

STATESVILLE CITY COUNCIL MEETING AGENDA

OCTOBER 21, 2019

City Hall - 227 S. Center Street, Statesville, NC

5:00 p.m. - City Council Pre-Agenda Meeting – 2nd Floor Conference Room

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

- I Call to Order
- II Receive a report from Mark Bardill regarding foreclosures. *(Only at 5:00 p.m. Pre-Agenda meeting)*
- III Invocation *(Only at Council Meeting)*
- IV Pledge of Allegiance *(Only at Council Meeting)*
- V Adoption of the Agenda *(Only at Council Meeting)*
- VI Public Comment *(Only at Council Meeting)*
- VII Consent Agenda – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.
 - A. Consider approving the City Council September 19, 2019 meeting minutes. *Pg. 3*
 - B. Consider approving 2nd reading of Text Amendment TA19-10 filed by the City of Statesville to amend Article 3 - Table 3-1, Use Matrix, and Article 9 - Definitions, Section 9.02 - Definitions to add “Sale of Collector Vehicles” to the Unified Development Ordinance. *(Ventresca) Pg. 24*
 - C. Consider approving 2nd reading of annexation request AX19-02, an ordinance to annex the property located at 393 Twin Oaks Road, PIN 4753-99-4940. *(Ventresca) Pg. 26*
 - D. Consider approving 2nd reading of TA19-04 filed by City Council to Amend Article Development Standards, Section 6.07 Sign Regulations, I. Exempt Signs, 3. Flags. *(Ashley) Pg. 30*
 - E. Consider approving a request for a water tap to serve a residence at 2622 Newton Drive. *(Harrell) Pg. 32*
 - F. Downtown Statesville Development Corporation (DSDC) requests permission to temporarily “use/close” a portion of the sidewalks on Saturday, November 02, 2019, with the exception of (5) feet of passable sidewalk, for any interested

downtown merchants to host a “Sidewalk Sale” during the Statesville Pumpkin Fest. *(Tomlin) Pg. 34*

- G. Consider granting permission to the Statesville Police Department staff to accept funding from 2019 Project Safe Neighborhoods for up to \$56,000 to be used for the purchase of equipment, such as body cameras, video equipment, laptops/ computer, projectors, monitors, cameras/accessories, supplies, and materials and approving BA #4. There is no match or continuation of grant services required. 35

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- VIII Consider approval of changes to the City’s Purchasing Policy. *(Tucker) Pg. 38*
- IX Consider approving first reading of an amendment to the City Code, Chapter 23 – Utilities, Article VIII. – Cross-Connection, Backflow and Back-Siphonage Control, Sections 23-301 – 23-307. *(Harrell) Pg. 41*
- X Consider approving first reading of an amendment to the Minimum Housing Code, Division 1. Generally, Section 5-56. Compliance, regarding applicability. *(Ashley) Pg. 56*
- XI Consider approving a request to demolish the structure at 507 Western Avenue located in the South Race Street Local Historic District. *(Ashley) Pg. 60*
- XII Consider approving a professional services agreement with Gannett Fleming to assist the city with applying for Surface Transportation Block Grant Direct Attributable (STBG-DA) SHORTFALL funds and, Consider granting approval for the Planning Department to apply for STBG-DA SHORTFALL funds for the Interchange Justification Report for a new interchange at Jane Sowers Road. *(Ashley) Pg. 82*
- XIII Consider approving Budget Amendment #5 for the downtown parking deck project. *(Harrell) Pg. 87*
- XIV Receive a bid report for the Municipal Services Center. *(Smith)*
- XV **Boards and Commissions Updates: Pg. 89**
 - 1. 08/08/2019, 09/12/2019 & 10/10/2019 Airport Commission Meeting Minutes
 - 2. 08/08/2019 & 10/10/2019 Downtown Design Review Committee Meeting Minutes
 - 3. 08/15/2019 & 09/19/2019 Stormwater Commission Meeting Minutes
 - 4. 10/02/2019 Technical Review Committee Meeting Minutes
- XVI **Other Business**
- XVII **Closed Session** *(Following the Pre-Agenda Meeting if Needed)*
- XVIII **Adjournment**

**MINUTE BOOK 27, PAGE
STATESVILLE CITY COUNCIL MEETING – SEPTEMBER 16, 2019
CITY HALL COUNCIL CHAMBERS, STATESVILLE, NC – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Council Present: Mayor Constantine H. Kutteh presiding, J. Johnson, Morgan, Staford, Williams, West, S. Johnson, Allison, M. Johnson

Council Absent: 0

Staff Present: R. Smith, Fugett, Staley, Davis, Messick, Currier, Tucker, Maclaga, Harrell, Gregory, Lee, Ashley, Addison, Cornelius, Slocum, Ferguson, Ventresca, Minor

Media: Record & Landmark, Statesville Free News

Others: 3

I Call to Order

Mayor Kutteh called the meeting to order and asked for everyone to rise for the invocation and the Pledge of Allegiance.

II Invocation

Mayor Kutteh gave the Invocation.

III Pledge of Allegiance

Mayor Kutteh led the Pledge of Allegiance.

Mayor Kutteh stated that Council member Allison has consulted with the City Attorney and she would like to give notice of an action that she would like Council to take at the October 07, 2019 Council meeting.

Council member Allison stated that she would like to give a formal notice that on October 07, 2019 she would like to make a Motion to Rescind the motion and vote made at the May 20, 2019 City Council meeting, which was to deny the request to construct a parking deck at the corner of Meeting Street and Front Street. The intent of this motion is to revisit the details of that request and potentially put the issue to a second vote.

City Attorney Messick explained that any Council member can make the Motion to Rescind and that since Council member Allison gave notice at this meeting, the vote will be by majority rather than by 3/4 majority.

Mayor Kutteh advised that Item XVIII on the Regular Agenda was moved to the Consent Agenda at the Pre-Agenda meeting.

Mayor Kutteh stated that at the Pre-Agenda meeting a motion to approve Item VII on the Regular Agenda was made by Council member J. Johnson, seconded by Council member

Staford and carried unanimously. He will present the Resolution to Pattie West at the appropriate time.

Council member Staford stated that he has a point of order on Council member Allison's notice of intent to present a Motion to Rescind at the next meeting. He said that the item was postponed to a date certain of December 04, 2019 and could not be brought again until that date. Mayor Kutteh replied that the item that was postponed to a date certain was the parking at the Civic Center item, not the parking deck. Council member Staford said he believes that Messick is going by Robert's Rules of Order as revised, but the City's Rules of Procedure state that the City goes by Robert's Rules of Order. Messick replied that she will check both versions and advise Council member Staford and Council if they differ on this.

IV Adoption of the Agenda

Mayor Kutteh asked for a motion to approve the amended agenda.

Council member Morgan made a motion to approve the amended agenda, seconded by Council member Williams. The motion carried unanimously.

V Public Comment

Tony Briceno, 257 River Hill Rd, thanked Council for their hard work and stated that he and other support Council's stance on their decision regarding the oversized flag at Camping World. He said he loves the American flag and does not believe that the size of the flag being flown determines how patriotic someone is. City ordinance is considered law and must be followed until it is changed.

Sonny Deal, 114 Highview Circle, President of Rolling Thunder Chapter 2 in Statesville, spoke in favor of amending the flag ordinance and allowing the oversized flag at Camping World to remain.

Council member West said he recently saw a video of the flag being flown by Camping World in Raleigh and it appeared to be much smaller than the one being flown in Statesville. He said that Camping World cannot bully Raleigh the way it has Statesville over this.

Rhonda Deal, 114 Highview Circle, spoke in favor of amending the flag ordinance and allowing the oversized flat at Camping World to remain.

Tina Ford, 215 Dillon Drive, spoke in favor of amending the flag ordinance and allowing the oversized flag at Camping World to remain.

Council member Staford stated that he would like to give a formal notice that on October 07, 2019 he would like to make a Motion to Rescind the motion and vote made at the June 17, 2019 City Council meeting which denied first reading of Ordinance TA19-04, a Text Amendment filed by City Council to amend Article 6 - Development Standards, Section 6.07, Sign Regulations, I. Exempt Signs, 3. Flags, to allow the flying of larger flags near Interstate Highways. The intent of this motion is to revisit the details of that request and potentially put the issue to a second vote.

Council member Allison stated that some Council members have tried to do what was right regarding the flag issue and enforce the ordinance that was in place and as a result have taken the criticism that has come with that. That does not mean any of them are not patriotic.

Council member J. Johnson said that ordinances are approved all the time to amend the City Code and it could have been done to allow the flag and he feels that Council deserves the criticism it has received.

Council member M. Johnson asked City Attorney Messick to explain the difference between a Motion to Reconsider and a Motion to Rescind and the different parameters that both of those motions under Robert's Rules of Order operate.

Messick explained that a Motion to Reconsider must be made during the same meeting or the first regular meeting thereafter. A Motion to Rescind something that was previously adopted or denied can be made at any later meeting. A Motion to Reconsider requires a person who voted in the majority to make the motion. A Motion to Rescind can be made by any Council member. A Motion to Rescind without prior formal notice to the Council requires a 3/4 vote to be approved.

Mayor Kutteh reviewed the following Consent Agenda items.

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

A. Consider approving the City Council August 19, 2019 Pre-Agenda and Regular meeting minutes.

Mayor Kutteh stated that the Clerk will amend the minutes as noted by Council member Staford at the Pre-Agenda meeting.

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

C. Consider approving a resolution directing the City Clerk to investigate a petition of annexation for the property located at 393 Twin Oaks Road, PIN # 4753-99-4940; Receive the City Clerk's Certificate of Sufficiency; Consider approving a resolution fixing the date of October 07, 2019 for a public hearing on the question of the petitioned annexation. (Currier)

D. Consider approving a request to close selected streets in downtown Statesville on Thursday, September 26, 2019 between 3:00 p.m. and 9:00 p.m. for the Statesville Police Department to host the "Statesville's Night Out Against Crime & Violence" event. In addition, it is requested that a temporary towing enforcement of vehicles that are in the street closure area be in effect during the listed times. (Cornelius)

XVIII Consider approving a request for a water tap to serve a proposed residence at 393 Twin Oaks Rd. (Harrell)

Mayor Kutteh asked if any items need to be removed from the Consent Agenda and placed on the Regular Agenda. Hearing none, he asked for a motion to approve the Consent Agenda.

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

REGULAR AGENDA

VII Consider approving a Resolution to declare October 2019 as “Domestic Violence Awareness Month” in the City of Statesville and present it to Patti West with Fifth Street Ministries. (Kutteh)

Mayor Kutteh stated that this Resolution was unanimously approved at the Pre-Agenda meeting. He read the Resolution and presented it to Pattie West, Executive Director of Fifth Street Ministries.

VIII Receive the annual Statesville Housing Authority (SHA) report from Executive Director/CEO, Darbah T. Skaff.

Darbah Skaff thanked City Council for receiving the SHA annual report. She stated that the Statesville Housing Authority’s mission is to provide affordable, quality housing for eligible low to moderate income persons and to improve their quality of life. She recognized and thanked the SHA Board of Commissioners for the guiding principles that have allowed them to govern by. Ms. Skaff stated that Statesville Housing Authority’s main office is located in Iredell County at 110 West Allison Street. The Statesville Housing Authority was established in 1968 to provide low income citizens with safe, clean, and affordable housing and help improve their quality of life. The Housing Authority operates as a governmental unit chartered by the City of Statesville through the Department of Housing and Urban Development, representing the US Federal Government and the Statesville Mayor appoints the Board of Commissioners for the SHA. Ms. Skaff reported on the lack of affordable housing for low to moderate and median income citizens in Statesville and SHA’s focus on their plan to alleviate this problem going forward. She reviewed the current available housing for these groups and the number on waiting lists. Ms. Skaff advised Council that the groups in need of affordable housing include nurses, police officers, schoolteachers, fire fighters, professors, city and government workers, etc. Ms. Skaff stated that affordable housing in Statesville has become a grave crisis and must be addressed and asked City Council to consider the state of affordable housing in Statesville as a chronic epidemic. She said that statistics show that having a safe home can prevent a child from developing bi-polar disorder, anxiety and many mental illnesses. A safe home can decrease the number of unwanted pregnancies for girls under the age of 14, can be the catalyst for a child to obtain a higher education and earn an additional \$350,000 in their lifetime, and most importantly, a family can be, if nothing else, just that. Ms. Skaff said that this is a grave crisis that we all must pay attention to.

Council member Allison thanked Ms. Skaff and the Statesville Housing Authority for their work in south Statesville. She asked if there are any programs available to help the elderly who own their homes but can no longer afford to fix things such as their roofs, plumbing, etc. that will help them keep and stay in their homes. Ms. Skaff shared some programs that may be available for these types of situations.

Mayor Kutteh thanked Ms. Skaff for her report adding that the City of Statesville looks forward to continuing to work with SHA into the future.

IX Receive a report from Amy Freeze for Our Towns Habitat for Humanity.

Amy Freeze stated that Our Towns Habitat for Humanity seeks to put God's love into action by bringing people together to build homes, communities and hope and believes that everyone deserves decent, affordable housing. The organization promotes affordable housing in the North Mecklenburg and Iredell counties through two main programs - new home ownership and critical repairs. The new home ownership program provides low-income families, who might not otherwise be able to buy a home, a path to home ownership with an affordable mortgage. Families must meet income and residency requirements, commit to homeowner and financial education classes, and serve 400 "sweat equity" hours, which are earned through working on the construction of their own home, volunteering on other build sites, in our ReStores, in the office, etc. The critical repair program addresses essential health and safety repair needs for families who already own a home and whose limited income makes it difficult, if not impossible, to afford these essential repairs. She related examples of home ownership and repair projects that have been carried out in Statesville.

X Conduct a public hearing and consider approving an economic development incentive to a Statesville business known as Project Statesville. (Chris Younger)

Chris Younger, Vice President, Business Development, of the Iredell Economic Development Corporation, introduced Jenn Bosser, the newly appointed President & CEO of the Iredell Economic Development Corporation. Bosser stated she looks forward to working with the City Council.

Chris Younger stated that Statesville RTA LB, LLC and Statesville RTA MFG, LLC, both are wholly owned subsidiaries of Ashley Furniture Industries, also known as Project Statesville, a leading furniture manufacturer with over fifty years in the industry. The company currently employs approximately 30,000 people globally, has an existing facility in Advance, NC, just 30 minutes from Statesville. Their expansion includes the acquisition of HomeStar, at which they will make an investment to update the current facility. The company plans to retain 204 positions and create 95 additional full-time positions within 5 years and will make up to a \$4 million capital investment by December 2021. In accordance to the City of Statesville economic development grant program, we are requesting an incentive be granted to Project Statesville for 5 consecutive years totaling up to \$77,000. Iredell County has awarded the company an incentive grant and the company has also been awarded Workforce Development Training Grants from the State of North Carolina through the North Carolina Community College and Mitchell Community College.

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 J. Johnson. The motion carried unanimously.

XI Conduct a public hearing and consider approving an economic development incentive to a Statesville business known as Project R. (Chris Younger)

Younger stated that this company is Plasgad USA, LLC., also known as Project R, a company that develops and manufactures reusable packaging, storage and transportation solutions. The company produces solutions designed for reuse and recycling related to plastics. Plasgad was established in 1982 and is headquartered in Israel. The company has two production sites in Israel, and one production site in the US, Plasgad USA, LLC. The company plans to establish a facility to receive a full production site in Statesville, NC through the acquisition of RPM Plastics in Statesville. The company will retain 32 positions and create an additional 10 full-time positions, paying above the average County wage. The company will also make \$2.635 million in capital investment by December 2023. We are requesting an incentive be granted to Project R for 5 consecutive years totaling up to \$58,000. Iredell County has awarded an incentive grant to the company.

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

XII Conduct a public hearing and consider approving the Developers Agreement for the Larkin Regional Commerce Park. (Currier)

City Manager Ron Smith stated that there were several questions asked by Council at the last review of this document. Over the last month staff has worked with the representatives of the Larkin Development, as well as with the Town of Troutman, and internally with staff to answer those questions and massage the agreement to something that will hopefully suit the Council. This proposed development is a significant step in the future growth of the City. The City has limited industrial “product” available in its corporate limits, and this project will help to meet that need. Also, from a planning perspective, it is obvious that growth will come from the south, as it has been radiating out from Charlotte for many years. The water line that will serve Larkin will also open area to the south of Statesville for future development. Diversification of our tax base, and the ability to grow our corporate limits will improve the economic health of the City overall.

The Development Agreement overall has some key points that have been addressed by staff's recent review:

1. **Utilities** – Statesville and Troutman have a long-standing sewer agreement, dating to 1998. This has been amended over time, but it sets out the parameters for access, billing, and jurisdiction. From the sewer perspective, the first phase of this development will be Statesville customers, but served by the IL Creek sewer line owned by Troutman, as detailed in our agreement. Any subsequent phases of development would make the requisite future improvements if necessary. To serve Phase I of the overall Larkin Development, water will be extended by Statesville by utilizing a path that follows Third Creek Road. Internal water lines will be the responsibility of the developer and would traverse the property. The cost of the water line will not cause a rate increase to our current customers and is critical to the overall development moving forward. Subsequent phases of water line extensions beyond the scope of this project would be the responsibility of the receiving property owners.
2. **Phasing and Investment** – As of the drafting of this CAR, staff has not had an opportunity to get the schedule of completion from the Larkin representatives.

However, we have spoken with them and this information will be provided at the public hearing. They have explained there is a detailed schedule of construction benchmarks that begin soon after initiation of the project.

3. **Municipal Services Complex** – This has been a long-standing agreement beginning when the development was a predominantly mixed-use residential project. At that time a fire station was to be constructed within the development. When the property was rezoned to Industrial/Commercial in 2017 that agreement changed, and the location of the building was moved to the intersection of Amity Hill Road and Shelton Avenue. I do not feel this building is crucial to the agreement, or to the development overall and I would recommend removing it from the agreement. Requests for bids have been released and we will have a bid opening on October 16th.

Smith said that at this point we still have some unanswered questions, but he feels they will be addressed by the developer during the public hearing. With what we know about the type of development proposed, and the agreements with Troutman for the sewer and the City for the water, I feel this is a benefit to the City.

I would recommend for approval with the following conditions:

1. Develop a schedule of project benchmarks for Phase 1, for both the developer and the City. This would address road, infrastructure and building construction.
2. Remove the Emergency Services Building from the agreement, primarily because the building will soon be a discussion item for the Council and does not appear to be a firm requirement for the success of the development.
3. Adjust the water and sewer flow and design based on new information we have received from the developer.

Alan Lewis, Industrial Development Partner for the Keith Corporation, reviewed a PowerPoint presentation that included a rendering of the 400,000 sq. ft. proposed spec building that will be built concurrently with the infrastructure. The investment in that building, depending on the upfit, could be \$23 million to \$26 million, depending on the client that comes in. The infrastructure, (roads, water & sewer lines) that they are extending inside the park to tie into existing City lines, will cost \$7.5 million for Phase 1.

Lewis reviewed the timeline of the project that will start once the Development Agreement is approved. Once the agreement is approved all they will need is to get signatures from a couple of property owners that are internal to the park who instead of going out Dover Road as they do now, will go out the brand-new parkway to exit that area off of Dover Road. He does not anticipate this will take long and then they will be 60 days away from starting construction. Lewis advised that if this ends up happening in mid-December and it is wet and cold, then they may delay and begin the project in mid-February or as soon as the weather will allow. He stressed that everything else is ready as far as the funding and investors. They have already presented the park, conceptually, to clients that have an interest in these types of buildings.

At the request of Mayor Kutteh, Lewis reported that they will have over \$100 million invested just in Phase 1 of this project. He said that Phase 1 is just a fraction of what they are talking about developing. He explained that this is a regional park that is extremely

rare and is a great transformation of this land from a failed residential project. We feel from a job and an investment standpoint, this is a vast improvement over what the original plan was.

Council member J. Johnson asked if Troutman will provide sewer service to the 4th building that is shown on the concept drawing. Lewis replied that they will not be able to go into the same trunk lines for the fourth building and would most likely have to build another line or more than likely, they would put in a small lift station just for that site, to get up to the road to carry it through the system that is already there for what they are calling the spec building, but there is sewer behind it as well that they could eventually tie into.

