

STATESVILLE CITY COUNCIL MEETING AGENDA

OCTOBER 05, 2020

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

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

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

- I Call to Order**
- II Invocation** (Only at Council Meeting)
- III Pledge of Allegiance** (Only at Council Meeting)
- IV Adoption of the Agenda** (Only at Council Meeting)
- V Code of Ethics** *Pg. 3*
- VI 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 August 28, 2020 Council Workshop minutes and the September 21, 2020 Council Pre-Agenda meeting minutes.** *Pgs. 6 & 16*
 - B. Consider approving 2nd reading of an ordinance to establish 25 mph speed zones on portions of Radio Road at the request of NCDOT.** *(Onley) Pg. 26*
 - C. Consider approving 2nd reading of an ordinance to establish a stop intersection on the 1400 Block of Alexander Street at its intersection with Medlin Street.** *(Onley) Pg. 35*
 - D. Consider approving a resolution directing the City Clerk to investigate a petition of annexation for annexation request AX20-06, for the property located on James Farm Road PIN #4745-59-5419; Receive the City Clerk’s Certificate of Sufficiency; Consider approving a resolution fixing the date of October 19, 2020 for a public hearing on the question of the petitioned annexation.** *(Ashley) Pg. 41*
 - E. Consider approving 2nd reading of rezoning request ZC20-07 filed by AMH Holdings, LLC for the property located at 1441, 1443, 1417, 1415, and 1449 Wilkesboro Highway; Tax Map 4735-33-7067 from B-3 (Shopping Center Business) District to B-5 CU (General Business Conditional Use) District and LI CU (Light Industrial Conditional Use) District.** *(Ashley) Pg. 47*
 - F. Consider approving 2nd reading of rezoning request ZC20-08 filed by Greenbriar Bowman. LLC to rezone the properties located on S. Greenbriar Road; Tax Maps 4754-77-4649 and 4754-78-4690 from R-15 (Urban Fringe Low Density Residential) District to R-5 CU (High Density Residential Conditional Use) District.** *(Ashley) Pg. 59*
 - G. Consider approving 2nd reading of rezoning request ZC20-09 filed by JGNC, LLC for Kathy Talbert and Jerry Stinson to rezone the properties located at 681 and 711 Wallace Springs Road; Tax Maps 4732-28-8431 and 4732-18-7463**

from Iredell County's RA (Residential Agricultural) District to the City of Statesville's R-8 (Medium Density Single-Family Residential Cluster Subdivision) District. *(Ashley) Pg. 71*

- H. Approve the purchase of an Inductively Coupled Plasma (ICP) Mass Spectrometer for the Fourth Creek WWTP Laboratory. *(Harrell) Pg. 81*
- I. Consider adopting a Resolution in accordance with NC Department of Environmental Quality Infrastructure Grant requirements to apply for funds to help replace the elevated sewer pipe in the vicinity of Simonton Road with a buried sewer line. *(Harrell) Pg. 82*
- J. Consider re-appointing Ron Matthews to the ABC Board. *Pg. 86*

REGULAR AGENDA

- VII **Presentation of Proclamations *Pg. 88***
 - 1. NC Public Power Week, October 4-10, 2020
 - 2. Fire Prevention Week, October 4-10, 2020
- VIII **Conduct a Public Hearing in compliance with the application process for the State non-entitlement entity 2020 CDBG-CV grant funding. *(Smith) Pg. 91***
- IX **Discuss Text Amendment TA20-02 an ordinance to amend Article 3. - Zoning, Section 3.04 - Zoning District Regulations, V. H-115 – Highway 115/Shelton Avenue Corridor District, Article 4. - Non-Conforming Situations, Section 4.05 - Non-Conforming Uses, C. 3. and Article 6. - Development Standards, Section 6.02 - Density and Dimensional Standards, Table 6-1. *(Ashley) Pg. 92***
- X **Review of the City's FY2021 first quarter financial position and consider actions delayed by the COVID-19 pandemic. *(Smith) Pg. 100***
- XI **Consider accepting Surface Transportation Block Grant Direct Attributable (STBG-DA) shortfall funds in the amount of \$242,000 and approve BA #2021-5 for the purpose of conducting a feasibility study to convert the Jane Sowers Road / I-77 overpass to an Interchange. *(Ashley) Pg. 106***
- XII **Consider adding proposed fees for tennis & pickleball instruction and court rentals to the City's fee schedule. *(Griggs) Pg. 111***
- XIII **Receive a staff presentation about overhead and underground circuit construction methods per Council member request. *(Maclaga) Pg. 113***
- XIV **Boards and Commissions Meeting Minutes *Pg. 114***
 - 1. 08/04/2020 Board of Adjustment Meeting Minutes
 - 2. 06/25/2020 & 08/27/2020 Historic Preservation Commission Meeting Minutes
 - 3. 07/28/2020 & 08/25/2020 Planning Board Meeting Minutes
 - 4. 08/19/2020, 09/02/2020, & 09/16/2020 Technical Review Committee Meeting Minutes
- XV **Other Business**
- XVI **Closed Session (Following the Pre-Agenda Meeting if Needed)**
- XVII **Adjournment**

RESOLUTION NO. 10-20

CODE OF ETHICS FOR THE CITY OF STATESVILLE

PREAMBLE

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

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

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

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

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

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

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

CODE OF ETHICS

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

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

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

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

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

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

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

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

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

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

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

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

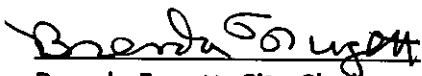
Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet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

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

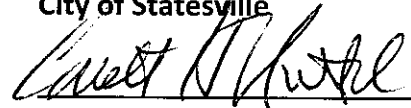
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

Accepted this the 2nd day of February, 2020.

ATTEST:


Brenda Fugett, City Clerk



City of Statesville

Constantine H. Kutteh, Mayor

**MINUTE BOOK 29, PAGE 162
STATESVILLE CITY COUNCIL WORKSHOP MEETING – AUGUST 28, 2020
CITY HALL – COUNCIL CHAMBERS, STATESVILLE, NC – 9:00 A.M.**

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

Council Absent: 0

Staff Present: R. Smith, Fugett, Davis, Nesbit, Staley, Harrell, Tucker, Ashley, Vaughn, Weatherman, Tucker, Messick

Media: 0

Others: 0

9:00 a.m. Call to Order
Mayor Kutteh called the meeting to order.

9:00-9:30 Revenue Review – Chris Tucker

Tucker stated that the city is currently trending towards \$7,617,000 in actual revenue. Staff has budgeted revenues of \$5,991,650 which was a 15% reduction of the fiscal year 2020 budgeted revenues of \$7,049,000. If these trends hold it reduces our potential short-term debt needs significantly, however he cautioned that these are still early indicators from the pandemic's effect on the economy.

The billed tax levy of property tax (excluding motor vehicles) was \$16,884,950. This was about \$150,000 more than staff's final estimate. This has not bearing on the collection of these taxes, but it is a nice indicator that our tax base has some growth. Staff budgeted for a collection rate of 98.5%.

During the budget process, a 30% health insurance increase was budgeted for each employee. Our broker assisted greatly in reducing this cost, but the full budget remained with each full-time employee due to the timing of the savings and the budget adoption timeline. It is likely that we can cover \$2,000 per full-time employee from the health insurance expenditure line items. Additionally, there was \$300,000 set aside in Contingency for the possibility of a wage increase during the fiscal year. Lastly, there is \$300,000 of Economic Incentives for the current year. If we have no takers, this money becomes available for other appropriations, but it does possess the most exposure. Ron Smith stated that the cost of this is about \$800,000 across all the funds and around \$600,000 in the General Fund.

The Occupancy Tax continues to struggle during the pandemic with revenues down \$288,000 or 55.71% over the same five-month period (March-July) as prior year.

Utility Revenues are always a bit of a moving target due to usage and weather. Nothing has jumped out as overly concerning, but staff wanted to remind Council of a few things in regard to this topic. Electric rates were reduced early in FY20.

Water and Sewer rates have risen 3% and 3.5% respectively per the WS rate study guidance. In particular, staff wants to make sure Council is clear on how utility revenues work. Utility revenues hit the income statements when they are billed. This action creates a corresponding Accounts Receivable amount for each of our accounts for the amount charged in whichever fund the charge originates. When a customer pays, it relieves the Accounts Receivable and becomes Cash. It is easy to bill, harder to collect. When we don't collect on accounts, we write off as we did at the 8/17/20 meeting, which fundamentally takes away the previously billed revenue through a write off expenditure in a future fiscal year.

Tucker reviewed the cash-based fund positions. He said that all of the funds are healthy in their own way, however the utility funds seem worse off here because they are presented with only their cash (no receivables) to help offset their liability exposure.

General Fund:	Cash @ 6/30/20	\$20,913,870
	Current Liabilities @ 6/30/20	\$ 1,709,189
	Current Debt Portion @ 6/30/20	\$ 861,755
	Encumbrances @ 6/30/20	\$ 1,757,627
	Other Restrictions (Estimated)	\$ 2,000,000
	<u>Capital Reserve</u>	<u>\$ 2,176,896</u>
		\$16,762,195
Airport Fund:	Cash @ 6/30/20	\$727,583
	Current Liabilities @ 6/30/20	\$176,440
	Current Debt Portion @ 6/30/20	\$ 0
	Encumbrances @ 6/30/20	\$ 0
	Other Restrictions (Estimated)	\$150,000
	<u>Capital Reserve</u>	<u>\$ 0</u>
		\$401,143
Electric Fund:	Cash @ 6/30/20	\$29,736,700
	Current Liabilities @ 6/30/20	\$ 6,491,897
	Current Debt Portion @ 6/30/20	\$ 0
	Encumbrances @ 6/30/20	\$ 2,649,951
	Other Restrictions (Estimated)	\$ 1,500,000
	<u>Capital Reserve</u>	<u>\$ 2,239,849</u>
		\$21,334,701
W/S Fund:	Cash @ 6/30/20	\$14,644,849
	Current Liabilities @ 6/30/20	\$ 2,858,746
	Current Debt Portion @ 6/30/20	\$ 2,192,526
	Encumbrances @ 6/30/20	\$ 3,489,156
	Other Restrictions (Estimated)	\$ 6,000,000
	<u>Capital Reserve</u>	<u>\$ 3,033,004</u>
		\$ 3,137,425
STW Fund:	Cash @ 6/30/20	\$923,219
	Current Liabilities @ 6/30/20	\$ 29,001

Current Debt Portion @ 6/30/20	\$ 0
Encumbrances @ 6/30/20	\$282,747
Other Restrictions (Estimated)	\$300,000
Capital Reserve	\$ 0
	<hr/>
	\$311,471

CC Fund:	Cash @ 6/30/20	\$1,379,710
	Current Liabilities @ 6/30/20	\$ 554,388
	Current Debt Portion @ 6/30/20	\$ 0
	Encumbrances @ 6/30/20	\$ 205,226
	Other Restrictions (Estimated)	\$ 100,000
	Capital Reserve	\$ 0
		<hr/>
		\$ 520,096

Council member Stafford said that he would like for staff to include with every Council meeting packet what the unrestricted fund balance is for each fund.

9:30-10:30 Housing Study – Sherry Ashley

Ashley thanked Planning Department, IT and Parks & Recreation staff for their work doing this inventory that saved the city well over \$100,000 that it would have had to pay a consultant to do the inventory.

Ashley reviewed the inventory by each ward.

Council member Jones asked if staff checked to see if any of these houses had city utilities, i.e. water and electric meters. He said he would like to know which of these properties owe utility bills.

Council member Stafford said he would like to offer these condemnable properties to private developers and especially to employees in an effort to maintain the tax base. He feels that demolition should be the last resort. Ashley stated that some of these houses would just cost too much to try to repair and that a family that has one of these properties next door to them would prefer that they be torn down and

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have a vacant lot. Stafford said that minimum housing liens take first priority over any other liens. Ashley stated that the City has done this before but unfortunately ended up with the property because they could not sell it.

Ashley reviewed the Housing Code Violation process per the Unified Development Code and the NC General Statutes.

Ashley stated that staff is asking Council to decide how they want staff to proceed and how aggressive they want to be, then staff can put together a budget and come back to Council with it and advise Council on how much money and staff is needed to do it.

Mayor Kutteh said that some of these ideas are beyond the purview of what staff can do. He would like to see how other communities are handling this. He said that

Council needs to decide what they want to accomplish, then put the steps in place to do it. Ashley advised that some cities use a development group to do this.

Staford said that formerly the County would not foreclose on a property unless there was a buyer ready to buy it.

Ashley said that staff needs a uniform direction, a timeline, and which properties Council wants to deal with first.

Staford suggested putting these properties on the City website to see if anybody is interested in purchasing them. Ashley replied that she is not sure how legal that would be if the City does not own the property.

Council member Morgan said that the City also needs to call these landlords and read them the riot act and tell them to shape up or we are going to move forward with action.

Council member Staford said that the County sends letters to adjoining property owners asking them if they are interested in purchasing the property. If someone is, then they proceed with foreclosure.

Mayor Kutteh said that Council needs to establish a slush fund as back taxes are collected, fines paid, etc., put that money back into the fund.

Council directed staff to:

1. **Meet with the landlords and tell them they need to fix their houses**
2. **Post the 38 properties that are beyond repair to gauge any interest from buyers.**
3. **Publish the addresses of the 159 properties in the paper stating that they do not meet minimum housing code and give examples and define what the Minimum Housing Code and include a link to it.**

Ron Smith said that doing this could quickly overwhelm staff with phone calls from people needing help. Mayor Kutteh said that if that happens, then staff needs to let Council know, and adjustments can be made.

Mayor Kutteh asked that Leah review delinquent tax status and bring Council a proposal at the next meeting as to how the City might address collecting some of the larger ones.

10:35-12:00 Water and Sewer Master Plan (to include Exit 45)

Scott Harrell reviewed:

Recent Water and Sewer Infrastructure Projects

Water: WTP Finished Water Piping, AMI Phase I Meter Install, 2" Water Line Replacements at various locations

Sewer: Free Nancy Sewer Repair, Manhole Rehabilitation-Walker Road area

Current Water and Sewer Infrastructure Projects:

Water: Larkin Development Water Supply Project, Buffalo Shoals Water Main Extension and 12-inch upsizing

Sewer: Old Country Club/Sullivan Road Sewer Rehabilitation, NCDOT I-40/I-77 Betterments/Utility Relocates

Water and Sewer infrastructure Future Projects/Upcoming Opportunities

Project Types:

- Improve System Condition
- Improve System Performance
- Opportunity-Driven

Project Sources:

- Water Asset Inventory Study
- Water & Sewer Master Plans (dated)
- Economic Development & Expansion Opportunities

Water and Sewer Infrastructure Project Ranking

Projects are prioritized by:

- Severity of Condition
- Benefit to System Performance
- Timeliness of Opportunity (Economic Development, etc.)

