase a federally seized vehicle. Federal courts decided to give this vehicle to the owner's family, instead of selling the vehicle to our department. The unused \$20,000.00 has rolled into our current fiscal year and would be used to enter into a lease agreement with the remainder of the balance coming from the department’s general fund.
4. **Consequences for Not Acting:** If replacements are not purchased, this would decrease the safety of officers and success of our operations. Criminals who can identify undercover police vehicles can set officers up to be injured or killed while investigating drug complaints or street level crimes. When criminals are aware of undercover vehicles, it is shared across their respective network to allow others to possibly hurt law enforcement or interfere with drug operations.
5. **Department Recommendation:** The department recommends that we proceed with this request. The vehicles utilized by the Narcotics Investigators are valuable to the safety and success of their operations. This same lease program is used by multiple agencies across the nation as well as in North Carolina.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Once approved, the leases for the vehicles would be established with a rotation of vehicles every fiscal year.
8. **Attachments:** None

## CITY COUNCIL ACTION REQUEST

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

---

**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Conduct a public hearing and consider approving first reading of annexation request AX20-06, an ordinance to annex the property located at James Farm Road, submitted by C2C Ventures, LLC on behalf of Mark Lalumondier, PIN #4745-59-5419.**

---

**1. Summary of Information:** The property being considered for annexation was submitted by C2C Ventures, LLC (Richard Denzler) on behalf of Mark Lalumondier (Owner) and is located on James Farm Road, behind 171 James Farm Road. This property is to the right (East) of the Georgetown Place, Phase II Subdivision. If approved, this property would become part of Georgetown Place Subdivision, Phase III. The subject property is approximately 2.48 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4745-59-5419. 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 in the City's Extraterritorial Jurisdiction (ETJ) and is zoned R-15. A rezoning application has been received to rezone the property to R-5MF.

Since the change in regulations of statutory annexations, it has been the policy of the city to annex properties voluntarily requesting annexation so long as the site is not too remote and in close proximity to existing routes for city services.

**2. Previous Council or Relevant Actions:** In 2005 the original Georgetown Place subdivision was annexed into the city. Four single-family lots were approved, and 4 single-family homes were constructed. These four lots are known as Phase I. On March 2, 2020 City Council approved the rezoning of Georgetown Place, Phase II from R-10 to R-5MF for duplex townhomes behind Phase I. On October 5, City Council set the public hearing date for October 19, 2020 for annexation of the adjacent lot to Phase II which will be known as Phase III. In addition, a rezoning request has also been filed.

**3. Budget/Funding Implications:** The tax value (land value) of this property is approximately \$36,080. System development fees will apply to the proposed 19 lots. The property will be served by Iredell water, City of Statesville sewer, and Duke Energy electric service.

**4. Consequences for Not Acting:** Without annexation, the city would not collect property taxes or be able to consider rezoning the properties.

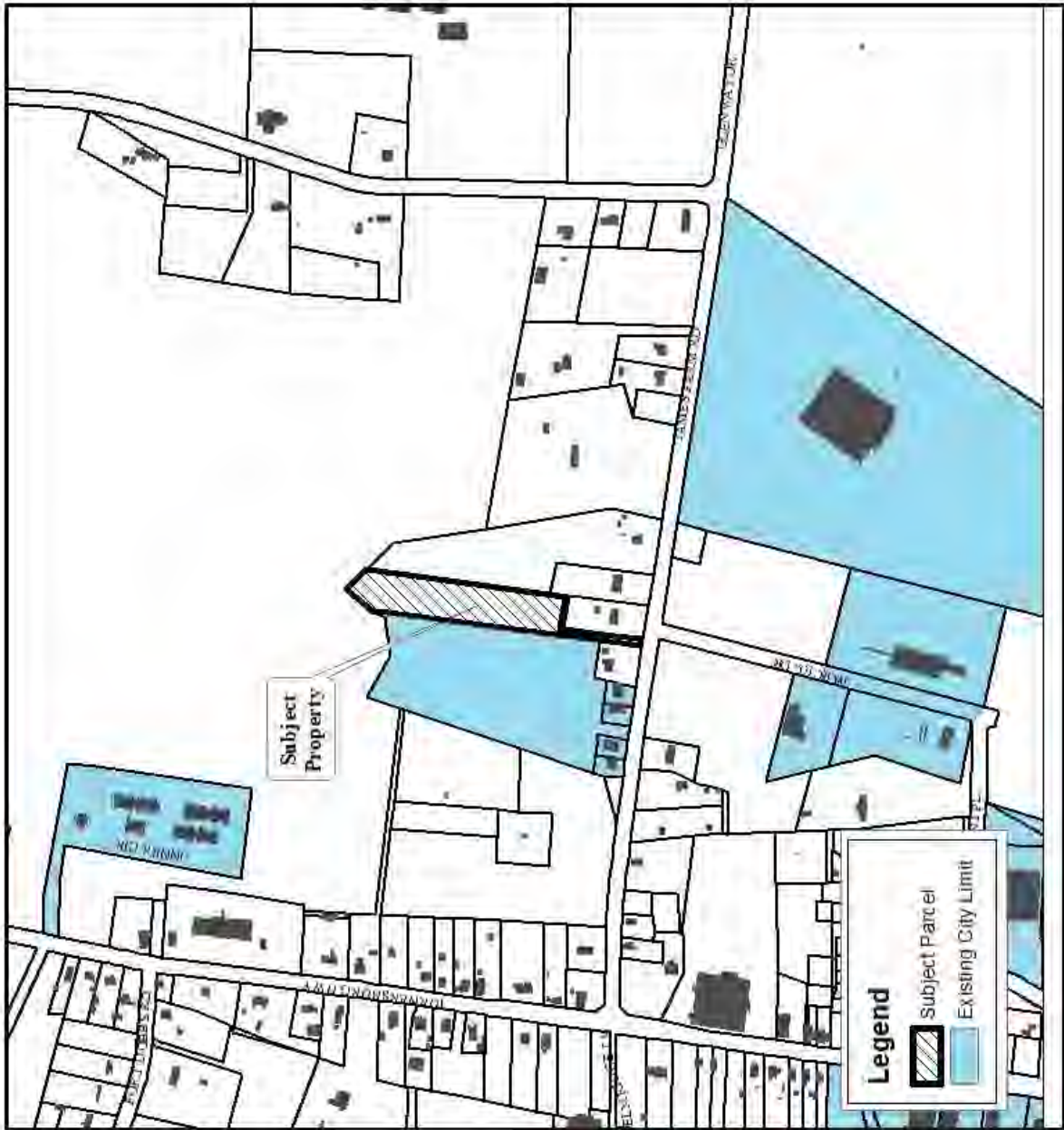
**5. Department Recommendation:** The department recommends passing the first reading of the ordinance to annex the property located on James Farm Road behind 171 James Farm Road, Parcel 4745-59-5419.

**6. Manager Comments:** Concur with the department's recommendation.

**7. Next Steps:** If approved the second reading will be November 2, 2020. The annexation will be effective on November 30, 2020.

**8. Attachments:**

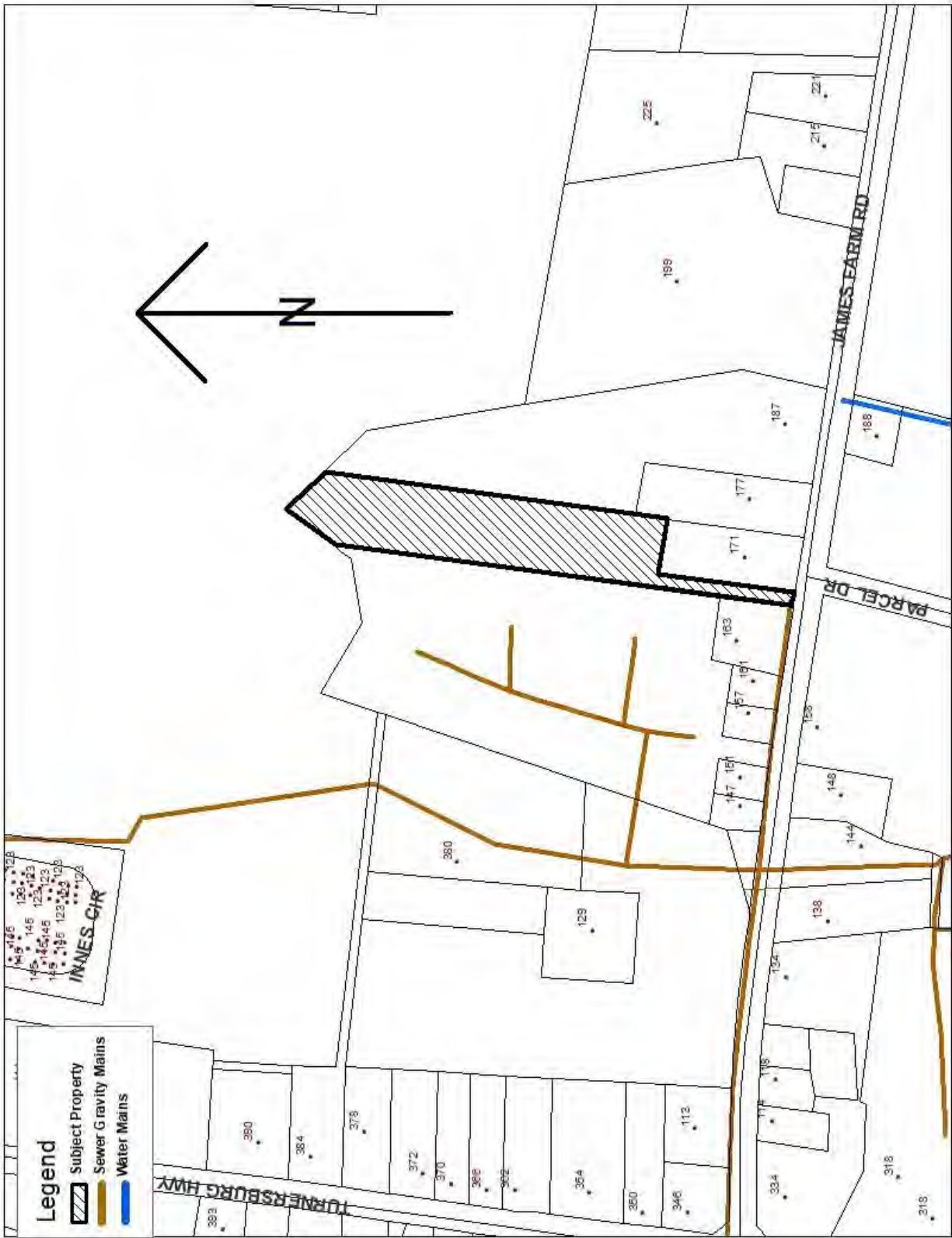
1. City Limit Location Map
2. Utility Location Map
3. Ordinance for Annexation



**City of Statesville**  
**Planning Department**  
 Parcel 4745-59-5419  
 James Farm Road  
 Behind 171 James Farm Rd







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

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

**AX20-06**

**James Farm Road - Mark Lalumondier  
Tax Map 4745-59-5419**

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 19th day of October 2020 after due notice by publication on the 9th day of October 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 November 30, 2020 at 11:59 p.m.

**Description**

BEGINNING at the common corners of George Harris and Archie P Harris in the North margin of Secondary Road Number 2173, and runs from the beginning with George Harris line, North 9° East 1040 feet to a stake in a branch, Reid's line, thence with the branch and Reid's line, North 43° 10' East 130.5 feet to an iron on the Northern bank of said branch, thence leaving said branch, South 41° 30' East 100 feet to an iron stake, a new

comer of Archie P Harris, thence a new line of Archie P Harris, South 9° West 1060 feet to an iron stake on the North margin of the pavement of Secondary Road Number 2173, thence with the North margin of the pavement of said Secondary Road North 79° West 150 feet to the point of BEGINNING, containing 3.3 acres, more or less. For back reference see deed dated July 30, 1968, from Archie P Harris and wife, Emma A Harris to C. F Templeton and wife, Sallie S Templeton, and recorded in Deed Book 461, at page 13, Iredell County Registry.

SAVE AND EXCEPT, HOWEVER, A CERTAIN 0.82 ACRE PARCEL DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at an existing iron pin in the Northern portion of Secondary Road Number 2173, line or comer of A P Harris, and runs from the beginning with the line which lies within the Northern portion of the right of way of said Secondary Road, North 79° 00' West 125.00 feet to an iron pin set, which iron pin is located South 79° 00' East 25.0 feet from an iron pm set marking the comer of George W Harris, thence with a line which lies parallel with the line of said Harris and 25 feet therefrom, North 09° 00' East 300.00 feet to an iron pin, thence South 79° 00' East 125.00 feet to an iron pin in the line of A P Harris, thence with the line of said Harris, South 09° 00' West 300.00 feet to the point of BEGINNING, and being described according to a Map prepared by Robert I Lackey, Registered Land Surveyor, dated February 23, 1976

Address: James Farm Road, behind 171 James Farm Road

Section 2. Upon and after November 30, 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 19th day of October, 2020.

AYES:  
NAYS:

The second and final reading of this ordinance was heard on the 2nd day of November, 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 30<sup>th</sup> day of November 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:** October 6, 2020

---

**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Conduct a public hearing and consider approving first reading of rezoning request ZC20-10 filed by C2C Land Development, LLC for the property located on James Farm Road (between US 21/Turnersburg Highway and Parcel Drive); Tax Map # 4745-59-5419 from R-15 (Urban Fringe Low Density Residential) District to R-5MF (High Density Multi-Family Residential) District.**

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- 1. Summary of Information:** Mr. Richard Denzler with C2C Land Development, LLC on behalf of Mr. Mark Lalumondier is requesting to rezone approximately 2.48 acres, parcel # 4745-59-5419 (see GIS map) located on James Farm Road (between 163 and 171 James Farm Road) from R-15 (Urban Fringe Low Density Residential) District to R-5MF (High Density Multi-Family Residential) District (see zoning map).

The property is currently outside the City's corporate limits and is the subject of an annexation request. The intended use of the property is a 19-lot extension (Phase III) of the Georgetown Place (Phase II) duplex unit townhome subdivision. The project will have a density of 7.66 units per acre. As a standard rezoning request, a concept plan is not required for this rezoning but was provided by the developer (see attached concept plan). Public utilities (Statesville sewer, Iredell Water Corporation water, and Duke Energy electric) are available to the subject parcel. All subdivision sketch plans regardless of zoning district are required to be reviewed by TRC, Planning Board and City Council. Additionally, the site plan for Georgetown Place Phase II will require revision and reapproval, accommodating the new Phase III development.

As outlined in the 2019 Mobility and Development Plan, the project area is within one mile east of the Jane Sowers North' land use focus area. To accommodate the potential for additional non-residential development east of the project site, James Farm Road—classified as a Minor Collector thoroughfare—is recommended for widening to a future 'Cross Section H' profile (three lane w/sidewalks and paved shoulders) within an 80' right-of-way. Additional public right-of-way dedication is required.