In response to questions from Council members Staford and J. Johnson, City Manager Ron Smith advised that for Phase 1, the sewer will be served in the Troutman line and any improvements will have to be negotiated to serve Phase 1. Phase 2 is not covered by this agreement and will be another discussion. He pointed out that the information that Council received shows three buildings, not four. Lewis explained that the fourth building shown on the concept plan he is showing will be accessed by their road improvements, so the site will be accessible, but they will have to engineer the sewer separately for the fourth building. The project engineer stated that it is not a given that it will flow to Troutman at this point in the plans, they have looked at how to handle it in a couple different ways, but nothing has been decided yet. Lewis explained that with the infrastructure funding that they have, they wanted to try to access that site and they know that they have a solve for the sewer and that it is his understanding that any internal sewer lines in the park that must be installed in Phase 1 will be at their expense, so the logical solution would be to either put in a small lift station to get into the other line, which would have to meet City engineering specifications, or they would start looking at Phase 2 and try to bring in that piece to a broader plan for additional buildings. He pointed out that they are permitted 5 million sq. ft., plus the commercial, under the property zoning, and he does not think that anybody wants them to stop before attaining that.

Lewis stated that the specific engineering for the spec building, as a single project, is well advanced. All of the engineering for the Phase 1 infrastructure is nearing completion. They are waiting on the final Traffic Impact Analysis approval, the DOT approval and their determination of the final off-site road improvements they will require, which will be the turn lane on Amity Hill Road.

Council member S. Johnson asked Lewis to confirm if their investment would be \$23-\$26 million for the spec building, \$7.5 million for the infrastructure and that the anticipated beginning construction date would be around early spring of 2020. Lewis replied that they anticipate 6 months for the infrastructure and 8 months for the building and they would be done concurrently.

Council member Staford asked if there is a timeline for further development. Lewis replied that the market will dictate that, which is all that can be said for a business park like this and that they are constantly out in the market and will be selling the development and Statesville.

Council member M. Johnson asked how many square feet Keith Corporation currently has under management. Lewis said he can say that they own over a billion dollars' worth of real estate, valued at over a billion dollars, across the country. In his group, the Industrial group, they have developed 24 million square feet in nine states and two foreign countries.

He said the company also has many properties that they own and manage. Council member M. Johnson said that he believes it is not clear to all Council members that the City is only making a commitment for sewer capacity for this entire project, but the cost of the infrastructure inside the development will be paid for by the developer, so there is no cost exposure to the City. Lewis added that to be perfectly clear, the City will be running electric to the park and streetlights, which will be leased. Council member M. Johnson said that this property is annexed and serving electric to annexed properties is something that the City does for any project throughout the City without specific cost to the developer. Lewis added that the City will serve all the electric usage throughout the park. Mayor Kutteh stated that whether or not Statesville is the direct ultimate provider for sewer, the capacity will still be acquired from the City.

Council member S. Johnson stated that the project will not cash flow for the City in the short term with the Emergency Services Center included. He asked how important the Center being built is to Phase 1 of the project. Lewis replied that the Center is not located inside the park and the developer cannot mandate that the City build it; however, the developer has already contributed \$375,000 to it. He said he does not find it critical to the Development Agreement, but he would like to see it built as it would be a good thing to have for ISO ratings and various other reasons, but it is not integral to Phase 1 of the development. S. Johnson said that at some point, once the tax base is generated in this area, there is no avoiding the fact that fire service will need to be enhanced there and he would be willing to do that then, but at this time, according to three separate fire studies, this is not the area where the Emergency Services Center should be built. Lewis pointed out that the developer has no legal recourse to force the City to build the Center. Also, the Center will not be in the development so it will serve a broader area than just his development. Lewis said that the developer is comfortable signing off any obligation that they expect from the City to build it. S. Johnson stated that if the developer is willing to do this, then he is very comfortable with what is on the table right now because it will cash flow almost immediately without the Emergency Services Center included.

Council member M. Johnson read an amendment to Section 6 that was prepared by legal counsel that he believes will cover Council member S. Johnson's concerns.

Section 6. Acquisition of Emergency Service Center - The City has acquired certain property outside of the Business Park and may construct on such property an emergency service center to service the Business Park (the "ESC") as City funds allow. Prior to the date of this Agreement, Developer has contributed to the City the sum of \$375,000.00 for the purpose of assisting in the possible acquisition and construction of the ESC. Should the City build an ESC on the acquired tract, Developer shall pay the additional sum of \$125,000.00 to the City on or before a building permit is issued for any building beyond those proposed in Phase 1 as depicted in Exhibit E, and provided the "ESC" has been constructed. Developer understands and agrees that the City is not committing through this Agreement to guarantee the acquisition and construction of the ESC and agrees such failure to build the ESC by the City will not result in a breach of this Development Agreement. Developer further waives any rights to enforce this clause through specific performance, and would waive any damages, including but not limited to incidental, consequential, attorney's fees, punitive damages, equitable remedies, and costs associated therewith, for any claimed breach

relating to the ESC building only. Developer would further waive any damages related to the initial payment of \$375,000.00 to the City.

Mr. Lewis replied that he has reviewed this with his land partners and legal counsel, and they are comfortable with this language and are still willing to make their last contribution of \$125,000 to get their contribution up to \$.5 million when Phase 2 is started.

Council member Staford asked Lewis if he would be willing to add an addendum to the agreement committing that the \$7.5 million building and the \$23 million of infrastructure will be completed within the time period that he has previously given at this meeting. Lewis replied that he would be willing to look at a statement to that effect that would allow for any normal real estate development catastrophes that would prohibit that.

Council member Staford said that as a steward of the citizens money, he would like to see more of a commitment from the developer in the agreement equitable to the money that the City is committing to. Lewis stated he can discuss this with the land partner and consider adding this as an addendum to the agreement subject to the things he mentioned earlier, but market conditions will dictate how quickly the rest develops.

Council member West stated that because of variables like the weather, contractors never use Plan A. It is always Plan B or even Plan C. He feels it would be unreasonable and unfair to pin the developer and the contractor down to a specific date, especially going into this time of the year. Also, adding this is basically worthless unless a penalty clause is added, which he does not think that anyone on the Council would be willing to do. The bottom line is, with \$49 million invested in this property, he cannot see them sitting on it, they will want to get it finished as fast as they can, and he trusts them to do that.

Council member S. Johnson asked if there will be any covenants, by-laws, etc. put in place to maintain the development and protect the value of the park. Lewis replied that their intent is to impose a set of restrictive/protective covenants where the tenant will be assessed enough money every year to pay for the lease of the street lights and to pay for the upkeep of the common area, including mowing of the road rights-of-way and flowers at the entrance so the City will not be burdened by that.

At the request of Ron Smith, Scott Harrell and John Maclaga reviewed the water/sewer costs and the financial and reliability benefits the City will see from this project.

Mayor Kutteh asked Messick if the amendment to Section 6 speaks to the City's obligation to reimburse the \$375,000 payment that the Developer has already paid the City towards the building of the ESC. Lewis stated that the Developer will not seek reimbursement, but if the City does not build the ESC, it will not pay the last installment of \$125,000 either. Messer said she believes it covers it where it states that the Developer will waive any damages whatsoever, but she is happy to include it to make it clearer.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak. There being none, he declared the public hearing closed.

Council member S. Johnson made a motion to approve the Developers Agreement subject to amending Section #6 as stated above and that the developer will further waive any damages related to the initial payment of the \$375,000 to the City. Council member M. Johnson seconded the motion.

Council member Staford asked if the developer would consider adding an addendum that the developer would commit to having a certain amount of tax base on the property within 18 months. Council member S. Johnson said he does not believe this is necessary and barring that the economy does not fall apart tomorrow, the developer is going to start moving dirt and going vertical within 6-8 months. Council member Morgan agreed, stating that considering the reputation that Keith Corporation has, as well as what they have already done in Statesville, and the amount of time and money they have already invested on this development, they are going to do what they say they will do. The economy and the weather will dictate how quickly it is developed.

Council member Staford stated he has never dealt with a Developers Agreement of this magnitude before, so he reached out to the League of Municipalities. Three of their attorneys said that they would not sign this agreement as presented, because it is not a Development Agreement, it is a Letter of Commitment from the City to provide services to this property. With the commitment of providing utilities, water, sewer and electric, to the property, the City is adding great value to this property that the developer is gaining from the citizens of this city. All he is asking is that the developer make a commitment to a promise of tax base to reimburse those costs. Council member S. Johnson said the only reason he ever expressed some support for a time frame was to be able to correlate the assumption of debt service for the Emergency Services Center as related to the creation of tax base at Exit 45. Now that the Center is no longer part of the City's commitment to the project, he is satisfied with the agreement.

Staford asked if the City is locking in the UDO for 20 years for Phase 1 and Phase 2. M. Johnson replied that for zoning it is. Mayor Kutteh said that if the developer defaults then the deal is over. Staford asked if the agreement is approved, which increases the value of the property, then tomorrow they put it up for sale, does the City have any recourse from the commitment they are locked into. Ron Smith said it is his understanding that the agreement will run with the land, so a subsequent developer will have the same rights and responsibilities and be bound by the same terms. Staford said that the developer has no terms, there is no promise to the City of even one dollar of tax base.

Council member M. Johnson said that an agreement cannot cover every eventuality financially that could arise. If they default, then the deal is off, but even if they do, this property will be developed, and the utilities will already be run to it.

Lewis pointed out that all of the internal roads and utilities, with the exception of Statesville's electric line, is being funded by the developer. There are many counties and cities that he operates in and the city has done it as well, have bought land and funded all of this themselves and subsidized giving land to certain projects when it makes sense from the tax revenue. In this case, this is private money, \$7.5 million of infrastructure. The city is not bringing in the water, it is only getting it to the edge of the property. A city will not have a 1,000 park unless it does that piece, no private developer is going to do that.

Council member West asked if Council member Staford's amendments were accepted as well. Mayor Kutteh replied that they were.

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

Ayes: S. Johnson, M. Johnson, Morgan, West, J. Johnson, Allison, Williams

Nays: Staford

Motion carried: 7-1

XIII Conduct a public hearing and consider approving first reading of Text amendment TA19-05 Filed by the City of Statesville to Amend Article 6 Development Standards, Section 6.07 Sign Regulations, M. Existing Billboards, 4. Location and Spacing, D. (Ventresca)

Andrew Ventresca stated that the purpose for this amendment is to eliminate the regulation that all existing advertising signs (billboards) must be at least 1,000 feet away from the product being advertised. Digital changeable copy billboards have made enforcing this regulation difficult for staff. Some businesses located within 1,000 feet of a billboard are not easily seen from an interstate which causes undue hardship from the current separation regulation. Also, changes in North Carolina legislation has limited the ability to regulate where billboards are permitted. Billboards will continue to be permitted only off-premises of the product/uses being advertised without any specific distance requirement. The Planning Board voted 5-1 to recommend approval of the amendment as presented. The Planning Department recommends approving the text amendment. The City Manager commented in the Staff Report that he appreciates that this amendment will be helpful to staff and he is in support of increasing their effectiveness. Statesville probably has more than its fair share of billboards, due to being split by two interstates. However, we only allow for the replacement of billboards (no new locations), which will limit any adverse impacts of this amendment, if approved.

Mayor Kutteh asked if the conclusion is that if a billboard was on my premises, it would not be called a billboard, it would be subject to a different set of rules. Ventresca confirmed that the way the City Code is written right now, that is the case.

Council member Staford asked why we are leaving “off-premise” as part of a condition of this. Why not just say that a billboard is not part of the allowed signage for a building. If a company happens to purchase land where underneath there is an existing billboard, what better place for them to have a sign advertising their product. Ventresca replied that currently the City Code states billboards must be off-premise, but there is also an “Interstate Vicinity Sign” listed in the code that gives any business within 1,000 of an interstate highway right-of-way rights that exceed the size limits of our typical monument signs. He said that if we allow a billboard to advertise in the Interstate Vicinity Sign then it gives an advantage to some of these companies. Staford said he is a big proponent of advantages to business and has felt that the sign ordinance has been problematic for years and needs to be changed. Ventresca stated that if Council wants to go in that direction, then staff can bring back language for that at the second reading of this amendment at the October 7th Council meeting.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak regarding this text amendment.

John Downs, Mulberry Street, asked if this means that if he were a business owner, he would no longer be allowed to have a sign on his property to advertise his business. Council member Staford explained that this text amendment only pertains to property that has a billboard on it.

Travis ????? asked if a billboard is on his property, why would he need to advertise on it, because the business would be able to be seen along with the billboard. Also, if he was looking to start a business and he wanted to put up a really big sign that went against ordinance, he would find a property where he could put up a billboard of his own and put

his own sign on it. Staford advised that no new billboards are allowed to be put up. He would have to purchase property that already had a billboard on it.

Mayor Kutteh clarified that Council is asking staff what happens after the ordinance is approved if Randy Marion acquires the property next to them that has a billboard on it. What rules will apply then. Ventresca replied that the amendment that is being presented tonight, using Randy Marion as an example, if they were to expand and the billboard was on their site, they would not be allowed to advertise their business on it. From the feedback, it appears that Council would like to remove the language from the amendment that restricts any kind of on-premise, off-premise, or distance requirements for billboards and let the billboards police themselves. Messick confirmed that the amendment can be modified for the second reading without starting the process over.

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

Mayor Kutteh said he would like to entertain a motion tonight that leaves the amendment as staff has presented it but leave the possibility open that the words "off-premises" may be removed during the second reading.

Council member J. Johnson made a motion to approve first reading of TA19-05, seconded by Council member Williams.

Council member M. Johnson pointed out that the on-site sign ordinance calculates based on square footage so a billboard on the site would be construed as additional signage. Doing this will subvert the basic tenet of the UDO in terms of cumulative square feet of signage per property. Council member Staford asked why it could not be done simply by saying that it excludes billboards. M. Johnson said that a billboard is a sign.

The vote on the motion was as follows:

Ayes: J. Johnson, Williams, Morgan, West, Staford, S. Johnson

Nays: M. Johnson, Allison

Motion carried: 6-2

XIV Conduct a public hearing and consider approving first reading of Text Amendment TA19-07 filed by the City of Statesville to Amend Article 2 - Development Review, Section 2.11 - Variance, D. Required Findings. (Ventresca)

Ventresca stated that the purpose of this text amendment is to update the required findings of granting a variance to match North Carolina General Statute section 160A-388. The language to be removed is shown as strikethrough and the new language is underlined and highlighted.

Article 2 - Development Review - Section 2.11 - Variance

D. Required Findings

~~A variance is not a right, and may be granted only upon a finding that~~ **When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon showing all of the following:**

1. ~~Granting the variance will not substantially conflict with any City adopted plans or policies, or the purpose or intent of this Code~~ The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved; and
2. ~~There are exceptional conditions creating an undue hardship upon the property involved, which do not generally apply to other land or uses within the zoning district~~ The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; and
3. ~~The applicant cannot derive a reasonable use of the property without approval of a variance~~ Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
4. ~~Granting the variance will not set a precedent for future applications~~ The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship and
5. ~~Granting the variance will not be detrimental to adjacent properties or the area;~~ and
6. ~~Granting the variance will not be detrimental to the public health, safety or welfare;~~ and
7. ~~The basis for the appeal was not created by the current owner or any previous owners of the property~~

The Planning Board unanimously recommended approval of the amendment as presented as well as the Planning Department and the City Manager.

Council member Stafford asked if, as a municipality, does the City have the right to leave Finding #5 “Granting the variance will not be detrimental to adjacent properties or the area”, as a condition of a variance, because this is opening the door wide for variances. City Attorney Messick replied that unfortunately the City is restricted to the state statute and the language in the beginning of that statute is mandatory language. It says that “we shall grant a variance based on a showing of all of the following” so if the four elements are met that have been outlined in this ordinance that is proposed, then we have to grant the variance. We cannot require an additional element because if that element was not met, but all four of the other elements from the mandatory state statute were met, we would be improperly denying someone a variance request.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak. There being none, he declared the public hearing closed.

Council member M. Johnson made a motion to approve TA19-07 as presented, seconded by Council member Morgan. The vote was as follows:

Ayes: M. Johnson, Morgan, Williams, Stafford, S. Johnson, Allison, J. Johnson

Nays: West

Motion carried: 7-1

- XV Conduct a public hearing and consider approving first reading of Text Amendment TA19-08 Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.02, Accessory Uses and Structures, A. Generally, d. and Article 6. Development Standards, Section 6.02, Density and Dimensional Standards, D. Building Setback Requirements, 5. (*Ventresca*)**

Ventresca stated that the purpose of this text amendment is to update the language on accessory structures to match what has always been the setback regulation. When the UDO was adopted, the rear-yard setback was inadvertently left out by Municode who maintains the city code online. This action fixes this error and continues the setbacks for accessory structures that the City has always enforced. Also, this amendment amends the regulation on fences as staff feels a six-foot high fence in the front yard setback is unappealing and a safety concern from a driving standpoint. The language to be removed is shown as strikethrough and the new language is underlined and highlighted as follows:

Section 5.02 d.

Accessory structures in residential districts may be allowed a side and rear yard setback of three (3) feet ~~(3)~~, provided the structure is located entirely behind the principal building, no closer than five (5) feet ~~(5)~~ to another structure on same lot, or within twenty (20) feet ~~(20)~~ of a structure used for human habitation on an adjoining lot. Accessory structures in non-residential districts O&I, B-1, B-2, B-3, CB and CBP shall be located on the same lot as the principal structure and all storage shall be within an enclosed structure; any type of outdoor storage is prohibited. Accessory structures in non-residential districts B-4 and B-5 shall be located on the same lot as the principal structure. In B-4, B-5, LI and HI districts outdoor storage is permitted in the side and rear yards provided that the area devoted to outdoor storage is screened from view with vegetation.

Section 6.02 D.5.

Fences running along street rights-of-way in the front yard shall not that exceed six ~~(6)~~ four (4) feet in height ~~or are substantially opaque regardless of height shall be set back at least three (3) feet from the side or rear property line and shall comply with the front yard setbacks in Table 6-1.~~ and must be located outside the right-of-way. This standard also applies to corner lots beyond the front plane of the structure. Fences located in the side and rear yards in excess of six (6) shall meet the setbacks for accessory structures in Section 5.02.

City Manager Ron Smith asked what was sent to Municode. Ventresca replied that this section came directly from the former zoning code that the City had before the UDO was adopted. Smith asked City Attorney Messick if since this was an error of omission made by Municode, but staff had supplied them with the correct document, if the City needs to go through this entire process to get it corrected or can staff simply contact Municode and resend them the information to correct it. Messick replied that she does not believe that the city has dealt with this before, but she would suggest that staff could call Municode and have them correct the code to match what was submitted.

Mayor Kutteh pointed out that this ordinance also contains an amendment for fences. Smith said there is no harm in going ahead with the text amendment as presented, but he wanted to make a point of clarification as Council member M. Johnson had brought up a valid point earlier.

Council member Staford asked for the definition of "accessory structure". Ventresca replied that in the City Code it is defined as follows: a subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and less than the square footage of the principal building. Staford asked if an accessory structure requires a foundation. Ventresca replied that a foundation requirement is not mentioned in the definition and that a 144 sq. ft. portable shed would fit this definition, but it still must be at least 3 ft. from the side yard property line. Staford asked if this is going

to be enforced if there are dozens in the city that do not meet that setback. Ventresca replied that if a call/complaint is received, then the Code Enforcement Officer does go out to check into it and she has actually cited a few this past year.

Council member M. Johnson pointed out that the code states that an accessory structure in residential zoning must be located behind the principle structure, but the accessory structure can be located 3 ft. from the side yard property line in the rear yard. He asked Ventresca what other zoning districts, other than an architecturally integrated subdivision, in Statesville that are required to have a 3 ft. side yard setback for the principle structure. Ventresca replied that there are no zoning districts where the principle building has to have a 3 ft. side yard setback. M. Johnson said this is the point he is trying to get across. It becomes an arithmetic impossibility. If the side yard setbacks are 5 ft. on each side, but the accessory building side setbacks are 3 ft. from the property line, then there is no way they can be behind the principle structure. He interprets "behind the principle structure" as not being able to be seen from the front if you are looking at it in a straight line from the front side yard to the back side yard. When one guy does it, it precludes the other guy from doing it. He said that there are fire code restrictions with 3 ft. setbacks as well.

Council member Staford said he believes that Council member M. Johnson is saying that it should state "5 ft. from the rear of the principle structure" instead of behind.

Council member M. Johnson said that when the city gets to the point that it has to start doing urban infill development and start alley loading, lots will have to have 5 ft. on the apron off the alleyway or you cannot make the turn into the garage and the other part of that is that garages then become zero lot lined, the firewall goes right through the zero lot line in the garage and this could not be done with a 3 ft. setback requirement. He believes that this will just create another thing that staff will have to potentially deal with down the road.