Project	Project/Location	Cost (\$000)	Classification			Priority		Notes
			System Condition	Capital Improvement/ Performance	Economic Development	Within Category	Overall	
SCIP-4	Old County Club/Sullivan Rd Sewer Rehabilitation	3,031		V		0	0	Construction bids due September 3rd.
SCIP-1	Elevated Sewer Replacement	405	V			1	1	Grant package under development.
CIP-11	WTP HSP #4	250		V		1	2	Includes MCC and VFD.
SC-1	Brookdale Dr and Stockton St (20-in main)	6,408	V			1	3	

SCIP-3	Larkin Troutman Opt 4 (2.9 MGD)	4,252			V	1	4	Tied to Troutman sewer capacities, agreements, etc.
CIP-9	AMI system-wide implementation	3,500			V	2	5	Contractor install, purchase of 9,200 +/- radio meters.
SC-2	Center St, Water St, Meeting St,	4,474	V			2	6	
SCIP-2	Jemsite Sewer Extension	2,430			V	2	7	Exit 45 development enabler.
CIP-14	WTP Generator/Switch Gear	2,500			V	3	8	Supply system resilience.
SC-3	Old Charlotte St, Caldwell St, US-21	5,322	V			3	9	
CIP-7	Various automatic flusher locations	TBD			V	4	10	Program in yearly budget request.

Scott Harrell reviewed the Water and Sewer Fund financial positions.

Ron Smith reviewed the Larkin Sewer project. He said that based on the inquiries staff has received to date, usage would be 2.9 million gallons per day. Troutman cannot handle Phase 2 of the Larkin project. This would be an investment by the City to be able to handle future development and increase the City's tax base.

Mayor Kutteh said he did not want the City to miss out on growth by not being prepared. He would like to be prepared from an engineering standpoint and that way if the City is approached by a developer for a big development the information would be ready.

Ron Smith said he would like to meet with all the property owners surrounding Exit 45 to find out what kind of contribution the City could expect from them to run the sewer line to them, which would increase the value of their property and make it more developable. He said that the City needs to do a serious analysis of its rate increase structure because we have water and sewer needs that we cannot forego much longer. We need to determine a funding package with debt to finance these projects.

Council member Stafford asked if projects have been bumped in the past to a different spot on the list for other more pressing issues. Harrell replied that projects

have been moved sometimes due to the severity or the impact of a more pressing issue.

City Attorney Messick stated that the City has liability with how it originally calculated the System Development Fees starting in 2007. In 2013 or 2016 the City changed the way it calculated the fees. Currently there is a class actions suit. They are going after how the City calculated before and after, but the after will be harder for them to win. We did not use the fees for anything else, but we charged the fees to be used for future expansion. Our argument is that we have used the funds for Debt Service payments. The Supreme Courts has said that we could not charge the fee for future expansion or projects. Numerous cities are settling. Staff will come to Council prior to mediation to get an amount that Council would offer them to settle. If we go to trial it would not be until 2022.

Harrell reviewed the Revolving Fund Loan annual payments that will be ending in the next few years.

Ron Smith advised Council that staff needs guidance on how to move forward on these projects, particularly based on priority and funding options, review of the rate structure, and does Council want staff to meet with the Exit 45 property owners.

Council member S. Johnson said that the water/sewer rates are very reasonable and yes Council needs to look at them. He said he is not opposed to raising them, but he is not crazy about taking out a loan to do repairs. This should be paid out of yearly earnings. He is not opposed to debt for expansion for economic development, but Council keeps making decisions in isolation and not by looking at the whole picture.

Bill Vaughn stated that SC1, SC2 and SC3 are critical projects. He asked Council to look closely at doing them. He advised that the City is at the point where it must re-capitalize because it has been riding on amortized capital for too many years.

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Mayor Kutteh said this is why he believes that Council needs to try to settle the SDF lawsuit as soon as possible so it can know where we are and what we have to work with.

Council member S. Johnson said that the Land Use Plan needs to be coordinated along with an Infrastructure Plan and an Economic Development Plan.

Council member Staford said that projects SC1, 2 and 3 amounts to a \$16 million repair and the City only has \$6 million. These are critical repairs and could be catastrophic if they fail.

Council member S. Johnson said he just does not want the City to put all of its eggs in one basket, ie, Larkin. We need to be able to do something if a project presents itself out Highway 90 or anywhere else.

12:00-1:30 Quasi-Judicial Proceedings

Adam Lovelady from the UNC School of Government reviewed Development Regulations and Decisions, Quasi-Judicial hearing procedures and Legislative procedures. He advised that two or more Council members making a site visit together would require a board meeting as this is ex-parte` communications.

Council member S. Johnson asked if there is a statute that lists the hardships for a variance. Lovelady replied they are listed in NCGS 160B-705.

Council member Allison asked what the consequences are to a Council member if they are biased or have ex-parte` communications. Lovelady replied that the local government could impose sanctions on the Council member and the case could be overturned if someone complains about ex-parte` communications and the Council member does not disclose them.

Council member Staford asked if an applicant objects to the question of whether or not someone has standing, can the Council consider the testimony of that person. Lovelady replied that Council can take evidence from witnesses who do not have standing, for instances, if a neighbor who is not a traffic expert says that the traffic impact will be bad, Council can consider that in their decision, even though that is a lay person's opinion, not expert evidence.

Staford asked if the only conditions that Council can impose in a quasi-judicial hearing is to bring the item into compliance with our UDO. Lovelady replied that is correct, such as architectural standards or landscaping requirements to make it be in harmony with the surrounding area.

Council member Allison asked if Council can override a traffic decision made by NCDOT. Smith replied that Council cannot override NCDOT, but if it is a rezoning, Council can try to impose traffic conditions, such as require the applicant to install a traffic light, but the applicant must agree to it. The City can also contact NCDOT and try to get something done.

Council member Staford asked if the appointed boards should be doing quasi-judicial hearings and the elected official legislative hearings. Lovelady replied that would be good for the elected board. Ron Smith asked why the board would take on the quasi-judicial hearing. Lovelady replied that it was a useful tool at the time, but now we have conditional zoning which keeps the board from having to go through the two step quasi-judicial hearings.

Council member Staford said he would like Council to stop doing quasi-judicial hearings and only do conditional zoning as a legislative hearing.

Sherry Ashley stated that the City has been doing Conditional zoning, which is usually only a Concept Plan at that point, but it also requires them to bring in the actual site plan for approval again. The City might need to go towards a more detailed concept plan.

Ron Smith asked Council if they would like staff to bring some proposed changes to try and meet some of the concerns and limitations that Council has. Council

members replied yes. Mayor Kutteh said the main concern that has been expressed by Council members with the current process is not be allowed to talk to anyone involved in the case and they would also like to have the right to be the final decision maker.

1:30-2:30 Fire Station Locations and Update

Ron Smith stated that this is a continuation of the discussions that have been held over the last few months regarding the possible relocation of Station #1 and a possible new Station #5. The intent of this discussion is to get Council's guidance on how to proceed forward, and if Council has a priority between Stations 1 & 5. We are getting to the point where we are going to have to start spending some money.

Fire Chief Andy Weatherman said that the areas between US-21 and NC 115 are outside the 5-minute response standard. Moving Station 1 to the South will make the problem worse. If Station 1 is left in its current location and a Station 5 is built in the general vicinity of Gaither and Radio Roads, it will fill the service gap with some overlap. Based on the Station Location Analysis the best location for a replacement for Station 1 would be near the intersection of Shelton Avenue and Garner Bagnal Boulevard. The prime location for a new Station 5 would be near the intersection of Radio and Gaither Roads. He explained they did a search for properties of 2.5 acres or larger for a location for Station 1 and pointed out on a map the results. Weatherman stated that the estimated building costs in this report are from Marty Beal and are not hard numbers as some are pulled from the previously proposed Municipal Services Center on Amity Hill Road. He believes that the cost will be much lower.

Ron Smith agreed, stating that these estimates are not as good as the estimates staff has for Station 5. He explained that Station 5 could be built basically as a mirror image of Station 4 with some changes that the Fire Department has observed and know needs to happen since they have been in Station 4 for almost ten years. Smith stated that these numbers are pulled from the Municipal Services Center building, scaled down. The reason there is such a difference in the cost between Station 1 and Station 5 is that Station 1 includes community/meeting space, administrative office space and the EOC. Smith stated that to get good construction numbers to move forward from, Council will need to engage an architect to design a building on a specific site. He said that Mr. Beal, who has been doing all of this for free, could take the MSC building and redesign it to make it fit anywhere we need and to include administration or not include it, but staff has chosen to include it. Staff feels that Fire administration should be in with at least one of the stations. He believes that the \$1 million site development costs in this estimate would be lower because if Council chose the site close to Purple Heart Homes, it is basically flat.

In response to a questions from Council member Staford as to why a 2.5 acre site is needed, Chief Weatherman explained that a minimum of 2.5 acres is needed based on the Station 4 footprint, parking, possibly stormwater regulations and to

be able to pull into the back of the station and into the garage in order to avoid having to back trucks in off the street.

Chief Weatherman stated that to staff Fire Station 5 would cost about \$275,000 a year for 5 employees, and there would also be the cost of apparatus, plus there would be the cost of a new fire truck. Building a Fire Station 5 could lower our ISO Rating, which could also lower Commercial insurance rates.

Chief Weatherman said that we need Fire Station 5 for complete coverage and could build that and then renovate Fire Station 1 and leave it where it is for the time being.

Ron Smith stated that Council asked for a study for the best locations and the cost to build and staff has presented that. He said that to build a new Station 5 and a Station 1 or just a Station 5 and renovate Station 1, the tax rate must be increased to do either or both, because the funding is not in the current revenue the City has.

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Ron Smith stated that staff will provide Council with estimates to refine Station 1's costs, with and without administration space and all in costs for both Station 1 and Station 5 and what the impact on the tax rate would be to fund either or both. We will ask Marty Beal to flesh out a renovation. He does not know if that is worth doing, but he will have him to do it to see what it looks like for an existing station. Council members agreed they did not want this information to include the renovation of the current Station 1. Smith said he will try to present this at the September 21st meeting.

Ron Smith thanked Council for this meeting and providing staff with the direction they needed on these items.

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

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

**MINUTE BOOK 29, PAGE 170
STATESVILLE CITY COUNCIL PRE-AGENDA MEETING – SEPTEMBER 21, 2020
CITY HALL – COUNCIL CHAMBERS, STATESVILLE, NC – 6:00 P.M.**

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

Council Absent: 0

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

Media: 0

Others: 0

I Call to Order

Mayor Kutteh called the meeting to order.

II Invocation

III Pledge of Allegiance

IV Adoption of the Agenda

V Code of Ethics

VI Public Comment

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.

Mayor Kutteh reviewed the following Consent Agenda.

A. Consider approving the August 3, 2020 Pre-Agenda and Regular Council meeting minutes and the August 17 Pre-Agenda and Regular Council meeting minutes.

Council member Staford asked the Clerk to review the 8/17/2020 Council meeting recording regarding Item IX because in the minutes it appears that the decision of this Council was that it was overriding a decision to keep that office closed, strictly during COVID. It has to be understood that the motion brought before this Council was to permanently close walk-in traffic to the utilities division even after COVID and the reason that he believes the Council made the motion to open the department was the fact that even whether or not this was a good time to implement these changes, it was not a good idea at any time to implement permanently closing the department to walk-in traffic.

Mayor Kutteh asked Finance Manager Chris Tucker to clarify this. Mr. Tucker replied that staff's request was for the department to no longer take in person payments, not close the office.

Mayor Kutteh stated that the motion in the minutes should be revised to state "to resume taking in-office payments" to clarify the request. The Clerk will revise the minutes as instructed.

B. Consider approving an ordinance to establish a stop intersection on the 1400 block of Alexander Street at its intersection with Medlin Street. (Onley)

C. Consider approving an ordinance to establish 25 mph speed zones on portions of Radio Road at the request of NCDOT. (Onley)

Mayor Kutteh pointed out that this area is all to the north side of Gaither Road and is not for the area on Radio Road on the WSIC radio side.

In response to a question from Council member Staford, Ron Smith stated that the speed limit does not go from 25 to 35 mph, the speed limit will be a consistent 25 mph the entire distance. Mayor Kutteh said that is correct and he believes that it

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goes lower closer to the Indian Ridge development. Smith said that at no point on Radio Road will the speed limit be above 25 mph above Gaither Road.

Council member S. Johnson asked what the justification is for this. Smith replied that NCDOT brought this to City staff because there was not set speed limit for this stretch of the road. Smith added that City staff does get a fair number of complaints about speed on Radio Road so that may be what precipitated NCDOT's request to the City for this.

Council member Staford asked Smith to get clarification on the speed limits on Radio Road. Smith said he will have clarification before the Council meeting at 7:00 p.m.

D. Consider acceptance of NC Department of Commerce pass-through grant on behalf of Badger Sportswear and pass Budget Amendment No. 2021-06. (Tucker)

Mayor Kutteh stated that in April 2019, Badger Sportswear was awarded a NC Department of Commerce Reuse Grant that awarded the company \$300,000. The grant was dependent on Badger Sportswear completing \$600,000 in Building Improvements and creating 82 new jobs. The grant also required a 5% match totaling \$15,000 from the City. The grantee and the City submitted the final report and requisition to the State, however, due to COVID19, the process moved across fiscal years which causes the need for a budget amendment in the current year. The requisition was approved by the state and the City has received the grant monies. This budget amendment receives the grant from the state, and then allows for it to be appropriated out to the grantee. The City's match was paid in fiscal year 2020. There is no impact to the current year budget as this is a pass-through action.

E. Consider approving receipt of a grant through NCDOT Aviation in the amount of \$250,000 for the Southeast Corporate Apron Project and approve

Budget Amendment No. 2021-7 to reflect the additional funds. No local match is required. (Ferguson)

- F. Consider approving Work Authorization No. 16 in the amount of \$1,139,869 for engineering and construction management by Parrish & Partners for the Runway Safety Area Extension Project. No local match required. (Ferguson)**
Mayor Kutteh stated that these expenses are 100% covered by the \$9,300,000 Federal Aviation Administration grant.