The surrounding zoning districts and land uses are as follows:

**NORTH OF THE SITE:** LI (Light Industrial) District & B-4 (Highway Business) District; Undeveloped

**EAST OF THE SITE:** R-15; Single-family Homes

**SOUTH OF THE SITE:** LI & O&I-2 (Office & Institutional Complex) District, Undeveloped, UPS distribution facility, Blossman Gas, Cygnet Enterprises

**WEST OF THE SITE:** R-5MF, R-15 & R-10, Undeveloped, Single-Family Homes, Georgetown Place Phase II subdivision (approved but not built)

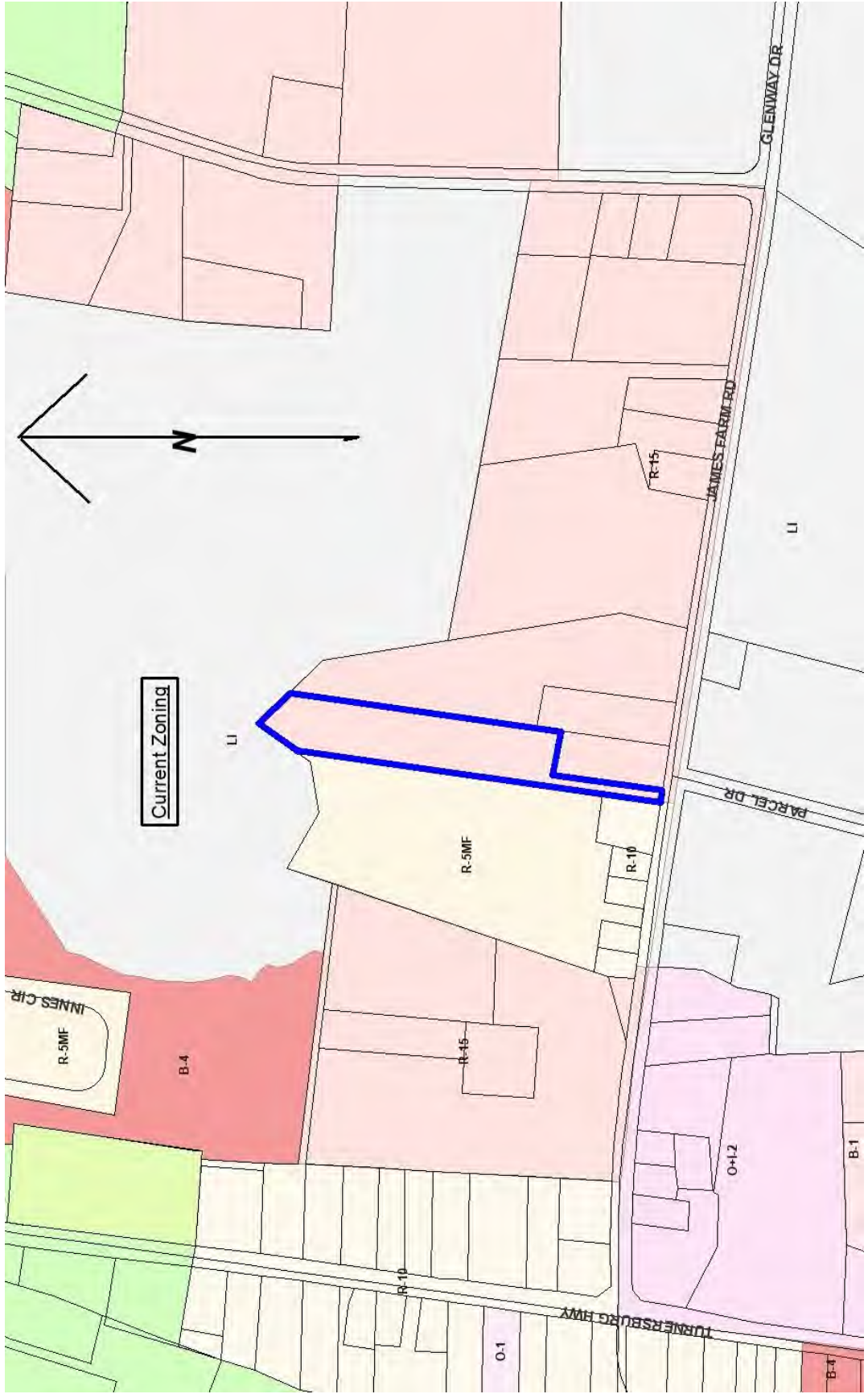
2. **Previous Council/Relevant Actions:** In 2003 the subject property was rezoned from R-15 (Urban Fringe Low Density Residential) District to R-10 (Low Density Residential) District for the purpose of a single-family subdivision. In 2004 Council approved a sketch plan for a 29-lot single-family subdivision known as Georgetown Place. In 2005 the property was annexed into the Statesville City limits. Only four lots along James Farm Road have been recorded and developed.

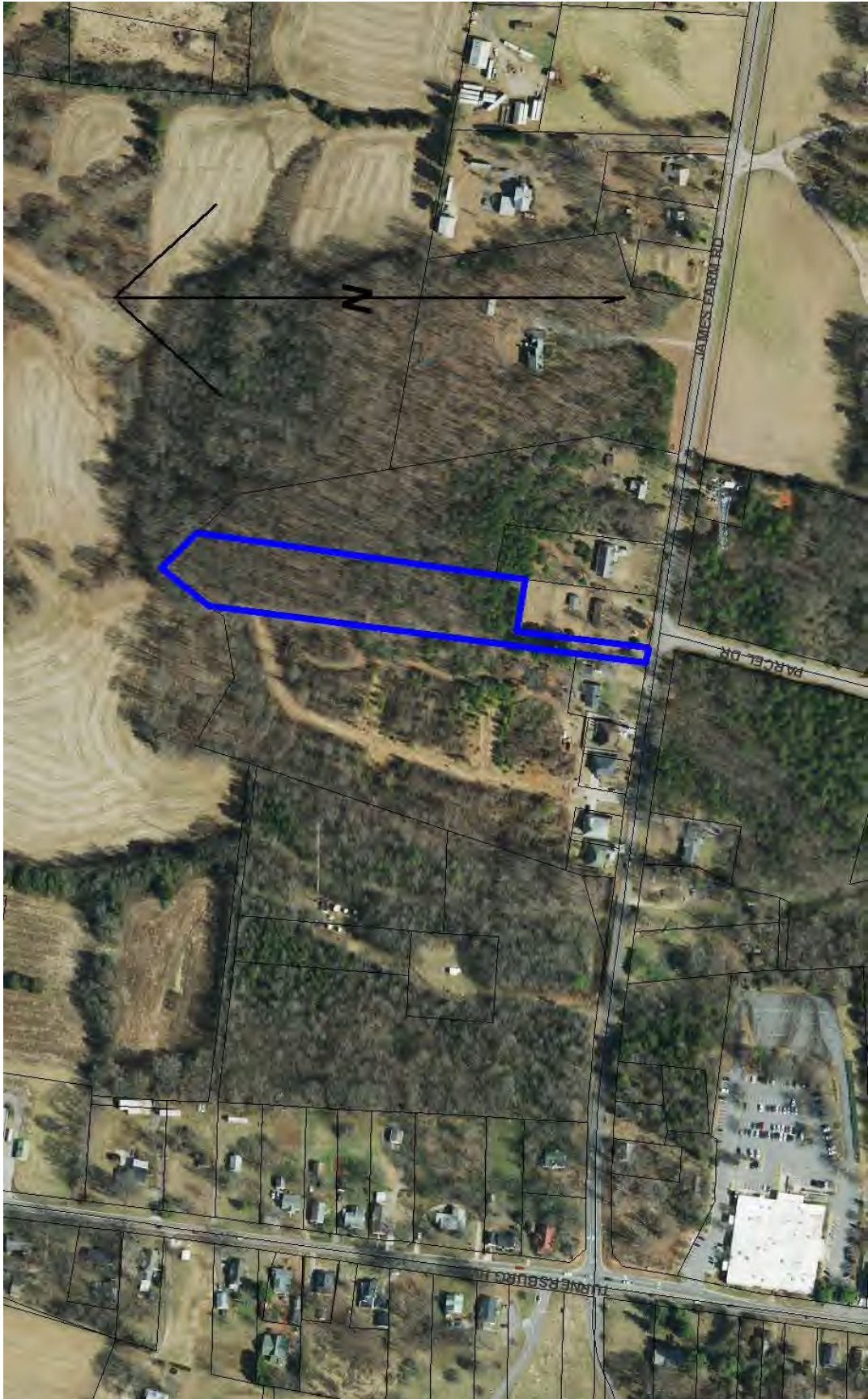
In March of 2020, the remainder of the property known as Georgetown Place Phase II, was rezoned from R-10 single-family to R-5MF for duplex townhomes and the subdivision sketch plan/site plan was approved on July 20, 2020.

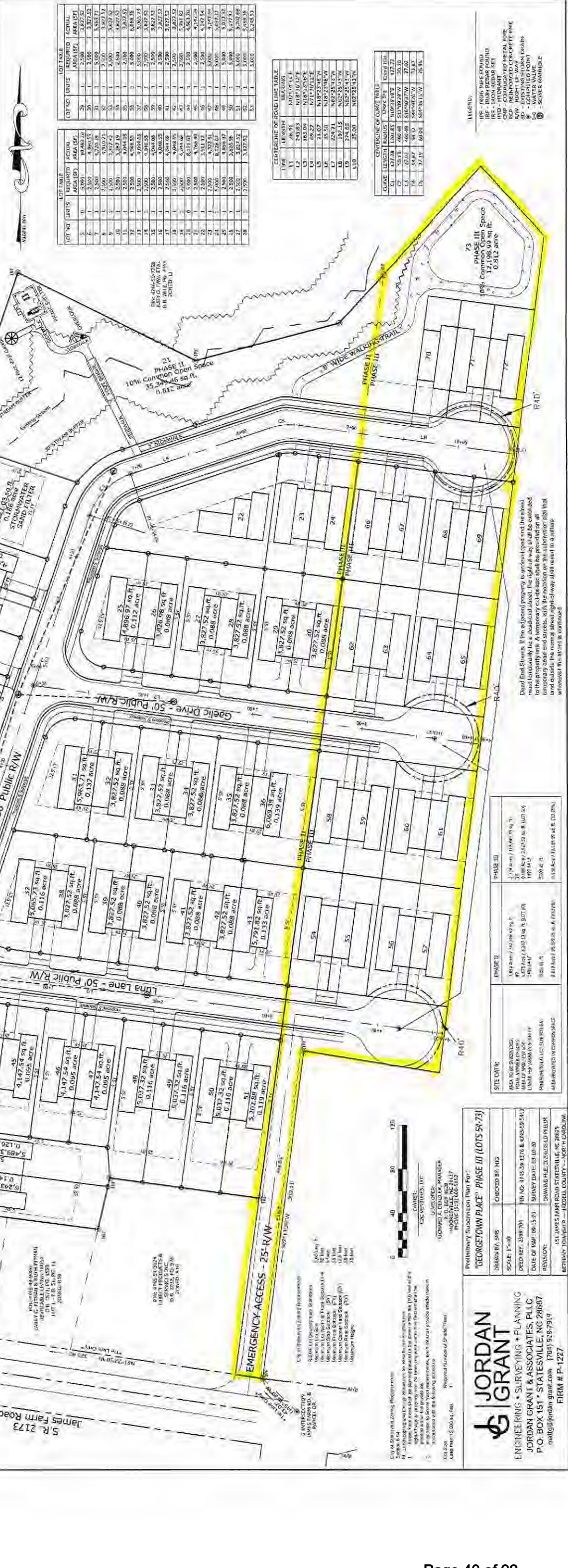
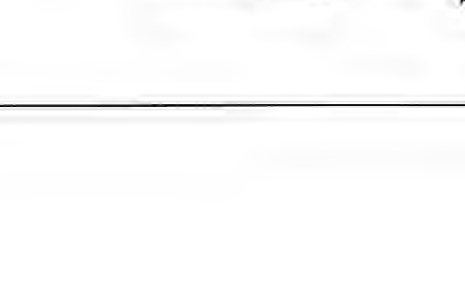
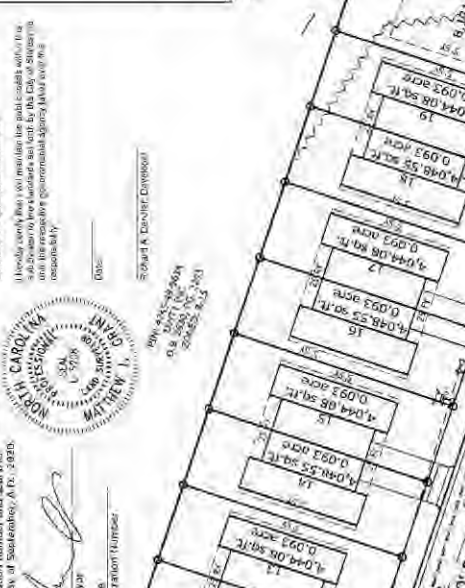
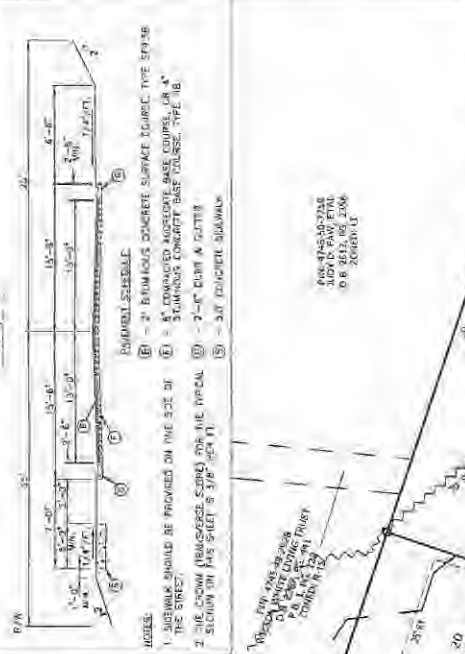
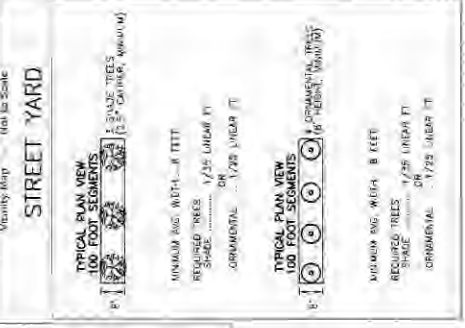
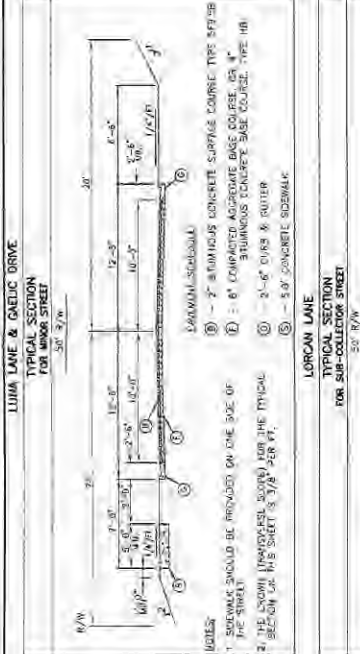
3. **Budget/Funding Implications:** If approved the development will provide 19 new residential lots that will require some City services. These new residential lots will also increase the property tax base and population numbers that impact funding.
4. **Consequences for Not Acting:** Property may remain vacant or develop under the current R-15 (Urban Fringe Low Density Residential) district standards.
5. **Department Recommendation:** The 2005 Land Development Plan (LDP) projects the property to be Mixed Use development, which includes single-use districts like that of the current project. Within the Mixed-Use category, the LDP recommends maximum gross density of 12 dwellings per acre. The density is proposed to be 7.66 units per acre; and 12,198 sq. ft. (10.28%) permanent active open space will be provided. All public utilities are available to the site. A sketch plan requires review and approval by the TRC, Planning Board and City Council. Therefore, staff's recommendation is **favorable** to the rezoning request contingent upon annexation and dedication of future public right-of-way.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading would be on November 2, 2020. If the second reading is approved the applicant can then submit sketch plans to TRC.