Council member Staford pointed out that throughout the Historic Districts, almost every property has an accessory structure that does not meet these criteria.

Ron Smith said that a lot of it depends on how the Planning Department staff has been interpreting the code. If they have been saying that behind means "behind just in the back yard", and not 3 ft. from the property line as well. Ventresca stated that staff has interpreted the code to mean that you have your rear property where the house line is in the back, anything behind that. They have not been saying directly behind the house, they have been saying just the rear yard. It can be to the left or the right, they have just been looking at the rear yard. Council member M. Johnson said that if that is the case then staff needs to strike that and change it to state in the rear yard. Mayor Kutteh asked if the 5 ft. setbacks will still be needed. Staford said that actually the 5 ft. setback should be eliminated because everything in the Historic Districts is sitting on the property line. Mayor Kutteh said that approving this amendment would grandfather in everything that predated the amendment. Smith said that if some of these have been permitted at 3 ft. then this could cause some problems, even though they would be grandfathered. M. Johnson said that every lot that is permitted has a 5 ft. utility easement down the property line, so this might as well be changed to 5 ft. as well.

Council member Staford asked what is considered the front yard on a corner lot. Ventresca replied it is basically considered front yard on both sides. Staford asked where this would

limit the fence height to 4 ft. then on a corner lot. Ventresca displayed a diagram of a corner lot showing where a 4 ft. fence would be required.

Council member Stafford made a motion to postpone this item until the December 02, 2019 Council meeting, seconded by J. Johnson. The motion carried unanimously.

XVI Conduct a public hearing and consider approving first reading of rezoning request ZC19-02 for 10 properties located on Fox Avenue; Tax Maps portion of 4744-63-7354, 4744-63-2393, 4744-63-2175, 4744-63-1182, 4744-63-3250, 4744-63-3016, 4744-62-2986, 4744-62-2876, 4744-62-2765 and 4744-62-2665 from R-5MF (High Density Residential Multi-Family) District to B-4 (Highway Business) District. (Ventresca)

Ventresca reported that 6 K Properties is requesting to rezone the above properties from R-5MF, High Density Residential Multi-Family District, to B-4, Highway Business District, with the intention of future commercial development. The area proposed for rezoning is approximately 4.5 acres in size and is located on the east side of Fox Avenue north of its intersection with Salisbury Road. Most of the properties are currently used for single-family residential purposes with one being a condominium development. The applicant intends to eventually demolish the existing structures for the purpose of future commercial development. B-4 property has a higher tax value than R-5MF property. The site is bordered on the east and the south with B-4 zoned property. Uses on the west side of Fox Avenue include single-family residential and multi-family apartment complexes. Other uses in the area include residential, retail and industrial properties. The site is near Exit 49 B off of Interstate 77. B-4 properties are required to have site plan review by TRC, Planning Board and City Council (quasi-judicial) prior to any development. Therefore, the layout of the site including buffers and access to the site will be looked at when the site develops. The land use plan calls for the subject properties to be medium density residential.

<u>NORTH OF THE SITE:</u>	R-5MF (High Density Multi-Family Residential), Single family residential, Foxcroft Commons Apartments
<u>EAST OF THE SITE:</u>	B-4 (Highway Business), Future Randy Marion Ford and Lincoln Dealerships and the Hilton Garden Inn Hotel.
<u>SOUTH OF THE SITE:</u>	B-4 (Highway Business) & HI (Heavy Industrial), Furniture for Less and other industrial uses, Fast Phil's Gas Station
<u>WEST OF THE SITE:</u>	R-5MF (High Density Residential Multi-Family), Single family residential, East Ridge Commons Apartments

The land use plan calls for the subject properties to be medium density residential, and though B-4 does not fit into this category, neither does the current zoning of R-5MF. Staff recommends approval of the request because the properties are adjacent to other B-4 zoned properties, are in close proximity to an interchange off Interstate 77 and in close proximity to other commercial and industrial uses.

The Planning Board voted 3-2 to approve the amendment with the following motion:

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 rezoning is consistent with intensity and development patter in the surrounding area.

The City Manager also recommended approval.

Council member M. Johnson suggested that staff look at doing an overlay in this area.

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

Howard Jesden stated he is a resident of Foxcroft Apartments. He reminded Council that Fox Avenue is a no-thru truck traffic road, but it gets tractor trailer traffic all night and day so they can enter Salisbury Road easier because there is no other exit onto Salisbury road with a signal light.

Ryan Scott with 6K Properties stated he has spoken to the potential buyer and the realtor of the house discussed earlier, and they know what is going on. He believes the neighborhood realizes what a good thing the B-4 zoning is for the area.

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

Council member M. Johnson made a motion to approve first reading of ZC19-02, seconded by Council member J. Johnson.

Council member Morgan read the consistency statement as follows:

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 rezoning is consistent with intensity the development pattern in the immediate area.

The vote on the motion was as follows:

Ayes: M. Johnson, J. Johnson, Morgan, West, Allison, Staford, S. Johnson,

Nays: Williams

Motion carried 7-1

XVII Conduct a public hearing and consider approving first reading of Rezoning Request ZC19-03 for 6 properties located on Turnersburg Highway; Tax Maps 4745-38-2653, 4745-38-6593, 4745-38-6494, 4745-38-6397, 4745-38-6382 and 4745-38-6297 from R-10 (Urban Low Density Residential) District to B-4 (Highway Business) District.

Ventresca stated that Gerald Grant is requesting to rezone the above properties from R-10, Urban Low-Density Residential District, to B-4, Highway Business District, with the intention of commercial development. The area proposed for rezoning is approximately 2-acres and located on the west side of Turnersburg Highway just north of the North Pointe Commons Shopping Center. 5 Single-family structures currently sit on site. The site is in close proximity to other commercial development on Turnersburg Highway. The North Carolina Department of Transportation will be widening Turnersburg Highway from Pump Station Road to Fort Dobbs Road to a four-lane road with a median. As a part of this widening NCDOT will most likely acquire right-of-way from these properties that will require the removal of the existing residential structures. Access points will be limited onto Turnersburg Highway in the future. An unopened right-of-way exists in the rear of the subject properties. Staff would like for the right-of-way to connect to the North Point

Commons Shopping Center for rear access to the subject property prior to any developed. B-4 properties are required to have site plan review by TRC, Planning Board and City Council (quasi-judicial) prior to any development. Therefore, the layout of the site including buffers and access to the site will be looked at when the site develops. The land use plan calls for the properties to be medium density residential. The portion of the property requested to be rezoned is in the city's ETJ and will be required to be annexed prior to any approved development.

- NORTH OF THE SITE:** R-10 (Urban Low Density Residential) District; Single Family Homes, Fairview Baptists Church
- EAST OF THE SITE:** B-2 (Neighborhood Business) District & O&I-2 (Office and Institutional Complex) District; Small scale commercial uses, Marathon Gas Station and Iredell County Health Department
- SOUTH OF THE SITE:** B-4 (Highway Business) District; North Pointe Commons Shopping Center, Express Car Wash, Goodwill
- WEST OF THE SITE:** R-10 (Urban Low Density Residential) District; Undeveloped

The land use plan calls for the subject properties to be medium density residential, and though B-4 does not fit into this category, staff recommends approval of the request because the properties are adjacent to other B-4 zoned properties and fit within the commercial character of the area. Also, with the widening of Turnersburg Highway, a major four lane highway with limited access is not conducive to residential development.

The Planning Board voted unanimously to approve the amendment with the following motion:

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 rezoning is consistent with other commercial development in the area and the widening of Highway 21 is not conducive to residential development.

There are no Budget or Funding Implications at the present time as the property is in the City's ETJ. The Planning Department and the City Manager recommend approving the rezoning request.

Council member S. Johnson stated that the City has had several changes to the Land Use Plan and that maybe it is time to update it.

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

Ken Jurney spoke in favor of the rezoning.

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

Council member M. Johnson asked if this will be a right-in/right-out only. Gerald Grant, agent for the property owners, explained how the project will have a private drive and all properties will be rear loading.

Council member J. Johnson made a motion to approve first reading of ZC19-03, seconded by Council member M. Johnson.

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 rezoning is consistent with other commercial development in the area and the widening of Highway 21 is not conducive to residential development.

The vote on the motion carried unanimously.

XVIII Consider approving a request for a water tap to serve a proposed residence at 393 Twin Oaks Rd. (Harrell)

This item was moved to the Consent Agenda.

XIX Receive a report from staff on a comparison of Minimum Housing Code contents and enforcement practices from other jurisdictions. (Currier)

David Currier stated that staff contacted eighteen North Carolina jurisdictions. Fourteen were in the piedmont area or had similar size population counts and four were larger urban areas.

Create a second full time Code Enforcement Officer to continue level of service delivery which frees up the Code Enforcement Inspector position to perform full time housing issues.

The Department recommends monitoring the program for one year before making adjustments for the program. The City Manager agrees with staff's recommendation.

Council member Staford made a motion to direct staff to move forward with clarifying the language in the ordinance for exterior on vacant properties, seconded by Council member S. Johnson.

Council member Allison asked why the inside cannot be included as well. Staford replied that this would be only for vacant properties.

Allison made a motion to amend Staford's motion to include the interior of vacant properties as well.

Council member M. Johnson asked why the City could not publish a list of these properties if there are so many investors wanting to rehab them and maybe even do some kind of incentive program.

The vote on the amended motion was as follows:

Ayes: Staford, Allison, S. Johnson, J. Johnson, Morgan, Williams

Nays: West, J. Johnson, M. Johnson

Motion carried: 5-3

Council member M. Johnson asked staff to bring Council a list of properties that would be applicable for incentivizing by the City.

XX Boards and Commissions Updates: None

XXI Other Business: None

Ron Smith announced that Police Chief Addison's Crime Report was postponed until the October 7th meeting due to the length of this agenda.

Mayor Kutteh asked for a motion to go back into Closed Session and that Council does not anticipate taking any action but will certainly report it if they do.

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

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

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Andrew Ventresca, Senior Planner
DATE: September 25, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of Text Amendment TA19-10 filed by the City of Statesville to amend Article 3 - Table 3-1, Use Matrix, and Article 9 - Definitions, Section 9.02 - Definitions to add “Sale of Collector Vehicles” to the Unified Development Ordinance.

Summary of Information:

Automobile sales are not permitted in the Central Business Perimeter (CBP) District. Staff would like for City Council to consider the sale of Collector Vehicles to be permitted in the CBP district. Staff has completed research and recommends allowing collector vehicles sales in the CBP District and all other districts that currently permit automobile sales with the definition of Collector Vehicle Sales also added to the UDO. The new language is underlined and highlighted.

- Add the new use in alphabetical order to Article 3 – Zoning, Table 3-1: Use Matrix:

Use	B-4	CBP	B-5	LI	HI
<u>Collector Vehicle Sales</u>	X	X	X	X	X

- Add “Collector Vehicle” to Section 9.02 - Definitions in alphabetical order:
Collector Vehicle - A specialty vehicle that is not used as an everyday vehicle and is looked upon as an investment opportunity. Collector Vehicle values do not typically depreciate. Kit cars, muscle cars, motorsports vehicles, street hot rods, and limited production models can be considered a collector vehicle. Antique and Classic Vehicles fit under this definition as defined by the Classic Car Club of America and/or the North Carolina Department of Insurance.

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

Previous Council or Relevant Actions: The public hearing and first reading of the ordinance was held at the October 7, 2019 Council meeting. The first reading was unanimously approved.

Budget/Funding Implications: There are no budget implications based on this request.

Department Recommendation: The department recommends approving the text amendment as presented.

Manager Comments: Recommend for approval.

Attachments: Ordinance

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ZONING TABLE 3-1: USE MATRIX AND ARTICLE 9 DEFINITIONS, SECTION 9.02 DEFINITIONS

TA19-10

WHEREAS, there is a need to amend the Unified Development Ordinance as the code currently does not address the proposed use;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Article 3, Table 3-1 Use Matrix and Article 9 Definitions, Section 9.02 Definitions, be amended as follows:

- **Add the new use in alphabetical order to Article 3 Zoning Table 3-1: Use Matrix:**

Use	B-4	CBP	B-5	LI	HI
<u>Collector Vehicle Sales</u>	X	X	X	X	X

- **Add “Collector Vehicle” to Section 9.02 Definitions in alphabetical order:**

Collector Vehicle - A specialty vehicle that is not used as an everyday vehicle and is looked upon as an investment opportunity. Collector Vehicle values do not typically depreciate. Kit cars, muscle cars, motorsports vehicles, street hot rods, and limited production models can be considered a collector vehicle. Antique and Classic Vehicles fit under this definition as defined by the Classic Car Club of America and/or the North Carolina Department of Insurance.

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the _____ day of _____, 2019.

AYES:
NAYS:

The second and final reading of this ordinance was heard on the _____ day of _____, 2019, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:
NAYS:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2019.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

Leah Gaines-Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Andrew Ventresca, Senior Planner
DATE: September 25, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of annexation request AX19-02, an ordinance to annex the property located at 393 Twin Oaks Road, PIN 4753-99-4940.

Summary of Information:

The property being considered for annexation was submitted by James Stuart and is located at 393 Twin Oaks Rd. The subject property is approximately 0.942 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4753-99-4940. The subject property is not contiguous to the primary corporate limits of the City of Statesville, and therefore, the petition is being processed as a voluntary satellite annexation. The property is located in Iredell County's Zoning Jurisdiction and therefore has to be rezoned. The applicant is requesting City of Statesville water service.

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.

Previous Council or Relevant Actions: Since 2016 Council has approved three annexation requests in the close proximity to the subject property with two being residential uses for the purpose of being provided City water service. The other was for the new Amesbury Truth facility on Fanjoy Road (Shown in Blue on the Map).

The public hearing and first reading was held at the October 7, 2019 Council meeting and was unanimously approved.

Budget/Funding Implications: The estimated tax value of the property that is requested for annexation is \$15,000. The owner intends to build a single-family home on the lot. City water and electric will be provided to the home when built. The adjacent property to the north has a taxable value of \$77,080 and had a City tax bill of \$420 in 2019.

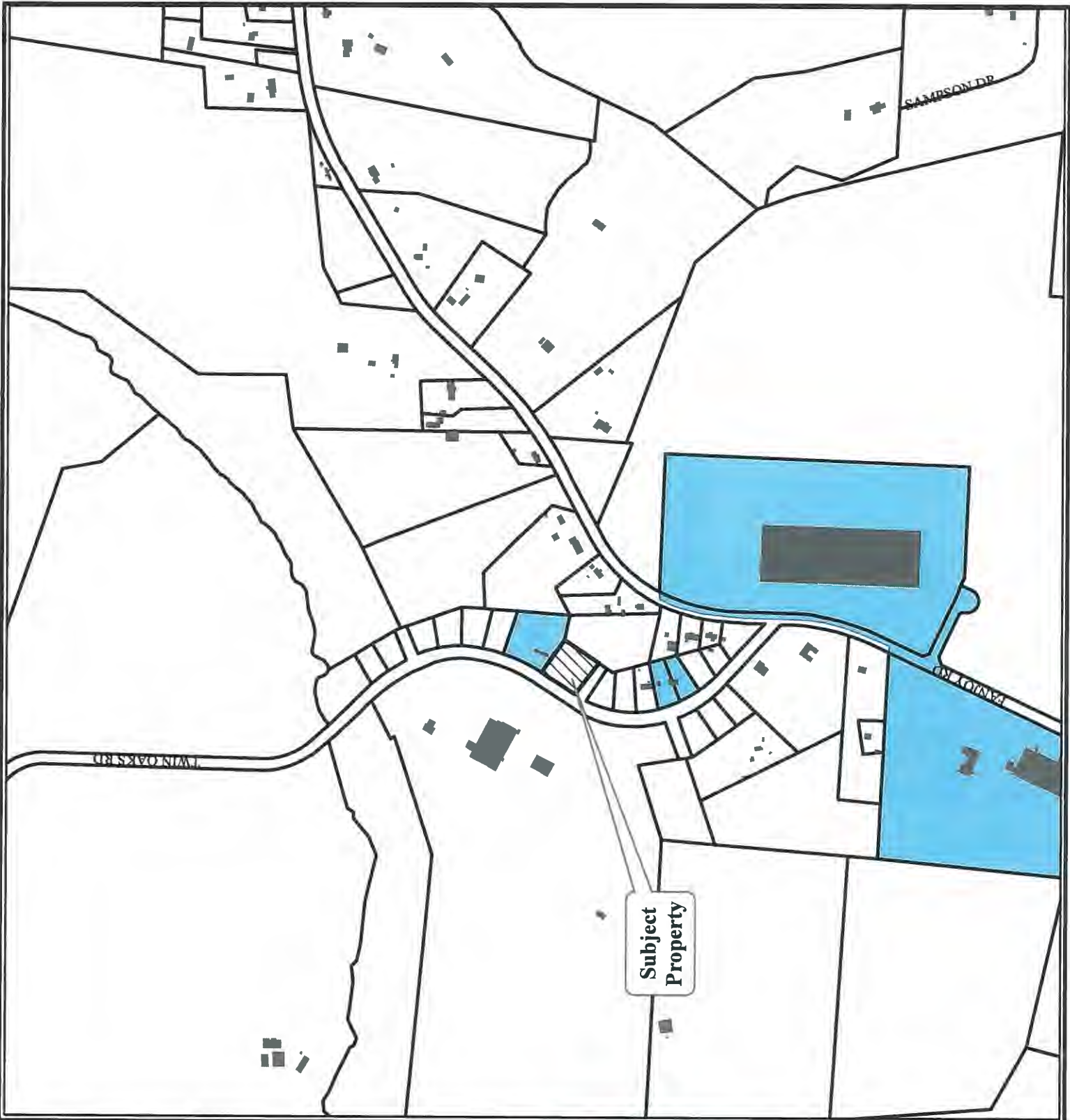
Department Recommendation: The department recommends approving first reading of the ordinance to annex the property at 393 Twin Oaks Road.

Manager Comments: Recommend for approval.

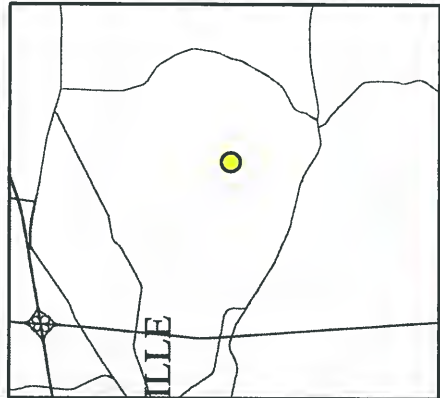
Attachments:

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





**City of Statesville
Planning Department**
393 Twin Oaks Road
Property



ORDINANCE NO. _____

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

**(393 Twin Oaks Road)
Tax Map 4753-99-4940**

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 7th day of October, 2019 after due notice by publication on the 27th day of September, 2019; 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:

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Assistant Planning Director
DATE: September 30, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of TA19-04 filed by City Council to Amend Article Development Standards, Section 6.07 Sign Regulations, I. Exempt Signs, 3. Flags

SUMMARY INFORMATION:

The purpose of this text amendment is as follows:

Allow businesses to erect flags larger than the current size allowed in the code in commercial districts along interstate highways. The language to be removed is shown as strikethrough and the new language is underlined and highlighted.

Previous Council or Relevant Actions: The public hearing and first reading was held at the October 7, 2019 Council meeting and was unanimously approved.

A public hearing was held, and first reading denied on June 17, 2019 by a 5-3 vote.

Planning Board Recommendation: The Planning Board recommended approving the amendment as presented and advised to add additional language enhancing the engineering and design of flag poles and also advised to add language referencing the United States Flag Code as found in Title 4 of the United States Code.

Staff Recommendation: Staff will enforce whatever size flag Council legally approves.

Budget/Funding Implications: There are no budget implications based on this request.

Department Recommendation: Staff will enforce whatever size flag the Council legally approves.

Manager Comments:

Attachments:

1. Ordinance adopting text amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ARTICLE 6 DEVELOPMENT STANDARDS, SECTION 6.07 SIGN REGULATIONS, I. EXEMPT SIGNS, 3. FLAGS

TA19-04

WHEREAS, the City has been requested to allow flying of larger flags near Interstate Highways;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Section 6.07 Sign Regulations be amended as follows:

- Amend Section 6.07 Sign Regulations, I. Exempt Signs as follows:

3. Flags

Flags as defined above shall not be included in the total allowable signage of a lot along with schools and the CB, CBP and Municipal Service Districts.