REGULAR AGENDA

- VIII Presentation of a Proclamation for Constitution Week. (Mayor Kutteh)**
Mayor Kutteh stated that members of the Daughters of the American Revolution group will be in attendance to receive the proclamation and speak to Council about Constitution week.
- IX Continue the public hearing from the August 17, 2020 Council meeting and consider passing the first reading of TA19-08 Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.02 Accessory Uses and Structures, A. Generally, 4.d., C. Accessory Dwellings, 7. and Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, D. Building Setback Requirements, 5. Fences. (Ashley)**
Mayor Kutteh stated that when the UDO was adopted the rear-yard setback was inadvertently left out. This text amendment fixes this error and proposes to increase the setback from 3 ft. to 5 ft. to accommodate drainage easements. The setbacks for accessory dwellings conflict with the setbacks for accessory structures. Therefore, this text amendment corrects the setbacks to be consistent. This text amendment will amend and clarify the regulation for fences to reduce the fence height in the front yard and beyond the front plane of the structure from six feet to four feet. Six-foot fences in the front yard setback are unappealing and can be a safety concern from a motor vehicle standpoint regarding visibility.
- X Conduct a public hearing and consider approving first reading of rezoning request ZC20-07 filed by AMH Holdings, LLC for the property located at 1441, 1443, 1417, 1415, and 1449 Wilkesboro Highway; Tax Map 4735-33-7067 from B-3 (Shopping**

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Center Business) District to B-5 CU (General Business Conditional Use) District and LI CU (Light Industrial Conditional Use) District. (Ashley)

Mayor Kutteh stated that Mr. Jay Wolff with Dynamic Nutraceuticals on behalf of AMH Holdings, LLC is requesting a partial rezoning of approximately 9.636 acres, parcel 4735-33-7067 from B-3 (Shopping Center Business) District to B-5 CU (General Business Conditional Use) District and LI CU (Light Industrial Conditional Use) District for a manufacturing and distribution site. The remaining 1.652 acres of the shopping center, parcels 3 (Coffee House) and 4 (vacant) will remain B-3. The community meeting was held on August 17, 2020 at 6:00 PM at the project site. Only 1 person attended, and they were in support of the project. The former Billiards Hall and PlayStation is currently vacant, and I-40 Flea Market and auto detail shop are in the former Kmart/Fred's building. The Coffee House Waffle Shop and temporary farmer's market stand is located along the front of the property. The intended use of the property is to remodel the Kmart/Fred's building

for manufacturing nutritional supplements and to remodel the former Billiards/Playstation building for warehousing and distribution of nutritional supplements. The applicant will leave the Coffee House and the vacant parcel fronting Wilkesboro Highway B-3. City sewer, City water and Energy United electric utilities are available to the site. The land use plan calls for the property to be commercial and it is currently zoned B-3 (Shopping Center Business) District. Since the applicant is requesting a conditional use district, the conditions submitted by the applicant are:

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

Mayor Kutteh stated that Council member Jones is representing the seller for this item and needs to be recused due to a conflict of interest.

Council member Allison made a motion to recuse Council member Jones, seconded by Council member Staford. The motion carried unanimously.

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

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

The conditions that have been submitted by the applicant are:

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

4. Any additional sheds/out-buildings will be in accordance with the neighborhood architecture and HOA requirements.

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

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

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

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

Mayor Kutteh stated that the property is currently in Iredell County's zoning jurisdiction. The intended use of the property is a single-family subdivision of 276 homes. Zoning the property R-8 will require water and sewer service from the City of Statesville, therefore the applicant has also submitted a voluntary annexation request for these properties. The site will also be a City electric user. The site would have a density of 2.61 units per acre. The intent of this request is to bring the property into the City of Statesville and allow for smaller lots with city utilities and set aside permanent open space. For example, the normal lot size for the R-8 zoning district is 8,000 square feet. In order to cluster, the lots can be reduced to 6,500 sq. ft as long as the difference in square footage (1,500) is set aside as open space. The site is approximately 106.82 acres in size located on Wallace Springs Road across from Woodfield Drive, north of Autumn Brook subdivision, and south of Hidden Lakes Subdivision. All subdivision sketch plans regardless of zoning district are required to be reviewed by TRC, Planning Board and City Council. A concept plan was not required for this rezoning but was provided by the developer

- XIV Conduct a public hearing and consider approving first reading of TA20-02 Text Amendment to Amend Article 3. Zoning, Section 3.04 Zoning District Regulations, V. H-115 – Highway 115/Shelton Avenue Corridor District, Article 4. Non-Conforming**

Situations, Section 4.05 Non-Conforming Uses, C. 3. and Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, Table 6-1. (Ashley)

Mayor Kutteh stated that the purpose of this text amendment is to allow for some flexibility for existing viable businesses along the H-115/Shelton Avenue Corridor to expand while re-developing the corridor over time per the Downtown & NC Streetscape/Land Use Master Plan. The rezoning of 118 parcels along Shelton Avenue that make up the H-115 District was adopted by City Council back in March of 2009. The Downtown & NC 115 Streetscape/Land Use Master Plan followed the rezoning and was adopted by City Council 6 months later, October 5, 2009. All non-conforming businesses in the H-115 District could continue to operate but could not expand. Conforming businesses could only expand in compliance with the new standards. If the text amendment is not approved, non-conforming businesses can continue to operate but cannot expand. Conforming businesses can expand, but only in compliance with the new standards. The Planning Department recommends approving the text amendment as presented. In addition, the Planning Department staff has inventoried all the existing businesses in the H-115 District as of September 1, 2020.

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

Airport Manager John Ferguson stated that this company, Iredell Air Care, a mom-and-pop business at the airport that provides aircraft maintenance and repairs to small aircraft,

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has not previously had a written lease with the City, nor with Statesville Flying Service. Iredell Air Care had an unofficial lease with Statesville Flying Service at whatever rate SFS was charging. Iredell Air Care rents a 10,400 sq. ft hangar that was built around 1985. The Airport Commission at their August 19, 2020 meeting approved a lease for Iredell Air Care that includes a 30% increase from \$2,000/month to \$2,600/month for the hangar rental plus they must begin to pay their own utilities. Ferguson said he does not agree with the Airport Commission's recommendation of this high increase in rent, especially this year since this small business has lost considerable revenue due to COVID-19. Ferguson said he recommends a 12.5% increase plus Iredell Air Care paying the utilities. The City Manager commented in the Staff Report that the Airport Commission's recommendation is a significant rent increase, in addition to requiring the tenant to pay their utilities. He agrees with the Airport Manager's recommendation to begin at a lower level and escalate the lease rate over five years, all the while requiring Iredell Air Care to pay their own utilities.

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

Mayor Kutteh said that the two buildings stand on the site along with an associated free-standing canopy structure. One building contains a convenience store and the second building is vacant, formerly Chicken & Fries/Pizza Box restaurants. The property owner, Piedmont Investment Properties, LLC, is requesting approval to demolish both buildings and the free-standing canopy, plus requesting approval of the concept plan and design elements for a proposed Blue Harbor Bank on the site. The parcel is unique because it has three street frontages. The parcel is surrounded by East Broad Street, North Tradd Street and Davie Avenue. The new structure will be one and one-half stories tall to blend into the streetscape at the busy intersection. The square footage planned is approximately 3,300 square feet. The height of the building will be approximately 26 feet 3 inches. The

new building will incorporate design elements that the Blue Harbor Bank Corporate Headquarters in Mooresville, North Carolina displays. The building design will also include a drive-thru window for customers and a detached drive-up ATM structure. The building's front I would be oriented toward North Tradd Street which faces west. Exterior building materials will include cast stone masonry, brick veneer, cast stone masonry windowsill, store front window system, and store front entrance doors. The windows will be glass, constructed with black coloring to provide enhanced security and environmental conscientiousness. The Board of Adjustment on August 4, 2020 approved variances for the front setbacks and parking spaces in the front yard due to the property having 3 street fronts. The value of the existing structures is \$162,280. Staff feels confident that this will create an increase in the City tax base upon completion.

Council members agreed to move this item to the Consent Agenda.

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

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

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

Mayor Kutteh stated that in 2015, the developer of Phase 6 of the Larkin Golf Course subdivision (US Developments LLC) requested a waiver from constructing a creek crossing to connect Phase 6 to the previously constructed Phase 4. The crossing would have connected the proposed Canada Drive in Phase 6 to Megby Trail in Phase 4. The waiver was granted by Council with the condition that a secondary access route be established to provide access for emergency vehicles. The development was subsequently sold to Dependable Development Inc, who elected to install a creek crossing

between Canada Dr and Megby Trail to serve as the emergency access route. After the emergency access route was constructed, residents in Phase 6 requested it be upgraded to a City street and opened to the public. As requested by Council, Staff has prepared a presentation on the history and current status of the emergency access route in Phase 6 the Larkin Golf Course subdivision.

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

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

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

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

Construction Admin services (materials review, invoice review, periodic inspection, and project certification) will be provided by Highfill Infrastructure Engineering, PC. Highfill's cost for these services are a not-to-exceed amount of \$132,200. Daily construction inspection will be performed by City staff.

The total proposed project cost is \$2,350,000.00, which includes construction, construction admin services, and a 3% project contingency.

\$477,000 was budgeted for this project in the FY2018-19 budget. (After the investigation, design, and bidding phases, \$265,970 of this amount remains.) Council awarded a design services contract to Highfill Infrastructure Engineering in February 2019. The total project cost is \$2,350,000, which includes construction, construction admin services, and project contingency.

Based on inspections of the sewer infrastructure in these areas, the pipes and manholes targeted by this project have reached the end of their service life. Failure to replace or rehabilitate this infrastructure will result in increased maintenance expense and the potential for sewer blockages, backups, and/or releases to the environment. Staff recommends awarding the Sullivan Rd & Old Country Club sewer rehabilitation construction contract to Prism Contractors, Inc., and approving Budget Amendment #2021-08.

In the Staff Report the City Manager stated that this is another great bid number because this project was recently estimated at over \$3,000,000. He recommended approval.

If Council approves, Staff will issue a Notice of Award to Prism Contractors and anticipates construction will begin by mid-November and is expected to last about nine months. If approved, Staff will also present to Council a Resolution of Intent to Reimburse to allow preparation of a debt package to fund this project and the Larkin water line extension.

XX Consider adopting a Resolution of Intent to Reimburse for the Old CC/Sullivan Rd Sewer Rehab Project. Amend the Capital Project Fund ordinance to add this project. Consider a Resolution to allow the Finance Officer to submit an LGC application. Approve Budget Amendment No. 2021-8. (Tucker)

Mayor Kutteh stated that the Resolution of Intent to Reimburse allows the City to begin incurring costs on the project while it procures the proper debt package to handle the project.

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The maximum is set at \$3,000,000 which allows for other costs such as engineering, inspection, design, and easement acquisitions to be reimbursed by debt proceeds assuming they fit within the final time window. This is not necessarily the debt issue amount at this time. Additionally, staff would like to amend the Capital Project Ordinance from July 20, 2020 to add this project. This accounting tool allows staff to combine the debt but segregate the projects and capitalize them as upon completion. Finally, staff is also presenting a Resolution for the LGC application that allows the Finance officer to submit an application to the LGC for the debt package for the project. At the July 20, 2020 Council meeting, Council approved similar items for the Larkin Water Line Extension. The construction contract w/contingency is \$2,350,000. Other costs associated with the project can either be paid directly from the Water/Sewer Fund or through the debt proceeds assuming they fall within the time criteria of the resolution. Assuming a \$3M debt issuance at 15 years at 3%, the future debt payments would be around \$255,0000 annually. Not doing this will require all costs of the project to come from the Water/Sewer Fund balance.

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

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

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

XXII Boards and Commissions Updates:

1. 8/19/2020 Airport Commission Minutes

XXIII Other Business

XXIV Closed Session

Council member Jones made a motion to move to Closed Session to discuss property acquisition, seconded by Council member Morgan. The motion carried unanimously.

Upon return from Closed Session, Mayor Kutteh advised that Council discussed property acquisition, and no action was taken.

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

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: A. Chief David Onley, Statesville Police Department
DATE: August 18, 2020

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

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of an ordinance to establish 25 mph speed zones on portions of Radio Road at the request of NCDOT.

- 1. Summary of Information:** N.C. Department of Transportation has requested the city enact an ordinance establishing a 25-mph speed zone on portions of Radio Rd within the corporate limits of Statesville. The first portion of the roadway is located northeast of Gaither Rd to a point 0.005 miles from Gaither Rd on Radio Rd. The second portion is located northeast of Gaither Rd and will begin at a point 0.149 miles and end at a point 0.313 from Gaither Rd on Radio Rd.
- 2. Previous Council or Relevant Actions:** None
- 3. Budget/Funding Implications:** None
- 4. Consequences for Not Acting:** Established speed limits enacted by NCDOT will not be enforceable by Statesville Police Department.
- 5. Department Recommendation:** Staff recommends establishing ordinance for 25 mph speed zones on portions of Radio Road within the corporate limits of the City of Statesville.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** If ordinance is enacted, attached Certification of Municipal Declaration must be completed and returned to NCDOT.

Attachments:

1. Speed Zone Ordinance
2. NCDOT Documentation
3. Aerial Photo of Radio Road
4. Photos of Radio Road areas affected by ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE IV, SEC 12-101(d) OF THE CODE OF THE CITY OF STATESVILLE, TO ESTABLISH A 25 M.P.H. SPEED ZONE ON PORTIONS OF RADIO RD WITHIN THE CORPORATE LIMITS OF THE CITY OF STATESVILLE.

WHEREAS, the Statesville Police Department is aware that the North Carolina Department of Transportation (N.C.D.O.T.) has requested 25 m.p.h. speed zones on Radio Rd; and

WHEREAS, the speed zones enacted will be limited to the areas of Radio Rd identified by N.C.D.O.T. request.; and

WHEREAS, reducing the speed limit in this area to 25 m.p.h. will decrease potential hazards by increasing the reaction time for drivers and pedestrians in these areas.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Chapter 12, Article IV, Sec 12-101(d) of the Code of the City of Statesville be amended by adding the following to the official ordinance file maintained by the Traffic Safety Director:

“25 M.P.H. Speed Zone”

Radio Rd: from intersection of Gaither Rd northeast to a point 0.005 miles northeast of Gaither Road.

Radio Rd: between a point 0.149 miles northeast of Gaither Rd to a point 0.313 miles northeast of Gaither Rd.

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

AYES:
NAYS:

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

AYES:
NAYS:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2016.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

Leah Gaines Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

July 20, 2020

County: Iredell

Subject: Certification of Municipal Ordinance for speed limit concurrence on SR 2003
inside the Corporate limits of Statesville.