8. **Attachments:**

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







**JORDAN GRANT**  
ENGINEERING • SURVEYING • PLANNING  
JORDAN GRANT & ASSOCIATES, PLLC  
P.O. BOX 151 • STATESVILLE, NC 28687  
mail@jordan.grant.com (703) 925-7910  
FIRM # P-1227

**PRELIMINARY SUBDIVISION PLAN FOR "GEORGETOWN PLACE" PHASE III (LOTS 1-73)**

DRAWN BY:	SMG	CHECKED BY:	MIG
SCALE:	1"=40'	DATE:	06/15/20
PROJECT:	358810A	NO.:	181538-1736 & 03659-5403
DATE OF MAP:	06/15/20	SUBMIT DATE:	03/10/20
REVISION:		DRAWING FILE:	20200323.DWG
		DRAWING DATE:	03/10/20
		DRAWING TIME:	03/10/20
		DRAWING BY:	SMG
		DRAWING CHECK:	MIG
		DRAWING APPROVE:	MIG
		DRAWING DATE:	03/10/20

City of Charlotte, North Carolina  
Department of Planning and Community Development  
Division of Planning  
150 South Tryon Street, Suite 1500  
Charlotte, NC 28202  
Phone: 704.374.2000  
Fax: 704.374.2001  
www.charlotte-nc.gov

City of Charlotte, North Carolina  
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To: Statesville Planning Board  
 From: George A. Berger, AICP, Assistant Planning Director  
 Date: September 22, 2020  
 Subject: Rezoning  
 Case: ZC20-10  
 Address: James Farm Road (Georgetown Place Phase III)

10.28%  
 (see Motion in Minutes)

Approved - UNANIMOUS

The zoning amendment is **recommended for approval** by the Planning Board, contingent upon annexation and dedication of future public right-of-way, as it is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: the 2005 Land Development Plan projects the property as appropriate for Mixed Use development, which includes single-use districts like that of the current proposal. And within the Mixed Use category, the LDP recommends maximum gross densities of 12 units per acre per project, and the proposed development of 18 units is approximately 7.25 units per acre. The proposed 14% open space meets the required active open space requirement; and all utilities are available on site.

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

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

9/22/2020   
 Date: Todd Lange, Planning Board Chairman

9/22/2020   
 Date: George Berger, Assistant Planning Director



To: Statesville City Council  
From: Sherry Ashley, Planning Director  
Date: October 19, 2020  
Subject: Rezoning  
Case: ZC20-10 – C2C Land Development LLC  
Address: James Farm Road (Georgetown Place Phase III)

The zoning amendment **is approved contingent upon annexation and future right-of-way dedication and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because: the 2005 Land Development Plan projects the property to be Mixed Use development, which includes single-use districts like that of the current proposal. And within the Mixed-Use category, the LDP recommends maximum gross densities of 12 units per acre per project; and the proposed development of 19 units is approximately 7.66 units per acre. The proposed 10.28% open space meets the required active open space requirement; and all utilities are available to the site.

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

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

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

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

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

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



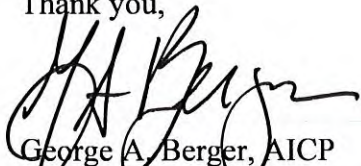
To City Council:

Subject: Certification Letter

Dear Council:

The purpose of this letter is to certify that the adjacent property owners of PIN 4745-59-5419 located on James Farm Road (immediately between 163 and 171 James Farm Road), per Case # ZC20-10, were mailed notice of this rezoning request on September 8, 2020.

Thank you,



George A. Berger, AICP  
Assistant Planning Director

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

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM R-15 (URBAN FRINGE LOW DENSITY RESIDENTIAL) DISTRICT TO R-5MF (HIGH DENSITY MULTI-FAMILY RESIDENTIAL) DISTRICT**

**ZC20-10 C2C Land Development LLC  
James Farm Road  
PIN 4745-59-5419**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on October 19, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described property from R-15 to R-5MF; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on October 9, 2020 & October 16, 2020, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

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

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

**LEGAL DESCRIPTION**

BEGINNING at the common corners of George Harris and Archie P Harris in the North margin of Secondary Road Number 2173, and runs from the beginning with George Harris line, North 9° East 1040 feet to a stake in a branch, Reid's line, thence with the branch and Reid's line, North 43° 10' East 130.5 feet to an iron on the Northern bank of said branch, thence leaving said branch, South 41° 30' East 100 feet to an iron stake, a new comer of Archie P Harris, thence a new line of Archie P Harris, South 9° West 1060 feet to an iron stake on the North margin of the pavement of Secondary Road Number 2173, thence with the North margin of the pavement of said Secondary Road North 79° West 150 feet to the point of BEGINNING, containing 3.3 acres, more or less. For back reference see deed dated July 30, 1968, from Archie P Harris and wife, Emma A Harris to C. F Templeton and wife, Sallie S Templeton, and recorded in Deed Book 461, at page 13, Iredell County Registry.

SAVE AND EXCEPT, HOWEVER, A CERTAIN 0.82 ACRE PARCEL DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at an existing iron pin in the Northern portion of Secondary Road Number 2173, line or comer of A P Harris, and runs from the beginning with the line which lies within the Northern portion of the right of way of said Secondary Road, North 79° 00' West 125.00 feet to an iron pin set, which iron pin is located South 79° 00' East 25.0 feet from an iron pm set marking the comer

of George W Harris, thence with a line which lies parallel with the line of said Harris and 25 feet therefrom, North 09° 00' East 300.00 feet to an iron pin, thence South 79° 00' East 125.00 feet to an iron pin in the line of A P Harris, thence with the line of said Harris, South 09° 00' West 300.00 feet to the point of BEGINNING, and being described according to a Map prepared by Robert I Lackey, Registered Land Surveyor, dated February 23, 1976.

James Farm Road, Statesville, NC 28625

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

Ayes:  
Nays:

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

CITY OF STATESVILLE

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

APPROVED AS TO FORM:

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

ATTEST:

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

# CITY COUNCIL ACTION REQUEST

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

---

**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Conduct a public hearing and consider approving first reading of rezoning request ZC20-11 filed by Zen Homes, LLC for the property located on Jost Street (adjacent to/north of 816 Jost Street); Tax Map # 4744-41-4239 from B-5 (General Business) District to R-5 (High Density Single Family Residential) District.**

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

#### **Rezoning Request**

Zen Homes, LLC and Christy Allen are requesting to rezone one parcel, approximately 0.115 acres, parcel # 4744-41-4239 (see GIS map) located on Jost Street (adjacent to/north of 816 Jost Street) from B-5 (General Business) District to R-5 (High Density Single Family Residential) District (see zoning map).

#### **Evaluation**

The site is approximately 0.115 acres and located on the western side of Jost Street, a dead-end street located between Monroe Street and US 70/E. Garner Bagnal Boulevard (see attached survey). The intent of this request is to accommodate construction of one single-family residential home on the currently vacant lot, one of four vacant lots of seven platted residential lots along the western side of Jost Street.

The entirety of the land area between Monroe Street, Wall Street, E. Garner Bagnal Blvd. and the Norfolk-Southern 'O' Line that runs parallel to/east of NC 115/Shelton Avenue is zoned B-5 (General Business) District. However, there are a mixture of legacy industrial, workforce single- and multi-family housing, and warehousing facilities throughout this area. Jost Street (along with Opal Street, one street to the west) is experiencing residential revitalization, with renovations to several single-family homes either completed or underway. The current owners of the subject parcel also purchased the parcel immediately to the south—816 Jost Street. This is an area in transition; and will likely be a focus of attention in the Land Use Plan update.

The R-5 (High Density Single Family Residential) District accommodates higher density detached residences on smaller lots in urban areas, with a minimum lot size of 5,000 square feet, and a minimum front lot width of 50' at the setback line. Additional lot standards include: 25' minimum front yard setback; 5' minimum side yard setback; and 25' minimum rear yard setback; with a maximum residential building height of 35'.

Statesville water, sewer and electric utilities are available to the property.

The surrounding zoning districts and land uses are as follows:

<b><u>NORTH OF THE SITE:</u></b>	B-5 (General Business) District, single-family homes, undeveloped; HI (Heavy Industrial) District north of Monroe Street, Gordon Recyclers; Undeveloped
<b><u>EAST OF THE SITE:</u></b>	B-5 (General Business) District; Undeveloped, Single-family homes
<b><u>SOUTH OF THE SITE:</u></b>	B-5 (General Business) District, R-8M (Medium Density Single-Family/Manufactured Housing Residential) District south of US 70; Single-family Homes, US Highway
<b><u>WEST OF THE SITE:</u></b>	B-5 (General Business) District; Single-Family Homes

2. **Previous Council/Relevant Actions:** N/A
3. **Budget/Funding Implications:** If approved the development will provide 1 new residential home requiring City services. This new home will also increase the property tax base and population numbers that impact funding.
4. **Consequences for Not Acting:** Property may remain vacant or develop under the current B-5 (General Business) district standards.
5. **Department Recommendation:** The 2005 Land Development Plan (LDP) projects the property to be Mixed Use development, which includes single-use districts like that of the current proposal. Within the Mixed-Use category, the LDP recommends maximum gross densities of 12 units per acre per project. Since the subject parcel can meet the minimum lot dimensional requirements, does not exceed 12 units per acre, and all utilities are available to the site, staff's recommendation is **favorable** to the rezoning request.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading would be on November 02, 2020. If the second reading is approved the applicant can obtain permit for construction.
8. **Attachments:**
  1. GIS Map
  2. Zoning Map
  3. Lot Survey Plat
  4. Council Consistency Statement
  5. Planning Board Consistency Statement
  6. Rezoning Ordinance
  7. Certification of Mailed Notices







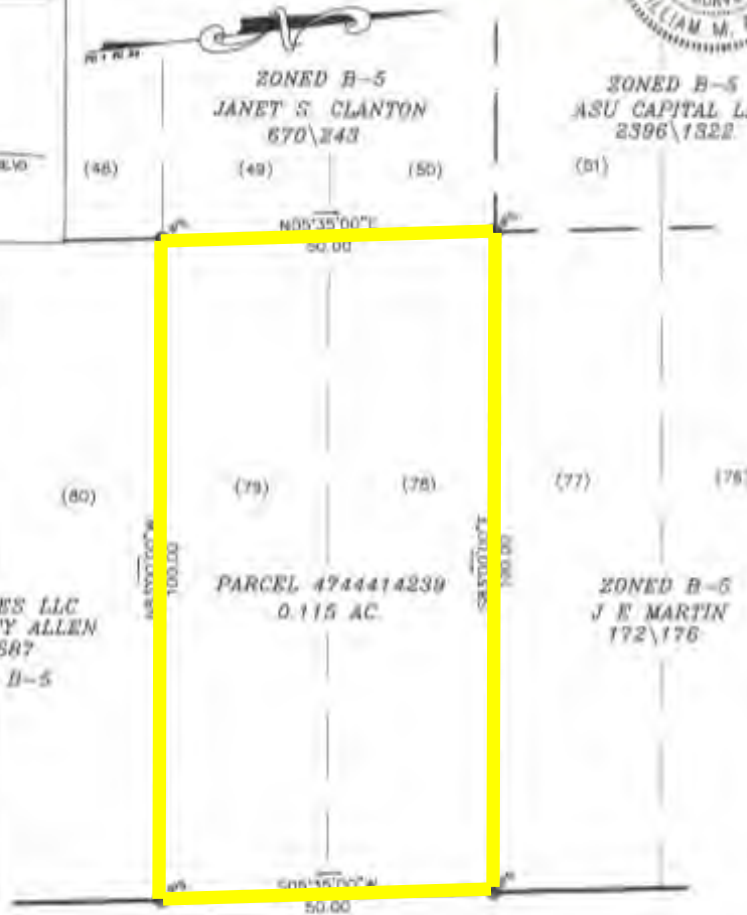
# DAS DON ALLEN & ASSOCIATES, P.A.

*"Since 1971"*

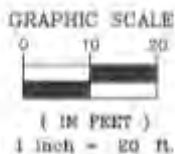
Commercial • Residential • Mortgage Surveys • Multi-Family  
 Construction Staking • Subdivision Design • Topographical  
 131 Crosslake Park Drive - Suite 102 • Mooresville • NC • 28117  
 (704) 664-7028 (704) 664-8041 Fax

I, certify that this map was drawn under my supervision from an actual survey made under my supervision recorded in deed book 2724, page 1688 and/or plat book 1 page 69. That the ratio of precision is 1"=10,000, that this map was prepared in accordance with the General Statutes of North Carolina Chapter 89C, my hand and seal on the 25 day of AUG, A.D. 2020.

WILLIAM M. ALLEN  
 PLS. PROFESSIONAL SEAL  
 L-3499  
 LAND SURVEYOR  
 WILLIAM M. ALLEN



- LEGEND
- ⊙ = P.P. = POWER POLE
  - = POWER TRANS.
  - ⊕ = EXISTING IRON FOUND
  - ⊥ = #4 REBAR SET
  - R/W = RIGHT-OF-WAY
  - CP = COMPUTED POINT



- NOTES
- 1) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
  - 2) ACREAGE COMPUTED BY THE COORDINATE METHOD.
  - 3) UNDERGROUND POWER.
  - 4) NO GRID MONUMENT FOUND WITHIN 2000 FEET.

## BOUNDARY/REZONING SURVEY

OF  
 LOT 78 & 79 JOHN M. SHARPE'S DIAMOND HILL PROPERTY  
 CITY OF STATESVILLE, IREDELL CO., N.C.  
 ACQUIRED BY: ZEN HOMES LLC & CHRISTY ALLEN

FIELD BOOK  
 FILE JUST RE-CHRISTY  
 DC FILE  
 TAB MAP NO. 4744414239




To: Statesville Planning Board  
 From: George A. Berger, AICP, Assistant Planning Director  
 Date: September 22, 2020  
 Subject: Rezoning  
 Case: ZC20-11  
 Address: Jost Street (adjacent to/north of 816 Jost Street)

*Approved - Unanimous*

The zoning amendment is **recommended for approval** by the Planning Board as it is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: the 2005 Land Development Plan projects the property as appropriate for Mixed Use development, which includes single-use districts like that of the current proposal. And within the Mixed Use category, the LDP recommends maximum gross densities of 12 units per acre per project and the subject parcel is sufficiently sized to meet the minimum lot dimensional requirements, does not exceed 12 units per acre, and all utilities are available to the site.

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

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

9/22/2020   
 Date: Todd Lange, Planning Board Chairman

9/23/2020   
 Date: George Berger, Assistant Planning Director



To: Statesville City Council  
From: Sherry Ashley, Planning Director  
Date: October 19, 2020  
Subject: Rezoning  
Case: ZC20-11 – Zen Homes LLC  
Address: Jost Street (adjacent to/north of 816 Jost Street)

The zoning amendment is **approved and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because: the 2005 Land Development Plan projects the property to be Mixed Use development, which includes single-use districts like that of the current proposal. And within the Mixed Use category, the LDP recommends maximum gross densities of 12 units per acre per project and the subject parcel is sufficiently sized to meet the minimum lot dimensional requirements, does not exceed 12 units per acre, and all utilities are available to the site.

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

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

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

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



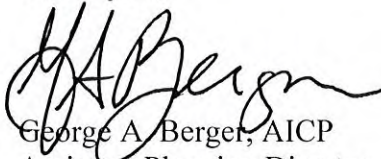
To City Council:

Subject: Certification Letter

Dear Council:

The purpose of this letter is to certify that the adjacent property owners of PIN 4744-41-4239 located on Jost Street (immediately north of 816 Jost Street), per Case # ZC20-11, were mailed notice of this rezoning request on September 8, 2020.