Schools are permitted to erect flags that represent “welcome, school name, mascot or similar subject matter”. Each school flag cannot exceed 4 ft. x 6 ft. in area. The total number of flags permitted is as follows:

- 0-5 acres- 2
- 5-10 acres- 4
- 10-20 acres- 6
- 20 + acres- 8

Businesses in the CB, CBP and Municipal Service Districts are permitted to erect flags that represent “open, welcome, sale, or decorative without advertisement”. Such flag cannot exceed 3 ft. x 5 ft. and is limited to one per business. There must be at least 7 feet of clearance from the bottom of the flag and it cannot project more than 6 feet from the building. If an “open” flag is erected, then no other open sign is permitted.

Advertising events or products on such flags is prohibited. Except in the B-4 or B-5 Districts, heights of flagpoles are limited to 40 feet and the maximum size of any governmental flag cannot exceed 8 feet by 12 feet. If located in the B-4 or B-5 District and on a property with 100 feet or more of frontage on an Interstate Highway right-of-way, heights of flagpoles can be a maximum of 130 feet and the maximum size of the flag cannot exceed ~~25 feet by 40 feet~~ **40 feet by 80 feet** and only one per site is permitted. Flagpole plans must have an engineer’s seal for stress load and wind shear.

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the _____ day of _____, 2019.

AYES:
NAYS:

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Scott Harrell, Executive Director of Public Works / City Engineer

DATE: October 8, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request for a water tap to serve a residence at 2622 Newton Drive.

Summary of Information:

1. Empire House Buyers, LLC is requesting City water due to failure of an existing well.
2. The current tax value of the parcel is \$83,530.
3. The property is approximately 1,500 feet from the City's contiguous corporate limits.
4. The closest City sewer is approximately 1,100 ft east of the parcel.
5. The property is on City Electric service.
6. The owner has expressed their preference is not to be annexed.

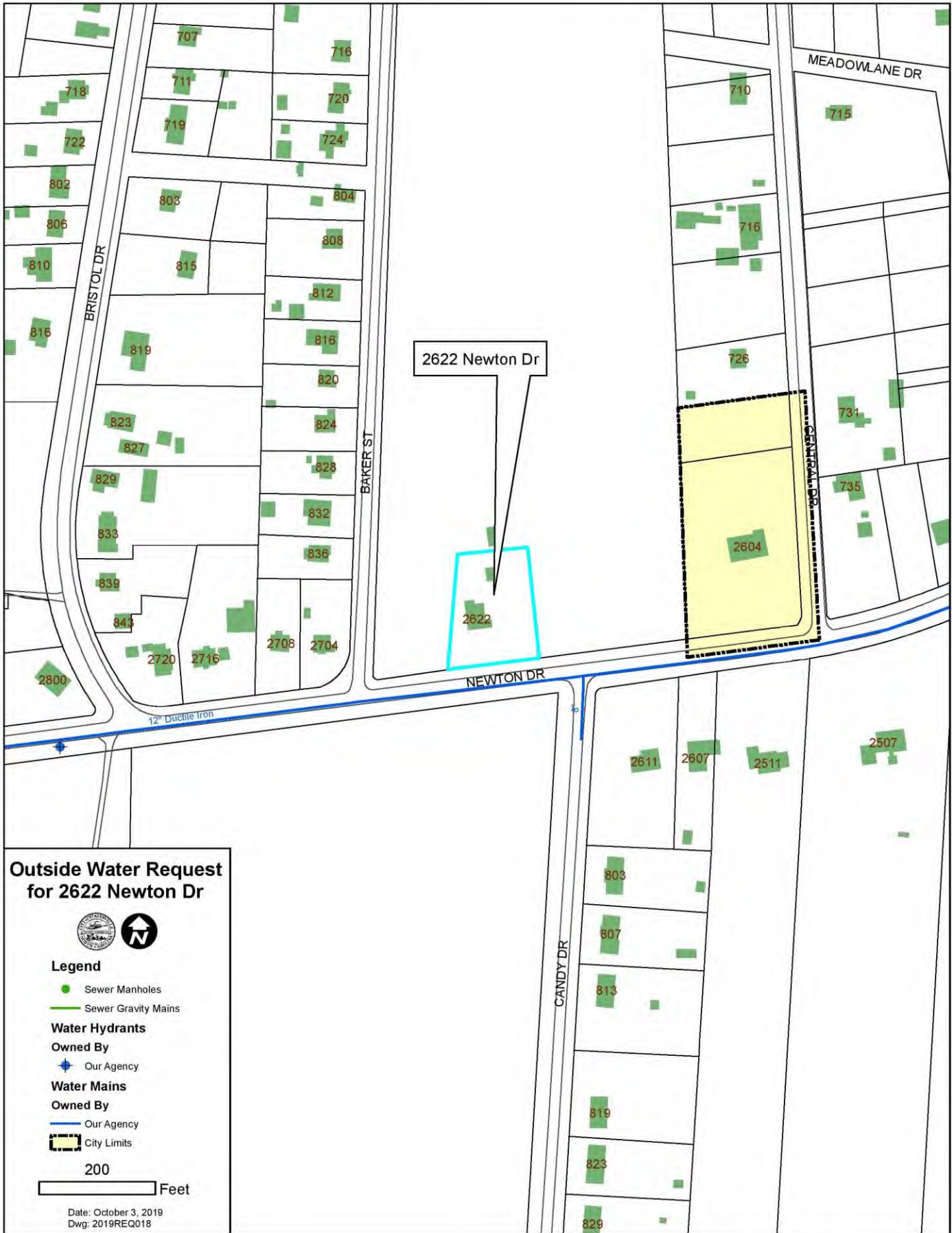
Previous Council or Relevant Actions: In October 2017, Council granted a water tap at 2604 Newton Dr, subject to voluntary annexation.

Budget/Funding Implications: If approved, water tap and system development fees (\$1,177 total) will apply. The subject property is on an existing Sanitation services route. At the current tax rate, the annual City property tax will be \$457.69.

Department Recommendation: Approve a water connection subject to inside rates and System Development Fees, contingent on receipt of a petition for voluntary annexation.

Manager Comments: Recommend for approval, subject to submittal of a petition for annexation.

Attachments: Location Map



**Outside Water Request
for 2622 Newton Dr**

Legend

-  Sewer Manholes
-  Sewer Gravity Mains

Water Hydrants

Owned By

-  Our Agency

Water Mains

Owned By

-  Our Agency
-  City Limits

 200 Feet

Date: October 3, 2019
Dwg: 2019REQ018

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Marin Tomlin, DSDC

DATE: October 09, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Downtown Statesville Development Corporation (DSDC) requests permission to temporarily “use/close” a portion of the sidewalks on Saturday, November 02, 2019, with the exception of (5) feet of passable sidewalk, for any interested downtown merchants to host a “Sidewalk Sale” during the Statesville Pumpkin Fest.

Summary of Information:

Downtown Statesville Development Corporation (DSDC) requests permission to temporarily “use/close” a portion of the sidewalks on Saturday, November 2, 2019, with the exception of (5) feet of passable sidewalk, for any interested downtown merchants to host a “Sidewalk Sale” during the Statesville Pumpkin Fest.

The request is only for the sidewalks where streets are closed for the festival and there is enough sidewalk space to allow the (5) feet of passable space on the sidewalk. By allowing this, downtown merchants will be able to display items for sale in front of their respective businesses during the festival. Businesses would only be allowed to display/sell products sold in their establishment. No pop-up tents would be permitted on sidewalks.

All merchants would be required to sign a hold harmless agreement and follow the requirements in the City of Statesville’s Downtown Design Guidelines, Chapter 6, Displayed Merchandise.

Previous Council or Relevant Actions: None

Budget/Funding Implications: None

Department Recommendation: Recommend for approval.

Manager Comments: Recommend for approval.

Attachments: None

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Pamela Navey

DATE: October 9, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider granting permission to the Statesville Police Department staff to accept funding from 2019 Project Safe Neighborhoods (PSN) being made available through partnership with the US Attorney's Office, Western District of NC, for up to \$56,000 to be used for the purchase of equipment, such as body cameras, video equipment, laptops/computer, projectors, monitors, cameras/accessories, supplies, and materials, and consider approving Budget Amendment #4. No match is required, and no continuation of grant services is required.

SUMMARY OF INFORMATION:

- The Statesville Police Department is requesting to accept up to \$56,000 in 2019 Project Safe Neighborhoods (PSN) funding as outlined in the attached. This funding, when awarded, will be effective from date of award through September 30, 2020.
- The requested PSN funding can be used for the purchase of equipment, such as body cameras, computers, projectors, monitors, cameras, supplies, and materials, to be used for violent crime reduction through prevention and intervention strategies.
- There is no match and no commitment for continuation of grant required by PSN.
- The City's Finance Department will serve as fiscal agent.
- Pamela Navey has taken on the responsibility of a grant writer and manager with the Statesville Police Department (SPD) on previous SPD grants and she will administer this grant as well. It is requested that Pamela be authorized to represent the City of Statesville in management of this grant and serve as liaison between PSN / US Attorney's Office, Western District of NC and the City of Statesville for the duration of this grant.

Previous Council or Relevant Action: None

Budget/Funding Implications: Up to \$56,000 to be received from PSN, with no match required and no continuation required for this funding.

Department Recommendation: Allow SPD to accept the PSN funding for a maximum of \$56,000 for equipment and materials for crime reduction through prevention and intervention strategies.

Manager Comments: Recommend for approval.

Attachments: Budget Summary PSN/SPD 2019 and BA #4

PSN SPD Proposed Budget Summary 2019

HD Body Cameras (\$350 x 30)	10,500
Magnet Mount for Body Cams (\$99 x 10)	990
HD Night Vision Dome Camera/ HD System Kit (\$1,500 x 2)	3,000
PC Media Appropriate for CID/Interview Monitoring	3,600
42" Digital Monitor for CID/Interviewing	900
Accessories PC & Monitoring: Soundbar, Wiring, Ext Storage	650
HD 8GB Sony Video Recorder (\$400 x 3)	1,200
Accessories: Tripods/Software for Video Recorders (\$200 x 3)	<u>600</u>
SUB-TOTAL	<u>21,440</u>

Accessories for mobile classroom, training room & community use

Generator	2,100
Design Graphics for Awareness & Positive Public Relations	2,400
EZ Pop-up Canopy 10'x15' w/ logo	1,500
Folding Metal Chairs (\$25 x 15 each)	375
4K Digital Projector w Mount (Training Room)	2,500
AV Portable Projector & EZ Fold-Up Screen	1,200
48"-55" Flat Screen Monitor (\$350 x 3)	1,050
Various Educational Displays & Informational Racks	<u>2,500</u>
SUB-TOTAL	<u>13,625</u>

Computers (Requesting 4 units ea)

Dell Mobile Precision 7530 (\$1,296 x 4)	5,184
Dell Prec DualUSB-C Thonderbold DockTB18DC(\$240x4)	960
Dell Memory Upgrade, 16GB, 2Rx8 DDR4 (\$170 x 4)	680
Estimated Tax (\$115 x 4)	<u>460</u>
SUB-TOTAL	<u>7,284</u>

Camera Equip(VCU,CID,Crime Prevention/Comm Service

Nikon D3500 W/ 18-55 Lens / Kit (\$467 x 7)	3269
Barrier Filters for ALS & ALS Glasses (\$133 x 7)	931
Master Photo Scale Set, Photo Labels (\$295 x 9)	2655
Orion ALS UV Light Kit (\$240 x 4)	960
External CD/DVD Player/Burner (\$40 x 6)	240
Camera Verticle grip, Ring light (\$150 x 3)	450
Flash gun w/ diffuser, Remote Flash Wire (\$150 x 3)	450
Macro lens, Flash Handle, Laser Tape (\$120 x 3)	360
Cyanowand Set, Iodine Fuming Kit (\$254 x 3)	762
Blood Spatter Kit, Bluestar Blood Presumptive Kit (\$378 x 3)	1134
Trajectory Laser Set (\$474 x 3)	1422
Digital Caliper, Camera Tripod w/360 Degree Head (\$89 x 3)	267
Tyvek Disposable Coveralls (\$180 x 2 pkg 25)	360
Lifting Film Sheets & Lifters	<u>391</u>
SUB-TOTAL	13,651

TOTAL Computers, Cameras & Accessories **56,000**

**CITY OF STATESVILLE
BUDGET AMENDMENT #2019-4**

October 21, 2019
FISCAL YEAR 2019-2020

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
General Fund					
010.5100.340.33.00	Revenue	NC Governor's Crime Commission	-	16,910	16,910
010.5100.340.40.00	Revenue	Other Revenue - Federal Funds	5,000	56,000	61,000
Total Revenues			<u>5,000</u>	<u>72,910</u>	<u>77,910</u>
General Fund					
010.5100	Expenditure	Police	10,162,787	72,910	10,235,697
			-	-	-
Total Expenditures			<u>10,162,787</u>	<u>72,910</u>	<u>10,235,697</u>

DESCRIPTION: To appropriate receipt of grant revenues and to appropriate for the corresponding grant expenditures in the Police Department

Budget Officer

Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Christopher Tucker, Finance Director
DATE: September 04, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approval of changes to the City's Purchasing Policy.

Summary of Information:

When spending federal grant and loan award funds, local governments are required to adopt written procurement policies that conform to applicable federal law and the Uniform Guidance. (2 C.F.R. § 200.318(a)).

In addition, FEMA requires municipalities to follow the "Most Restrictive Rules" in order to be eligible for reimbursement following a disaster. Currently, the City's Purchasing Policy is more restrictive than FEMA's current thresholds.

Previous Council or Relevant Actions: The City adopted a Purchasing Policy on June 18, 2018 that conformed to federal law and the Uniform Guidance. However, shortly after adopting the policy, FEMA updated their micro-purchase threshold to \$10,000 and their acquisition threshold to \$250,000.

Currently the City's thresholds are \$3,500 and \$150,000 respectively, making our rules the "more restrictive" guidelines that must be followed to be eligible for reimbursement.

Budget/Funding Implications: N/A

Department Recommendation: The Finance department recommends adopting the updated FEMA thresholds in order to be consistent with the Uniform Guidance. The action requested is increase the micro-transaction threshold to \$10,000 and the construction and repair contract threshold to \$250,000.

These changes will allow the City to make purchases under \$10,000 quickly and efficiently in times of emergency while keeping the City eligible for FEMA reimbursement.

Manager Comments: This policy has been a topic of discussion with staff for some time, with

me being hesitant to bring this forward. However, the storm that we experienced a few weeks ago was a prime example of how the City could be penalized for having a policy that does not align with FEMA.

By moving the City's spending thresholds to a higher level, the City could have moved faster to purchase equipment, supplies, or make repairs that were a result of the storm. However, we were bound by the "three bids" rule for our purchases and were slower in responding than we could have been. However, if we were to forego our policies, the City would not qualify for FEMA reimbursement. In this particular case, it may not have been that impactful, but in the face of a significant natural disaster, it could have been much more of an issue.

I understand we are trying to fix a problem that occurs very seldom. However, if we are in the situation where a disaster hits, I would rather have more flexibility than less. To offset concerns on the daily purchasing threshold moving from \$3,500 to \$10,000, we will install the use of best management practices for purchasing, and instill in departments the need to continue to look for the best prices and foster competition in the completion of our projects.

Attachments: Summary of Recommended Changes to Purchasing Policy

NO.	ITEM/ISSUE	CURRENT POLICY THRESHOLDS	LAW/UNIFORM GUIDANCE THRESHOLDS	RECOMMENDATION TO BE CONSISTENT WITH UNIFORM GUIDANCE
1.	Informal Bids/Contracts	Purchase/Service/Construction and Repair costing less than \$3,500 may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.	Purchase/Service/Construction and Repair costing less than \$10,000 may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.	Allow City of Statesville to increase our threshold from \$3,500 to \$10,000
2.	Service Contracts	Costing \$90,000 up to \$150,000	Costing \$90,000 up to \$250,000	Allow City of Statesville to increase our threshold from \$150,000 to \$250,000. Procedures will remain the same only threshold changes.
3.	Construction and Repair Contracts	Costing \$3,500 up to \$150,000	Costing \$10,000 up to \$250,000	Allow City of Statesville to increase our threshold from \$3,500-\$150,000 to \$10,000-\$250,000. Procedures will remain the same only threshold changes.
4.	Construction or Repair Contracts Involving a Building	Costing under \$150,000	Costing under \$250,000	Allow City of Statesville to increase our threshold from \$150,000 to \$250,000. Procedures will remain the same only threshold changes.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: October 9, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving first reading of an amendment to the City Code, Chapter 23 – Utilities, Article VIII. – Cross-Connection, Backflow and Back-Siphonage Control, Sections 23-301 – 23-307.

SUMMARY INFORMATION:

The purpose of this text amendment is to reflect recent modifications to the North Carolina Administrative Code (NCAC) regarding backflow and cross-connection protection. These regulations are outlined in NCAC Title 15A Subchapter 18C Section .0406 and were adopted by the North Carolina Commission for Public Health, effective July 1, 2019.

The changes typically fall into one of three categories:

1. Expanded definitions and descriptions of scenarios that constitute backflow and/or cross connection hazards, and the required remedies;
2. Clarification of the types of backflow prevention devices required at different types of facilities;
3. Clarification of the submittal, review and approval process for backflow assembly installations or alterations.

These modifications do not represent a significant change to the City's current backflow requirements, but reflect updates to industry standards, practices and definitions that have been adopted into the North Carolina Administrative Code.

Previous Council or Relevant Actions: N/A

Budget/Funding Implications: N/A

Department Recommendation: Staff recommends approval of the proposed text amendment.

Manager Comments: Recommend for approval.

Attachment(s):

1. Proposed text amendment.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE VIII, SECTIONS 23-301 – 23-307. CROSS-CONNECTION, BACKFLOW AND BACK-SIPHONAGE CONTROL OF THE CITY CODE OF THE CITY OF STATESVILLE

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Chapter 23, Article VIII, Sections 23-301 – 23-307. Cross-Connection, Backflow and Back-Siphonage Control be amended as follows:

CHAPTER 23 – ARTICLE VIII. - CROSS-CONNECTION, BACKFLOW AND BACK-SIPHONAGE CONTROL

Sec. 23-301. - Intent, purpose and control.

- (a) It is the intent of this article to recognize that there are varying degrees of hazard to potable water within the water main and water supply systems. It is also the intent to apply the principle that the degree of protection should be commensurate with the degree of hazard.

- (b) The purpose of this article is to:
 - (1) Protect the public potable water supply of the City against actual or potential cross-connections, backflow, and back-siphonage by isolating within the premises of private property contamination or pollution that has occurred or may occur because of some undiscovered or unauthorized cross-connection on the premises of private property;

 - (2) Eliminate cross-connections, backflow and back-siphonage of any other source of water or process water used for any purpose whatsoever which may jeopardize the safety of the public potable water supply of the city;

 - (3) Establish a cross-connection, backflow and back-siphonage control program;

 - (4) **Comply with 15A NCAC 18C (the North Carolina Drinking Water Act).**

- (c) Cross-connection, backflow and back-siphonage control requires cooperation between the city and the consumer. The responsibilities and duties of each shall be as set forth in this article and other applicable regulations.

Sec. 23-302. - Definitions.

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

“Air gap separation” means the unobstructed, vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air gap separation shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel. In no case shall the gap be less than one (1) inch.

“Approved,” as used in reference to a water supply system or backflow prevention device or method, means one that has been approved the **Executive** Director of Public Works / **City Engineer** or his designee.

“Backflow prevention device” means any effective device, method or construction used to prevent backflow into a potable water system. The type of device used shall be based on the degree of hazard, either existing or potential.

“Back-pressure backflow” means backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.

“Back-siphonage backflow” means a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to an atmospheric pressure.

“Check valve, approved” means a check valve that is drip tight in the normal direction of flow when the inlet pressure is one (1) pound per square inch (PSI) and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. ~~The closure element (e.g., clapper) shall be internally weighted, or otherwise internally loaded, to promote rapid and positive closure.~~

“Consumer” means any person, **property owner or entity** using or receiving water from the City water system. **When used in conjunction with the term “consumer” the pronoun “his” is considered gender neutral.**

“Contamination” means an impairment of the quality of the water by sewage or industrial fluids or waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease, or pathogenic organisms.