Mr. Ron Smith
City of Statesville
227 South Center Street
Statesville, NC 28687

Dear Mr. Smith:

I am attaching two Certifications of Municipal Declaration to concur with a speed zone within the corporate limits of Statesville. This is to establish a speed limit on SR 2003 (Radio Road) since it is inside corporate limits.

Please have the City Council take action on this ordinance, complete with appropriate signature and seal, and return the document to this office for further handling. This certificate is a legal document and if any changes or corrections need to be made, please notify this office.

Respectfully yours,

M. E. Stafford, PE
Twelfth Division Engineer

Byron Engle, PE

By: B. K. Engle, PE
Division Traffic Engineer

BKE

Attachments

Certification of Municipal Declaration To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1078480

Division: 12 County: IREDELL

Municipality: STATESVILLE

Type: Municipal Speed Zones

Road: SR 2003

Car: 25 MPH

Truck: 25 MPH

Description: Radio Road - Between SR 1965 and a point 0.005 mile northeast of SR 1965 the norther municipal limit of Statesville

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1078482

Division: 12 County: IREDELL

Municipality: STATESVILLE

Type: Municipal Speed Zones

Road: SR 2003

Car: 25 MPH

Truck: 25 MPH

Description: Radio Road - Between a point 0.149 mile northeast of SR 1965, the southern municipal limit of Statesville, and a point 0.313 mile northeast of SR 1965, the northern municipal limit of Statesville.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20____.

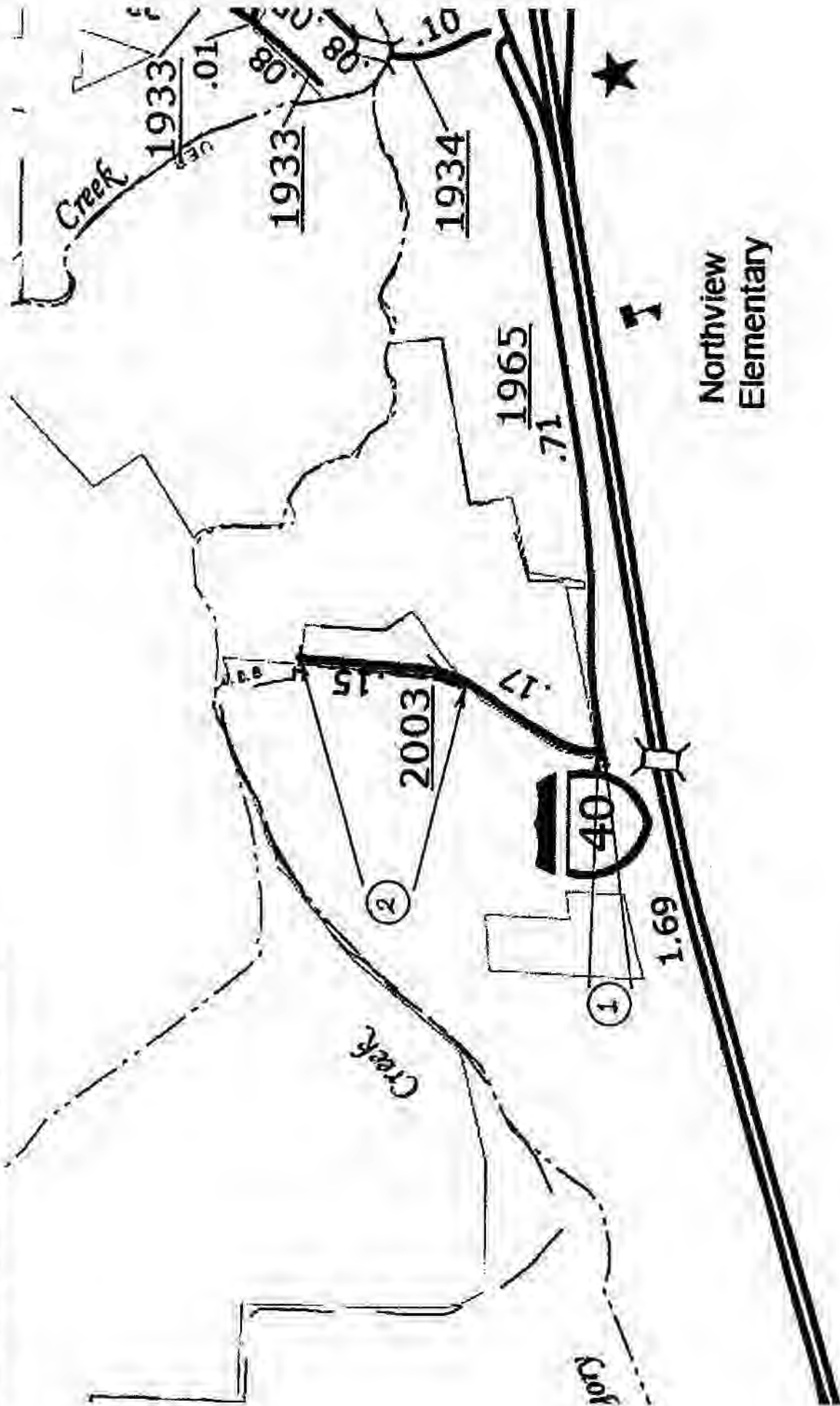
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____









DEAD
END

↑
ONE WAY

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: A. Chief David Onley, Statesville Police Department
DATE: September 25, 2020

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

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of an ordinance to establish a stop intersection on the 1400 Block of Alexander Street at its intersection with Medlin Street.

- 1. Summary of Information:** The Statesville Police Department recently became aware that the intersection of the 1400 block of Alexander Street and Medlin Street was without a stop sign. There was no ordinance located enacting a stop intersection at this location. This situation creates a hazard for motoring vehicles entering Medlin Street without being required to stop at Alexander Street. Based on this finding a stop intersection will be needed on the 1400 block of Alexander Street at its intersection with Medlin Street.
- 2. Previous Council or Relevant Actions:** 1st reading of the ordinance was approved at the September 21, 2020 Council meeting.
- 3. Budget/Funding Implications:** Costs associated with installing stop sign.
- 4. Consequences for Not Acting:** Increased traffic hazard for motoring public.
- 5. Department Recommendation:** Staff recommends establishing a stop intersection on 1400 block of Alexander Street at the intersection of Medlin Street.
- 6. Manager Comments:** Recommend for approval.
- 7. Next Steps:** If approved, the street department will install the stop sign.

Attachments:

1. Stop Intersection Ordinance
2. Photographs of Intersection
3. Aerial Photo of Intersection

ORDINANCE _____

AN ORDINANCE ESTABLISHING A STOP INTERSECTION ON 1400 BLOCK OF ALEXANDER STREET AT MEDLIN STREET.

Whereas, the Traffic Safety Director has been made aware that the 1400 block of Alexander St lacks traffic control at its intersection with Medlin Street, and;

Whereas, a traffic hazard exists for the motoring public on both roadways without the designation of a stop intersection, and;

Whereas, the Traffic Safety Director is of the opinion that utilizing a stop intersection will improve safety for motor vehicle traffic.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Statesville that a stop intersection be established on 1400 block of Alexander Street at its intersection with Medlin Street by adding said stop intersection to the official ordinance file maintained by the Traffic Safety Director:

“Stop Intersection”

Stop Street	Side Stopped	At Street
1400 Block of Alexander Street	Eastbound Traffic	Medlin Street

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

Ayes:
Nays:

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

Ayes:
Nays:

This ordinance to be in full force and effect from and after the ___ day of _____, 2020.

ATTEST:

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM BY:

Leah Gaines-Messick, City Attorney





NO
PARKING

Alexander St





Alexander St

Medlin St

Medlin St

Alexander St

Medlin St

Medlin St

CITY COUNCIL ACTION REQUEST

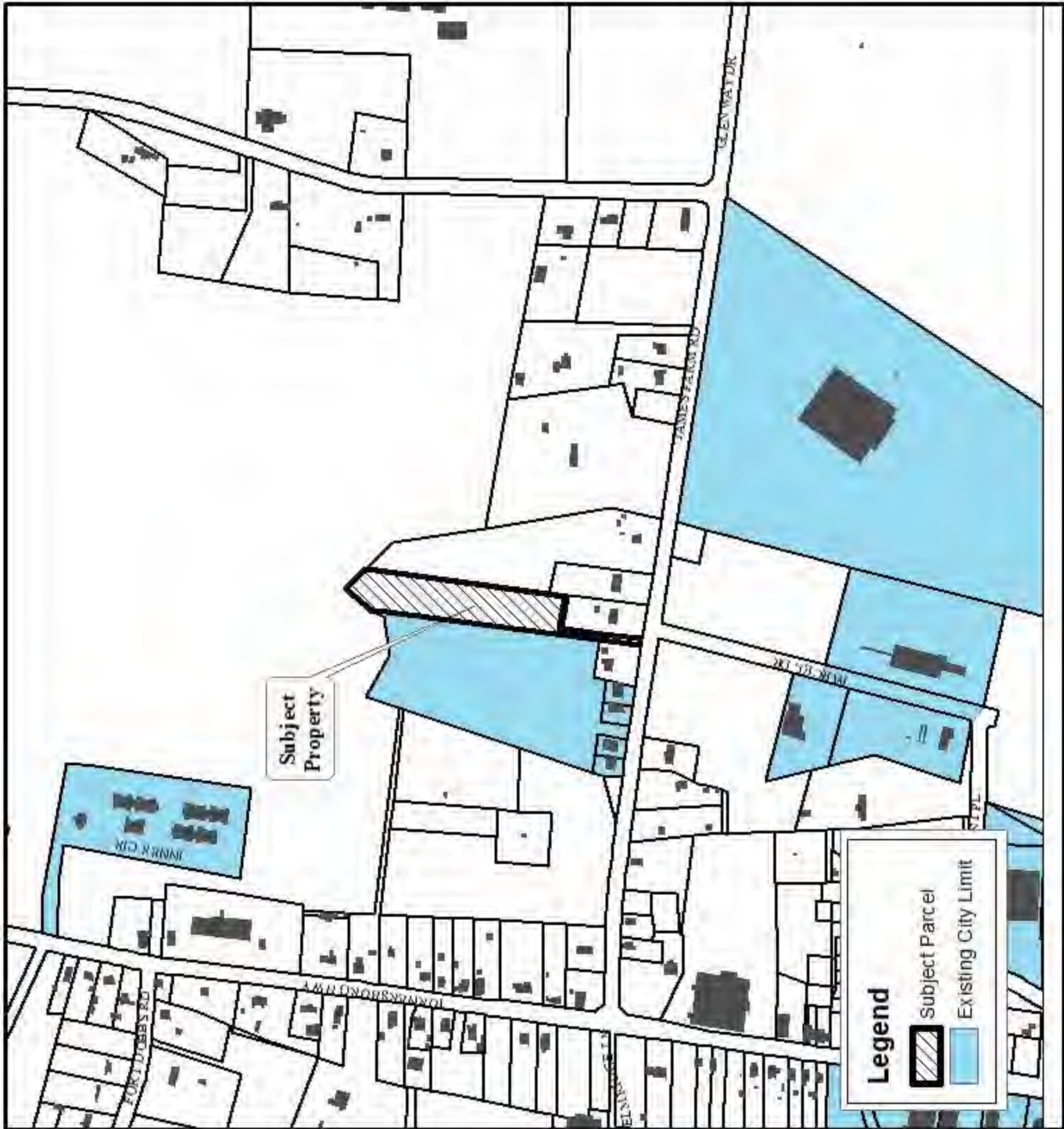
TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: September 21, 2020

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

COUNCIL ACTION REQUESTED:

1. **Consider approving a resolution directing the City Clerk to investigate a petition of annexation**
 2. **Receive the City Clerk's Certificate of Sufficiency**
 3. **Consider approving a resolution fixing the date of October 19, 2020 for a public hearing on the question of the petitioned annexation**
-



1. **Summary of Information:** The property being considered for annexation was submitted by C2C Ventures, LLC (Richard Denzler) on behalf of Mark Lalumondier (Owner) and is located on James Farm Road, behind 171 James Farm Road. This property is to the right (East) of the Georgetown Place, Phase II Subdivision. If approved, this property would become part of Georgetown Place Subdivision, Phase III. The subject property is approximately 2.48 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4745-59-5419. The subject property is not contiguous to the primary corporate limits of the City of Statesville, and therefore, the petition is being processed as a voluntary satellite annexation. The property is located in the City's Extraterritorial Jurisdiction (ETJ) and is zoned R-15. A rezoning application has been received to rezone the property to R-5MF.
2. **Previous Council or Relevant Actions:** None
3. **Budget/Funding Implications:** The tax value (land value) of this property is approximately \$36,080. System development fees will apply to the proposed 19 lots. The property will be served by Iredell water, City of Statesville sewer, and Duke Energy electric service.
4. **Consequences for Not Acting:** Without annexation, the city would not collect property taxes or be able to consider rezoning the properties.
5. **Department Recommendation:** The department recommends approving the resolution to set a date of October 19, 2020 for a public hearing on this annexation request.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** Advertise for public hearing
8. **Attachments:**
 1. Location Map
 2. Utility Location Map
 3. Certificate of Sufficiency
 4. Resolution Directing the Clerk to Investigate
 5. Resolution to Set Public Hearing



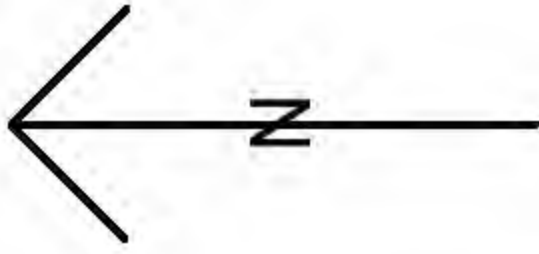
Legend

-  Subject Parcel
-  Existing City Limit

City of Statesville
Planning Department
 Parcel 4745-59-5419
 James Farm Road

1 inch = 500 feet



Legend

-  Subject Property
-  Sewer Gravity Mains
-  Water Mains



CERTIFICATE OF SUFFICIENCY
AX20-06
Mark Lalumondier
Parcel #4745-59-5419 - James Farm Rd

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

I, Brenda Fugett, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 5th day of October 2020.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

**A RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1.**

**AX20-06
Mark Lalumondier
Parcel #4745-59-5419 - James Farm Rd**

WHEREAS, a petition requesting annexation of the non-contiguous area described in said petition has been received on 5th day of October 2020 by the City Council; and

WHEREAS, G. S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

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

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

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

Adopted this 5th day of October 2020.