Thank you,



George A. Berger, AICP  
Assistant Planning Director

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

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM B-5 (GENERAL BUSINESS) DISTRICT TO R-5 (HIGH DENSITY SINGLE-FAMILY RESIDENTIAL) DISTRICT**

**ZC 20-11 Zen Homes LLC  
Jost Street  
PIN 4744-41-4239**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville’s planning jurisdiction was duly given, notifying them of a public hearing to be held on October 19, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described property from B-5 to R-5; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on October 9, 2020 & October 16, 2020, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

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

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

**LEGAL DESCRIPTION**

Lying and being in City of Statesville Township, Iredell County, North Carolina and being all of Lots 78 and 79 of John M. Sharpe’s Diamond Hill Property as platted, planned and recorded in Plat Book 1, Page 59, Iredell County Registry and being more particularly described as follows:

Beginning at an iron pin located on the western right-of-way of Jost Street; point being the common corner of Lot 77 and Lot 78 of John M. Sharpe’s Diamond Hill Property (recorded in Plat Book 1, Page 59); thence with the western right-of-way of Jost Street S. 05-35-00 W. 50.00 feet; thence leaving said right-of-way with the common line of Lot 80 and Lot 79 N. 83-00-00 W. 100.00 feet to an iron pin; thence N. 05-35-00 E. 50.00 feet to an iron pin; thence S. 83-00-00 E. 100.00 feet to the point and place of Beginning containing 0.115 acres more or less according to a survey by Don Allen & Associates, PA dated August 25, 2020.

Property Address: Jost Street, Statesville, NC 28677

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

Ayes:  
Nays:

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

CITY OF STATESVILLE

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

APPROVED AS TO FORM:

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

ATTEST:

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

# CITY COUNCIL ACTION REQUEST

**TO:** Ron Smith, City Manager  
**FROM:** Sherry Ashley, Planning Director  
**DATE:** September 1, 2020

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**ACTION NEEDED ON:** October 05, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving 2<sup>nd</sup> reading of Text Amendment TA19-08 Article 5. - Supplemental Regulations/Performance Standards for Specific Uses, Section 5.02 - Accessory Uses and Structures, A. Generally, 4.d., C. Accessory Dwellings, 7. and Article 6. - Development Standards, Section 6.02 - Density and Dimensional Standards, D. Building Setback Requirements, 5. Fences.**

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**1. Summary of Information:** The public hearing for this text amendment was continued from the August 17, 2020 meeting until the September 21, 2020 City Council meeting. The public hearing and the first reading was held at the September 21, 2020 Council meeting. There were no speakers at the public hearing and first reading was approved with a 7-1 vote with Council member Staford voting Nay on the item.

The purpose of this text amendment is as follows:

- When the UDO was adopted the rear-yard setback was inadvertently left out. This fixes this error and proposes to increase the setback from 3 ft. to 5 ft. to accommodate drainage easements.
- The setbacks for accessory dwellings conflict with the setbacks for accessory structures. Therefore, this amendment corrects the setbacks to be consistent.
- Amend and clarify the regulation for fences to reduce the fence height in the front yard and beyond the front plane of the structure from six feet to four feet (see proposed diagram). Six-foot fences in the front yard setback are unappealing and can be a safety concern from a motor vehicle standpoint regarding visibility.

The text is attached for your review. The language to be removed is shown as strikethrough and the new language is underlined and highlighted.

The Planning Board voted unanimously to recommend approval of the text amendment as presented.



2. **Previous Council or Relevant Actions:** This amendment was presented to the Planning Board minus the accessory dwelling section back in August of last year and was recommended for approval. City Council postponed the text amendment at their September and December meetings in hopes of discussing it further at their retreat. However, since that time due to a Board of Adjustment case and daily requests, the text needs to be amended.
3. **Budget/Funding Implications:** There are no budget implications based on this request.
4. **Consequences for Not Acting:** The error remains, accessory buildings could be located in a drainage easement, accessory dwellings could be located closer to adjoining properties regardless of the height and fences could be visually unappealing and a hindrance for motorists.
5. **Department Recommendation:** The department recommends approving the text amendment as presented.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If first reading is approved, then second reading will be held on October 19, 2020.
8. **Attachments:**
  1. Ordinance for proposed text amendment
  2. Drawing on GIS
  3. Diagram outside Historic Districts
  4. Diagram from Historic Preservation Guidelines

# CITY COUNCIL ACTION REQUEST

**TO:** Ron Smith, City Manager  
**FROM:** Richard Griggs, Recreation & Parks Director  
**DATE:** October 07, 2020

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**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

## **COUNCIL ACTION REQUESTED:**

**Consider approving a request from the Iredell Arts Council to contract the painting of a mural on the basketball court at Garfield Park.**

---

1. **Summary of Information:** The Recreation & Parks Department began having conversations with the Iredell Arts Council in July to discuss the possibilities of a mural painting on a local basketball court. Iredell Arts Council chose artist Jimi Thompson (artist name "Dammit Wesley") to create the mural. His mural concept is attached along with the description of his idea.
2. **Previous Council or Relevant Actions:** Currently, the Recreation & Parks Department works with the Iredell Arts Council to coordinate artists to paint sewer mounds along Fourth Creek Greenway and recently a mural project at the Bentley Community Center.
3. **Budget/Funding Implications:** The Iredell Arts Council will fund the project through a donation from Grace Baptist Church, and grants from the Grassroots Foundation and Reemprise Fund. The cost (not including paint & supplies) is \$4,000.
4. **Consequences of Inaction:** A missed opportunity to increase public art and cultural awareness in the Statesville community.
5. **Staff Recommendation:** Staff recommends allowing the Iredell Arts Council to coordinate the painting of the mural at Garfield Park.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** Approve Iredell Arts Council to proceed with "Dammit Wesley" and the painting of the mural at Garfield Park.
8. **Attachments:**
  1. Garfield Park Mural Proposal

# Garfield Park Mural Proposal



“I decided to create a mural full of symbols and black pop cultural iconography to connect with the demographic that would most likely be occupying that space, Young black men. The watermelon pattern is a direct homage to the pan African flag "a reminder of where we came and the wealth of the country that birthed us" and legendary hip hop group A Tribe called quest. A group that broke barriers during the era of gangsta rap by fusing jazz with rap. The Panther has always represented fearlessness, cunning, and courage. I want people to be reminded of the revolutionaries of the black panther party as well as the symbol of heroism that exists within a character like Black Panther. R.I.P. to Chadwick Bozeman.” Dammit Wesley

## CITY COUNCIL ACTION REQUEST

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

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**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

**COUNCIL ACTION REQUESTED:**

**Consider approving a 5-year hangar lease with Air Helmuth, LLC.**

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1. **Summary of Information:** G.L. Wilson is selling their aircraft to Air Helmuth, LLC. Air Helmuth, LLC would like to keep the aircraft in the current G.L. Wilson hangar. Air Helmuth, LLC will also bring two more aircraft to the airport to be hangared here. G.L. Wilson recently renewed their lease so the lease and lease rate will be the same. Monthly rent is \$1,732.50.
2. **Previous Council or Relevant Actions:** G. L. Wilson hangar lease was approved at the June 15, 2020 Council meeting.
3. **Budget/Funding Implications:** Increased fuel sales and 2 more based aircraft
4. **Consequences for Not Acting:** Loss of revenue
5. **Department Recommendation:** Staff recommends approval
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** Inform new tenant of approval
8. **Attachments:**
  1. Lease

NORTH CAROLINA )  
:  
IREDELL COUNTY )

**HANGAR LEASE**

THIS LEASE AGREEMENT, made and entered into this the 1<sup>st</sup> day of June 2020, by and between the **CITY OF STATESVILLE**, a municipal corporation, hereinafter called the “Lessor”; and **Air Helmuth, LLC**, hereinafter called the “Lessee”, both of Iredell County, North Carolina;

**WITNESSETH:** That subject to the terms and conditions herein set out Lessor does hereby let and lease unto the Lessee for the purposes hereinafter set forth, the following described parcel of land located within the Statesville Regional Airport Property in Statesville Outside Township, Iredell County, North Carolina:

**DESCRIPTION:** See attached Description and Plat

**THE TERMS AND CONDITIONS OF THIS LEASE ARE AS FOLLOWS:**

1. Term. The term of this lease shall be for a period of sixty (60) months, to commence on November 1, 2020 and to end on October 31, 2025.

2. Termination by Lessee. In the event the Lessee no longer owns aircraft which can be hangared in the hangar on the leased premises, or no longer wishes to lease the hangar, the lease will terminate without penalty upon sixty (60) days written notice to the Lessor.

3. Rental. The rental to be paid by the Lessee to the Lessor shall be \$1732.50 per month, payable on or before the 30<sup>th</sup> day of each month. The annual rent payable by Lessee for the Leased Premises shall be increased (but not decreased) at the beginning of each third anniversary of the Commencement Date based upon the change in the Consumer Price Index For All Urban Consumers (CPI-U) published by the Bureau of Labor Statistics of the Department of Labor, All Items Index, U.S. City Average 1982-1984=100.

Rental payments shall be made at the City of Statesville, Post Office Box 1111, Statesville, NC 28687. Payments can be made by mail or in person at the Airport terminal building, 238 Airport Road Statesville, NC.

4. Utilities: The Lessee shall be responsible for the payment of all utilities utilized in conjunction with the operation of the aircraft hangar situated on the leased premises.

5. Maintenance and Upkeep. The Lessor shall be responsible for the maintenance of the roof, heating and air conditioning systems (except annual servicing), and the structural integrity of the hangar situated on the leased premises. The Lessee shall be responsible for all other maintenance and upkeep of the hangar. The Lessee shall keep the hangar and the grounds surrounding the hangar in a good state of maintenance and repair. The Lessee shall keep the premises clean, neat, free from rubbish and in a presentable manner.

6. Alterations to Hangar. The Lessee shall make no alterations to the hangar situated on the leased premises without first obtaining the written consent of the Lessor.

7. Acceptance of Leased Premises. The Lessee accepts the leased premises its existing condition. No representations, statements or warranties, express or implied, have been made by or on behalf of the Lessor as to the condition of the leased premises.

8. Use of Leased Premises. The Lessee's use of the leased premises shall be limited to the storage in the hangar of aircraft owned by the Lessee. The Lessee shall not allow the storage of any aircraft in the hangar not owned by the Lessee.

9. Assignment of Lease - Subletting. This lease shall not be assigned by the Lessee. The Lessee shall not sublet any space within the hangar situated on the leased premises.

10. Fuel. The Lessee is not permitted to store fuel on the leased premises. The Lessee may not store or maintain any toxic, flammable, volatile, hazardous or explosive substance on the leased premises.

11. Other Buildings. The Lessee shall not place any other structures or improvements upon the leased premises without first obtaining the written approval of the Lessor. Any improvements or building permitted upon the leased premises shall be considered a part of the land and shall become the property of the Lessor.

12. Minimum Standard Policy. The Lessee agrees to comply with present and future minimum standard policies developed and implemented for the Statesville Regional Airport by the Lessor.

13. Taxes. During the term of the lease, the Lessee shall pay all Iredell County and City of Statesville ad valorem property taxes and other assessments imposed upon Lessee's property situated upon the leased premises.

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

incurred by, or asserted against Lessor arising out of the use or occupancy of the leased premises. This paragraph shall not be construed to require the Lessee to indemnify or hold the Lessor harmless against any claims resulting from the negligence of the Lessor.

15. Insurance. Lessee shall at all times during the term of the lease keep in effect the following insurance through an insurance company approved by the Lessor insuring the Lessee and naming the Lessor as additional insured, against public liability, property damage, and personal injury for the amounts specified herein. Unless waived in writing by the Lessor, all policies of insurance shall be written on the same insurance company. Each policy of insurance shall contain a cancellation or non-renewable clause of any policy. Lessee shall cause Lessor to be named as an additional insured on all insurance coverage required hereunder. As a minimum, Lessee shall at all times keep in force the following policies and coverage:

Commercial general liability insurance - bodily injury and property damage liability - as shall protect the Lessee from claims of bodily injury and property damage in amounts acceptable to Lessor, but in no event less than \$2,000,000 for each person, \$2,000,000 for each accident for bodily injury or property damage. This insurance shall include coverage for products/completed operations, personal injury, liability, and contractual liability assumed under the indemnity provision of this lease agreement.

16. Waiver of Liability. The Lessor shall not in any respect be liable for any damage to Lessee's aircraft, fixtures, equipment, or other contents of the Lessee's hangar.

17. Rights of Inspection. Upon reasonable notice, the Lessor shall have the unqualified right to make routine inspections of the interior or exterior of the leased premises and the hangar in order to insure compliance with the agreement and to perform maintenance and such repairs as may be reasonably required.

18. Signage. The Lessee shall be permitted to place a sign on the leased premises; however, any sign permitted shall be subject to the Lessor's written approval. The design of any proposed sign must be submitted first to the Lessor for approval.

19. Airport Rules and Regulations. The lessee shall abide by all rules and regulations of the Statesville Regional Airport, the FAA, and any other governmental agency having jurisdiction within the airport.

20. Default/Failure to Perform. It is agreed that time is of the essence for the payment of rents and, in the event of the failure to pay any installment of rent on the due date, or upon the breach of any of the covenants or agreements herein contained; or if the Lessee goes into bankruptcy, voluntary or involuntary, or becomes insolvent, or it is placed in the hands of a receiver, or makes a general assignment of this property for the benefit of creditors, or files a petition pursuant to any Federal or State law for the

extension of its debts or for reorganization; or if its stock of goods, wares, and merchandise located on the leased premises should be seized under attachment, execution, or other process, and such attachment, execution or other process be not vacated or such property released within fifteen (15) days, then and in any one of such events, Lessor may after five (5) days written notice to Lessee:

- a. *Declare* the full rental for the entire period due and payable immediately and resort to any or all remedies at law or in equity for the enforcement of its rights and to recover damages for breach of the covenants herein contained; and,
- b. *Enter and take possession* of the leased premises and thereafter hold the same free of any rights of the Lessee to use said premises and notwithstanding the taking of possession, Lessor shall have the right to recover from the Lessee any and all sums which may be due under the terms of this lease.

21. Casualty. In the event the demised premises are partially destroyed by fire, storm, earthquake, or other casualty, Lessor may at its option repair and restore the premises. In the event Lessor elects to restore and to repair the premises, it shall do so within a reasonable period of time, and during the period in which the premises are untenable, the monthly rental shall be abated to the extent that the use of the premises by Lessee is diminished. In the event Lessor elects not to restore or repair the premises, the lease shall be terminated. Further, in the event of a total destruction of the demised premises by fire, storm, earthquake, or other casualty, then either party to this agreement may elect to terminate same and may do so by giving written notice to the other party within fifteen (15) days of the occurrence of the casualty.

22. First Refusal Option. Should the Lessor desire to re-lease the leased premises following the end of the term of the lease, the Lessee is granted this first refusal option to re-lease the premises upon terms to be offered by the Lessor. Should the Lessee desire to exercise this option, the Lessee must notify the Lessor of its intention in writing at least sixty (60) days prior to the end of the lease term. Upon receiving written notice of the Lessee's desire to exercise this option, the Lessor shall offer a new lease to the Lessee upon terms agreeable to the Lessor within thirty (30) days of the end of the term of the lease, provided the Lessor desires to re-lease the premises. If the Lessee has not accepted the new lease upon the terms offered by the end of the lease term the Lessor shall be free to re-lease the premises to another party for the terms offered to the Lessee.