~~Cross-connection means any actual or potential connection or structural arrangement between a public or a consumer's potable water system, and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied.~~

“Cross-connection” means:

- (a) any actual or potential **physical** connection or structural arrangement between a public or a consumer's potable water supply system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. **pipings system, sewer fixture, container, or device, whereby water or other liquids, mixtures, or substances may flow into or enter the potable water supply system;**
- (b) any potable water supply outlet that is submerged or is designed or intended to be submerged in non-potable water or in any source of contamination; or
- (c) an air gap that does not meet the requirements of less than twice the diameter of the potable water pipe as defined above (“air gap separation”).

~~Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary/permanent devices through which, or because of which, backflow can or may occur are considered cross-connections.~~

“Cross-connection, point of” means the specific point of location in a public or a consumer's potable water system, where a cross-connection exists.

~~“Detector check valve” means a check valve having as an integral part a bypass line and meter for the detection of flow.~~

“Director” means the Executive Director of Public Works/City Engineer.

“Double check detector assembly” means a double check valve assembly which includes a detector check valve. Used primarily in fire flow applications.

“Double check valve assembly” means an assembly composed of two (2) single, independently acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

“Hazard, degree of” shall be derived from the evaluation of a health, system, plumbing or ~~pollutional~~ **pollution hazard: and are classified as follows:**

High-Health Hazard: A cross-connection or potential cross-connection involving any substance that could, if introduced into the potable water supply, cause illness or death, spread disease, or have a high probability of causing such effects;

Low-Health Hazard: A cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the potable water supply.

“Hazard, health” means an actual or potential threat of contamination or pollution of a physical or toxic nature to the public potable water system or the consumer's potable water system to such a degree or intensity that there would be a danger to health.

“Hazard, plumbing” means a plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation, or other device. Unprotected plumbing-type cross-connections are considered to be a health hazard. They include, but are not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn-sprinkling systems. Plumbing-type cross-connections can be located in any types of structures including homes, apartment houses, hotels and commercial and industrial establishments.

“Hazard, pollution” means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance, be objectionable or could cause minor damage to the system or its appurtenances.

“Hazard, system” means an actual or potential threat of severe danger to the physical properties of the public or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

“Industrial fluids” means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard, if introduced into an approved water supply. This may include, but is not limited to, polluted or contaminated used waters, all types of process waters and used waters originating from the public potable water system which may deteriorate in sanitary quality, chemicals in fluid form, plating acids and alkalies, circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances, contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, etc.; oils, gases, glycerine, paraffines, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other processes or for firefighting purposes.

“Industrial piping system, consumer's” means any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey or store substances which are or may be polluted or contaminated.

“Letter, approval to install” means the approval which is issued by the Executive Director of Public Works/City Engineer (the “Director”), or his designee, to install a backflow assembly which has been reviewed and determined to meet City standards and specifications. When a submittal to the City of Statesville Technical Review Committee (TRC) includes the installation and/or alteration of a backflow assembly, approval of the submittal by TRC shall constitute approval to install or alter the backflow assembly.

"Non-potable water supply" means waters not approved for drinking or other household uses.

"Potable water supply" means water from any source which has been investigated by the health agency having jurisdiction, and which has been approved for human consumption. approved for drinking and other household uses.

“Pollution” means an impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

“Reduced pressure principle backflow prevention device” means a device containing within its structure a minimum of two (2) independently acting, approved check valves, together with an automatically operating pressure differential relief valve located between the two (2) check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the device and each device shall be fitted with properly located test cocks.

Service connections means ~~the terminal end of a service connection from the public potable water system, i.e.,~~ **a piped connection from a water main for the purpose of conveying water to a building or onto a premise premises for human use. A service connection begins: (a) at the point downstream of a service meter; or (b) for unmetered service, at the point of connection to the potable water supply system.**

“Service connection, terminal end” means the point where the City loses jurisdiction and sanitary control over the water at its point of delivery to the consumer’s water. ~~If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service lines ahead of any meter or backflow prevention device located at the point of delivery to the consumer's water system.~~

“Water supply, auxiliary” means any water supply on or available to the premises other than the city's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as well, spring, river, stream, etc., or used waters or industrial fluids. They may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the city does not have sanitary control.

"Water supply, product" means any chemical or substance added to a public water system in conjunction with a treatment technique or material used in construction of a public water system. The term includes any material used in the manufacture of public water system components, appurtenances, any pipe, storage tank, or valve that comes in contact with water intended for use in a public water system.

“Water system, consumer's” includes any water system located on the consumer's premises whether supplied by a public potable water system or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

“Water system, consumer's potable” means that portion of the privately-owned potable water system lying between the service connection and the point of use. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, store or use potable water.

“Water system, public potable” means any publicly or privately-owned water system operated as a public utility under a valid health permit to supply water for domestic purposes. This system will include all sources, facilities and appurtenances between the source and the service connection such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store a potable water [supply] for public consumption or use.

“Water, used” means any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

Cross reference – Definitions and rules of construction, generally, § 1-2.

Sec. 23-302a. – Abbreviations.

AG, air gap.

DCA, double check valve assembly.

DCDA, double check detector assembly.

~~RPDA~~, reduced pressure backflow device assembly.

RPDA, Reduced pressure detector assembly.

Sec. 23-303. - Responsibilities of city, consumer; enforcement.

- (a) The City is primarily responsible for the prevention of contamination and pollution of the public water system. Such responsibility begins at the point of origin of the public water ~~distributing~~ **distribution** system and ends at the service connection to the consumer's water system. In addition, the City shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. When it is determined that a backflow prevention assembly is required for the protection of the public system of the City, the City shall require the consumer, at the consumer's expense, to install an approved backflow prevention ~~device~~ **assembly** at each service connection.
- (b) The consumer has the prime responsibility of preventing contaminants and pollutants from entering his potable water system or the public water system at his service connection. The consumer, at his own expense, shall install, operate and maintain an approved backflow prevention ~~device~~ **assembly** at the service connection, as directed by the City. Tests, maintenance and repairs of backflow prevention ~~devices~~ **assemblies** shall be made by the consumer at his own expense. A certification of

testing and/or maintenance shall be submitted annually to the ~~superintendent of the water/sewer maintenance division~~ **Backflow / Cross-Connection Coordinator**.

- (c) Enforcement of this article shall be administered by the **Executive** Director of Public Works / **City Engineer** utilizing the staff of the water/sewer maintenance and inspections division.

Sec. 23-304. - Regulations.

- (a) ~~No water service connections to any premises shall be installed or maintained unless the potable water and water supply are protected against actual or potential contamination or pollution in the manner required.~~ **person shall construct, maintain, or operate a physical arrangement whereby the public water system has a cross connection without the use of proper backflow protection.**

- (1) **No person shall introduce any water into the distribution system of the public water supply through any means other than from an approved source of supply or make any physical connection between an approved supply and unapproved supply unless authorized in an emergency by the North Carolina Department of Health or its representative.**

- (2) **No service connection will be provided to any plumbing system that does not comply with the current version of the North Carolina State Building Code and all applicable local plumbing codes. The consumer, at his own expense, shall install, operate and maintain an approved backflow prevention assembly at the service connection.**

- (3) **Design of backflow prevention assemblies for service connections shall require City review and approval prior to making the connection. Installation of a testable backflow prevention assembly or air gap shall be required if the connection is non-potable or unapproved. Engineering plans and specifications shall be submitted in accordance with Section 23-306 of this Article.**

- (b) **The following requirements shall apply to backflow prevention not addressed by the plumbing code:**

- (1) **Testable backflow prevention assemblies shall meet American Society of Sanitary Engineering (ASSE) standards and carry an ASSE seal, be on the University of Southern California approval list for testable backflow prevention assemblies, or be on the North Carolina State Plumbing Code approval list for approved testable backflow prevention assemblies.**

- (2) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals, or their residues except at a location equipped with an over-the-rim free discharge of water or a reduced pressure backflow preventer properly installed on the public water supply.
- (c) Hydrants used for construction or other temporary, non-emergency use connections shall have an approved air gap or an installed reduced pressure principle backflow prevention assembly.
- (d) Elevated or ground tank or a ground reservoir used only for non-potable purposes shall implement the following precautions:
 - (1) If the reservoir or tank is filled from a supply other than a public water supply and the public water supply is used as a supplemental supply, the pipeline from the public water supply shall be installed with an air gap;
- (e) If the reservoir or tank is filled entirely by water from a public water supply and:
 - (1) A covered ground reservoir or covered elevated tank is used, an approved reduced pressure back-flow preventer or an approved double check valve assembly shall be used; or
 - (2) An uncovered ground reservoir or uncovered elevated tank is used, an air gap shall be required.
- (f) Installation. The following installation requirements shall be met, where applicable:
 - (1) Backflow prevention assemblies shall be installed in accordance with manufacturers' recommendations and specifications and shall not be modified in the field;
 - (2) Backflow prevention assemblies shall be located and installed in such a manner as to function as designed, be accessible for testing, maintenance, and inspection, and include all necessary test cocks and drains for testing. Valves shall be installed in the line at both ends of the back-flow prevention device to provide for replacement and maintenance;

- (3) Bypass lines parallel to a backflow prevention assembly shall have an approved backflow prevention assembly installed that is equal to that on the main line;
- (4) Reduced pressure principle assemblies shall be installed above ground. A reduced pressure principle assembly may be installed as protection for either a high-health or low health hazard;
- (5) Double check valve assemblies may be installed either vertically or horizontally per manufacture specifications. Only low-health hazards will be allowed to have a double check valve assembly;
- (6) Installation of all cross-connection, backflow and back-siphonage control assemblies shall be ~~by the public works department, or by a mechanical contractor or utility contractor approved by the city.~~ **licensed mechanical, utility, or plumbing contractors certified to perform such work;**
- (7) Existing situations, requiring the installation of backflow prevention assemblies shall be considered on a case-by-case basis, but in no case shall the completion date for compliance with the provisions exceed two (2) years from the effective date of this article.
- (8) This section sets out the usual device type requirements and methods of correction for backflow protection at the following service connection types (list is not all inclusive; system types not listed will be assessed on a case-by-case basis):
 - (i) Auxiliary water systems:
 - a. Potentially contaminated source, AG or RPDA.
 - b. Potable but not acceptable as supplemental source for the public water system, DCA.
 - c. Approved source supplemental to the public potable water system, none.
 - (ii) Beverage bottling plants:
 - a. Subject to backpressure, AG or RPDA.
 - b. Not subject to backpressure, DCA.

- (iii) Breweries: AG or RPDA.
- (iv) Buildings —Hotels, apartment houses, public and private buildings or other structures:
 - a. Major health hazard exists, AG or RPDA.
 - b. Minor health hazard exists, DCA.
- (v) Canneries, packing houses, and reduction plants: AG or RPDA.
- (vi) Chemical plants —Manufacturing, processing, compounding or treatment: AG or RPDA.
- (vii) Chemically contaminated water systems: AG or RPDA.
- (viii) Civil works:
 - a. Health hazard exists, AG or RPDA.
 - b. No health hazard, DCA.
- (ix) Dairies and cold storage plants:
 - a. Health hazard exists, AG or RPDA.
 - b. No health hazard, DCA.
- (x) Film laboratory: AG or RPDA.
- (xi) Fire systems:
 - a. Health hazard exists, AG or RPDA.
 - b. No health hazard, DCDA.
- (xii) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities: AG or RPDA.
- (xiii) Nursing and convalescent homes and clinics: RPDA.

- (xiv) Irrigation systems:
 - a. Premises having irrigation systems separate from their domestic systems such as parks, playgrounds, cemeteries, golf courses, schools, estates, ranches, etc.: AG or RPDA.
 - b. Premises with non-sewer meters (i.e., connected to domestic service): RPA.
- (xv) Laundries and dye works: AG or RPDA.
- (xvi) Metal manufacturing, cleaning, processing and fabricating plants:
 - a. Health hazard exists, AG or RPDA.
 - b. No health hazard, DCA.
- (xvii) Paper and paper products plants: AG or RPDA.
- (xviii) Plating plants: AG or RPDA.
- (xix) Power plants: AG or RPDA.
- (xx) Radioactive materials or substances - Plants or facilities handling: AG or RPDA.
- (xxi) Restricted, classified or other closed facilities: AG or RPDA.
- (xxii) Sand and gravel plants: AG or RPDA.
- (xxiii) Schools and colleges: AG or RPDA.
- (xxiv) Sewage and storm drain facilities: AG or RPDA.

(g) Testing, Maintenance, and Inspection.

- (1) All cross-connection, backflow and back-siphonage control equipment shall meet the testing requirements of the Foundation for Cross-Connection Control and Hydraulic Research, the American Water Works Association (AWWA), and the state building code,

and the United States Environmental Protection Agency (EPA). The Director will periodically issue a list of approved backflow control devices.

- (2) All cross-connection, backflow and back-siphonage control ~~devices~~ **assemblies**, both existing and new, and all parts thereof, shall be maintained in a safe condition and in good working order. The consumer shall be responsible for the maintenance of all backflow prevention assemblies.
- (3) All backflow prevention assemblies located at the service connection shall be tested at least once a year, or more often in those instances where inspections indicate a need, by the Department of Public Works. All rubber goods shall be replaced every five (5) years, or more often if needed. All required maintenance and repairs shall be made at the expense of the consumer.
- (4) The Director, or his authorized representative, shall have the right to enter any building, structure or premises to perform any duty imposed upon him by this article where cross-connection, backflow and back-siphonage is deemed possible.
- (5) Nothing herein shall relieve the consumer of the responsibility for conducting, or causing to be conducted, periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections in the consumer's water system through which contaminants or pollutants could flow back into the public water system.
- (6) On request, the consumer shall furnish to the City any pertinent information regarding the water supply system on such property where cross-connection, backflow, and back-siphonage is deemed possible.

(h) Reporting.

- (1) In the event of contamination or pollution of a potable water system, the consumer shall immediately notify the City in order that appropriate measures may be taken to overcome the contamination or pollution.

(i) Remedial actions, fines and penalties.

- (1) Water service may be discontinued after reasonable notice to the consumer if a violation of this article exists on the premises, and such other precautionary measures may be taken as are deemed necessary to eliminate any danger to

the potable water system. Water service shall not be restored until the danger has been eliminated in compliance with the provisions of this article.

Sec. 23-305. - Cross-connection with source other than city.

- (a) Where any connection to a City water line is made, and the property owner also maintains a well or other source of water, it shall be unlawful for the plumbing serving any building upon such property to be so connected that it be served with water from any source other than the city connection, and it shall also be unlawful to have plumbing cross-connected or so installed that water from the city water system or the private water system may, in any way, become intermingled. Such cross-connections may result in removal of the meter supplying such connections, as well as other penalties, civil or criminal, provided by law. Any and all permits required by the Iredell County plumbing inspector shall be obtained prior to any connections being made.
- (b) Upon discovery of a cross-connection upon any property being furnished water through the city water system, the owners of this property shall be notified that the cross-connection must be discontinued immediately. If the correction is not made, the meter shall be removed and shall not be reinstalled until such time a cross-connection is discontinued and payment of a five hundred-dollar (\$500.00) charge is received.

Sec. 23-306 – Submittals.

- (a) New backflow assemblies, or changes to existing backflow assemblies, shall be reviewed for conformance with City standards and specifications. All persons, including units of local government, intending to install or alter, or expand a water system which subsequently requires the installation or alteration of a backflow assembly shall submit plans and specifications of the proposed backflow installation or alteration for review and approval by the Backflow / Cross Connection Coordinator.
- (b) All plans, specifications, reports, or other data intended for review shall be submitted in accordance with City of Statesville Technical Review Committee (TRC) requirements.
- (c) No construction of or alteration to a backflow assembly shall be initiated until the Director or his designee determines the installation or alteration complies with this article and issues the approval to instruct letter. With respect to installation or alteration of a backflow assembly, approval by the TRC shall constitute approval by the Director.

Section 23-307 - Fees.

- (a) Application (submittal) fees for review and approval of proposed construction will be set by City Council (including fees for resubmittals).

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the 21st day of October, 2019.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the 4th day of November, 2019, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the 4th day of November, 2019.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

Leah Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Assistant Planning Director
DATE: September 30, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving first reading of an amendment to the Minimum Housing Code, Division 1. Generally, Section 5-56. Compliance, regarding applicability.

SUMMARY INFORMATION:

City Council at their September 16, 2019 meeting directed staff to amend the Minimum Housing Code to clarify that the Minimum Housing Code requirements will apply to both the interior and exterior of both vacant and occupied dwellings. Therefore, the text amendment is attached for your review.

Previous Council Or Relevant Actions: Research conducted from multiple jurisdictions was presented at the September 16th meeting along with staff's recommendation that the council create a second full time Code Enforcement Officer to continue the level of service delivery which frees up the Code Enforcement Inspector position to perform full time housing issues and monitor the program for one (1) year before making adjustments to the program.

Budget/Funding Implications: If the text amendment is approved, additional resources and funding would be necessary for this expanded program, see attached estimates cost.

Department Recommendation: Recommend approval contingent upon additional resources and funding.

Manager Comments: We are currently in a contractual arrangement to provide housing inspections through the end of the year with a private firm. It would be possible to increase the scope of that contract to provide more of a "full time" approach to code enforcement and minimum housing code compliance. I would recommend working through this arrangement for the next few months to determine the capacity of the inspector, and the demand for services. If it appears that we will need an additional employee, staff will then come back to the Council for approval of that position.

I would not recommend allocating over \$120,000 mid budget year. This would have to come from fund balance, and there was a concerted effort through this year's budget development process to avoid spending down the fund balance. This would run counter to that action.

If Council chooses to approve the changes to the Minimum Housing Code, I would recommend moving forward with the contract employee to get the enforcement efforts off the ground, then

review the staffing and stabilization needs through the budget process for FY2021.

Attachment(s):

1. Proposed text amendment.
2. Estimated Housing Program Cost

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 5, ARTICLE III, SECTION 5-56.
COMPLIANCE OF THE CITY CODE OF THE CITY OF STATESVILLE**

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Chapter 5, Article III, Section 5-56. Compliance be amended as follows:

- Amend Section 5-56. Compliance by adding a new sentence as follows:

Sec. 5-56. Compliance.

Every dwelling and dwelling unit used as a human habitation or held out for such use as a human habitation shall comply with all the requirements of this article. **This shall apply to both the interior and exterior of vacant and occupied dwellings.** No person shall occupy as a human habitation any dwelling or dwelling unit which does not comply with all the requirements of this article.

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the 7th day of October, 2019.

AYES:
NAYS:

The second and final reading of this ordinance was heard on the 21st day of October, 2019, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:
NAYS:

This ordinance is to be in full force and effect from and after the 21st day of October, 2019.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

Leah Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

Minimum Housing Program Costs

Salary and Benefits	61,726
5% Increase/6 Months	2,100
Computer	1,600
Phone	130
Phone line	37.32
Office 365 license	240
Tyler Citrix license	216
Internet	146.52
Cell phone	639.36
Ipad	1,200
Aircard	540
Training	1,500
Total for Position	70,075
Vehicle (for new code enforcement officer	22,000
Vehicle Replacement (replace 1998 Crown Vic for housing inspector)	22,000
*Used vehicles from existing fleet would negate the cost of new vehicles.	
Total Vehicles	*44,000
Repair/Stabalization/Demolition (Estimate 10 properties at 10K each)	100,000
Total Estimated Costs	214,075

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Assistant Planning Director
DATE: October 9, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request to demolish the structure at 507 Western Avenue located in the South Race Street Local Historic District.

Summary of Information:

The structure located at 507 Western Avenue was constructed circa 1915. The former Western Avenue Baptist Church was a substantial brick-veneered Gothic Revival edifice with a high hip center roof at the junction of four large cross gables, which designated the principal elevations. The front façade was flanked by two prominent entry towers of different heights. A third tower is/was located at the east corner of the east elevation of the main block with the three-story classroom wing, which was built circa 1918. Original lancet-arched stained-glass windows and entries with matching raised brick archivolt survive throughout. Decorative brick corbelling embellishes the towers, and pilasters define window bays and the main corners of the building.

The principal alteration to the property is the 1955 two-story, brick veneered wing with bands of double windows that serves as an office and education building. This church building was the second one on the site. The first began in 1894 as the mission church for Statesville Baptist Church, whose pastor, G.H. Church, earned a reputation in Statesville for his evangelistic activities. The mission church was reorganized as West Avenue Baptist in 1901. The building is currently the Interfaith Deliverance Center. This organization has been the occupant since 1989.