S - E - A - L

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

RESOLUTION _____

RESOLUTION FIXING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. 160-58.2 AS AMENDED

AX20-06
James Farm Rd - Parcel #4745-59-5419
Mark Lalumondier

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

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

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

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

Section 1. That a public hearing on the question of annexation of the noncontiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 7:00 o'clock p.m. on the 19th day of October 2020.

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

Description – PIN 4745-59-5419

BEGINNING at the common comers of DIRECT PRODUCTS & SERVICES INC. in the North margin of Secondary Road Number 2173, and runs from the BEGINNING with DIRECT PRODUCTS & SERVICES INC. line, North 7°45' 55" East 1010.36 feet to a stake in a branch, Faw's line. thence with the branch and Faw's line, North 41° 32' 34" East 132.51 feet to an iron on the Northern bank of said branch, thence leaving said branch, South 42° 23' 07" East 85.31 feet to an iron stake, a comer of Mary T. Little, thence Little's line, South 7° 11' 04" West 769.35 feet to an iron stake, the northeast corner of Herman G. Queen, Jr., thence with Queen's line North 80° 47' 30" West 124.81 feet to an iron stake, the northwest corner of Queen, thence with the line of Queen South 07° 13' 35" West 300.11 feet to an iron stake on the North margin of Secondary Road Number 2173, thence with the North margin of said Secondary Road, North 81°22' 30" West 25.03 feet to the point of BEGINNING, containing 2.724 acres, more or less.

Property Address: James Farm Road, behind 171 James Farm Road, Statesville, NC

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

Adopted this 5th day of October 2020.

CITY OF STATESVILLE

By: _____
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: September 4, 2020

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

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of Rezoning Request ZC20-07 filed by AMH Holdings, LLC for the property located at 1441, 1443, 1417, 1415, and 1449 Wilkesboro Highway; Tax Map 4735-33-7067 from B-3 (Shopping Center Business) District to B-5 CU (General Business Conditional Use) District and LI CU (Light Industrial Conditional Use) District.

1. Summary of Information:

Rezoning Request

Mr. Jay Wolff with Dynamic Nutraceuticals on behalf of AMH Holdings, LLC is requesting a partial rezoning of approximately 9.636 acres, parcel 4735-33-7067 (see GIS map) from B-3 (Shopping Center Business) District to B-5 CU (General Business Conditional Use) District and LI CU (Light Industrial Conditional Use) District for a manufacturing and distribution site (see Zoning map). The remaining 1.652 acres of the shopping center, parcels 3 (Coffee House) and 4 (vacant) will remain B-3. The community meeting was held on August 17, 2020 at 6:00 PM at the project site. Only 1 person attended, and they were in support of the project.

Evaluation

The former Billiards Hall and Playstation is currently vacant and I-40 Flea Market and auto detail shop are in the former Kmart/Fred's building. The Coffee House Waffle Shop and temporary farmer's market stand is located along the front of the property. The intended use of the property is to remodel the Kmart/Fred's building for manufacturing nutritional supplements and to remodel the former Billiards/Playstation building for warehousing and distribution of nutritional supplements. The applicant will leave the Coffee House and the vacant parcel fronting Wilkesboro Highway B-3. City sewer, City water and Energy United electric utilities are available to the site. The land use plan calls for the property to be commercial and it is currently zoned B-3 (Shopping Center Business) District.

Since the applicant is requesting a conditional use district, the conditions submitted by the applicant are (see attached Conditional Use Permit and Concept Plan):

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

Animal Husbandry; Asphalt, Cement, Concrete, Gypsum, and Plaster manufacturing/mixing plants; Bio-Fuel Plant; Bus garages/shelters; Cemetery (Animal or Human); Contractor's office, including yard maintenance and outdoor storage; Correctional facilities/Jails; Dairy, meat, and seafood processing and distribution; Disassembly plant; Hatcheries; Houses of Worship; Landfills; Livestock sales; Manufactured or mobile home and recreational vehicle sales; Oil, gasoline and propane distribution; Outdoor Storage; Race shops; Stone and clay products manufacturing; Transfer/Trucking companies; Truck Stop/Travel Plaza; Truck terminals; Wrecker/Tow Service.

2. Any tractor trailers that are stored on-site will be screened.
3. No outside manufacturing machines will be used.

The surrounding zoning districts and land uses are as follows:

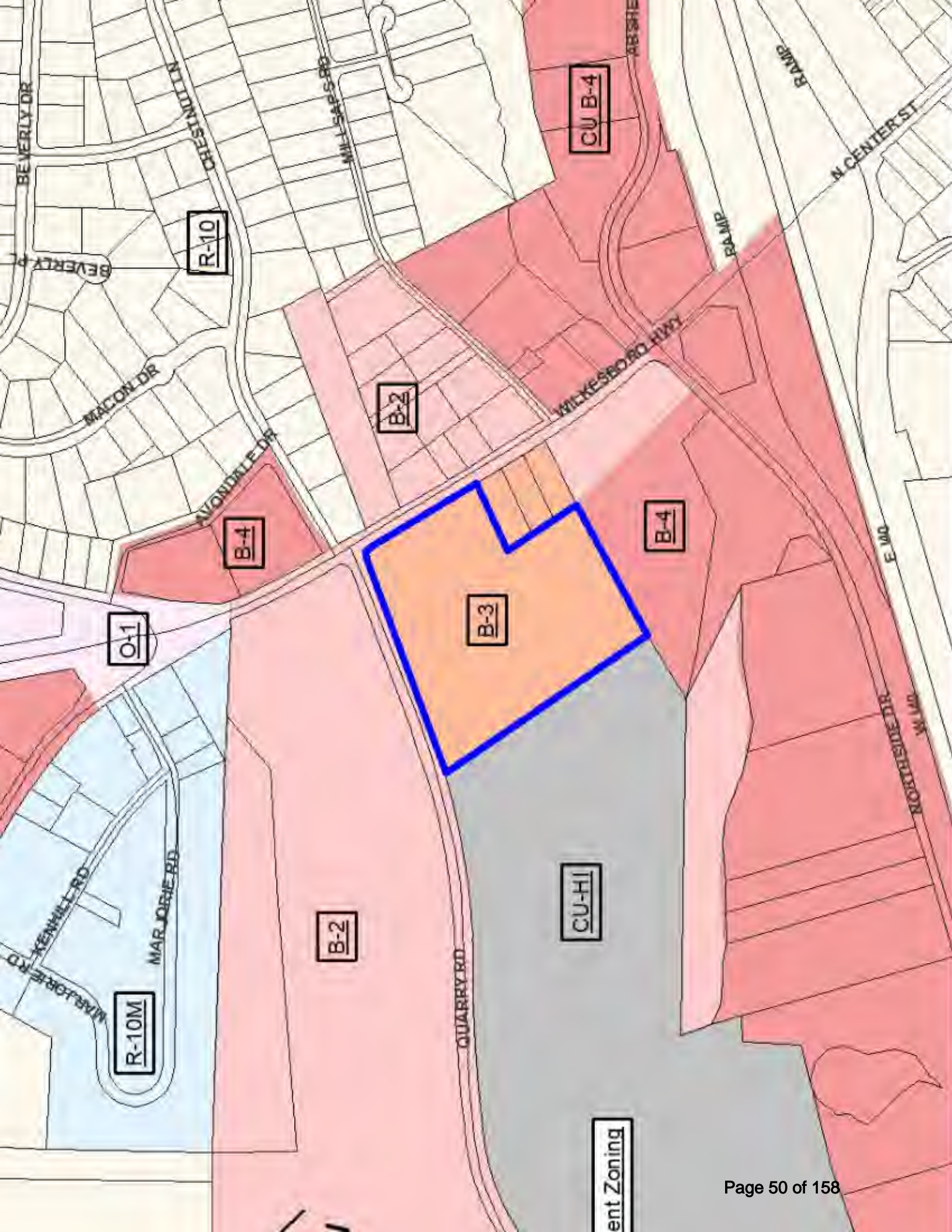
<u>NORTH OF THE SITE:</u>	Quarry Road and vacant property zoned B-2
<u>EAST OF THE SITE:</u>	Wilkesboro Hwy and various commercial sites zoned B-2 such as Little Caesars Pizza, Payne Financial Consultants, Snider Insurance Group, Onion, and Michael's Gold Mine
<u>SOUTH OF THE SITE:</u>	Vacant property zoned B-4, The Body, Mind & Spirit Day Spa zoned B-3, and Northside Drive
<u>WEST OF THE SITE:</u>	Martin Marietta Quarry zoned HI CU

2. **Previous Council/Relevant Actions:** N/A
3. **Budget/Funding Implications:** No budget implications due to the property being in the city limits. The buildings already have city water and city sewer. Garbage service would have to be contracted out.
4. **Consequences for Not Acting:** Manufacturing and distribution uses would not be permitted, retail sales and service uses would (the allowed uses in the B-3 District).
5. **Department Recommendation:** The 2005 Land Development Plan projects the property to be commercial. The B-3 and proposed B-5 CU Districts are consistent with the plan. The LI CU with the proposed conditions would provide a logical transition between the Heavy industrial use (Quarry) to the rear and the B-3 parcels along the frontage. Staff's recommendation is **favorable** to rezone the property contingent upon the conditions being met.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading would be on October 5, 2020. If the second reading is approved the applicant can then submit site plans to TRC.

Attachments:

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





R-10

CU B-4

B-2

B-4

B-3

B-4

O-1

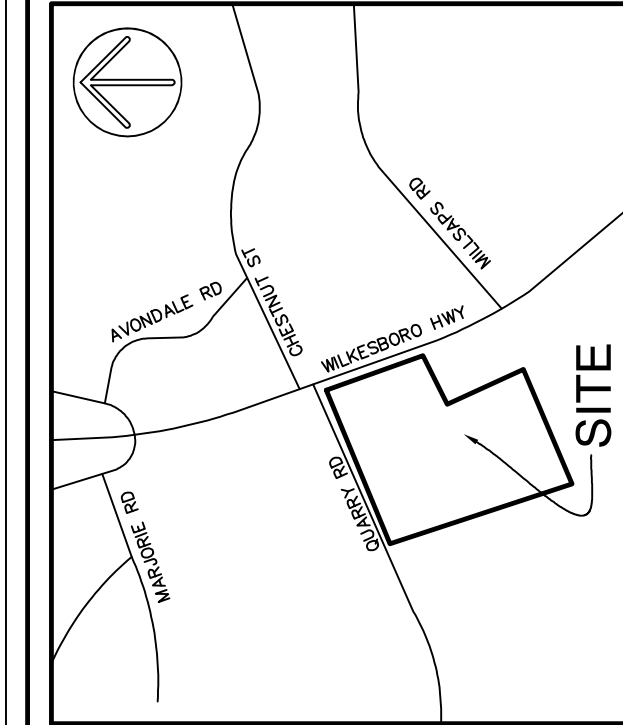
R-10M

CU-HI

ent Zoning

- REFERENCES
1. BB-1904-2389
 2. BB-1898-1937
 3. BB-1914-2045
 4. BB-1210-1064
 5. BB-1210-1064
 6. BB-1210-1064
 7. NCDOT ROW PLAN: 6.8210019

- NOTES
1. THIS PARCEL APPEARS TO BE IN FLOOD ZONE X. FIRM PANEL 3710475000-J COMMUNITY 370135. EFFECTIVE DATE 03/18/2008
 2. CONTOURS ARE IN ONE FOOT INTERVALS.
 3. ELEVATIONS ARE BASED ON MAND 88 DATUM.
 4. SETBACKS DEFINED BY B-3 ZONING:
 - 40' FRONT SETBACK
 - 10' SIDE SETBACK
 - 20' REAR SETBACK
 5. SETBACKS DEFINED BY B-5 ZONING:
 - 5' FRONT SETBACK
 - 5' SIDE SETBACK
 - 10' REAR SETBACK
 6. SETBACKS DEFINED BY U ZONING:
 - 30' FRONT SETBACK
 - 0-5' SIDE SETBACK
 - 20' REAR SETBACK
- PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, ENCUMBRANCES, AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.



- LEGEND
- BACK FLOW PREVENTER
 - BOLLARD
 - LIGHT POLE
 - POWER POLE
 - SANITARY SEWER CLEAN OUT
 - SANITARY SEWER MANHOLE
 - TELEPHONE BOX
 - WATER METER
 - FIRE HYDRANT
 - IRRIGATION CONTROL VALVE
 - HANDICAP PARKING
 - EDGE OF PAVEMENT
 - CONCRETE
 - CONC. MONUMENT FOUND
 - PK. NAIL SET
 - IRON REBAR FOUND
 - RIGHT-OF-WAY CONC. MONUMENT FOUND
 - SPRINKLER
 - FIBER OPTIC BOX
 - UNDERGROUND FIBER OPTICS MARKER
 - WATER MANHOLE
 - UNDERGROUND ELECTRIC LINE
 - UNDERGROUND TELEPHONE LINE
 - UNDERGROUND WATER LINE
 - FENCE LINE
 - UNDERGROUND FIBER OPTIC LINE
 - DRAINAGE INLET

A REZONING SITE PLAN PREPARED FOR
WOLFF & WARD PROPERTIES LLC
 PARCEL ID No. 473537087

1415, 1417, 1441, 1443, 1449
WILKESBORO HIGHWAY

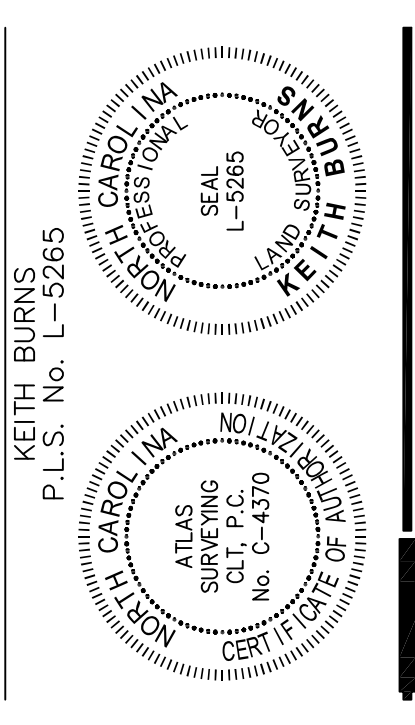
THE CITY OF STATESVILLE
 REBEL COUNTY, NORTH CAROLINA
 COUNTY OF REBEL
AMH HOLDINGS LLC

LIN
 FIELD WORK: AMH
 DRAWN BY: JMB
 CHECKED BY: JMB
 SCALE: AS SHOWN
 DATE: 03/20/20
 FILE: 0120003747000

I, KETH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NORTH CAROLINA. THE BOUNDARIES SHOWN ON THIS MAP WERE OBTAINED BY ME OR UNDER MY SUPERVISION AND THE INFORMATION RECORDED IN THIS BOOK LISTED REFERENCES; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM RECORDS IN THE PUBLIC RECORDS OF THE STATE OF NORTH CAROLINA. I HAVE BEEN ADVISED THAT THE RATIO OF PRECISION IN THE INSTRUMENTS USED IN THE SURVEYING OF THIS MAP IS GREATER THAN 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS 16TH DAY OF MARCH, 2020

FOR REVIEW ONLY



ATLAS SURVEYING, INC.
 10810 SOUTHERN LOOP BOULEVARD, UNIT 18
 FINEVILLE, NC 28134
 PHONE: (980) 949-4475
 WEBSITE: WWW.ATLASSURVEYING.COM



CONDITIONAL USE ZONING PERMIT
CITY COUNCIL APPROVAL

ZONING CASE NO. CU-ZC 20-07

ZONING: From B-3 to Partial LI CU and Partial B-5 CU

APPLICANT: Dynamic Nutraceuticals for AMH, Holdings, LLC

1441 Wilkesboro Hwy., Statesville, NC 28625

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

Date

Constantine Kutteh, Mayor

USES: Proposed uses are Processing Plant for Dynamic Nutraceuticals Dietary Supplements and Warehousing and Distribution.