23. Holdover. Should the Lessee continue to occupy the leased premises after the expiration of the terms of this lease or after a forfeiture of lease by the Lessee has occurred, whether with or without the consent of the Lessor, such tenancy shall be on a month-to-month basis but in all other respects shall be in accordance with the terms of this lease.



24. Attorneys Fees. Should any legal action be necessary by the Lessor to enforce any provisions of this lease, the Lessor shall be entitled to recover of the Lessee all reasonable attorneys fees incurred.

25. Modification or Amendment to Lease. The terms of this lease may not be modified or amended except by written agreement duly executed by the parties.

26. Entire Agreement. This written lease contains the entire agreement of the parties. There are no oral understandings, terms, or conditions between the parties not contained herein. Neither party has relied upon any representations, express or implied, not contained herein, and all prior discussions and understandings between the parties are deemed merged into this written lease agreement.

27. Notices. All notices required herein shall be given by Certified Mail, return receipt requested, to the following addresses:

Lessor:                   City of Statesville  
                                  Attention: City Manager  
                                  PO Box 1111  
                                  Statesville, NC 28687

Lessee:                    Air Helmuth, LLC  
                                  Attention: Mark Harper  
                                  933 Tomlin Mill Road  
                                  Statesville, NC 28625

IN WITNESS WHEREOF, Lessor and Lessee have caused their proper officers to set their hands and affix appropriate seals hereto on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**LESSOR:** The CITY OF STATESVILLE, a municipal corporation

By: \_\_\_\_\_(LS)  
Constantine H. Kutteh, Mayor

ATTEST: \_\_\_\_\_  
Brenda Fugett, City Clerk

[SEAL]

**LESSEE:** Air Helmuth, LLC

By: \_\_\_\_\_(LS)  
(name) (title)

ATTEST: \_\_\_\_\_  
Secretary

[SEAL]

**DESCRIPTION OF LEASED PREMISES  
TO  
AIR HELMUTH, LLC**

Commencing at NGS Station "STATEPORT", having N.C. State Plane Grid Coordinates of X = 1, 420,977.0170, Y = 738,744.1753 feet; thence North 37 deg 02 min 05 sec East, a ground distance of 1087.92 feet to the point of BEGINNING, said point being situated on the edge of a terminal ramp now or formerly under construction at Statesville Municipal Airport and having N.C. State Plane Grid Coordinates of X = 1,421,632.1801 feet, Y = 739,612.5121 feet; thence along the edge of the terminal ramp North 82 deg 02 min 01 sec West, a distance of 100.00 feet to a point, said point being South 82 deg 02 min 01 sec East, an approximate distance of 21.00 feet from the northwestern corner of said ramp; thence North 07 deg 57 min 59 sec East, a distance of 80.00 feet to a point; thence South 82 deg 02 min 01 sec east, a distance of 100.00 feet to a point; thence South 07 deg 57 min 59 sec West, a distance of 80.00 feet to the BEGINNING, containing 0.1836 acre (8,000 sq. ft) and being situated within the lands of the City of Statesville (Statesville Municipal Airport); said description being according to a plat prepared by W. K. Dickson & Co., RS, dated 4-26-89, copy of which is attached hereto as Exhibit A, together with any leasehold improvements constructed thereon in accordance with the terms of this lease.

## **CITY COUNCIL ACTION REQUEST**

**TO:** Ron Smith, City Manager  
**FROM:** John Ferguson, Airport Manager  
**DATE:** October 06, 2020

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**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

### **COUNCIL ACTION REQUESTED:**

**Consider approving a Resolution supporting the closure of a portion of Bethlehem Road and signing an Abandonment Petition as the sole landowner within the closure portion of Bethlehem Road.**

---

1. **Summary of Information:** A portion of Bethlehem Road needs to be closed for the Runway Safety Area Extension Project. The only landowners inside the closed portion is the City of Statesville. During the public hearing held on June 18, 2020 at the Statesville Regional Airport on the environmental impacts of this project, residents along Bethlehem Road were notified of this project and required closure. Concerns among the affected residents were the one way in and one way out after the closure and an increase in response times from emergency vehicles. Actual drive time was only increased by 3-4 minutes. The City is working towards constructing a new access road to alleviate this concern which is on hold by NCDOT. Estimated start date for this project is mid to late November 2020.
2. **Previous Council or Relevant Actions:** Approved receipt of a \$9,300,000 grant with no local match from the FAA.
3. **Budget/Funding Implications:** No local match for this project.
4. **Consequences for Not Acting:** Loss of a \$9,300,000 FAA Grant and the cancellation of a needed airport safety enhancement project
5. **Department Recommendation:** Staff recommends approval.
6. **Manager Comments:** This is a necessary closure to ensure this project is completed, although we should continue working toward an additional connection to replace the one being closed. Recommend for approval.
7. **Next Steps:** Finalize remaining permits and release contractor to begin construction.
8. **Attachments:** Resolution, Abandonment Petition from NCDOT, Map showing location of closure.

RESOLUTION \_\_\_\_\_

**RESOLUTION APPROVING THE CLOSURE OF A PORTION OF BETHLEHEM ROAD FOR THE CONSTRUCTION OF A RUNWAY SAFETY AREA EXTENSION**

**City of Statesville  
Bethlehem Road (SR1363) Partial Closure  
4723-09-4032**

**WHEREAS**, a petition requesting the partial closure and abandonment of the area described herein has been received; and

**WHEREAS**, the City Council has received a Federal Aviation Grant in the amount of \$9,300,000 for the Runway Safety Area Extension project; and

**WHEREAS**, this project will require a portion of Bethlehem Road as described in the survey below from Thomas and Hutton Surveyors to be closed; and

**WHEREAS**, a public hearing was held on June 18, 2020 at the Statesville Regional Airport to inform residents of this project including the partial closure; and

**WHEREAS**, the City of Statesville is the only property owner located within the closure area;

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

Section 1. Supports the closure of a portion of Bethlehem Road in relation to the Runway Safety Area Extension Project

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

**Description – PIN 4745-59-5419**

Beginning at the northwest corner, the coordinates of which, referring to the North Carolina State Plane System, are 739,846.01 feet North, 1,416,742.89 feet East, thence on a bearing of S 87° 37' 00" East for 60.18 feet; thence on a bearing of S 08° 03' 26" W for 315.47 feet; thence on a curve of radius 245.27', chord length 290.84', chord bearing N 20° 35' 47" W, and delta 72° 43' 31", for 311.32 feet; thence on a curve of radius 252.21 feet, chord length 93.84 feet, chord bearing N 67° 40' 51" W, and delta 21° 26' 36", for 94.39 feet; thence on a bearing of S 81° 46' 08" E for 66.22 feet; thence on a bearing of S 07° 43' 40" W for 58.68 feet; thence on a bearing of N 82° 01' 55" W for 102.45 feet; thence on a curve of radius 309.21 feet, chord length 385.03 feet, chord bearing S 33° 47' 19" E, and delta 77° 00' 46", for 415.62 feet; thence on a bearing of N 08° 26' 57" E for 360.08 feet to the point of beginning.

Adopted this 19th day of October 2020.

CITY OF STATESVILLE

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

ATTEST:

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





# **CITY COUNCIL ACTION REQUEST**

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

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**ACTION NEEDED ON:** October 19, 2020  
(Date of Council Meeting)

**COUNCIL ACTION REQUESTED:**

**Consider a request from Mr. Harry Tsumas to extend City water and sewer services to a proposed subdivision on Bell Farm Rd.**

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**1. Summary of Information:** Mr. Harry Tsumas plans to construct a new subdivision on Bell Farm Rd. It will be located on approximately 46 acres and will contain 75 lots. Mr. Tsumas is requesting City water and sewer services and has asked that voluntary annexation not be required. The proposed subdivision is a subset of a much larger development previously discussed by Council, as described below in the “Previous Council Actions” section.

- The parcels total 46.13 acres and are immediately south of the Oak Creek subdivision, which has City sewer and Iredell Water Corporation water.
- The proposed subdivision is approx. 2.5 miles beyond existing Sanitation routes.
- Electric service in this area is customer choice.

If annexed, the total number of lots that can be constructed in the subdivision will be reduced in order to provide space to comply with City Stormwater requirements.

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

- December 7, 1998: Council heard a request from Mr. Tsumas for City water and sewer services for 615 residential units between Bell Farm Rd and John Long Rd. Council approved the request but denied Mr. Tsumas’ annexation request due to concerns the development would burden existing City services and could potentially create the need for an additional fire station. (Minutes attached)
- August 6, 2007: Council heard a renewed request from Mr. Tsumas for City water and sewer services for an 800-unit project in the same location. According to the minutes, City Attorney Eddie Gaines determined that Mr. Tsumas had vested rights for water and sewer service based on the 1998 Council decision. The discussion then focused on whether to require annexation. Mr. Tsumas was not opposed to annexation at that time. Council directed staff to amend the PUD ordinance to accommodate projects of this size and to “engage Mr. Tsumas” regarding water and sewer extensions to the site at outside rates until an agreement is reached on annexation. (Minutes attached).



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

- If annexed, the proposed subdivision will add up to 75 residential lots. Water and sewer SDFs will apply. Sanitation services will extend approx. 2.5 miles beyond their current routes.
- If annexation is not required, water and sewer SDFs will apply and residents will be charged outside rates, which are 2.5x inside rates.
- Potential tax values have not been determined; the subdivision design is in its preliminary stages. Final design, including the total number of lots available, will be impacted by Council's decision.

**4. Consequences for Not Acting:** Subdivision construction will be delayed, as the final design cannot be completed until the voluntary annexation requirement is determined.

**5. Department Recommendation:** Approve water and sewer services for the proposed subdivision subject to voluntary annexation.

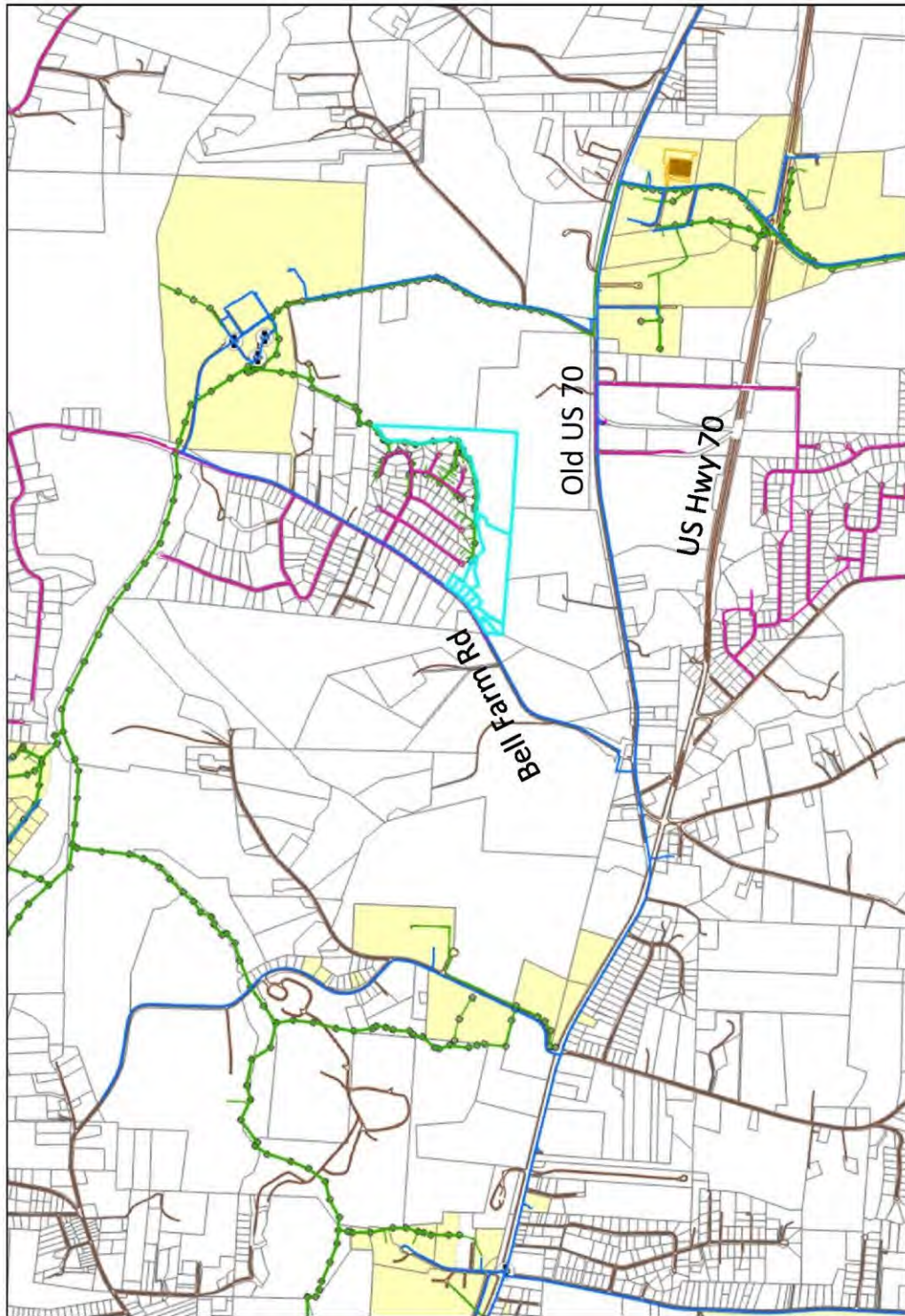
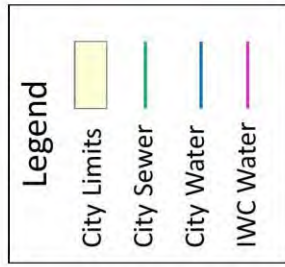
**6. Manager Comments:** Concur with department recommendation.

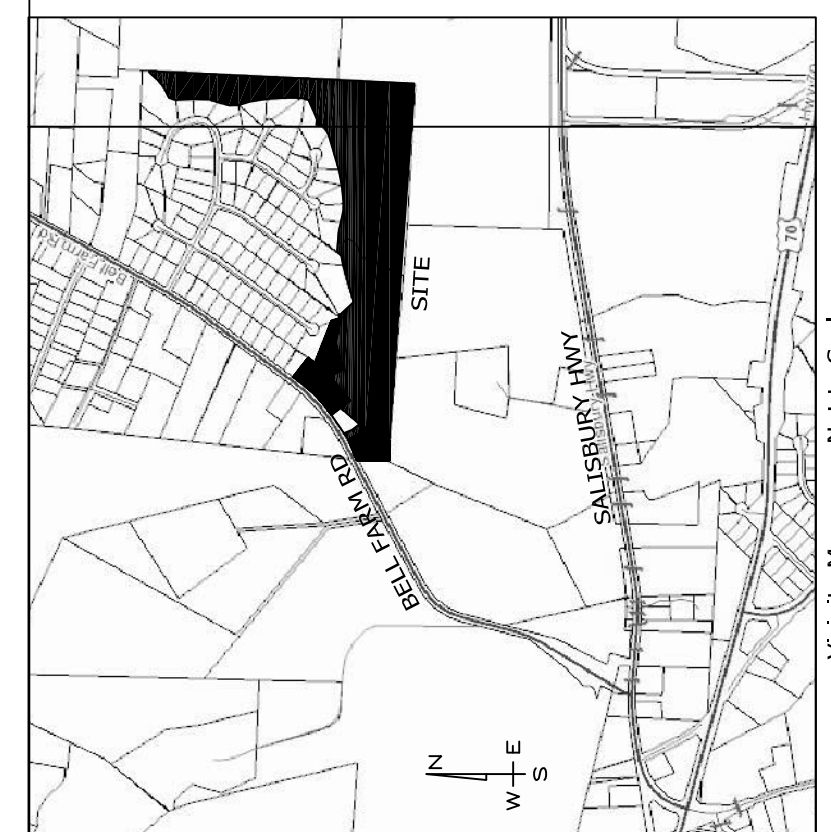
### **7. Next Steps:**

- If water and sewer services are approved, staff will work with Mr. Tsumas to accommodate the infrastructure extensions.
- If voluntary annexation is required and Mr. Tsumas elects to proceed with the subdivision, staff will bring Mr. Tsumas' voluntary annexation petition to Council for consideration.