On February 10, 2019, a fire occurred at the structure and the sanctuary part of the church was heavily damaged due to this fire.

The applicant, Mr. Terry Miller, and a representative of the Interfaith Deliverance Center Church, Mr. James Hunter, are requesting to demolish the remaining standing features of the Interfaith Deliverance Center Sanctuary and remove debris components from the property. During the process of demolishing the remnants of the burnt sanctuary and removing the debris, a percentage of bricks and mortar will be chipped up and disposed of in the building footprint location, which was the basement area of the structure. The demolition professional, Mr. Miller, will fill the hole created by the demolition with dirt covering the pieces of brick and mortar. The

fragmented brick and mortar will be at the bottom of the hole, then dirt will be filled in to street level. The site will be stabilized by compacting the dirt and grass seed will be planted on the site where the structure once stood. After demolition, the site will be an open green space area. By requesting to bury some fragmented brick and mortar on the parcel, the applicant will be required to place a notice on the deed at the Iredell County Register of Deeds stating the site contains demolition debris buried underground.

Mr. Terry Miller has received an Asbestos Removal Approval Permit from the NC Department of Health and Human Services for the subject location.

Budget/Funding Implications: The demolition contractor stated the property owner, Mr. James Hunter, is funding the demolition if approved by city council.

Committee Recommendation: The Historic Preservation Commission will make a recommendation to city council concerning the demolition request at 507 Western Avenue at a called meeting on October 21, 2019. All demolitions in the Statesville Historic Districts are approved by city council.

Manager Comments: The HPC is holding a called meeting on the same day as the Council meeting. Without knowing their outcome, it is difficult to make a recommendation. However, this structure appears to be hazardous and should come down or be permanently stabilized.

Attachments:

1. Historic Preservation Commission Application submitted by Terry Miller of Terry Lynn Asbestos Environmental Demolition in Statesville, North Carolina.
2. Photos of existing conditions 507 Western Avenue.
3. Historic photos of the sanctuary at 507 Western Avenue.
4. Various city department emails in support of demolition.



City of Statesville
Planning Department
Physical: 301 S Center Street
Mailing: PO Box 1111
Statesville, NC 28687

Staff Contact:
Kalen Martin: 704-878-3578

File #	<u>CDA-19-20</u>
Rec'd date:	<u>10-9-19</u>
Rec'd by:	<u>Sherry Ashley / Marc Degnor</u>
PIN	<u>4734-92-0428</u>
Minor Work	<input type="radio"/>
Major Work	<input checked="" type="radio"/>
Zoning Clearance	<input type="checkbox"/>
Building permits	<input type="checkbox"/>
Staff Use Only	

Please use **BLACK** or **BLUE INK**. Do not use other colors, or pencil. They do not photocopy.

Street Address of Property: 511 Western Avenue Statesville, NC

Historic District: South Race Street

Historic Property/Landmark name (if applicable): Old Western Ave Baptist Church

Circle one: Contributing structure Non-contributing structure

Applicant's Contact Information:

Applicant's Name: Terry Miller

Applicant's Address: 1596 Jennings Road Statesville, NC 28625

Phone: (H) _____, (W) _____, (C) 704-657-8050

E-mail: tcm lcm@bellsouth.net

Applicant's Signature: [Signature]

Owner's Contact Information:

Owner's Name: Interfaith Deliverance Center
Vision Outreach Ministries, Inc

Owner's Address: 524 E. Front Street Statesville, NC 28677

Phone: (H) _____, (W) _____, (C) 704-500-4307

E-mail: _____

Owner's Signature: [Signature]

Lot size: 219 feet by 188 feet
(Width) (Depth)

Zoning: B1HD Setbacks: _____



Please describe all work that is being requested, including all dimensions, materials, colors, and any other pertinent information (please attach any photos, drawings or brochures that will help explain your request):

Request approval of Demolition of Old Western Avenue Baptist Church Sanctuary Structure. On February 10, 2019 a fire occurred at the structure. Due to the severity of the fire the structure was deemed a total loss by the City of Statesville Fire Department. (See attached)

The building is unsafe for entry due to the severity of structural damage caused by fire and nature. All OSHA demolition regulations shall apply to the removal of structure and any components of the structure.

Photos are attached.

*After demolition, the plan is to seed + stabilize the lot.

There may be applications filed that are considered urgent to be reviewed due to a safety hazard, requirement of code, or another valid reason. Such cases shall be reviewed by the staff liaison.

From: Ed Hodges EHodges@statesvillenc.net
Subject: Emailing: DJI_0108
Date: Oct 8, 2019 at 4:47:19 PM
To: TERRY MILLER tcmlcm@bellsouth.net

Your message is ready to be sent with the following file or link attachments:

DJI_0108

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Pursuant to NCGS Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail messages that may be sent in response to it may be considered public record and as such are subject to request and review by anyone at any time. If you are not the intended recipient of this message, please delete this message and inform the sender.



From: Ed Hodges EHodges@statesvillenc.net
Subject: Emailing: DSCF0002
Date: Oct 8, 2019 at 4:48:03 PM
To: TERRY MILLER tcmlcm@bellsouth.net

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DSCF0002

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From: Ed Hodges EHodges@statesvillenc.net
Subject: Emailing: DSCF0011
Date: Oct 8, 2019 at 4:49:32 PM
To: TERRY MILLER tcmlcm@bellsouth.net

Your message is ready to be sent with the following file or link attachments:

DSCF0011

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From: Ed Hodges EHodges@statesvillenc.net
Subject: Emailing: DSCF0013
Date: Oct 8, 2019 at 4:50:09 PM
To: TERRY MILLER tcmlcm@bellsouth.net

Your message is ready to be sent with the following file or link attachments:

DSCF0013

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From: Ed Hodges EHodges@statesvillenc.net
Subject: Emailing: DSCF0007
Date: Oct 8, 2019 at 4:48:44 PM
To: TERRY MILLER tcmlcm@bellsouth.net

Your message is ready to be sent with the following file or link attachments:

DSCF0007

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From: Ed Hodges EHodges@statesvillenc.net
Subject: Emailing: DSCF0001
Date: Oct 8, 2019 at 4:47:41 PM
To: TERRY MILLER tcmlcm@bellsouth.net

Your message is ready to be sent with the following file or link attachments:

DSCF0001

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From: Ed Hodges EHodges@statesvillenc.net
Subject: Emailing: DSCF0024
Date: Oct 8, 2019 at 4:50:49 PM
To: TERRY MILLER tcmlcm@bellsouth.net

Your message is ready to be sent with the following file or link attachments:

DSCF0024

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER . Governor

MANDY COHEN, MD, MPH . Secretary

DANNY STALEY . Director, Division of Public Health

September 10, 2019

Terry Miller
Owner
Terry L Miller DBA Terry Lynn
1596 Jennings Road
Statesville NC 28625-

SUBJECT: Asbestos Removal Permit Application / Demolition Notification
Permit No. NC30343 / NESHAP No. 59133
Old Western Ave Baptist
511 Western Ave

Dear Terry Miller:

The above-referenced Asbestos Permit Application and Notification for Demolition/Renovation was received and accepted by the Health Hazards Control Unit (HHCU) on September 06, 2019. The Application indicates the asbestos removal, by Terry L Miller DBA Terry Lynn, will begin on October 15, 2019, and end on November 15, 2019. The Notification indicates the demolition, by Terry L Miller DBA Terry Lynn, will begin on November 15, 2019 and end on April 15, 2020.

Any revisions to the above Permit Application and Notification shall be submitted to the HHCU. Waste Shipment Records (WSR) shall also be submitted to the HHCU. These forms shall be submitted, in writing, on a form provided or approved by the Program within the time limits prescribed by the rules governing the HHCU Program. Failure to submit revisions or to submit properly completed WSRs within the correct timeframe may result in the initiation of an enforcement actions.

If you have any questions, please do not hesitate to call our office at (919) 707-5955

Sincerely,

Ed Norman
Program Manager
Health Hazards Control Unit

Attachment
cc: Permit File

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES . DIVISION OF PUBLIC HEALTH

LOCATION: 5505 Six Forks Road, Building 1, Raleigh, NC 27609
MAILING ADDRESS: 1912 Mail Service Center, Raleigh, NC 27699-1912
www.ncdhhs.gov TEL 919-707-5950 FAX: 919-870-4808



AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Page 75 of 109



North Carolina
Department of Health and Human Services
Division of Public Health
Health Hazards Control Unit

Demolition Notification With Asbestos Removal

Permit #: NC30343
NESHAP #: 59133
Date Issued: 09-10-2019

Facility: Old Western Ave Baptist
Location: Entry ways
Contact: Terry Miller **County:** Iredell
Address: 511 Western Ave Statesville, NC 28677-
Size: 20,000 sf **# of Floors:** 2 **Age:** 90

Removal Start: 10-15-2019
End: 11-15-2019

Demolition Start: 11-15-2019
End: 04-15-2020

Days: M TU W TH F SA
Hours: 7:00 AM - 5:00 PM

Owner:
 Old Western Ave Baptist Church
 511 Western Ave
 Statesville, NC 28677-
 Contact: Jeff Spry
 Phone: (704) 872-4139

Removal Contractor:
 Terry L Miller DBA Terry Lynn
 1596 Jennings Road
 Statesville, NC 28625
 Contact: Terry Miller
 Phone: (704) 657-8050

Demolition Contractor:
 Terry L Miller DBA Terry Lynn
 1596 Jennings Road
 Statesville, NC 28625
 Contact: Terry Miller
 Phone: (704) 657-8050

Operator:

Contact:

Phone:

Transporter:
 Terry Lynn
 1596 Jennings Rd
 Statesville, NC 28625-
 Contact: Terry Miller
 Phone: (704) 657-8050

Transporter:
 Contact:
 Phone:

Landfill:
 Iredell County Solid Waste Facility
 354 Twin Oaks Road
 Statesville, NC 28625
 Contact: David Lambert
 Phone: (704) 878-5430

Inspector:
 AMY M MILLER - #12656
 Samples Collected

Supervising Air Monitor:

Designer:

Work Practices: Wet Methods; Remove Intact: Bulldozer / Loader

RACM: 350 SF Floor Tile

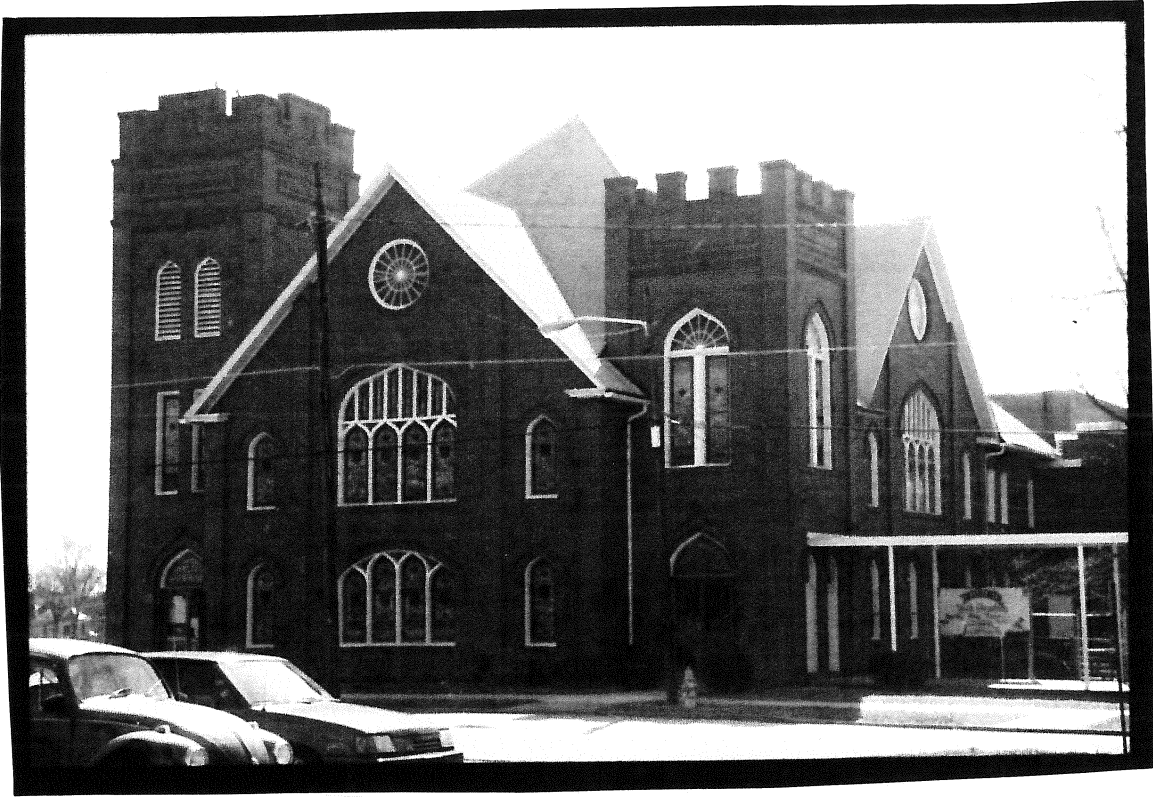
Signatory: Terry Miller
 Terry L Miller DBA Terry Lynn 1596 Jennings Road Statesville, NC 28625-

Any revisions to this Permit/Notification must be submitted to the Health Hazards Control Unit (HHCU). Waste Shipment Records (WSR) shall also be submitted to the HHCU. These forms must be submitted, in writing, on a form provided or approved by the HHCU within the time limits prescribed by the rules governing the HHCU Program. Failure to submit these forms may result in the initiation of enforcement actions.

Ed Norman
 Program Manager, HHCU
 NCDHHS - Division of Public Health
 1912 Mail Service Center Raleigh, NC 27699-1912
 Phone: (919) 707-5950 Fax: (919) 870-4808

REMOVAL PERMITS MUST BE POSTED FOR THE DURATION OF THE PROJECT

507 Western Ave - Historic Photos



View from Western Avenue



View from Wilson Lee Boulevard



Statesville, North Carolina



Street View - May 2018





Marci Sigmon

To: Marci Sigmon
Subject: FW: Western Ave
Attachments: RE: Western Avenue church; Unsafe Structure

From: Sherry Ashley <sashley@statesvillenc.net>
Sent: Thursday, October 3, 2019 5:01 PM
To: Marci Sigmon <msigmon@statesvillenc.net>
Subject: FW: Western Ave

Hey Marci,

Got this from Spencer. Thanks.

Sherry Ashley, AICP
Assistant Planning Director
City of Statesville
P.O. Box 1111
Statesville, NC 28687
704-878-3539



From: Spencer Lee <Slee@statesvillenc.net>
Sent: Tuesday, October 1, 2019 11:36 AM
To: Ron Smith <rsmith@statesvillenc.net>; Sherry Ashley <sashley@statesvillenc.net>; David Currier <dcurrier@statesvillenc.net>
Cc: Ralph Staley <rstaley@statesvillenc.net>; Ed Hodges <EHodges@statesvillenc.net>
Subject: RE: Western Ave

As previously discussed, the fire investigation has been ruled "undetermined, still under investigation." This will likely remain the determination unless some evidence that leads to the cause of the fire comes to light. There is nothing else that can safely be done within the building to update the status of the investigation by the fire department. I am not certain whether insurance has paid out on this claim or not, although Eric Fox indicated that it has (see attached email).

The remaining structure is unsafe for any occupancy within or near due to the potential to collapse. We notified the Iredell County Building Code Department per NC Fire Code about the condition of the building. To my knowledge, we have not heard anything back about this notification.

With the unsafe nature of the building, I concur that it needs to be addressed either through demolition; or, securing the premises by properly boarding all openings to prevent unauthorized entry and shoring the walls to prevent collapse.

Marci Sigmon

From: Ed Hodges
Sent: Monday, July 15, 2019 11:28 AM
To: Iniblock@co.iredell.nc.us; rwilkerson@co.iredell.nc.us; Lorrie Moore
Cc: Spencer Lee; David Currier
Subject: Unsafe Structure

As you are all aware the old Western Ave church located at 507 Western Ave burnt back in Feb of 2019. Due to the amount of damage that was cause by the fire it left the building in an unsafe condition. In accordance with section 110 of the NC Fire Code our office is required to notify the building department when any unsafe conditions occur. Please consider this e-mail notification of the unsafe condition at this location.

Thanks,

Ed Hodges CFI
Acting Fire Marshal
Statesville Fire Dept

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Assistant Planning Director
DATE: October 10, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTIONS REQUESTED:

1. Consider approving a professional services agreement with Gannett Fleming to assist the city with applying for Surface Transportation Block Grant Direct Attributable (STBG-DA) SHORTFALL funds and
2. Consider granting approval for the Planning Department to apply for STBG-DA SHORTFALL funds for the Interchange Justification Report for a new interchange at Jane Sowers Road

SUMMARY OF INFORMATION:

As you are aware, there are Surface Transportation Block Grant Direct Attributable (DA) SHORTFALL funds available. The deadline to apply is October 31, 2019 and the results will be announced in February of 2020.

Therefore, staff has been asked to request council approval to consider hiring Gannett Fleming at a cost of \$11,236.29 to assist the city with completion of a DA application for the Interchange Justification Report (IJR) for a new interchange at Jane Sowers Road.

As part of the 2019-2020 budget, the Planning Department was approved \$30,000 for Professional Services regarding transportation needs. Therefore the \$11,236.29 would qualify for professional services.

In addition, staff is seeking approval to apply for DA SHORTFALL funds for the IJR. The estimated cost of the IJR is \$816,895.21 which includes the required 40% contingency. The city's minimum 20% match would be \$163,379.04.

Total Estimated Cost:	\$816,895.21
DA Funds:	- <u>\$653,516.17</u>
	= \$163,379.04 (City 20% match)

PREVIOUS COUNCIL OR RELEVANT ACTIONS: The city hired Centralina Council of Government and Kimley-Horn in 2016 to assist the city with a Fastlane's grant which determined an IJR would be needed at a cost of approximately low end \$485,000 to high end \$945,000. Also worked with Iredell County to apply for a Golden Leaf Foundation grant but did not receive it.

Budget/Funding Implications: The current Professional Services budget could be used for the consulting services of \$11,236.29 (manager sign contract). If the STGB-DA shortfall request is approved by CRTPO in February, council will then need to adopt a budget ordinance for the project and approve a municipal agreement.

Department Recommendation: The department recommends approving the request to hire Gannett Fleming for assistance with the DA application and to submit for DA shortfall funds but will support new connector shortfall request over Jane Sowers IJR. The new connector will be given priority over Jane Sowers because it is an existing project. Staff anticipates that the new connector will score higher in the review process than Jane Sowers.

Manager Comments: This request is largely dependent upon the Council's direction and future vision for growth. This project will directly compete with the Brookdale connector request for shortfall funds that was approved at the last Council meeting. I would not want to see this project supersede the connector, as we would be at monetary risk. However, if they are both approved this would start the City down the road of potentially opening a new growth area north of the City. This may be a good project to approach the County about potential joint funding, as this would be a de facto economic development request.