CONDITIONS:

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

Animal Husbandry; Asphalt, Cement, Concrete, Gypsum, and Plaster manufacturing/mixing plants; Bio-Fuel Plant; Bus garages/shelters; Cemetery (Animal or Human); Contractor's office, including yard maintenance and outdoor storage; Correctional facilities/Jails; Dairy, meat, and seafood processing and distribution; Disassembly plant; Hatcheries; Houses of Worship; Landfills; Livestock sales; Manufactured or mobile home and recreational vehicle sales; Oil, gasoline and propane distribution; Outdoor Storage; Race shops; Stone and clay products manufacturing; Transfer/Trucking companies; Truck Stop/Travel Plaza; Truck terminals; Wrecker/Tow Service.

2. Any tractor trailers that are stored on-site will be screened.
3. No outside manufacturing machines will be used.

PLANNING DEPARTMENT REZONING FILE #ZC 20-07

I, _____, applicant, agree to adhere to the above conditions places on rezoning case #ZC 20-07 as adopted by City Council on the _____ day of _____, 2020.

Date

Applicant



To: Statesville City Council
From: Sherry Ashley, Planning Director
Date: September 21, 2020
Subject: Rezoning
Case: ZC20-07 AMH Holdings, LLC (Former Fred's/Kmart) Dynamic Nutraceuticals
Address: 1441, 1443, 1417, 1415, & 1449 Wilkesboro Highway

The zoning amendment is **approved and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because _____

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

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

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board
From: Steve Bridges, Senior Planner
Date: August 18, 2020
Subject: Rezoning
Case: ZC20-07 AMH Holdings, LLC
Address: 1441, 1443, 1417, 1415, and 1449 Wilkesboro Highway

The zoning amendment is **approved and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because _____

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

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

Date: Todd Lange, Planning Board Chairman

Date: Sherry Ashley, Planning Director



To City Council:

Subject: Certification Letter

Dear Council,

The purpose of this letter is to certify that the adjacent property owners of PIN 4735337067 located at 1441, 1443, 1417, 1415, and 1449 Wilkesboro Highway were mailed a notice notifying them of rezoning case ZC20-07 on August 11, 2020.

Thank you,

Steve Bridges

Senior Planner

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM B-3 (SHOPPING CENTER BUSINESS) DISTRICT TO B-5 CU (GENERAL BUSINESS CONDITIONAL USE) DISTRICT and LI CU (LIGHT INDUSTRIAL CONDITIONAL USE) DISTRICT

**ZC20-07 AMH Holdings, LLC
1441, 1443, 1417, 1415, and 1449 Wilkesboro Hwy
PIN 4735-33-7067**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on September 21, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described property from B-3 to B-5 CU and LI CU; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on September 11, 2020 & September 18, 2020, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

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

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

LEGAL DESCRIPTION

REZONED

PROPOSED PARCEL 1 CURRENTLY ZONED B-3 TO BE REZONED AS LI CU

COMMENCING AT A 5/8" REBAR SET AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF WILKESBORO HIGHWAY AND THE SOUTHERN RIGHT OF WAY OF QUARRY ROAD (NORTHING: 753,448.68, EASTING: 1,1433,982.22) THEN RUNNING S31°18'42"E FOR 149.95' TO THE POINT OF BEGINNING; THEN RUNNING S31°18'42"E FOR 61.00'; THEN RUNNING S69°04'03"W FOR 190.38'; THEN RUNNING S20°14'56"E FOR 66.12'; THEN RUNNING S69°10'18"W FOR 237.52'; THEN RUNNING S20°45'18"E FOR 37.56'; THEN RUNNING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 29.90', A N ARC LENGTH OF 46.99', AND A CHORD RUNNING S24°16'21"W FOR 42.30'; THEN RUNNING S20°42'00"E FOR 363.35'; THEN RUNNING S61°10'19"W FOR 162.84'; THEN RUNNING N34°49'41"W FOR 823.00'; THEN RUNNING N72°13'19"E FOR 128.73'; THEN RUNNING N69°00'23"E FOR 470.43'; THEN RUNNING S20°48'03"E FOR 213.57'; THEN RUNNING N69°04'03"E FOR 209.77' TO THE POINT OF BEGINNING, THE DESCRIBED AREA CONTAINING 6.941 ACRES MORE OR LESS.

PROPOSED PARCEL 2 CURRENTLY ZONED B-3 TO BE REZONED AS B-5 CU

COMMENCING AT A 5/8" REBAR SET AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF WILKESBORO HIGHWAY AND THE SOUTHERN RIGHT OF WAY OF QUARRY ROAD (NORTHING: 753,448.68, EASTING: 1,1433,982.22) THEN RUNNING S31°18'42"E FOR 365.32'; THEN RUNNING S61°10'19"W FOR 222.47' TO THE POINT OF BEGINNING; THEN RUNNING S34°49'41"E FOR 275.75'; THEN RUNNING S61°10'19"W FOR 337.16'; THEN RUNNING N20°42'00"W FOR 363.35'; THEN RUNNING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 29.90', A N ARC LENGTH OF 46.99', AND A CHORD RUNNING N24°16'21"E FOR 42.30' THEN RUNNING N20°45'18"W FOR 18.64'; THEN RUNNING N69°10'18"E FOR 237.52'; THEN RUNNING S20°14'56"E FOR 116.30' TO THE POINT OF

BEGINNING, THE DESCRIBED AREA CONTAINING 2.695 ACRES MORE OR LESS.

REMAINING

PROPOSED PARCEL 3 CURRENTLY ZONED B-3 TO REMAIN

BEGINNING AT A 5/8" REBAR SET AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF WILKESBORO HIGHWAY AND THE SOUTHERN RIGHT OF WAY OF QUARRY ROAD (NORTHING: 753,448.68, EASTING: 1,1433,982.22) THEN RUNNING S31°18'42"E FOR 149.95'; THEN RUNNING S69°04'03"W FOR 209.77'; THEN RUNNING N20°48'03"W FOR 213.57'; THEN RUNNING N69°00'23"E FOR 75.47'; THEN RUNNING S79°09'25"E FOR 125.61' TO THE POINT OF BEGINNING, THE DESCRIBED AREA CONTAINING 0.860 ACRES MORE OR LESS.

PROPOSED PARCEL 4 CURRENTLY ZONED B-3 TO REMAIN

COMMENCING AT A 5/8" REBAR SET AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF WILKESBORO HIGHWAY AND THE SOUTHERN RIGHT OF WAY OF QUARRY ROAD (NORTHING: 753,448.68, EASTING: 1,1433,982.22) THEN RUNNING S31°18'42"E FOR 210.95' TO THE POINT OF BEGINNING; THEN RUNNING S31°18'42"E FOR 154.37'; THEN RUNNING S61°10'19"W FOR 222.47'; THEN RUNNING N20°14'56"W FOR 182.42'; THEN RUNNING N69°04'03"E FOR 190.38' TO THE POINT OF BEGINNING, THE DESCRIBED AREA CONTAINING 0.792 ACRES MORE OR LESS.

Property Address: 1441, 1443, 1417, 1415, and 1449 Wilkesboro Hwy, Statesville NC 28625

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

Ayes:
Nays:

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

Ayes:
Nays:

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

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

Leah Gaines Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: September 4, 2020

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

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of Rezoning Request ZC20-08 filed by Greenbriar Bowman. LLC to rezone the properties located on S. Greenbriar Road; Tax Maps 4754-77-4649 and 4754-78-4690 from R-15 (Urban Fringe Low Density Residential) District to R-5 CU (High Density Residential Conditional Use) District.

1. Summary of Information:

Rezoning Request

Greenbriar Bowman, LLC on behalf of Statesville Glens, LLC is requesting to rezone two parcels from R-15 (Urban Fringe Low Density Residential) District to R-5 CU (High Density Residential Conditional Use) District with the intention of developing a single-family residential subdivision (see GIS and Zoning maps). A community input meeting was held by the applicant on July 13, 2020 at 6:00PM at the project site. Seven neighbors attended with questions regarding property line, buffers and landscaping.

Evaluation

The site is approximately 59.36 acres in size and located between Hollingswood Drive and Fourth Creek. The intent of this request is to develop a subdivision of approximately 139 lots for single-family residential use. This is a conditional use zoning request and, if approved, will be tied to the submitted concept plan and the conditions that have been submitted by the applicant. The site is being designed to accommodate the additional right of way needed for the future widening of Greenbriar road as presented in the 2019 City of Statesville Mobility and Development Plans.

The conditions that have been submitted by the applicant are (see attached Conditional Use Permit and Concept Plan):

1. The overall project density will not exceed 2.5 units per acre.
2. There will be no modular homes.
3. All homes will be single-family homes.
4. Any additional sheds/out-buildings will be in accordance with the neighborhood architecture and HOA requirements.
5. All homes will have front-loaded two car garages.
6. The HOA will be responsible for the maintenance and upkeep of all common areas.
7. Dedicate a 20' greenway easement along Fourth Creek.
8. Sidewalks will be provided on both sides of all streets.
9. Maintain existing tree stand on the North side of the property where applicable as shown on concept plan.
10. Provide a Class "C" 25ft. buffer adjacent to Bell Aire property.

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

The surrounding zoning districts and land uses are as follows:

<u>NORTH OF THE SITE:</u>	R-15, Broadview Subdivision, Single-Family Homes
<u>EAST OF THE SITE:</u>	R-5 CU, Bell Aire Properties Proposed Subdivision, Single-Family Homes (currently vacant)
<u>SOUTH OF THE SITE:</u>	IC RA, Fourth Creek Crossing Subdivision, Single-Family Homes
<u>WEST OF THE SITE:</u>	IC RA, R-15, Mitchell Aire and Mitchell College Foundation Subdivisions, Single-Family Homes

2. Previous Council/Relevant Actions: N/A

3. Budget/Funding Implications: If approved the development will provide at least 139 new residential lots that will require City services. These new residential lots will also increase the property tax base and population numbers that impact funding.

4. Consequences for Not Acting: Property may remain vacant or develop under the R-15 standards.

5. Department Recommendation: The 2005 Land Use Plan calls for the property to be Medium Density Residential. The R-5 High Density Residential District allows up to 8.7 dwelling units per acre. The current zoning of R-15 allows 2.9 units per acre. The proposed plan shows a density of 2.34 units per acre which is less than the current R-15 zoning district and less than the requested R-5 zoning district allow. It is also less than the Medium Density Residential which allows 5.4 units per acre adopted in the 2005 Land Development Plan. The applicant is also providing additional permanent open space. This is a conditional use zoning request and if approved the request will be tied to the submitted concept plan and the conditions that have been submitted by the applicant. Therefore, staff recommends approval with the conditions and the easement for access to the well on the property being shown from the roadway.

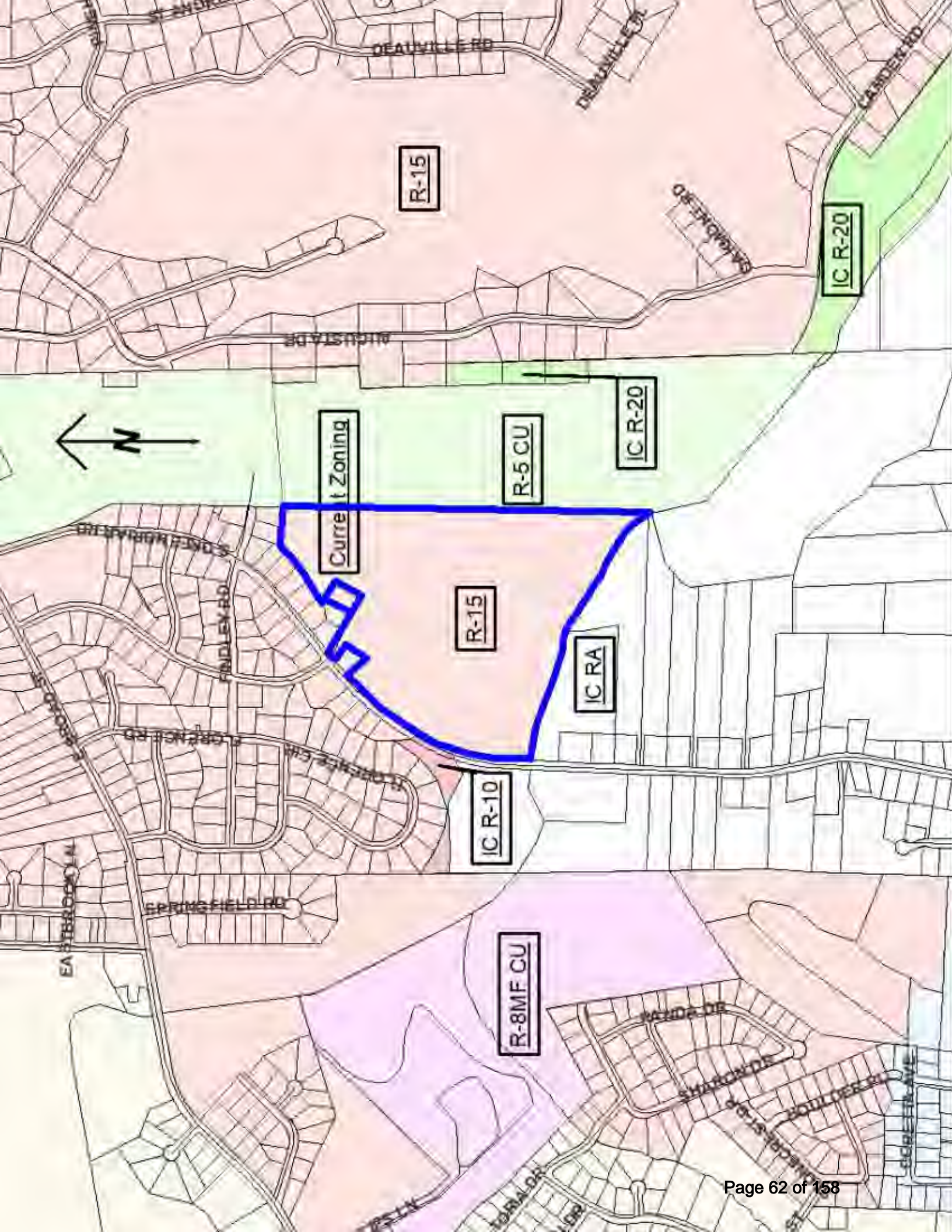
6. Manager Comments: Concur with the department's recommendation.