### **8. Attachments:**

1. Vicinity Map
2. Sketch plan for the proposed subdivision
3. Excerpts from the minutes of the December 7, 1998 City Council meeting (relevant discussion begins middle of second page)
4. Excerpts from the minutes of the August 6, 2007 City Council meeting (relevant discussion begins middle of second page)





Vicinity Map - Not to Scale

**SITE DATA: LONGVIEW**  
 TOTAL ACRES TO BE SUBDIVIDED: 40.433 Ac./1,761,255.59 sq.ft.  
 ACRES IN ROAD, R/W AND SHOULDER: 12.000  
 OTHER NONRESIDENTIAL USES: NONE  
 TOTAL NUMBER OF PARCELS CREATED: 66 LOTS  
 ACRES IN SMALLEST LOT: 0.279 acres / 12,169.81 sq. ft. (LOT 65)  
 LINEAR FEET IN NEW STREETS: 3,065.30 FEET

**SITE DATA: OAK CREEK**  
 TOTAL ACRES TO BE SUBDIVIDED: 5.6961 Ac.  
 ACRES IN ROAD, R/W AND SHOULDER: 12.000  
 OTHER NONRESIDENTIAL USES: NONE  
 TOTAL NUMBER OF PARCELS CREATED: 9 LOTS  
 ACRES IN SMALLEST LOT: 0.4603 acres (LOT 311)  
 LINEAR FEET IN NEW STREETS: NONE

**NOTES:**  
 1. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE ZONING ORDINANCES AND REGULATIONS.  
 2. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE ENVIRONMENTAL REGULATIONS AND REQUIREMENTS.  
 3. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE UTILITY REGULATIONS AND REQUIREMENTS.  
 4. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE RECORDING REQUIREMENTS AND FEES.  
 5. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE TITLE REQUIREMENTS AND FEES.  
 6. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE CONVEYANCE REQUIREMENTS AND FEES.  
 7. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE EASEMENT REQUIREMENTS AND FEES.  
 8. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE ENCUMBRANCE REQUIREMENTS AND FEES.  
 9. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE DEFENSE REQUIREMENTS AND FEES.  
 10. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE OTHER REQUIREMENTS AND FEES.

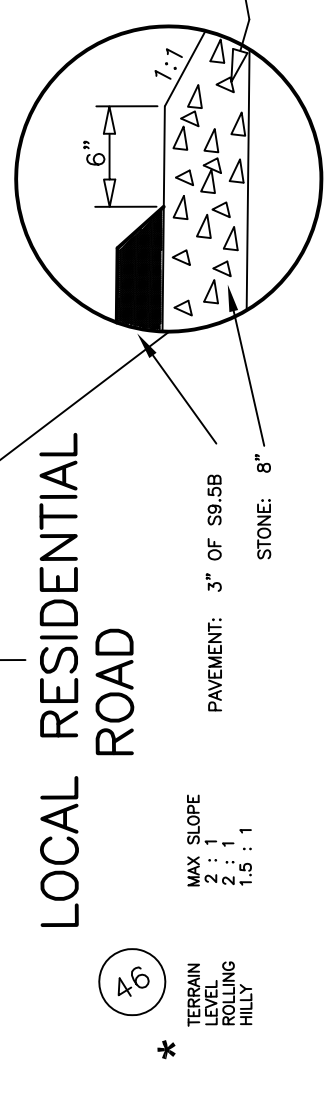
**THIS SUBDIVISION, TO THE BEST OF MY KNOWLEDGE DOES NOT LIE WITHIN A WATER SUPPLY WATERSHED DESIGNATED BY THE NORTH CAROLINA DIVISION OF ENVIRONMENTAL MANAGEMENT (NCEM) OR WITHIN THE WATERSHED PROTECTION MAP OF IRDELL COUNTY.**

**Stormwater Management Disclaimer:**  
 With regard to all stormwater pipes and related easements on individual lots within the confines of this subdivision, I shall be one responsibility. I shall be one responsibility for all maintenance, repair and updates.

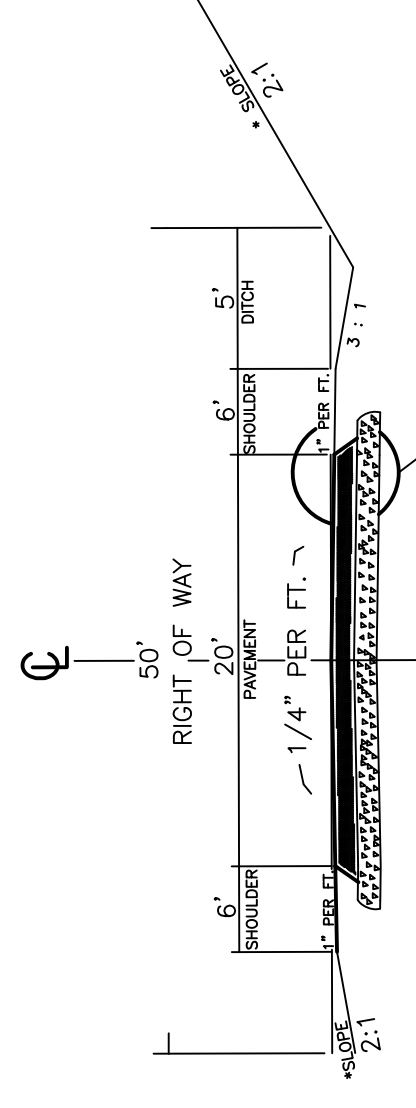
SUBDIVISION ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_

Table 2.13: Dimensional Requirements in the R-12 District - Minimum Lot Size - See Appendix A

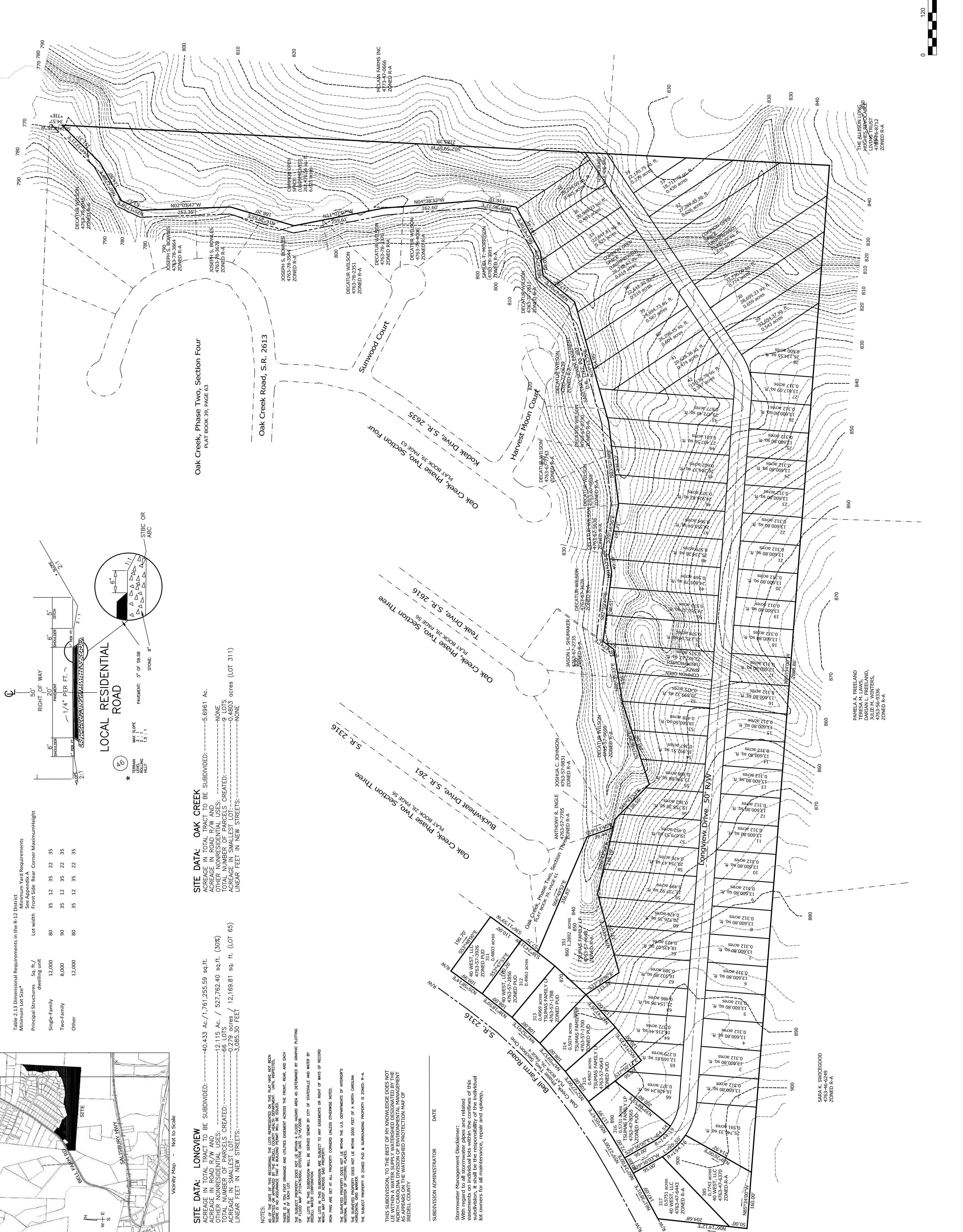
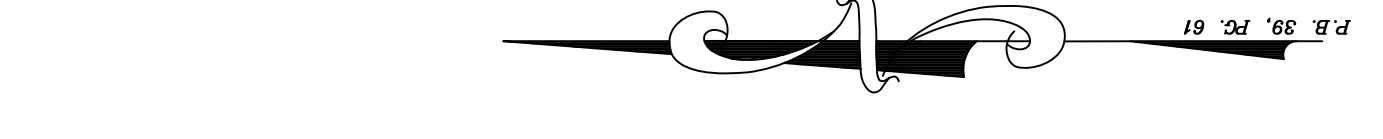
Principal Structures	Sq. Ft./dwelling unit	Lot width	Front Side Rear Corner Maximum Height
Single-Family	12,000	80	35 12 35 22 35
Two-Family	8,000	90	35 12 35 22 35
Other	12,000	80	35 12 35 22 35



LOCAL RESIDENTIAL ROAD



LONGVIEW DRIVE 50' R/W



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

**LONGVIEW, PHASE I**  
 JOB NAME: SKETCH PLAN FOR  
 MAP REVISIONS:

NO. DATE OWNER COMMENTS  
 1 9-16-20 OWNER COMMENTS  
 2 9-30-20 OWNER COMMENTS  
 3 10-01-20 OWNER COMMENTS

OWNER: O. DAVID THARPE, JR.  
 40 WEST, LLC  
 TSUMAS FAMILY LIMITED PARTNERSHIP  
 704-252-0252; harry.tsumas@metrolifeccpa.com

BELL FARM ROAD, SR 2316, STATESVILLE, NC 28625  
 DRAWN BY: SMS  
 CHECKED BY: GVG

DEED REF: 799-897; 1053-1891; 2064-1986  
 DATE OF MAP: 08-14-2020  
 DATE OF FIELD SURVEY: NA  
 PIN NO:

CHAMBERSBURG TOWNSHIP-IRDELL COUNTY-NORTH CAROLINA  
 BELL FARM ROAD, SR 2316

MAP REVISIONS:

Sheet No: **C1**

A G E N D A  
CITY OF STATESVILLE COUNCIL MEETING  
CITY HALL COUNCIL CHAMBERS  
December 7, 1998

- I Call to Order
- II Invocation
- III Pledge of Allegiance
- IV Additions to the Agenda
  
- V CONSENT AGENDA - All items listed below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember 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. Approval of the Minutes of the meetings of November 16 and November 23, 1998.
  - B. Approve acceptance of \$ 1,000 Safety Grant from the North Carolina League of Municipalities and amend budget line item 010-4500-402-6200 to allow for purchase of approved items.
  - C. Approve second reading of an ordinance to condemn the structure known as 1315 Old Charlotte Road and order that it be vacated and demolished in compliance with the order of the Assistant Director of Community Development and Appearance as of December 11, 1997.
  - D. Approve second reading of an ordinance annexing the Forke Auctioneer property.
  - E. Consider recommendation from Infrastructure Committee to recommend the community try to get voluntary contributions for constructing a wall at Belmont Cemetery.
  - F. Consider recommendation for City Attorney regarding extension of sewer to Pro Tech Ind.

REGULAR AGENDA

- VI Conduct a public hearing and consider passing first reading of an ordinance annexing the Carolina Tractor property.
- VII Approve contract with Site Solutions, Inc. to perform Site Master Plan for recently purchased 69 acre tract (James Property) at a cost of \$ 9,100.
- VIII Pass Resolution supporting Free Nancy Branch Restoration Project committing \$ 25,000 to project.
- IX Consider recommendation from Infrastructure Committee to approve water and sewer for a tract of land located along Bell Farm Road so that Harry Tsumas may construct a single family subdivision of conventional homes but not to annex property.

**Pass Resolution supporting Free Nancy Branch Restoration Project committing \$ 25,000 to project. (Reso. #45-98)**

The Statesville Tree Board recognized erosion problems with Free Nancy Branch and contacted Pilot View Inc. regarding stream restoration.

Pilot View Inc. requested and received a technical proposal and budget for a geographic assessment, restoration design, construction management services, and preliminary costs estimates for materials and constructions from Clear Creeks Consulting Firm. In addition, Pilot View Inc., contacted Roy H. Pander & Associates to investigate enhancements of Park area along the stream.

Total costs for project is estimated at \$ 350,000 per Pilot View. Total cost to City would be \$ 25,000. The balance of the costs will be covered by Grants written and administered by Pilot View, Inc.

Upon a motion by Council member Kutteh, seconded by Council member Prendergast, the resolution supporting Free Nancy Branch Restoration Project and appropriating \$ 25,000 to the project was unanimously approved.

Consider recommendation from Infrastructure Committee to approve water and sewer for a tract of land located along Bell Farm Road so that Harry Tsumas may construct a single family subdivision of conventional homes.

Harry Tsumas presented this item to Council. He advised that on November 12, 1998 the Infrastructure Committee viewed a presentation regarding annexing a tract of land located along Bell Farm Road so that he could construct a single family subdivision of conventional homes. The water and sewer goes between the treatment plant and the Industrial Park. T&T is asking to tap on to that service. The County zoning request requires water and sewer.

Chairman Peterson advised that the committee committed water/sewer. After the presentation the Infrastructure Committee consensus was to recommend approval of water and sewer but not to annex the property.

Upon a motion by Council member Peterson, seconded by Council member Smith, the recommendation from the Infrastructure Committee to recommend approving water and sewer was unanimously approved.

Councilmember Lawton remarked that he did agree with the commitment to approve water and sewer but remarked that there was a question concerning the need for lift stations. It will require two stations, possibly four, depending on what type of easements are secured by the developer. He ask if this information has changed.