Attachments:

1. Gannet Fleming Application Cost
2. Gannet Fleming Estimated cost of Jane Sowers IJR
3. Location map

City of Statesville - CRTPO Discretionary Funding Application (Fall 2019)

Hour Estimate

October 7, 2019

	Rick T	Tom G	Mike H	Adam A				
1.0 CRTPO Discretionary Funding Application								
Coordination with City			2	4				
Transportation Problem/Need Statement	2		0.5	8				
Conceptual Design (for Cost Estimate)	4	4						
Project Cost Estimate	4	6	1	6				
Mapping/GIS				6				
Application	1	2	0.5	8				
Total Hours	11	12	4	32				
Hourly Rates	\$65.60	\$68.70	\$118.71	\$50.50				
Labor Cost	\$721.60	\$824.40	\$474.84	\$1,616.00				
Overhead (157.45%)	\$1,136.16	\$1,298.02	\$747.64	\$2,544.39				
Profit (9.0%)	\$167.20	\$191.02	\$110.02	\$374.44				
FCCM	\$1.80	\$2.06	\$1.19	\$4.04				
Fee	\$2,026.76	\$2,315.50	\$1,333.69	\$4,538.87				
TOTAL	\$10,214.81							
with 10% Contingency	\$11,236.29							

City of Statesville - CRTPO Discretionary Funding Application (Fall 2019)
Jane Sowers Road Interchange w/I-40
Preliminary Engineering Cost Estimate
 Hour Estimate
 October 7, 2019

1.0		Rick T	Tom G	Mike H	Angel P	Tatiana L	Adam A	Traffic Eng.	Sub
	CRTPO Discretionary Funding Application								
	Feasibility Study (Conceptual Alternative Design & Env Screening)	40	24	4	100	144	80		
	Data Collection/Traffic Counts			-					480
	Traffic Forecast & Analysis							2,200	
	Functional Design	40	80	8	248	248			
	Categorical Exclusion (inc PI & Tech Studies)	80	40		40		480		
	Interchange Justification Report	16						400	
	Total Hours	176	144	12	388	392	560	2600	480
	Hourly Rates	\$65.60	\$68.70	\$118.71	\$53.00	\$31.40	\$50.50	\$42.50	\$27.50
	Labor Cost	\$11,545.60	\$9,892.80	\$1,424.52	\$20,564.00	\$12,308.80	\$28,280.00	\$110,500.00	\$13,200.00
	Overhead (157.45%)	\$18,178.55	\$15,576.21	\$2,242.91	\$32,378.02	\$19,380.21	\$44,526.86	\$173,982.25	\$20,783.40
	Profit (9.0%)	\$2,675.17	\$2,292.21	\$330.07	\$4,764.78	\$2,852.01	\$6,552.62	\$25,603.40	\$3,058.51
	FCCM	\$28.86	\$24.73	\$3.56	\$51.41	\$30.77	\$70.70	\$276.25	\$33.00
	Fee	\$32,428.18	\$27,785.96	\$4,001.06	\$57,811.21	\$34,603.19	\$79,430.18	\$310,361.90	\$37,074.91
	TOTAL								
	with 40% Contingency								
		\$583,496.58							
		\$816,895.21							

Overhead Rate 157.45 1.5745
 FCCM 0.25 0.0025
 Profit 9.00 0.09

Feet

1:814



Excel 2000/2003

Results

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Scott Harrell, Executive Director of Public Works / City Engineer

DATE: October 15, 2019

ACTION NEEDED ON: October 21, 2019
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving Budget Amendment #5 for the downtown parking deck project.

Summary of Information:

At the October 07, 2019 Council meeting, staff was directed to prepare a budget amendment to fund the balance of the downtown parking deck project from the Electric Fund.

Previous Council or Relevant Actions: On October 07, 2019 Council approved construction of Phase 1 of the downtown parking deck with a project cost of \$3.8M. Council also approved Budget Amendment #3, which appropriated \$1,950,000 from the Civic Center and Occupancy Tax funds for the project.

Budget/Funding Implications: If approved, Budget Amendment #5 will transfer the remaining \$1,850,000 necessary for the project from the Electric fund to the Civic Center fund.

Department Recommendation:

Manager Comments:

Attachments: Budget Amendment #5

**CITY OF STATESVILLE
BUDGET AMENDMENT #2019-5**

October 21, 2019
FISCAL YEAR 2019-2020

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Electric Fund					
530.0000.399.00.00	Revenue	Fund Balance Appropriated	9,224,753	1,850,000	11,074,753
Total Revenues			<u>9,224,753</u>	<u>1,850,000</u>	<u>11,074,753</u>
Electric Fund					
530.8100	Expenditure	Transfer to Civic Center	-	1,850,000	1,850,000
Total Expenditures			<u>-</u>	<u>1,850,000</u>	<u>1,850,000</u>

DESCRIPTION: To appropriate transfer of funds to the Civic Center Fund for parking garage construction.

Budget Officer

Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

**Airport Commission Minutes
Statesville Regional Airport – FBO Conference Room
August 08, 2019**

The Statesville Airport Commission met on Tuesday, August 08, 2019 at 12:00 p.m. in the FBO Conference Room at the Statesville Regional Airport.

Members Present: Steve Johnson, Mike Colyer, Todd Bodell, Robert Saltzman, Gene Houpe, David Bullins

Members Absent: David Alexander

Staff Present: John Ferguson, Ron Smith, Brenda Fugett, David Currier

Others Present: Tim Gruebel-Parrish & Partners, Bob Thompson-Victory Air, Jonathan Moore-Victory Air, Frank Newton, Jr.

Chairman Steve Johnson called the meeting to order. He welcomed new member David Bullins and visitors at the meeting. He asked for a motion to approve the June 13, 2019 Airport Minutes.

Bodell made a motion to approve the June 13, 2019 Airport Minutes, seconded by Colyer. The motion carried unanimously.

Staff Reports – New Business, FBO Operations Updates, Airport Operations Update, Special Events, City Council Items

John Ferguson distributed and reviewed the Fuel Flow Report stating that the gallons since February are above the 2018 numbers, except for June 2018, but we still finished the fiscal year higher than the Statesville Flying Service did at their 2018 fiscal year end. Nearly every month, we are above what we were last year which he is attributing to the economy.

Ferguson said he received an e-mail from Rachel Bingham with NCDOT Department of Aviation (NCDOT-DOA) and they want to continue the SW Parallel Taxiway in 2021. The estimate for this project is \$11.6 million. This would be a 90% grant so the City and County will need to pay a little over \$.5 million each.

The fuel farm has been transferred over to Shell as of July 1st. As a result of the transfer, new point of sale software was installed, a 2018 Jet A fuel truck was received, new stickers were placed on the AV Gas truck, a golf cart was received, which staff has used extensively. The fuel farm will be repainted sometime in the next few weeks, then after that, they will place new stickers on it to comply with Fire Codes. Also, some of the hoses are out of date, so new ones will be installed. Part of Shell's proposal was that they would spend up to \$10,000 on the fuel farm. The painting is going to cost approximately \$6,800. If the remaining funds do not entirely cover what it will cost to get the fuel farm up to code, the Airport Fund can cover a couple thousand dollars if needed.

He has hats and shirts for sale with a different Statesville Airport logo if anyone wishes to purchase one.

Ferguson said that he and Bud Welch met with the Scheduler and the Chief Pilot for Lowes last week. These are new employees that have never seen the BalloonFest, so he and Welch explained to them how the event uses the Lowe's gate and how the Lowe's ramp is used for everybody on the south end to go around the barricades. After hearing this, they were very eager to purchase a sponsorship with the BalloonFest, which, according to Welch, Lowes has always previously declined to do.

The Chamber of Commerce Business After Hours was a recent event that was held at the airport with about 35 in attendance and went very well. The Plane Pull held in June had 10-12 teams participate, and the coordinator for the event said that they raised more money than they expected. The BalloonFest will be held October 18-20 and the World War II aircraft will be here October 21-24 and will be located at the terminal this year. Chairman Johnson asked if the Airport Meeting could be scheduled on one of these days.

Ferguson said he recently spoke about the airport at a Rotary Club meeting at the Country Club and is scheduled to speak again about the airport at another Rotary Club Meeting at the Country Club on August 22nd. He will be attending the NC Airport Association Region III meeting in Charlotte tomorrow and he believes it will be a good meeting with presentations on fueling and marketing and promoting your airport.

Ferguson stated that part of Shell's proposal was that they would fund a booth for the airport at a major conference, so he is scheduled to attend and have a booth at the NBAA Schedulers and Dispatchers Conference in Charlotte March 10-13. NBAA stands for National Business Aircraft Association and he had a booth at this conference last year in Orlando. The schedulers and the dispatchers are the people who work for charter companies and schedule charters to certain cities and towns, so the goal is to get the Statesville Regional Airport's name in front of the schedulers and dispatchers that they may send flights to Statesville instead of Charlotte, Concord, Hickory, etc.

A meeting was held 3-4 weeks ago between some City Council members and Victory Air to discuss the 1,000 ft. safety air extension and how it impacts the operations of Victory Air and Champion Air and that it is taking a lot of time to get this project underway. The FAA has imposed some more work for our consultants to do to get some environmental issues settled. Victory Air has stated in the past that the length of the runway is a detriment to them as they have to leave fuel on the ground because of it, then purchase fuel at retail prices when they fly out west. A suggestion was made that the City come up with some type of assistance on their fuel flowage fee. If fuel flowage fees are changed, it has to be a global change, the fee cannot be changed for just one entity. One idea that he has is that anything over 150,000 gallons would be charged zero fuel flowage fees. In 2018, the airport had only three entities that purchased more than 150,000 gallons of fuel, Victory Air, Champion Air and Lowes. So, if this was implemented, it would reduce Victory Air's fuel flowage fees by \$40,000 a year, Lowes by \$8,600 a year, and Champion by \$6,400 a year. It would help our biggest three fuel users, but it hurts the airport by losing \$55,000 a year in revenue. David Alexander suggested implementing zero fuel flowage fees for them on the weekends when the private carriers are flying out west. Whatever is decided, it would be temporary until the 1,000 ft. safety area is completed.

In response to a question from Bodell, Tim Gruebel explained that NCDOT-FAA has now involved the Cherokee Tribe, who does not recognize city or state authority and will not talk to them, because they are a sovereign nation, and will only talk to the federal government, so now the environmental study must show that the Cherokee Nation does not have any cultural or historic resources within the safety area. This could cause the project not to be able to be started until

spring 2021. Commission members agreed that this is a safety issue and the federal government should be made aware of this to expedite the project.

Ron Smith said that he will discuss this with Leslie Mozingo and see if she can do anything to help.

Commission member discussed other options to help Victory Air with this issue.

Houpe asked Ferguson to send him the details of this so he can contact our legislators to try to get their assistance with this.

Current Airport Projects Update – Tim Gruebel

Gruebel stated that the paving is complete on the south parallel taxiway; however, there are a number of areas that they are not happy with that do not meet the specifications, so the contractor will be doing repairs to the asphalt. Parrish & Partners have very strongly expressed their displeasure to the contractor of the work they have done, for example, some areas they dumped diesel fuel on the asphalt, and it is eating through the asphalt and now they need to patch it and there are areas where their crew was not paying attention to the joints. He has done a pre-punch list inspection for their benefit to show them areas that they need to repair. Other than that, the site work is coming along nicely. The contractor is going ahead and getting the additional grading ready to be able to construct the apron for the east corporate area. He will be meeting with them this afternoon to hopefully finalize the change order to install the drainage infrastructure that was needed to support Victory Air's apron. Once this is done it will be brought back to Ferguson for signature. Saltzman asked if the apron will be cement. Gruebel said that they are intending to design it as concrete and the only way they would install asphalt is if the Division of Aviation makes them install asphalt. Bob Thompson with Victory Air has expressed that he would rather have concrete and it makes more sense with the type of operation they have. Thompson said he would like to see the design before it is finalized to have the opportunity to provide some input.

Colyer suggested that the Partial Safety Area Extension project should be removed from the list. Gruebel said that project is only listed as a potential project and is not funded. Ferguson said he will remove it from the list.

Ron Smith asked when we would be far enough along on the safety area project that City funding of the 100 ft. safety area would not be detrimental to receiving the grant funding. Gruebel said that once they send the bids to the FAA, who wants bids by September of 2020. There is a good chance that they will not fund anything for construction before then because that is the timeline of the money. There is a chance that they could the timeline forward, but there is no guarantee.

Other Business

The Watkins brothers stated that they are concerned about the stormwater runoff and their ponds. They explained that when their ponds get silted over, they cannot use it for irrigation, and they are worried about the dams failing.

Ferguson said that he and Gruebel is scheduling a meeting with the Watkins along with City staff members Scott Harrell, and Mark Taylor to look at this and try to figure out what is going on and how to fix it.

The Watkins said that their ponds have become the airport's sediment ponds. Their ponds are the lifeblood of their business and if the ponds fail it is a safety issue as well. The ponds are not designed to withstand overflow.

Ferguson said he will report back to the Commission once staff reviews the situation.

There being no further business to discuss, Chairman Johnson asked for a motion to move to Closed Session to discuss a legal matter.

Saltzman made a motion to move to Closed Session, seconded by Houpe. The motion carried unanimously.

Upon return from Closed Session, Chairman Johnson stated that a legal matter was discussed, and no action was taken. There being no further business, he asked for a motion to adjourn.

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

**Airport Commission Minutes
Statesville Regional Airport – FBO Conference Room
September 12, 2019 – 12:00 p.m.**

Members Present: Steve Johnson, Mike Colyer, Robert Saltzman, Gene Houpe, David Bullins, David Alexander

Members Absent: Todd Bodell

Staff Present: John Ferguson, Brenda Fugett

Others Present: Tim Gruebel-Parrish & Partners, Bob Thompson-Victory Air, Council member Jap Johnson

Chairman Steve Johnson called the meeting to order and asked for a motion to table the August 08, 2019 Airport Minutes.

Colyer made a motion to table the minutes, seconded by Houpe. The motion carried unanimously.

Staff Reports – New Business, FBO Operations Updates, Airport Operations Update, Special Events, City Council Items

John Ferguson reviewed the monthly fuel report. He reported that all of the hangars are full. He has no information on Dale Jr's plane crash, only what was in the newspaper. He is getting estimates on hangar repairs and he has an estimate to get the fuel farm painted. The Maintenance Department employees that have been working at the airport, are in his department now instead of the Parks & Recreation department. He has one full-time employee, Lee Keller, and two temporary employees who will be let go at the end of the mowing season. Mr. Keller has agreed to learn how to do lineman duties and runway lights, etc. instead of doing Parks & Recreation jobs during the winter.

Saltzman asked if Dale Jr's plane can still be counted for property tax this year if he does not purchase a new plane by December 31st. Chairman S. Johnson replied that the tax bill to be paid this year is from what was owned in 2018.

Ferguson said that the Fire Department is working on getting gravel put down behind Jim Herd's hangar. Victory Air has donated their parts plane to be used as a training plane for the Fire Department and it will be placed where the gravel is being put down.

The BalloonFest is October 18-20. The WWII planes will be here October 21-24 and staff has already received donations of fuel and food for them. The ribbon cutting ceremony for the new taxiway will be held September 30th.

He has 3-4 Work Authorizations for Parrish & Partners on the October Council meeting agendas and will also be giving Council an Airport update.

Ferguson said that these are unaudited numbers, but at the end of June 30th, the airport had \$213,935 of revenue over expenses. Using the July and August numbers, the airport is running \$83,560 to the good right now.

Ferguson informed the Commission members a Capital Purchase list at the October Airport Commission meeting.

Current Airport Projects Update – Tim Gruebel

Gruebel said that the south parallel taxiway should be ready for traffic next week.

He has been dealing with the NCDOT-DOA because they are out of money. They have not been reimbursed by FEMA and do not have an approved budget. They have shut down several aviation projects. They cannot take back this money, but they have asked us to slow down. DOA tried to get us to take the fire and ????? off of it and change to asphalt instead of concrete, but we have come to terms with them. If there is a big cost difference, someone will have to pay the difference. We feel that we can justify to them why concrete is needed. The approximate cost difference between concrete and asphalt is 50% more. This will probably also affect the taxiway lighting and vault project, #16 on the list, but we have a grant and is close to being out for bids.

Safety Area Project

Gruebel said he met with the FAA and got them to back off of the Indian tribe issue. Now the Cherokee Nation does not need to be involved; however, no funds will be available until September 2020. He advises not contacting our legislators, because it could hurt us, not help us. Ferguson added that these projects were chosen on merit, not by politics, so that is why staff does not want Commission members to contact our legislators.

Other Business

Saltzman stated that the Commission needs to update all the yearly documents such as the Rules & Regulations, etc. He advised that this is required by the FAA.

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

**Airport Commission Minutes
Statesville Regional Airport – FBO Conference Room
October 10, 2019**

The Statesville Airport Commission met on Tuesday, October 10, 2019 at 12:00 p.m. in the FBO Conference Room at the Statesville Regional Airport.

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

Members Absent: David Alexander, Gene Houpe

Staff Present: John Ferguson, April Nesbit

Others Present: Tim Gruebel – Parrish & Partners, Bob Thompson – Victory Air, Peter Sistare - CATS

Chairman Steve Johnson called the meeting to order and asked for a motion to approve the August 8, 2019 and September 12, 2019 Airport Minutes.

Colyer made a motion to approve the August 8, 2019 and September 12, 2019 Airport Minutes, seconded by Saltzman. The motion carried unanimously.

Staff Report – John Ferguson

The Airport held the ribbon cutting for the taxiway last Monday (9/30/19). There were around 45 people in attendance.

The B-17 that crashed in Connecticut was part of the WWII Birds. They have officially cancelled the remaining stops on the tour which includes Statesville.

The Airport has a new lineman – Mindy Mulich. She is an Airforce veteran.

Next Thursday will be the last day for the field maintenance temporary employees.

We are hoping to hire a part time employee for the front desk on weekends. It would be 8:00 a.m. to 5:00 p.m. on Saturday and Sunday.

5-year forecast for Airport provided to members. This has been reviewed with Ron Smith and Chris Tucker. It does not include fuel farms or taxiway projects. Iredell County pays \$22k for airport manager's salary. Ron is going to talk with Beth Jones at the County to try and extend and increase the contract. Saltzman asked if there should be contribution from the City and County since there is no longer an FBO. Chairman Johnson stated that the County was always reluctant to get into the capital side. Saltzman stated that the County receives more funding with the taxes. Should they be paying or contributing more? He stated that they need to look at all costs. Chairman Johnson stated that he can always ask but feels that they should just leave it alone. He will speak with Gene Houpe in regard to this.

Chairman Johnson stated that it would help the Airport in regard to Council if they could see a presentation of the 5-year forecast. He requested that Ferguson put this together. Saltzman stated that it should include the terminal building. Ferguson stated that the terminal building was included in the STI but did not score high.

Colyer made a motion requesting a list of the five-year forecast be presented at the next Airport Commission meeting, seconded by Bodell. The motion carried unanimously.

Airport 5 Year Forecast						
2018 FBO Fuel Volume:						
	Jet A	291,000				
	AVGAS	60,500				
Fuel Volume Forecast						
		2019-20	2020-2021	2021-2022	2022-23	2023-24
1.5% Growth	Jet A	292,855	290,917	295,387	296,864	298,348
1% Growth	AVGAS	61,105	61,716	62,335	62,957	63,586
	TOTAL Fuel	353,960	352,633	357,720	359,820	361,934
Fuel Revenue Forecast						
Ave \$4.20/gal	Jet A	\$1,257,557	\$1,366,716	\$1,400,134	\$1,454,633	\$1,536,493
Ave. 4.20/gal	AVGAS	\$256,641	\$272,168	\$288,605	\$305,339	\$321,110
		\$1,514,198	\$1,638,884	\$1,688,736	\$1,759,972	\$1,857,603
FBO Hangar Rents						
\$38,245/mth		\$458,940	\$465,824	\$472,811	\$479,901	\$487,102
1.5% growth	Rubbermaid LT		\$175,947	\$175,947	\$175,947	\$175,947
	Champion Hangar				\$24,500	\$24,500
	Total	\$458,940	\$641,771	\$648,758	\$680,351	\$687,549
	Fuel Flowage Fees	\$187,500	\$189,375	\$191,209	\$193,181	\$195,112
1% Growth						
	Airport Ground Rent	\$159,500	\$161,095	\$162,705	\$164,333	\$165,978
1% Growth						
	Fredell County	\$22,000	\$20,000	\$20,000	\$20,000	\$20,000
	Other Rents/Fees	\$2,500	\$2,550	\$2,601	\$2,651	\$2,705
2% Growth						
	TOTAL Revenue	\$2,344,638	\$2,689,674	\$2,744,071	\$2,850,490	\$2,958,947
Fuel Cost						
	Jet A 5%	\$2.50	\$2.63	\$2.76	\$2.89	\$3.04
	Avgas 5%	\$3.75	\$3.84	\$4.13	\$4.34	\$4.56
Expenses						
2%	Personnel	\$355,000	\$362,100	\$369,342	\$376,729	\$384,263
5%	Operations	\$390,000	\$409,500	\$429,975	\$451,474	\$474,047
	Jet A	\$731,138	\$771,533	\$814,180	\$859,142	\$906,616
	AVGAS	\$229,144	\$243,007	\$257,700	\$273,300	\$289,835
	Airfield Maintenance	\$216,000	\$225,750	\$237,034	\$248,889	\$261,334
	TOTAL EXP	\$1,920,281	\$2,011,890	\$2,108,223	\$2,209,535	\$2,316,090
	Loan	\$135,000	\$135,000	\$500,000	\$500,000	\$500,000
	TOTAL EXPENSES	\$2,055,281	\$2,146,890	\$2,608,223	\$2,709,535	\$2,816,090
	Revenue	\$2,344,638	\$2,689,674	\$2,744,071	\$2,850,490	\$2,958,947
	Difference	\$289,356	\$536,784	\$135,847	\$140,955	\$142,858
	Less Capital	\$140,858	\$389,734	\$60,847	\$65,935	\$57,658
Capital Expenses						
	\$48,500	Tire-\$80,000	FD Mower-\$15,000	FD Mower-\$15,000	Tractor-\$35,000	
	Reserve-\$140,000	Roof-\$15,000	Roof-\$15,000	Hangar-\$30,000	Reserve-\$50,000	
		Heat in Hangar-\$17,000	Insulation-\$20,000	Reserve-\$30,000		
		Trailers-\$30,000	Reserve-\$25,000			
		Reserve-\$25,000				

Ferguson presented a handout with a budget report. He reported that the fund balance is currently at \$542,000 and the capital improvement fund is at \$571,000.