7. Next Steps: If approved, the second reading would be on October 5, 2020. If the second reading is approved the applicant can then submit sketch plans to TRC.

Attachments:

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





R-15

IC R-20

Current Zoning

R-5 CU

IC R-20

R-15

IC RA

IC R-10

R-8MF CU

SITE DATA TABLE

TAX PARCELS	4754-77-4649 4754-78-4690
LOCATION	STATESVILLE, NC
AREAS	
TOTAL ACREAGE	59.36
FEMA FLOOD PLAIN	7.40
FEMA FLOODWAY	9.50
RESIDENTIAL LOTS / RIGHTS OF WAY	29.20
OPEN SPACE	13.30

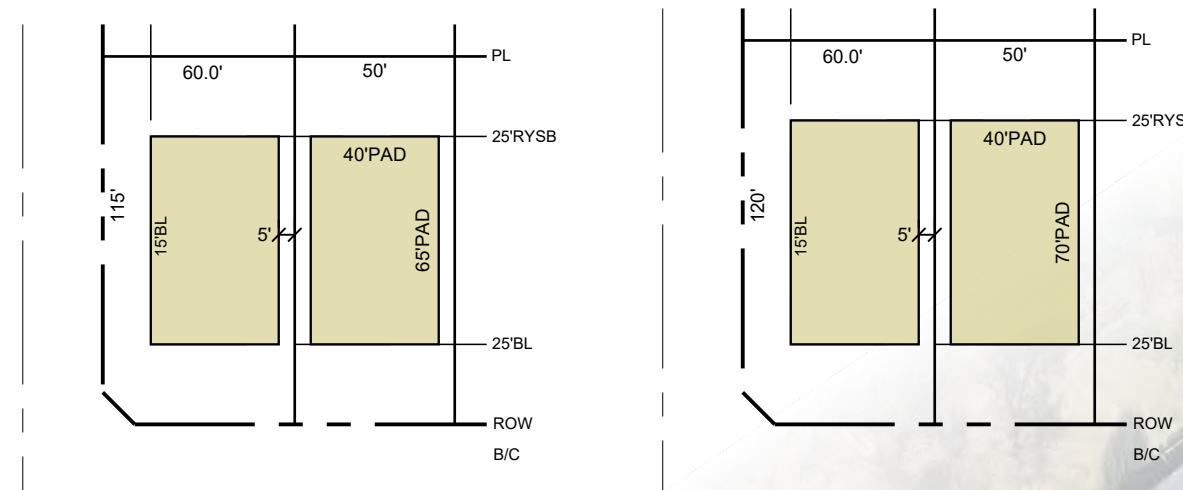
ZONING	
EXISTING	R-15
PROPOSED	R-5 CU

USE	
TOTAL PROPOSED LOTS	139
50'X115' LOTS	138
EXISTING LOT TO REMAIN	1
DENSITY (DU/AC)	2.34

ACTIVE OPEN SPACE	
REQUIRED	5.90
PROVIDED*	8.00

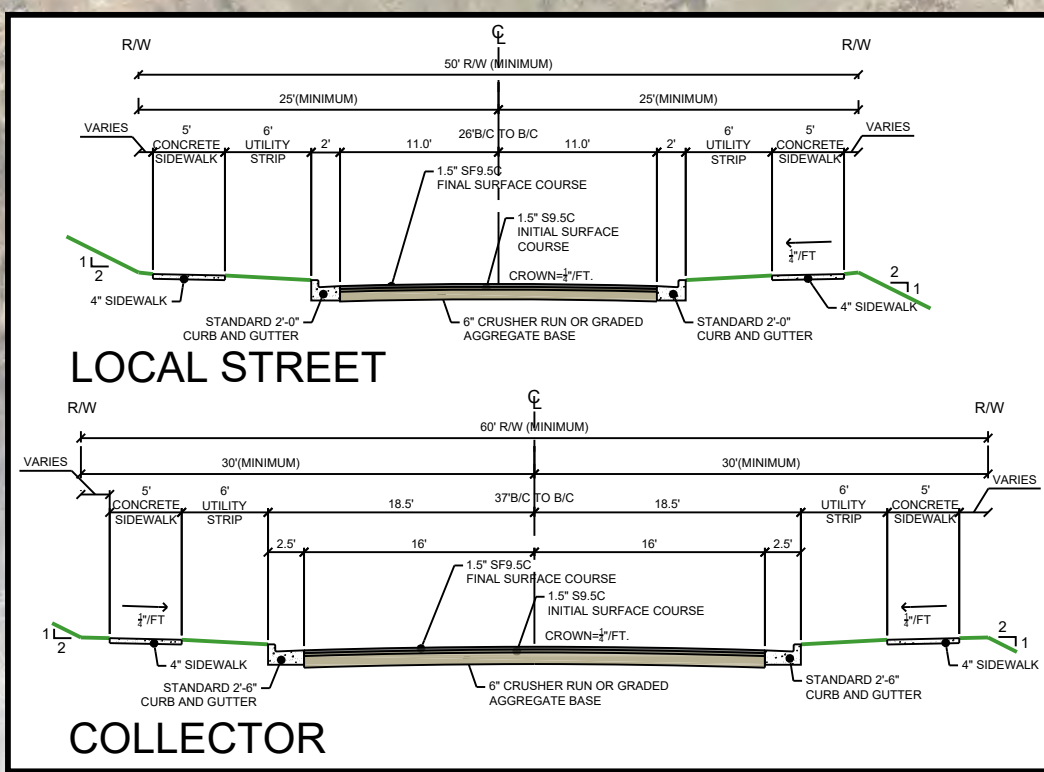
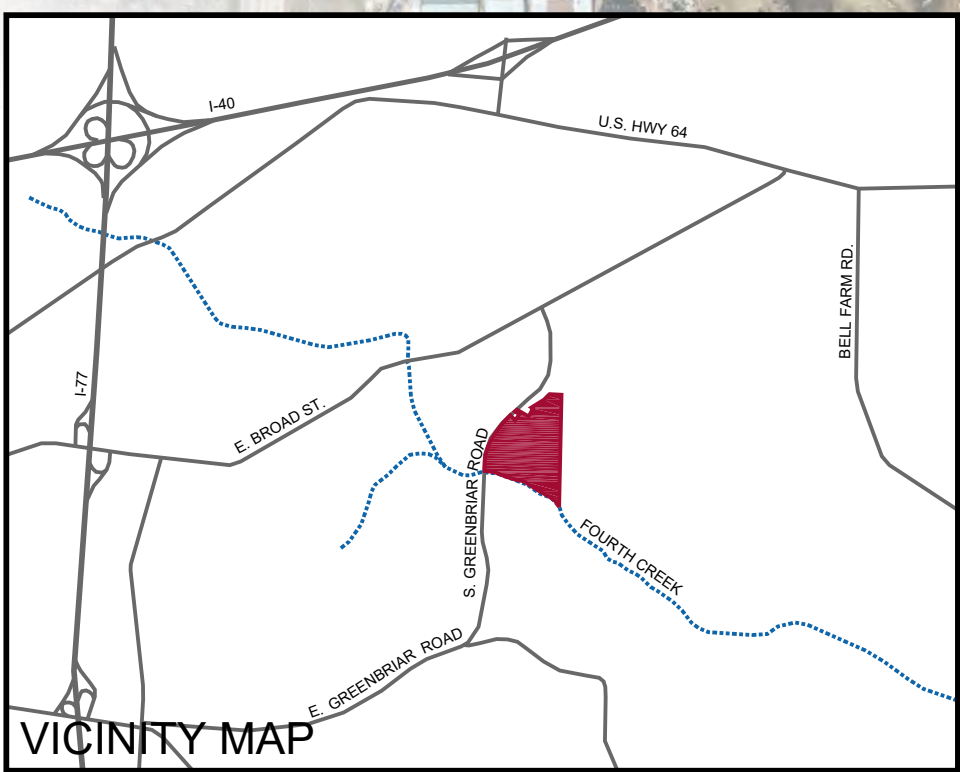
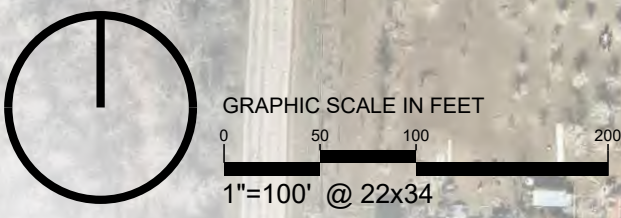
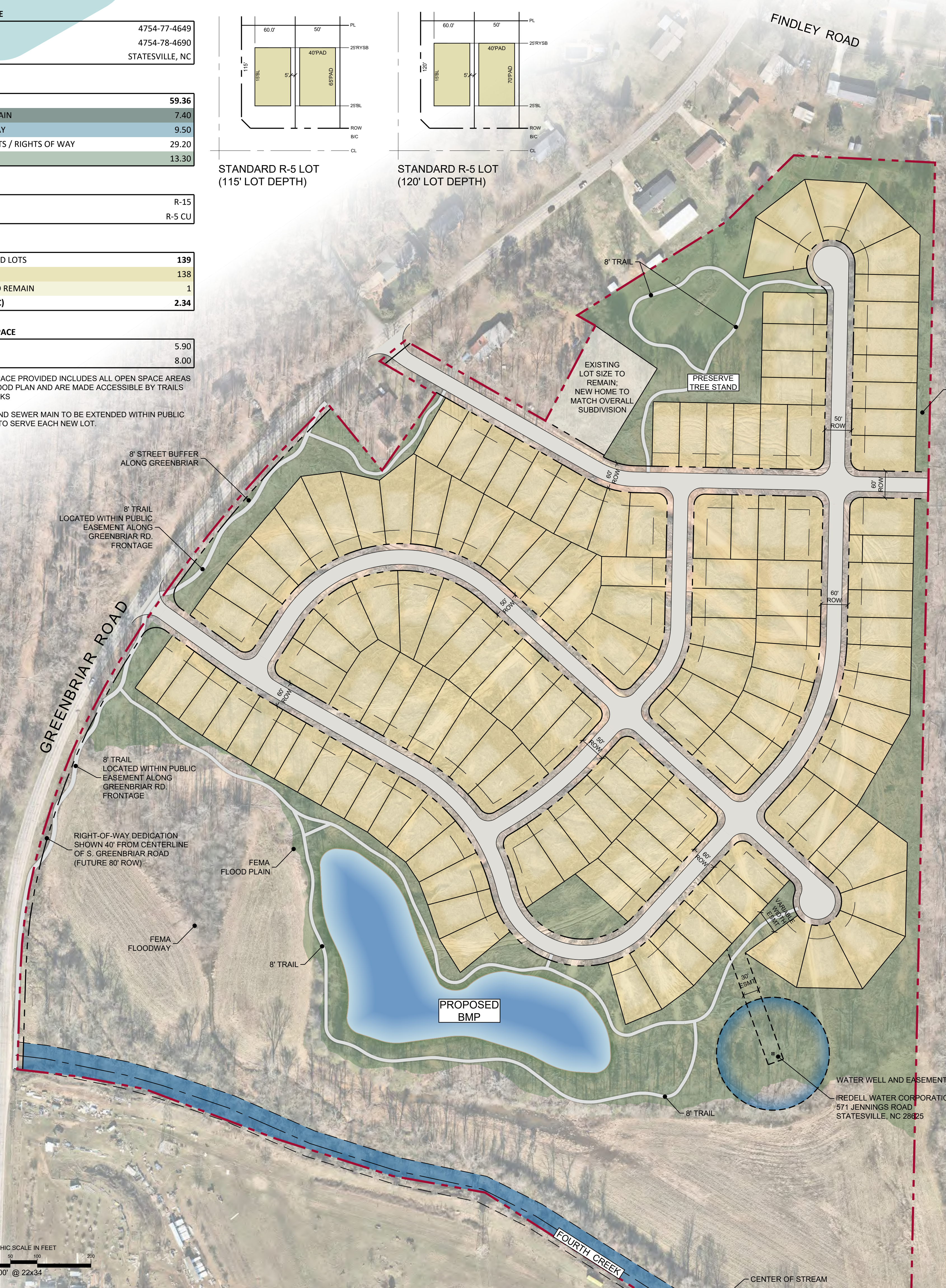
*ACTIVE OPEN SPACE PROVIDED INCLUDES ALL OPEN SPACE AREAS OUTSIDE THE FLOOD PLAN AND ARE MADE ACCESSIBLE BY TRAILS AND/OR SIDEWALKS

PUBLIC WATER AND SEWER MAIN TO BE EXTENDED WITHIN PUBLIC RIGHTS-OF-WAY TO SERVE EACH NEW LOT.



STANDARD R-5 LOT (115' LOT DEPTH)

STANDARD R-5 LOT (120' LOT DEPTH)



CONCEPT PLAN

Greenbriar

Statesville, North Carolina
August 2020

Kimley»Horn

200 South Tyron Street
Suite 200
Charlotte, North Carolina 28202
704-333-5131
North Carolina License No. F-0102

- REZONING CONDITIONS:**
1. THE OVERALL PROJECT DENSITY WILL NOT EXCEED 2.5 UNITS PER ACRE
 2. THERE WILL BE NO MODULAR HOMES
 3. ALL HOMES TO BE SINGLE-FAMILY DETACHED HOMES
 4. ANY ADDITIONAL SHEDS/OUT-BUILDINGS WILL BE IN ACCORDANCE WITH THE NEIGHBORHOOD ARCHITECTURE AND HOA REQUIREMENTS.
 5. ALL HOMES WILL HAVE FRONT-LOADED TWO CAR GARAGES.
 6. THE HOA SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF ALL COMMON AREAS.
 7. DEDICATE 20' GREENWAY EASEMENT ALONG FOURTH CREEK.
 8. SIDEWALKS WILL BE PROVIDED ON BOTH SIDES OF ALL STREETS.
 9. MAINTAIN EXISTING TREE STAND ON THE NORTH SIDE OF THE PROPERTY WHERE APPLICABLE.
 10. PROVIDE A CLASS "C" 25 FT. BUFFER ADJACENT TO BELL AIRE PROPERTY.