Councilmember Lawton offered an amendment to the motion to approve with maximum of 2 lift stations. Councilmember Peterson accepted the amendment.

City Engineer Wayne Lambert advised that based on the submitted plan there is a need for 2 minimum lift stations with possibility of 4 lift stations if they cannot extend the outfall across the property by getting easements. One easement is from city on west side of development on John Long Road. This is being served by outfall to the city's 4<sup>th</sup> creek plant.

Councilmember Lawton ask Mr. Lambert if he saw any problem with the easement.

Mr. Lambert advised that there is no apparent problem with the easement from the city. It would come in behind the building where the offices and lab are located. There should be no problem as far as the plant operation.

Councilmember Prendergast ask if staff would recommend an easement.

Mr. Lambert stated that this is a much better option than the city taking over 2 more lift stations.

Mayor Marshall ask for clarification of the motion to grant water and sewer with the city only being responsible for two lift stations. Council agreed.

Councilmember Kutteh ask if the lift stations would be built at the developers expense but maintenance would be the city's responsibility.

Mr. Lambert confirmed that the water, sewer, force main, and lift stations would be built at the developers expense. Once completed, the city is responsible for upkeep from that point. The lift stations would have no benefit to the city except to serve this particular property. It could possibly be tied on to west side but would have limited use for further development.

Councilmember Kutteh quested the maintenance issues.

Mr. Lambert explained the difference is that basically in the past the city has required the developer to keep ownership of lift stations. That has been in industrial sites, not in residential developments. Maintenance involves the electricity to run pumps and the pumps have to be serviced on regular basis. The City must provide labor and equipment for the service. Useful life is 4-5 years for the pump, depending on the load. In this situation it could take as long as 10 years to completely build out this development. It will have very little use at first. City also has to provide generator for backup power that can be moved to the site if needed.

Mr. Tsumas advised that there is only one property owner that they are having to go through. He has given a verbal commitment.

Mayor Marshall ask for any further discussion of the motion, which was to approve the sewer and water extensions with a maximum of two lift stations. There being none, he ask for a vote. **Council agreed unanimously.**

**Consider annexation of property.**

Mr. Tsumas advised that the problem is recent growth and development. Industry is trying to recruit people to come into this area but there is no available housing. Chamber is working on this and identifies same problem. Development concept is to build affordable housing.

This is a new concept compared to what is available in this area. The development will contain berms, trees, sidewalks, and walking trails. The development will contain 71 cluster homes, 69 detached homes, 225 conventional lots, 50 town house condominiums, 200 smaller lots, a daycare facility, country store, club house near the lake, tennis courts, pools, and probably storage areas for

residents. No land is available inside city where this project could be done.

T&T proposes to pay for all infrastructure, with curb & gutter built to city specs, and sidewalks. The developer is asking for R8MF zoning. The garbage, police and fire can be phased in at some point. City power would be used and T&T is asking that the city annex the property. County zoning does not allow for the same density that city ordinances would allow. City zoning presents urban setting. City would have control over the community. This is a cost effective annexation.

**Councilmember Williams made a motion to voluntarily annex the property. Councilmember Smith seconded the motion.**

Mayor Marshall ask for discussion of this motion.

City Attorney Gaines explained that if Council votes favorably T&T would still have to formally bring the petition before Council.

Councilmember Kutteh questioned negotiations in regards to the waivers of city services.

City Manager Hites advised that on a petitioned annexation Council has some flexibility to waive city services. It is more of a negotiated process than the involuntary annexation which is structured by law step by step.

Councilmember Kutteh ask if T&T can be required to put in sidewalks?

Mr. Gaines advised that if the city annexes the property it will be subject to subdivision ordinances and the city can require sidewalks. Mr. Currier confirmed.

Councilmember Lawton voiced his concern over waived city services and ask to hear an opinion from staff.

City Manager Hites addressed the issues of a 4<sup>th</sup> fire station. It is difficult to assign a quantitative measure to that development. Fire Chief says this development will not push us over the top. He estimated having one call per month. The Police has a car around the business park anyway so they go on out and check the development. The problem will be Sanitation which will require extra personnel and require a new truck. After the staff studied the development very closely they agreed that in 10 years the city would not naturally move to this area.

Councilmember Kutteh remarked that the City could be pro active toward growth and he supports the annexation.

Councilmember Lawton acknowledged that he feels his responsibility is to the citizens of Statesville and that he was not sure that this benefits the citizens.

Councilmember Peterson recollected that the Council has denied annexation to folks who were closer to the city limits.

There being no further discussion, Mayor Marshall ask for a vote which follows:

**Ayes: Smith, Williams, Kutteh**

**Nayes: Lawton, Womble, Peterson, Johnson, Prendergast**

**MINUTE BOOK 21, PAGE 694  
CITY COUNCIL MEETING – August 6, 2007 – 7:30 p.m.  
CITY OFFICE BUILDING CONFERENCE ROOM  
STATESVILLE, NORTH CAROLINA**

Mayor Constantine H. Kutteh presiding:

Council members Present: J. Johnson, Stallard, M Johnson, Huggins, Gregory

Staff Present: Hites, Davis, Craddock, Salmon, Smyth, Hampton, Anderson, Bullard,  
Currier, Fitzgerald

Media Present: J. McNally – Record & Landmark  
D. Vieser – Charlotte Observer  
N. Furr – Iredell Citizen

Visitors: 19

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Mayor Kutteh read the Consent Agenda as follows:

**CONSENT AGENDA**

- A. Approve minutes of pre-agenda meeting of July 12, 2007 and July 16, 2007 regular Council meeting**
- B. Second reading of an ordinance to annex Pratt property located on Taylorsville Road (Ord. #42-07)**
- C. Second reading of ZC07-20 filed by Larry and Laura Drury for property located at 317 W. Front Street; Tax Map 4734-94-1690 from CBP H-D (Central Business Perimeter Historic) District to R-8 H-D (Medium Density Single-family Historic) District (Ord. #40-07)**
- D. Second reading of an ordinance to de-annex a 3 acre tract adjacent to the Larkin project. (Ord. #41-07)**
- E. Second reading of an ordinance amending System Development Fees (SDF) (Ord. #43-07)**
- F. Cancel the September 3, 2007 City Council meeting in observance of Labor Day Holiday.**
- G. Receive report of non-capital purchase in the Finance/Administration**



PAGE 705

becomes the retaining wall there has to be a way to prevent traffic from hitting the back of the wall. There are several questions that need to be answered.

Council member M Johnson further added that the City needs to protect that wall to prevent repetitive claims against the City. We also need to determine if there is enough room on the city side to install curb stops so that we can continue use of that driveway.

Chuck Goode (Architect) and Mr. Potter (Davie Const. Co.) explained the wall is 5' within their property. Mr. Goode explained they are here prematurely to inform Council of possible problems. He further explained the temporary easement is now 50' and not 75'.

Mayor Kutteh stressed the Council prefers not to allow a permanent encroachment.

Mr. Potter stated that he will need a temporary construction easement of 4 weeks. He added that if Council wants a guard rail he will comply.

Attorney Gaines stated he feels the City needs an additional hold harmless agreement during the time of the easement(s).

Mr. Goode also explained there has been some erosion and that during engineering they may need a drop inlet. He further added the 5 x 5 pad will actually be 2 ½ x 5.

**Upon a motion by Council member M Johnson, seconded by Stallard, the temporary construction encroachment was unanimously approved.**

**Approve a water and sewer connection for land (Harry Tsumas) along John Long Road.**

City Manager Hites recalled in December of 1998, Harry Tsumas approached the Council and asked that property he owned along John Long Road be annexed and that water and sewer services be provided. He did not submit a preliminary site plan with his request. The Council granted his request for extension of water and sewer into the site but did not approve his request that it be annexed. Mr. Tsumas approached Mr. Hites and asked for a letter confirming the availability of water and sewer to the site. Mr. Hites advised that he didn't know if he still had a legal right to the Council's approval in 1998.

City Attorney Gaines stated that case law on the subject indicates that you may claim a right through legal vesting or substantial investment in the project based on a good faith belief in the governmental action. Mr. Gaines determined that Mr. Tsumas does have vested rights.

Mayor Kutteh stated as a new matter, that Council would be considering a request to connect this tract onto City water and sewer from infrastructure Mr. Tsumas extended to the site in preparation for its development. Council will also have to decide if the property should be annexed.

PAGE 706

Harry Tsumas explained that what happened was that this subdivision is under contract. The developer requested a letter from the city stating the water and sewer was still available. He stated that he would be happy to be annexed if Council approves.

Council member J Johnson recalled one of the main reasons this subdivision was not annexed in 1998 was because of the need for a fire station in the area.

Mr. Tsumas recalled the fire station and sanitation services were part of why the subdivision was not annexed in 1998. He stated this was developed under a county PUD which is a mixed use development. Mr. Tsumas pointed out his lines on an overhead map.

Mayor Kutteh stated this could be treated as a new request to extend water and sewer at the developer's expense and decide whether or not to ask that you petition for annexation.

Council member Stallard asked if there was any objection to annexation and Mr. Tsumas answered no.

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Council member M Johnson asked if this was the same map as Council reviewed 10 years ago. Mr. Tsumas stated this is not what was provided to Council but it is what was presented to the county. The subdivision is 800 units on 270 acres. The overall density is 3.3.

Council member M Johnson stated he would feel more comfortable, because of the mixed uses on the site, if staff amended the PUD ordinance to projects of this size. He asked Mr. Tsumas if he had any hesitation to the PRD agreement with the City of Statesville pursuant to development. Mr. Tsumas answered he was ok with that.

**Council member M Johnson made a motion for staff to amend the PUD ordinance to include projects of this size (300 acres); that the staff engages with Mr. Tsumas re: annexation and extensions of water and sewer to this site (at outside rates until agreement is reached on annexation).**

Council member Gregory questioned if the City offers power in this area. Mr. Hites will look at the area and report to Council.

**Council member Stallard seconded the motion and it was unanimously approved.**

**Receive annual report of Statesville Civic Center.**

John Bullard reported 450 events with 65,606 and Revenue of \$ 225,841.43 for FY 05/06. He also reported 423 events with 67,594 participants and Revenue of \$ 271,597 for FY 06/07. He noted that the movie contributed heavily to last year. He also noted that one of the health care companies that used the civic center a lot is building their own building.

**DESIGN REVIEW COMMITTEE MEETING  
CITY HALL COUNCIL CHAMBERS  
July 9, 2020 @ 2:00pm**

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

Absent: None

Staff present: Marci Sigmon, Lori Deal, Marin Tomlin

Council present: None

Others: Donald Hicks – Statesville Housing Authority, Alex Prinster – AP Vintage Motors

Chairman Goode called the meeting to order and asked for a motion to approve the DRC minutes from May 14, 2020 meeting.

**Marshall made a motion to approve the May 14, 2020 DRC Meeting minutes, seconded by George. The motion carried unanimously.**

Sigmon gave the following staff report:

**Review Design Review Application, DRC 20-08, from Iredell Statesville Community Enrichment Corporation to demolish the structure located at 746 Shelton Avenue and also demolish an accessory structure located at 110 West Allison Street; Tax Map Numbers 4744-02-5487 and 4744-02-9081.**

**Background**

The properties located at 110 West Allison Street and 746 Shelton Avenue are zoned CBP and owned by the Iredell Statesville Community Enrichment Corporation. 110 West Allison Street is used as a storage bay by Iredell Statesville Community Enrichment Corporation. 746 Shelton Avenue is known as the old Fish Market Building and was built in 1950. 746 Shelton Avenue is a constructed of brick on the front façade. Both buildings are in major disrepair experiencing extensive leaking, therefore causing significant damage to the buildings.

**Request**

The Iredell Statesville Community Enrichment Corporation is requesting to demolish both buildings at 110 West Allison Street and 746 Shelton Avenue. After demolition, the applicant plans to implement a parking lot and entrance revamping. The new parking lot and entrance will allow a more pleasing flow of traffic into the area of the main office and training facility for the applicant and also continue plans to provide parking for the Art and Music Hub located near the property, over the hill, beside the rail line along Shelton Avenue. Steps will be constructed to provide easy access to the Art & Music facility along the sidewalk.

The DRC will make a recommendation to city council for the demolition of the buildings. City Council will make the final decision.

**Committee Review**

Before rendering a decision the committee should reference design guidelines:  
Page 45: Chapter 7: Demolition; Section 6. A. Demolition

Goode asked if the new parking area will have to be approved by the Technical Review Committee (TRC) or this board and Sigmon replied it will have to be approved by TRC and the Design Review Committee (DRC).

Chairman Goode opened the floor for Donald Hicks and he stated the engineer will look at the parking lot at the Statesville Police Department on East Sharpe Street, because it is has trees and they want to continue green space into the parking lot not just asphalt and concrete. The fish market building acquisition completes the campus and will expand the existing Statesville Housing Authority (SHA) entrance and add an additional 125 to 150 spaces for employees, the Collier Enrichment Center, and the music and art hall. Marshall asked if the ingress/egress will be on Allison Street and Hicks replied yes with no access from Shelton Avenue. Goode asked if existing asphalt will be removed from the fish market and Hicks replied yes, so it can be configured with the SHA parking lot. Goode asked if he has a time lapse between demolition and construction of the new parking lot and Hicks replied demolition should be complete at the end of August and construction should begin in two to three months.

**Marshall made a motion to approve Design Review Application, DRC 20-08, from Iredell Statesville Community Enrichment Corporation to demolish the structure located at 746 Shelton Avenue and also demolish an accessory structure located at 110 West Allison Street; Tax Map Numbers 4744-02-5487 and 4744-02-9081, seconded by McBane. The motion carried unanimously.**

Sigmon gave the following staff report:

**Review Design Review Application, DRC 20-09, from Sharpe Living, LLC, represented by Donald Hicks Jr., to change the color scheme on the store front and transom on the structure located at 609/611 South Center Street; Tax Map 4744-13-0530.**

#### **Background**

The property located at 609/611 South Center Street was built circa 1925 and currently contains two suites. One suite is being utilized as Little John's Barbershop and the second suite is vacant. It is a brick building with glass store front windows. In 1994 the structure underwent a major alteration consisting of the removal of the second floor. A gable style, A-frame roof was constructed on the existing single level structure with the second-floor removal.

The owners are currently performing interior and exterior examinations to determine features which need to be enhanced for comfort, safety and aesthetics. At this time, Little John's Barbershop will remain and the second suite will be leased at some point.

During May 2019, approvals included recessed lighting on the south and north eaves, removing the air conditioning unit and filling the empty area with matching brick, and adding two temporary walls made of sheet metal.

#### **Request**

Sharpe Living, LLC is requesting to:

1. Remove the frosting or paint covering the transom windows and paint the transom trim work or do a mixture of natural wood tone and paint.
2. Paint the store entrance doors with a wood grain look/color.

#### **Committee Review**

Before rendering a decision the committee should reference design guidelines:

Page 6-8: Chapter 2: Changes to Buildings; Section 2.A. Storefronts  
Page 8-10: Chapter 2: Changes to Buildings; Section 2.B. Façade Treatment  
Page 10-13: Chapter 2: Changes to Buildings; Section 2.C. Materials  
Page 13-14: Chapter 2: Changes to Buildings; Section 2.D. Paint

Goode opened the floor for Donald Hicks and he stated when he learned there were transom windows he wanted to restore them, but has not decided between wood trim or painted trim. The paint will be removed from the 13 transom windows on top and the art concept will be expanded to allow them to be used as picture frames for canvas art or photography. Goode asked if the art will go behind the glass and Hicks replied yes.