The fuel farm has been painted and Titan is going to provide approved stickers.

Events – Ferguson

Victory Air is going to shuttle the Rowan County Girls Little League softball team to and from Washington to visit the White House at no charge.

Balloon Fest will be October 18-20.

The work authorization for the west safety area extension was approved at City Council on October 7th. There will be two (2) more work authorizations on the October 21st Agenda – lighting project and apron paving.

Colyer stated that he had a conversation with Rachel at the ribbon cutting ceremony in regard to the growing bird population at the airport. The population has increased 10-20-fold. He asked about a catch basin or pond at the end of the parking lot and she stated that it was not an option because it would present a safety hazard. Gruebel stated that there would not be a wet retention pond, but the state requires them to meet treatment requirements. Bob Thompson asked what is bringing the birds in. Ferguson stated that it could be the grass seed that was planted but has not grown due to the lack of rain. Gruebel stated that he does not think that the grass seed is the problem. Ferguson stated that they would begin to see geese next month in addition to the birds. Gruebel stated that the sediment basins have been dry, and he is not sure what is attracting them. Ferguson will contact the USDA to help pinpoint the problem.

Other Business

None

Chairman Johnson made a motion to move into Executive Session pursuant to N.C.G.S. 143-318.11(a)(4). The motion carried unanimously.

Upon returning from Executive Session, Saltzman made a motion to offer a lease with the current occupant for the Rubbermaid hangar for five (5) years with a six (6) month cancellation provision for the occupant and the City of Statesville, seconded by Colyer. The motion carried unanimously.

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

**DESIGN REVIEW COMMITTEE MEETING
CITY HALL – 2nd FLOOR CONFERENCE ROOM
August 08, 2019 @ 2:00 p.m.**

Members Present: Goode, Jones, George
Absent: Marshall, McBane
Staff Present: Sigmon, Fugett, Lynn Miller
Council Present: 0
Others: 4

Chairman Goode called the meeting to order and asked for a motion to approve the July 11, 2019 DRC meeting minutes.

George made a motion to approve the July 11, 2019 DRC Meeting minutes, seconded by Jones. The motion carried unanimously.

Review application DRC19-09 from the City of Statesville Community Appearance Commission to place a new permanent sculpture (Wish You Were Hare) in the sculpture garden located at 202 N. Center Street; Tax Map 4734-96-8443.

Marci Sigmon gave the following staff report:

The City of Statesville Community Appearance Commission is requesting to place a new permanent sculpture in the sculpture garden located in the downtown area at 202 North Center Street. The sculpture is named "Wish You Were Hare". The artwork is made of steel wire, baler twine, ceramic eyes and clear acrylic sealant. Approximate measurements are as follows: width with glider is 65 inches, 76 inches tall and 42 inches deep. The artwork weighs 150 pounds. Per section 6.09 of the Unified Development Code, the Committee must review all art in the Central Business District prior to the art being approved by City Council. Location A, which is up against the wall, is the preferred location for the sculpture in the garden.

Lynn Miller, staff liaison to the Community Appearance Commission, introduced members of the Commission which were present. She stated the Commission feels this sculpture will be a nice addition to the sculpture garden and at some point, the Commission may consider moving the sculpture outside of the garden to another location downtown.

Chairman Goode confirmed that the glider and the sculpture will be attached to the concrete pad.

Jones made a motion to approve DRC19-09, seconded by George. The motion carried unanimously.

Review application DRC19-10 from Mr. Patrick Harris to paint seven, separate, small murals on a wall near the intersection of W. Front Street and S. Meeting Street where a city parking lot is located; Tax Map 4734-95-7178. The murals will be influenced by the 2019 Film Festival planned films.

The subject wall currently has seven older paintings on it and each image illustrates significant features from the Statesville area. High school students painted these murals several years ago. The murals need repairing and some wall materials are crumbling away. Mr. Patrick Harris is requesting a temporary art wall be approved for the northern wall of the parking lot, perpendicular to South Meeting Street, in order to paint new murals in place of the older murals located on the wall. In preparation to paint new images on the wall, Mr. Harris and his associates would repair the wall where the wall materials are falling off and prepare the surface to receive new paint. Mr. Harris' idea is to paint seven different murals on the wall. The images painted would be inspired from a selection of films featured during the 2019 Full Bloom Film Festival. Mr. Harris' mural project would include working with approximately seven artists to paint seven separate murals in each section of the wall. Mr. Harris would serve as the mural coordinator and back-up muralist to ensure completion of the wall's murals. The films which the artists will draw inspiration from will include feature films, as well as short narrative, short documentary and animated films from all over the world. Please see the attached list of films selected for the film festival which the artists will base their thematic murals. Mr. Harris plans to begin working on repairs for the temporary art wall as soon as possible, if approved, and begin painting during September in time for the Full Bloom Film Festival spectators. Some murals may be in progress during the film festival but will be completed soon thereafter. Per section 6.09 of the Unified Development Code, the Committee must review all art in the Central Business District prior to the art being approved by City Council.

Jones made a motion to approve DRC19-10 with the condition that the DRC must review a sketch of what will be painted, and the sketch must be submitted to Sigmon by 08/29/2019 with the Committee's decision to be given to the artist by 08/30/2019. In the event of inclement weather, the art must be finished by 09/30/2019. George seconded the motion. The motion carried unanimously.

Review application DRC19-11 from the Downtown Statesville Development Corporation to place four additional hanging wall banners to the current art wall located at 114 E. Broad Street; Tax Map 4744-05-2831.

Sigmon gave the following staff report:

The structure located at 114 East Broad Street is a two-story commercial building, well preserved with the exception of detrimental sandblasting conducted around 1980. The structure is highly distinctive due to the completely intact original storefront with metal molded cornice and pilasters with modillion capitals. Tall second story windows have six-over-six double-hung sash and molded cornices supported by large brackets. Historically there was an adjacent building attached to 114 East Broad Street which was removed. In August 2018, City Council approved a request from the Downtown Statesville Development Corporation (DSDC) to install a temporary Art Banner Wall on the exterior western wall where the metal stabilizing configuration exists facing the parking lot beside Nu-Way Shoe Shop. The Downtown Statesville Development Corporation (DSDC) is requesting approval to add four additional banners to the existing art banner wall. If approved, a total of nine banners would be installed on the art wall. The selected art/photographs are printed on mesh banner material and each banner measures ten feet six inches wide by six feet tall. The new banners will resemble themes related to Statesville and artwork with connections to the local community. The DSDC Design Committee invites several individuals involved in the art community to assist in the selection of the images. The art banner wall images should be installed before the September 2019 Art Crawl. Per section 6.09 of the Unified Development Code, the Committee must review all art in the Central Business District prior to the art being approved by City Council.

George made a motion to approve DRC19-11, seconded by Jones.

Goode stated this item needs to have the same condition, to see the artwork before it is installed, as the previous item. George agreed and amended his motion as follows:

George made a motion to approve DRC19-11 with the condition the DRC must review the four images, and the images must be submitted to Sigmon by 08/29/2019 with the Committee's decision to be given to the artist by 08/30/2019. Jones seconded the motion. The motion carried unanimously.

Other Business

None

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

**DESIGN REVIEW COMMITTEE MEETING
CITY HALL – 2nd FLOOR CONFERENCE ROOM
October 10, 2019 @ 2:00pm**

Members Present: Goode, Marshall, McBane and Jones

Absent: George

Staff Present: Sigmon, Nesbit, Tomlin

Council Present: None

Others: Adeline Song, David Pope

Chairman Goode called the meeting to order and asked for a motion to approve the DRC minutes from August 8, 2019 meeting.

Jones made a motion to approve the August 8, 2019 DRC Meeting minutes, seconded by Marshall. The motion carried unanimously.

Review Design Review Application, DRC 19-12, from Ms. Ok Ja Song to remove and rebuild the rear storage area on the building at 505 South Center Street; Tax Map 4744-04-7156.

Sigmon gave the following staff report:

The property located at 505 South Center Street was built circa 1957. Currently, the structure contains a retail store named J & J Beauty Supply. During 2010 the Design Review Committee approved a request to paint the front façade of the building a color named Sunporch. In June 2019, the Design Review Committee approved a request to paint the front façade of the building a color named Honeycomb. Ms. Ok Ja Song is requesting to tear down the existing rear storage area and rebuild a larger storage area connected to the building at the rear of the structure located in approximately the same location on the parcel addressed 505 S. Center Street. Over the years, the storage area has sustained damage from the weather and outside elements compromising the stability of this small storage area. The current storage area measures ten feet deep by ten feet long and is twelve feet high. This section will be removed and be replaced by a new proposed ten feet deep by twenty feet long storage area addition which will be twelve feet tall. The new addition will be framed with wood and the exterior will be HardiePlank or a similar material. The HardiePlank will be white to match the current rear building exterior color. The existing concrete pad will be removed, and a new concrete pad will be poured for the new addition. A small step and or landing will be poured to accommodate entering from the outside. For the entry, a standard sized, metal entry door, painted white, will be placed on the northern portion of the new addition. The proposed storage addition roof will be FiberTite .036 Roofing System. In addition to the new storage addition, the applicant is replacing the existing roofing system on the main part of the building with the same FiberTite .036 Roofing System. The existing terracotta coping stones will be saved if possible and used with the new roofing system. Sigmon stated that before rendering a decision the committee should reference design guidelines Section 3. A. New Construction and Section 3. B. Additions.

Marshall made a motion to approve Design Review Application, DRC 19-12, from Ms. Ok Ja Song to remove and rebuild the rear storage area on the building at 505 South Center Street; Tax Map 4744-04-7156, seconded by Jones.

Jones asked if there would be roof repairs. Ms. Song stated that there would be roof repairs and that the terracotta would be removed from the front and put back. She stated that there was some terracotta on the southern side that is not visible and asked if it would need to be replaced. The Committee agreed that she would not have to replace the terracotta on the southern side. Marshall stated that the south wall would need to be capped where the terracotta is removed to avoid water seeping through. Goode stated that they would need to make sure it is watertight. Song stated that the roofer is aware and will make sure that it is watertight. Goode asked if the rear exterior wall would be painted. Song stated that she was not planning to paint it at this time.

Marshall amended his motion as follows:

Marshall made a motion to approve Design Review Application, DRC 19-12, from Ms. Ok Ja Song to remove and rebuild the rear storage area on the building at 505 South Center Street and will not be required to replace terracotta on the south wall roof. The motion was seconded by Jones and carried unanimously.

Review Design Review Application, DRC 19-13, from Mr. Pope and Mr. Davidson to paint the exterior features of the building and canopy located at 237 West Front Street; Tax Map 4734-94-4705.

Sigmon gave the following staff report:

The property located at 237 West Front Street was built circa 1962 and is currently a hair salon. According to the current owners and city historians, the structure used to contain the A&W Restaurant. The canopy served as the drive-in area. The building recently came under new ownership and the owners are currently performing maintenance to the property. In June 2019, the Design Review Committee granted approval to remove the brick planter on the front elevation, remove all flaking paint on the canopy structure and paint the canopy underside white. Pope & Davidson, LLP worked with the design professionals of the NC Main Street Program at UNC-Greensboro to develop final paint color recommendations for the canopy and structure and sign for 237 West Front Street. The front façade masonry and painted glass portions of storefront display windows will be painted SW 0042 Ruskin Room Green. The metal roof cap, parking canopy, vertical support structure and vertical masonry subdividing walls will be painted SW 2851 Sage Green Light. Ambitious Amber, SW 6366, will color the storefront brick bulkheads and brick planters. Sigmon stated that before rendering a decision the committee should reference design guidelines Section 2. D. Paint.

Mr. Pope clarified that the support columns will be painted dark green and that the entire building will be painted.

Jones made a motion to approve Design Review Application, DRC 19-13, from Mr. Pope and Mr. Davidson to paint the exterior features of the building and canopy located at 237 West Front Street; Tax Map 4734-94-4705, seconded by Marshall. The motion carried unanimously.

Mr. Pope asked the committee for suggestions on the perimeter/retaining wall color. Tomlin stated that would it probably be best to wait until they have a tenant in the other building in order to tie the colors together.

Other Business

None

Sigmon stated that the next meeting would be held on November 14, 2019. Marshall stated that he would be out of town.

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

DRAFT

Stormwater Advisory Commission Meeting Minutes
City Hall 2nd Floor Conference Room
August 15, 2019 – 11:30 a.m.

Present: Mary Katherine Harbin, Steve Knight, David Reese

Absent: Chad Lackey, Phillip Myers, Arthur Peacock, Daniel Pope

Staff: Derek Slocum, Brenda Fugett

Council: Michael Johnson

Media: 0

Others: Doug Jewel, Consultant, Amy Black-Jewel Engineering

Derek Slocum called the meeting to order.

Slocum gave an update on the stormwater billing program. He reported that several good candidates applied for the Stormwater Manager and he made offers to two of them, which neither accepted. They were both already in a stormwater program and would have had to relocate. Both decided they did not want to relocate so he is getting ready to make an offer to a third candidate. The Stormwater Department has received some of its new equipment.

Slocum reviewed changes that were made at the last meeting to the Off-Right-Of-Way Storm Drainage Policy. He recalled that there was considerable discussion about working inside and outside of the floodplain and it was agreed that the City would not expend funds to repair or maintain problems on private property that are located within the 100-year floodplain unless the Primary Criteria listed under paragraph two in the document were met:

1. The problem is significant to the extent that there is a danger to public safety or major property damage is likely.
2. The problem is caused by stormwaters emanating from public lands or right-of-way (i.e. public stormwater).
3. There is a definite public benefit that will accrue from the City of Statesville addressing the problem.

Knight questioned Criteria #1 as to who's property it is referring to; public, private or all property. Slocum asked what the definition is for "major property damage" Jewel stated that there is precedent set at the state level under Dam Safety to define "major property damage" that gives it an amount, which he believes the amount is set at over \$35,000. He recalled that when staff drafted the document, they intentionally omitted a number amount to allow the City to have some leeway in determining major property damage and not tie it to a specific number. Harbin pointed out that all three of the criteria must be met. M. Johnson said he believes it needs some kind of metric to determine it and should not be left open ended. He suggested staff contact the NC School of Government about it. Commission members decided to omit "or major property damage is likely" from Primary Criteria #1.

Commission members held a lengthy discussion about the primary criteria for the City to address drainage problems on private property.

Slocum and Commission members reviewed the Right of Entry Agreement

Slocum stated he has distributed an RFQ for General Stormwater Engineering and NPDES Compliance Services and has received around fifteen engineering firms submit this week.

Meeting adjourned at 1:30 p.m.

DRAFT

**Stormwater Advisory Commission Meeting Minutes
City Hall 2nd Floor Conference Room
September 19, 2019 – 11:30 a.m.**

Present: Steve Knight, David Reese, Dan Pope

Absent: Chad Lackey, Phillip Myers, Arthur Peacock, Mary Katherine Harbin

Staff: Derek Slocum, Brenda Fugett, Nancy Davis

Council: Michael Johnson

Media: 0

Others: Doug Jewel, Consultant Jewel Engineering, Amy Black-Consultant Jewel Engineering

Derek Slocum called the meeting to order.

Old Business

Slocum reported that the new Stormwater Program Manager will start next Wednesday.

Update on stormwater billing status and questions generated by citizens

Slocum stated that the Stormwater billing is in its third month of utility billing. The Collections Department and the IT department are dealing with that. Staff is involved in the front end of any development or redevelopment and he has attended several meetings for these. Amy Black added that it is going well and there have been only a few issues with inaccurate bills that staff anticipated would happen with the merger of the program into the billing system and were quickly resolved. Slocum, Knight and Council Johnson related calls they have received regarding the Stormwater Fees, all of which were questions more so than complaints.

Update on recent Impervious Area research and findings regarding gravel

Black reviewed the state statute. Slocum advised that he put a question out on the Stormwater List Serve and most of the replies he received said that they count gravel as impervious.

Illicit discharge Detection & Elimination (IDDE) Presentation

Black reviewed the presentation and advised that she is working on the ordinance using the Clemmons ordinance as a starting point. Commission members had a lengthy discussion on the subject.

Black advised members that she will e-mail a draft of the IDDE ordinance to them to review before the next meeting.

Meeting adjourned at 1:00.

**Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
October 02, 2019 at 9:00 a.m.**

City Staff: Elaine Anthony – Planning Department, Charles Jenkins – Fire Department, Timmy Newsome – Engineering, Jared Wiles – Electric, Clyde Fox – Water Sewer Maintenance, Chris Sloan – Electric Engineering, Brian Dishman – Water Resources, Shawn Cox – Arborist, Brenda Fugett - City Clerk

County Staff: Randall Moore – Iredell County Erosion Control

Others: John Cook – NCDOT, David Reese – SHS Concessions Engineer

Media: None

Elaine Anthony called the meeting to order.

Consider approving the September 18, 2019 TRC meeting minutes.

Chris Sloan made a motion to approve the September 18, 2019 meeting minutes, seconded by Jared Wiles. The motion carried unanimously.

Statesville High School - Concessions/Bathrooms - 474 N. Center Street

Chris Sloan – No comments.

Jared Wiles – No comments.

Randall Moore – ????????????

Clyde Fox – Advised David Reese to contact Regina Hoke regarding the backflow device.

Timmy Newsome – No comments.

Charles Jenkins – No comments.

Regina Hoke via e-mail – No comments.

Derek Slocum via e-mail – Need to mark the 100-year floodplain on the plan. David Reese stated it is on the plan.

David Reese said he will do an Elevation Certificate once it is completed.

Shawn Cox made a motion to approve, seconded by Chris Sloan. The motion carried unanimously.

Western Avenue Baptist Church - Addition - 1206 Museum Road

Brian Dishman – No comments.

Chris Sloan – Needs to know what their max load is for power. They need to run the pipe to the City's hook-up. He will meet with them on site.

Randall Moore – No comments. They have an approved Erosion Control Plan.

Clyde Fox – Need a full-bodied tap and sleeve with ductile iron on the 6”.

Timmy Newsome – Need to know what size and type of material they are going to use for the sewer line.

Charles Jenkins – No comments.

Shawn Cox – No comments.

Regina Hoke via e-mail – No comments.

Derek Slocum via e-mail – Would like to discuss these details with Engineer Wesley Sherrill. He has left him a voicemail. What is the plan for the access easement to the SCM? Add an easement for the SCM to access and maintain. Mark pipe diameters on the diagram/drawing itself located on the details sheet. Add the location of the concrete washout station. Convert sediment basin into permanent SCM only after official approval from the City. Pre-conversion inspection will be required after the site has been stabilized with permanent vegetation. Other conditions per the County may apply. Submit the approved Erosion Control Plan approval document. Before the construction plan may be approved: Complete and submit the City's O&M Manual and agreement with notarized signatures. Submit this to the Stormwater Program Manager for approval and signature. Record with the County.

This item was tabled for revisions.

Great Western Motorcycles - Warehouse Building - 1787 Salisbury Road

Chris Sloan – Needs to know if they are going to have a separate meter. If they are tying in, then he has no comments.

Randall Moore – No comments.

Clyde Fox – They need to upgrade their backflow device and contact Regina for the inspection.

Regina Hoke via e-mail – Applicant needs to add an RPA at their water meter per the city's details.

Timothy Newsome – Is this going to be used for storage and are they going to add any utilities? Elaine Anthony replied it is a warehouse for storage and it will only have electric.

Charles Jenkins – Will there be access to it? Anthony replied she is sure they will have access to it. Jenkins stated ????????

Shawn Cox – No comments.

Derek Slocum via e-mail – Are there any additional details for this plat revision? Purpose, scope? Site is under the limit to require a Stormwater Permit.

Statesville Municipal Service Center - Site Plan - Shelton Ave/Amity Hill

This item was pulled. They did not submit on time.

Other Business

None

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