**George made a motion to approve Design Review Application, DRC 20-09, from Sharpe Living, LLC, represented by Donald Hicks Jr., to change the color scheme, as painted or stained, on the store front and transom on the structure located at 609/611 South Center Street; Tax Map 4744-13-0530, seconded by McBane. The motion carried unanimously.**

Sigmon gave the following staff report:

**Review Design Review Application, DRC 20-07, from Alex Prinster with AP Vintage Motors, to place a new office structure on the property located at 340 South Meeting Street; Tax Map 4734-94-8514.**

#### **Background**

The property located at 340 South Meeting Street also incorporates the building located at 208 West Sharpe Street. 340 South Meeting Street is a one story modular office building whose exterior is constructed of fiber cement siding. A large storage building resides at 208 West Sharpe Street, directly west of the office building. The storage building was built around 1947.

The previous tenant at this location was Boggs Motor Company. The parcel is zoned CBP and falls under the review of the Design Review Committee.

During 2018, DRC approvals included installing fencing to secure the property and installing a black pipe railing along the northern boundary beside the driveway to adjacent businesses.

#### **Request**

The owner, Mr. Alex Prinster, is requesting to remove the existing manufactured office building on site and add a new structure to serve as the office building. The new structure would be a repurposed shipping container designed to meet the needs of the business. The container would be painted semi-gloss industrial black, have red trim, contain several glass windows size 5' by 6' and a double glass door for customer entry and exit, and another double glass door for entry into the showroom. According to the applicant, the shipping container walls, frame, cargo doors, and crossmembers are all made from 14 guage, 0.075 inch Corten steel. The Corten steel possesses properties which make it weldable and rust resistant. The after use of a container used as a structure such as an office building is 25 years plus. The paint used is Sherwin William's Pro Industrial Acrylic Multi-Surface Coating and should have a 25 plus year lifespan.

#### **Committee Review**

Before rendering a decision the committee should reference design guidelines:  
Pages 17-20: Chapter 3: New Construction; Section 3. A. New Construction

Chairman Goode opened the floor for Alex Prinster and he stated the condition of the existing modular office building is deteriorating and needs replacement. This project is different, an

opportunity to repurpose something in the green movement and is a good image for Statesville as opposed to a new brick and mortar building. It will bring something aesthetically pleasing and an attraction to downtown as opposed to the existing modular building. They are located three blocks off Main Street in the outer perimeter and this would be less of an issue than being in the downtown area. This project is architectural, has to be designed and engineered and cannot be purchased out of a magazine and assembled. The nature of the project being green and repurposed will be an attribute that can be marketed as the town being forward thinking in the green movement.

Tomlin asked about the doors and Prinster replied that one end of the container is sealed and the other end has two handles that open the container and most are left as a design feature, but can be removed. Marshall asked if he has considered painting the handles black instead of silver and Prinster said he wanted to accentuate them by painting silver to show it is a repurposed container, but is open to them being painted or removed. Tomlin asked if it will abut the existing building and Prinster replied currently there is a 12' gap between buildings and clients have to walk outside in the elements, so they want the buildings to adjoin with a double entry into the showroom.

McBane asked how many containers are in this design and Prinster stated four 40' high-top containers with a height of 9'6" and 8' wide. Marshall asked if they are assembled on site with a crane and he replied yes, they are put on 10,000 lb. casters, assembled as a moveable unit and put into place with a forklift. George asked to explain the roof system and Prinster replied an 8" I beam goes across the top and is welded between the two units creating the support for the roof, which can be a torch down flat roof or an A pitch roof. He chose the flat torch down roof that is more era correct than a pitched roof and it will have scupper pipes and drains. George asked if it sits on the concrete pad and he said yes, it is bolted to the concrete. George said he may want to look at an awning to protect the entrance and Goode suggested a cantilever awning above the door. Goode referred to The Black Box photo in Portland, Maine and stated he liked the sign façade to give more height and get away from the container look. Marshall asked Prinster where the air handlers are located and Prinster replied they are using mini splits, because of the efficiency and are less visually intrusive than a traditional heat pump. There was discussion regarding adding a cantilever canopy at the entrance to reduce potential water issues. Goode stated he strongly recommends adding a canopy.

**McBane made a motion to approve Design Review Application, DRC 20-07, from Alex Prinster with AP Vintage Motors, to place a new office structure with the design presented with the addition of a parapet design element on the property located at 340 South Meeting Street; Tax Map 4734-94-8514, seconded by Marshall. The motion carried unanimously.**

**There being no other business Marshall made a motion to adjourn, seconded by George.**

**DESIGN REVIEW COMMITTEE MEETING  
CITY HALL COUNCIL CHAMBERS  
September 10, 2020 @ 2:00pm**

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

Absent: John Marshall

Staff present: Marci Sigmon, Lori Deal, Marin Tomlin

Council present: None

Others: Jerry and Wanda Myers – Myers Tire & Auto, Jeff Husted – Bristol Café,  
Clay Elder – ESD Architecture & Interior Design

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

**George made a motion to approve the July 9, 2020 DRC Meeting minutes, seconded by McBane. The motion carried unanimously.**

**Review Design Review Application, DRC 20-10, from Myers Tire & Auto, to replace a portion of the roof on the structure located at 205 East Front Street; Tax Map 4744-15-0513.**

Sigmon gave the following staff report:

**Background**

The building located at 205 East Front Street was constructed in approximately 1969 and is zoned Central Business Perimeter. Currently, Myers Tire and Auto Center occupies the structure. It is a commercial building with operating garage doors to accommodate the focus of the business - installing tires on vehicles and vehicle repairs.

**Request**

The applicant, Jerry and Wanda Myers of Myers Tire and Auto Center, are requesting to replace a portion of the roof at 205 East Front Street. The roofing area to be replaced is only over the showroom portion of the building. The remainder of the roof will remain the same. The existing roof over the showroom is a flat tar and gravel roof and is leaking.

The owners are requesting to place a new modern style shed roof over the showroom area. The new roof will be a metal standing seam roof material. The new modern style shed roof design will raise the roofline at the most western side of the garage bays and shed towards North Tradd Street. The roofline height will increase and be visible from East Front Street and North Tradd Street. The metal roof will be a bronze color. The top portion of the building where the wall sign exists will remain the color white and a small door to access the HVAC system will be installed on the building roof facing north.

Wanda Myers stated the tar and gravel roof over the showroom leaks and instead of repairing or using the same type of flat roof they want to change the roofline. Tomlin asked if the metal on the front will remain and Myers replied it will remain and go straight up like the garage bays, but the showroom roof will be angled for water to shed to one side. Tomlin asked if there is an awning and Myers stated yes, the front 4' section of the roof over the showroom is the awning. Goode asked if the existing Manford style roof will remain and Myers replied yes. Myers stated the shed roof and the awning will be in the bronze color and the side panels will be white. Goode asked

about the door on the backside of the roof and Myers said it is an access door to the HVAC system. Goode asked about ventilation for the HVAC on the roof and Myers replied it will be ventilated at the highest peak and out the side. Myers also stated there is 8' of clearance around and 4' to 5' of clearance above the HVAC unit for airflow.

**George made a motion to approve Design Review Application, DRC 20-10, from Myers Tire & Auto, to replace a portion of the roof on the structure located at 205 East Front Street; Tax Map 4744-15-0513, seconded by McBane. The motion carried unanimously.**

**Review Design Review Application, DRC 20-12, from Bristol Cafe, to re-open a previously bricked original window 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 applicant, Bristol Café, is requesting to remove the brick from one of the original windows on the east side of the building on the ground level and install a six over six pane vinyl window. The purpose of the request is to enable the restaurant to serve food from the window. With constraints related to the COVID-19 Pandemic, the restaurant owners believe serving food through the window will be a great way to social distance, conserve the restaurant workers' time, plus utilize a great original feature of the building. The new window will be approximately 30 inches by 48 inches to match the existing window opening original to the building. In addition, the new window will match the newly renovated wooden windows on the second floor on the same building façade, except for the vinyl material. Iredell County Environmental Health suggested vinyl material for the window so the window could be easily cleaned for sanitary purposes.

Goode asked about ownership of the alley and Sigmon replied she is working with the Engineering Department for that information. Jeff Husted stated his business has been severely impacted by Covid-19 and is trying to find a way to safely serve customers and be able to pay his bills. The Health Department said he can install a double-hung window that closes automatically in vinyl instead of wood. Goode asked if the sill height will be higher than the existing blocked in masonry opening and Husted replied the window will be smaller and the sill height will be higher because he did not want to use tempered glass and he did not want to cut through the less stable veneer wall built in 1890, so the window will be moved in to the newer brick used to fill in that is more stable. Jones stated her concern for using standard glass is vandalism and broken glass in the alley and Husted replied he has contacted the City to turn on the streetlights in the alley and he has purchased multiple cameras. He will use tempered glass, because it is only a couple hundred dollars more expensive to prevent shattered glass in the alley. Goode stated the vinyl window is required by the Health Department, but DRC guidelines do not allow vinyl, only wood.

**Jones made a motion to approve Design Review Application, DRC 20-12, from Bristol Cafe, located at 110 Court Street to install a vinyl, tempered glass window in the alley for the purpose of serving food outside, seconded by George. The motion carried unanimously.**



Chairman Goode recused himself from the Blue Harbor Bank agenda item and turned the meeting over to Vice Chairman George.

**Review Design Review Application, DRC 20-11, from Blue Harbor Bank, represented by ESD Architecture & Interior Design, to demolish the structure and associated canopy located at 108 North Tradd Street, demolish the structure at 110 North Tradd Street, and construct a new building on the same site; Tax Map 4744-06-7204.**

Sigmon gave the following staff report:

#### **Background**

The structures located at 108 and 110 North Tradd Street were built circa 1965. Two buildings stand on the site along with an associated free-standing canopy structure. One building contains a convenience store currently and the second building is vacant, formerly housing a quick service restaurant.

#### **Request**

The property owner, Piedmont Investment Properties, LLC, is requesting approval to demolish both buildings and the free-standing canopy plus requesting approval of the design elements for the newly proposed Blue Ridge Bank. The new structure would be built on the parcel containing the buildings and canopy if the demolition is approved. The parcel is unique in the way it has three street frontages. The parcel is surrounded by East Broad Street, North Tradd Street and Davie Avenue.

The Board of adjustment approved Blue Harbor Bank's request for set back and parking variances on August 4, 2020.

The new structure will be one and one-half stories tall to blend into the streetscape at the busy intersection. The square footage planned is approximately 3,300 square feet. The height of the building will be approximately 26 feet 3 inches. The new building will incorporate design elements the Blue Harbor Bank Corporate Headquarters in Mooresville, North Carolina displays. The building design will also include a drive-thru window for customers and a detached drive-up ATM structure. The building's front facade would be oriented toward North Tradd Street which faces west.

Exterior building materials will include:

- Cast stone masonry
- Brick veneer
- Soldier brick course
- Cast stone masonry window sill
- Store front window system
- Store front entrance doors
- Glazed entrance doors
- Windows will be glass, constructed with black coloring to provide enhanced security and environmental conscientiousness. The black colored glass offers financial security for customers and also provides sun shielding element for employees and interior elements.
- The HVAC system will be located on the roof and screened by the building façade design.

Technical site plan elements such as, but not limited to, landscaping and parking will be approved through the city's Technical Review Committee. For informational purposes, the bank will have

two entrances: one from East Broad Street and one from Davie Avenue. DRC will make a recommendation to City Council for demolition.

Clay Elder with ESD Architecture stated the new branch bank will be located on a .62 acre site that was granted setback requirements by the Board of Adjustment. Design elements of the corporate headquarters in Mooresville have been incorporated into this building. The building is 1.5 stories tall, 3,300 square feet, and the mechanical equipment will be hidden on the roof. The black glass is through the body color that provides financial security and is high energy efficient glass that blocks small wave radiation. The ATM is separate from the primary building to reduce traffic from the transaction lanes. George asked if the City can address the wooden utility poles or at least the one on Tradd Street as a visual improvement. McBane asked if there is a left turn option on Broad Street traveling east and Elder replied you will have to turn left onto Tradd Street and enter on Davie Avenue. McBane stated she would like to see the downtown streetscape continued a few more blocks. Tomlin asked for a potential start date and Elder replied approximately 2.5 to three months after approval from all boards.

**McBane made a motion to approve Design Review Application, DRC 20-11, from Blue Harbor Bank, represented by ESD Architecture & Interior Design, to demolish the structure and associated canopy located at 108 North Tradd Street, demolish the structure at 110 North Tradd Street, and construct a new building on the same site; Tax Map 4744-06-7204, seconded by Jones. The motion carried unanimously.**

#### **Other Business**

Sigmon presented DRC board members information for the 2045 Land Development Plan public drop-in workshop at the Civic Center on September 15, 2020 from 10:00 am to 7:00 pm.

**There being no other business McBane made a motion to adjourn, seconded by Jones. The meeting adjourned at 2:53 pm.**

**STORMWATER ADVISORY COMMISSION MEETING MINUTES  
ZOOM MEETING  
August 20, 2020 – 12:00PM**

**Members present:** Janice Powell, Charles Taylor, Joe Hudson

**Council present:** Amy Lawton

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

**Others:** Amy Black – Jewell Engineers

**Call to Order**

Mark Taylor called the meeting to order. There are a few corrections to the minutes that will be made.

**East Broad Street Sinkhole**

Taylor stated that NCDOT has claimed this project and requested that the City partner with them. We have a sewer line close to the sinkhole and may have to replace the line. The sidewalk is the City's responsibility once the work is complete - we will replace the sidewalk. The estimate of the repairs is \$320k.

**Wet Ponds at Airport**

Allen previously requested clarification of the FAA rules regarding wet ponds within 5 miles of the airport. They are working with the Airport Manager and the contractors to adhere to the FAA guidelines. Taylor stated that these are FAA recommendations and not a requirement so far. Allen stated that as of now we plan to go forward with keeping this note on the plan. It puts it back on the developers and owners to adhere. He has reached out to other municipalities regarding the language used.

**Stormwater Program Manager – Hiring Status**

Randal Moore from Iredell County was selected as the candidate for the position. He will be starting on August 31, 2020. He has a lot of background on erosion control which will be a huge asset for this program. We look forward to being more productive in Stormwater with the hire.

**DEQ Audit Date – September 15-16**

Taylor stated that he received the phone call from NCDENR that we will have an audit September 15-16. We will be sending various info for review and have a Zoom call scheduled. Feel like we are in good shape and look forward to finding out what we need to do to be in full compliance. They suggested that we download the template/questionnaire of 47 pages to look at to prepare.

**Country Club Neighborhood Meeting**

Taylor stated that they are working on multiple things including seeding and mulching yards. We have preliminary calculations back for the pipe sizes and types to use. We are trying to be efficient and as non-destructive with the construction as possible. Taylor stated that they are also working with DENR in Mooresville regarding the creeks behind the houses. We are looking for insight on a stream restoration or bank harboring project.

Taylor stated that SW is still working in various areas in Statesville regarding flooding. One area reported 7" of rain. July had 36 inches of rain recorded in Statesville at the Water Treatment Plant. The average in NC was 48 inches.

**Patterning with W/S Department**

Taylor stated that they will be asking for assistance from the Water/Sewer Department to use the camera truck and flush truck. This will help us find out if there is a root or clogged pipe problem to remedy situations.

**Other Business**

Allen stated that he is seeing an upswing in concept plans to be reviewed.

Allen stated that more people are using the stormwater hotline and email to report issues. Feels like the general public is getting more involved in reporting issues.

**Next Meeting Date/Time**

October 15, 2020 at 12pm.