CONDITIONAL USE ZONING PERMIT
CITY COUNCIL APPROVAL

ZONING CASE NO. ZC20-08 Statesville Glens

ZONING: From to R-15 to R-5 CU

APPLICANT: Bowman Development Group

13815 Cinnabar Place, Huntersville, NC 28078

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

Date Constantine Kutteh, Mayor

USES:

Single-family homes, 1 and 2 stories with a maximum height of 35 feet.

CONDITIONS:

1. The overall project density will not exceed 2.5 units per acre;
2. There will be no modular homes;
3. All homes to be single-family detached homes;
4. Any additional sheds/out buildings will be in accordance with the neighborhood architecture and HOA requirements.
5. All homes will have front-loaded two car garages.
6. The HOA will be responsible for the maintenance and upkeep of all common areas.
7. Dedicate 20' greenway easement along Fourth Creek.
8. Sidewalks will be provided on both sides of all streets?
9. Maintain existing tree stand on the northside of the property as shown on concept plan.

10. Provide a Class "C" 25 ft. buffer adjacent to Bell Aire property.

PLANNING DEPARTMENT REZONING FILE #ZC20-08_____

I, _____, applicant, agree to adhere to the above conditions places on rezoning case #ZC20-08 as adopted by City Council on the ____ day of _____, 2020.

Date

Applicant



To: Statesville City Council
From: Sherry Ashley, Planning Director
Date: September 21, 2020
Subject: Rezoning
Case: ZC20-08 Statesville Glens, LLC
Address: S. Greenbriar Road; Parcels 4754-77-4649 and 4754-78-4690

The zoning amendment **is approved and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because

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

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

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board
From: Steve Bridges, Senior Planner
Date: August 18, 2020
Subject: Rezoning
Case: ZC20-08 Statesville Glens, LLC
Address: S. Greenbriar Road Parcels 4754-77-4649 and 4754-78-4690

The zoning amendment **is approved and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because

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

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

Date: Todd Lange, Planning Board Chairman

Date: Sherry Ashley, Planning Director



To City Council:

Subject: Certification Letter

Dear Council,

The purpose of this letter is to certify that the adjacent property owners of PINs 4754-77-4649 and 4754-78-4690 located on Greenbriar Road between Hollingswood Drive and Fourth Creek were mailed a notice notifying them of rezoning case ZC20-08 on August 11, 2020.

Thank you,

Steve Bridges

Senior Planner

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTIES FROM R-15 (LOW DENSITY RESIDENTIAL) DISTRICT TO R-5 CU (HIGH DENSITY RESIDENTIAL CONDITIONAL USE) DISTRICT

**ZC20-08 Statesville Glens, LLC
S. Greenbriar Road
PIN's 4754-77-4649 and 4754-78-4690**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on September 21, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from R-15 to R-5 CU; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on September 11, 2020 & September 18, 2020, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

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

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

LEGAL DESCRIPTION

Legal Description - 58.772 Acres - PIN #4754774649

BEING all that tract of parcel of land lying and being in Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found #4 rebar in the eastern margin of the right-of-way of Greenbriar Road (S.R. 2320) (60' public right-of-way), a corner of the property of Lawson W. Jones (now or formerly) as described in Deed Book 2512, Page 1025 in the Iredell County Public Registry (hereinafter the "Registry"), said found #4 rebar having grid coordinates of N: 748711.01 feet, E: 1,457,143.44 feet and being located S 69°43'09" E 9,617.52 feet from NCGS Monument "DEBBY" having grid coordinates of N: 748,711.01 feet, E: 1,457,143.14 feet; thence with and along the property of Lawson W. Jones the following two (2) courses and distances: (1) S 59°59'03" E 180.86 feet to a found 2" and 1" iron pipes; (2) S 59°17'51" E 119.94 feet to a found iron pipe, a corner of the property of Statesville Glen, LLC (now or formerly) as described in Deed Book 1463, Page 2177 in the Registry; thence with and along the property of Statesville Glenn, LLC the following three (3) courses and distances: (1) S 59°12'55" E 127.04 feet to a #4 rebar; (2) N 31°52'47" E 188.99 feet to a #4 found rebar; (3) N 54°40'17" W 140.00 feet to a set #4 rebar, a corner of the property of aforesaid Lawson W. Jones, thence with and along the property of said Lawson W. Jones N 59°47'34" W 38.90 feet to a set #4 rebar, a corner of the property of Elaine M. Graybill (now or formerly) as described in Deed Book 872, Page 1786; thence with and along the property of Elaine M. Graybill and the property of Freida Holmes (now or formerly) as described in Will Book 96E, Page 335 in the County Clerk of Superior Court's Office N 58°21'11" E 326.06 feet to a set #4 rebar, a corner of the property of Mark Holmes & Nancy Dishman (now or formerly) as described in Deed Book 1026, Page 1855 in the Registry; thence with and along the property of Mark Holmes and Nancy Dishman N 46°07'48" E 120.39 feet to a found iron pipe, a corner of the property of Justin R. Todd (now or formerly) as described in Deed Book 2645, Page 359 in the Registry; thence with and along the property of Justin R. Todd N 46°07'48" E 57.10 feet to a set #4 rebar, a corner of the property of Arthur L. Fincannon Jr. (now or formerly) as described in Deed Book 931, Page 1659 in the Registry; thence with and along the property of Arthur L. Fincannon Jr. S 86°33'34" E 118.12 feet to a found iron pipe, a corner of the property of Larry S. Fox and Deborah B. Fox (now or formerly) as described in Deed Book 819, Page 275 in the Registry; thence with and along the property of Larry S. Fox and Deborah B. Fox S 86°33'34" E 145.00 feet to a found #4 rebar in the boundary line of Bell-Aire Properties, RLLLP, as described in Deed Book 1984, Page 2219 in the Registry; thence with and along the property of Bell-Aire Properties, RLLLP S 01°42'09" W 2,488.66 feet to a point in Fourth Creek, passing a found bent #5 rebar at 2,413.37 feet; thence with the line in Fourth Creek, the following ten (10) courses and distances: (1) N 32°29'07" W 22.45 feet; (2) N 32°29'07" W 152.12 feet to a point; (3) N 55°11'12" W 135.34 feet to a point; (4) N 60°48'15" W 266.75 feet to a point; (5) N 56°52'42" W 408.95 feet to a point; (6) N 79°23'03" W 174.62 feet to a point; (7) N 71°46'57" W 226.14 feet to a point; (8) N 68°45'31" W 262.67 feet to a point; (9) N 78°48'43" W 126.76 feet to a point; (10) N 82°53'25" W 113.70 to a set #4 rebar in the eastern margin of the right-of-way of S. Greenbriar

Road; thence with and along the eastern margin of the right-of-way of S. Greenbriar Road the following twenty four (24) courses and distances: (1) N 02°19'40" E 64.29 feet to a set #4 rebar; (2) N 02°19'38" E 62.05 feet to a set #4 rebar; (3) N 02°11'56" E 53.23 feet to a set #4 rebar; (4) N 03°50'13" W 54.77 feet to a set #4 rebar; (5) N 06°26'27" E 51.39 feet to a set #4 rebar; (6) N 09°49'45" E 49.68 feet to a set #4 rebar; (7) N 12°43'09" E 51.99 feet to a set #4 rebar; (8) N 15°27'57" E 53.86 feet to a set #4 rebar; (9) N 18°00'10" E 97.58 feet to a set #4 rebar; (10) N 22°50'09" E 50.46 feet to a set #4 rebar; (11) N 24°40'29" E 61.45 feet to a set #4 rebar; (12) N 28°15'55" E 91.94 feet to a set #4 rebar; (13) N 30°38'22" E 50.78 feet to a set #4 rebar; (14) N 32°55'52" E 72.82 feet to a found #4 rebar; (15) N 35°04'16" E 55.28 feet to a set #4 rebar; (16) N 36°09'03" E 54.77 feet to a set #4 rebar; (17) N 36°57'03" E 54.77 feet to a set #4 rebar; (18) N 38°05'07" E 51.76 feet to a set #4 rebar; (19) N 39°34'05" E 54.97 feet to a set #4 rebar; (20) N 40°40'48" E 55.78 feet to a set #4 rebar; (21) N 42°30'39" E 56.56 feet to a set #4 rebar; (22) N 43°38'01" E 55.35 feet to a set #4 rebar; (23) N 45°05'13" E 54.28 feet to a set #4 rebar; (24) N 45°42'20" E 53.21 feet to a found iron pipe, a corner of the property of Alice M. Johnston (now or formerly) as described in Deed Book 516, Page 283 in the Registry; thence with and along the property of Alice M. Johnston the following three (3) courses and distances: (1) S 38°43'17" E 159.87 feet to a set #4 rebar; (2) N 34°53'21" E 173.66 feet to a found #4 rebar; (3) N 59°07'47" W 118.85 feet to a set #4 rebar in the eastern margin of the right-of-way of S. Greenbriar Road; thence with and along the eastern margin of the right-of-way of S. Greenbriar Road N 51°30'47" E 60.98 feet to the point and place of BEGINNING, containing 58.772 acres more or less.

Legal Description - 0.595 Acres - PIN #4754784690

BEING all that tract of parcel of land lying and being in Iredell County, North Carolina and being more particularly described as follows:

COMMENCING at a found #4 rebar in the eastern margin of the right-of-way of Greenbriar Road (S.R. 2320) (60' public right-of-way), a corner of the property of Lawson W. Jones (now or formerly) as described in Deed Book 2512, Page 1025 in the Iredell County Public Registry (hereinafter the "Registry"), said found #4 rebar having grid coordinates of N: 748711.01 feet, E: 1,457,143.44 feet and being located S 69°43'09" E 9,617.52 feet from NCGS Monument "DEBBY" having grid coordinates of N: 748,711.01 feet, E: 1,457,143.14 feet; thence with and along the property of Lawson W. Jones the following two (2) courses and distances: (1) S 59°59'03" E 180.86 feet to a found 2" and 1" iron pipes; (2) S 59°17'51" E 119.94 feet to a found iron pipe, said iron pipe being the point of BEGINNING; thence with and along the property of said Lawson W. Jones N 28°17'28" E 200.00 feet to a set #4 rebar, a corner of the property of Statesville Glenn, LLC as described in Deed Book 1463, Page 2182; thence with and along the property of Statesville Glenn, LLC the following two (2) courses and distances: (1) N 54°40'17" W 140.00 feet to a found #4 rebar; (2) N 31°52'47" E 188.99 feet to a found #4 rebar; (3) S 59°12'55" E 127.04 feet to the point and place of BEGINNING, containing 0.595 acres more or less.

Property Address: S. Greenbriar Road, Statesville NC 28625

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

Ayes:
Nays:

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

Ayes:
Nays:

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

ATTEST:

CITY OF STATESVILLE

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
Leah Gaines Messick, City Attorney

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: September 4, 2020

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

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of rezoning request ZC20-09 filed by JGNC, LLC for Kathy Talbert and Jerry Stinson to rezone the properties located at 681 and 711 Wallace Springs Road; Tax Maps 4732-28-8431 and 4732-18-7463 from Iredell County's RA (Residential Agricultural) District to the City of Statesville's R-8 (Medium Density Single-Family Residential Cluster Subdivision) District.

1. Summary of Information:

Rezoning Request

Mr. Michael Johnson with JGNC, LLC on behalf of Kathy Talbert and Jerry Stinson is requesting to rezone approximately 106.82 acres, parcels 4732-28-8431 and 4732-18-7463 (see GIS map) located at 681 and 711 Wallace Springs Road from Iredell County's RA (Residential Agricultural) District to the City of Statesville's R-8 (Medium Density Single-Family Residential Cluster Subdivision) District (see zoning map).

Evaluation

The property is currently in Iredell County's zoning jurisdiction. The intended use of the property is a single-family subdivision of 276 homes. Zoning the property R-8 will require water and sewer service from the City of Statesville, therefore the applicant has also submitted a voluntary annexation request for these properties. The site would have a density of 2.61 units per acre. The intent of this request is to bring the property into the City of Statesville and allow for smaller lots with city utilities and set aside permanent open space. For example, the normal lot size for the R-8 zoning district is 8,000 square feet. In order to cluster, the lots can be reduced to 6,500 sq. ft as long as the difference in square footage (1,500) is set aside as open space.

The site is approximately 106.82 acres in size located on Wallace Springs Road across from Woodfield Drive, north of Autumn Brook subdivision, and south of Hidden Lakes Subdivision. All subdivision sketch plans regardless of zoning district are required to be reviewed by TRC, Planning Board and City Council. A concept plan was not required for this rezoning but was provided by the developer (see attached concept plan).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: Iredell County RA (Southview Baptist Church), Vacant land, and Single-Family Homes, further north is City of Statesville R-10 (Hidden Lakes Subdivision) and Iredell County R-20

- EAST OF THE SITE:** Iredell County RA, R-8A CUD, M-1 (Troutman Chair Co.), NB, and NB-CUD, Troutman RS Vacant land and Single-Family Homes
- SOUTH OF THE SITE:** Iredell County RA, Vacant Land, Single-Family Homes (Autumn Brook Subdivision), and Troutman RS Vacant land and Single-Family Homes
- WEST OF THE SITE:** Iredell County R-20, Vacant land, Single-Family Homes (Southview Estates Subdivision)

2. **Previous Council/Relevant Actions:** N/A
3. **Budget/Funding Implications:** If approved the development will provide at least 276 new residential lots that will require City services. These new residential lots will also increase the property tax base and population numbers that impact funding.
4. **Consequences for Not Acting:** Property may remain vacant or develop under Iredell County's RA standards.
5. **Department Recommendation:** The 2005 Land Development Plan projects the property to be low density residential. It defines Low Density Residential as having a "maximum density of 2 dwellings per acre." However, since 2005, water and sewer can be provided to the site. The density is proposed to be 2.61 units per acre and permanent open space will be provided. Therefore, staff's recommendation is **favorable** to rezone the property contingent upon annexation.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If approved, the second reading would be on October 5, 2020. If the second reading is approved the applicant can then submit sketch plans to TRC.

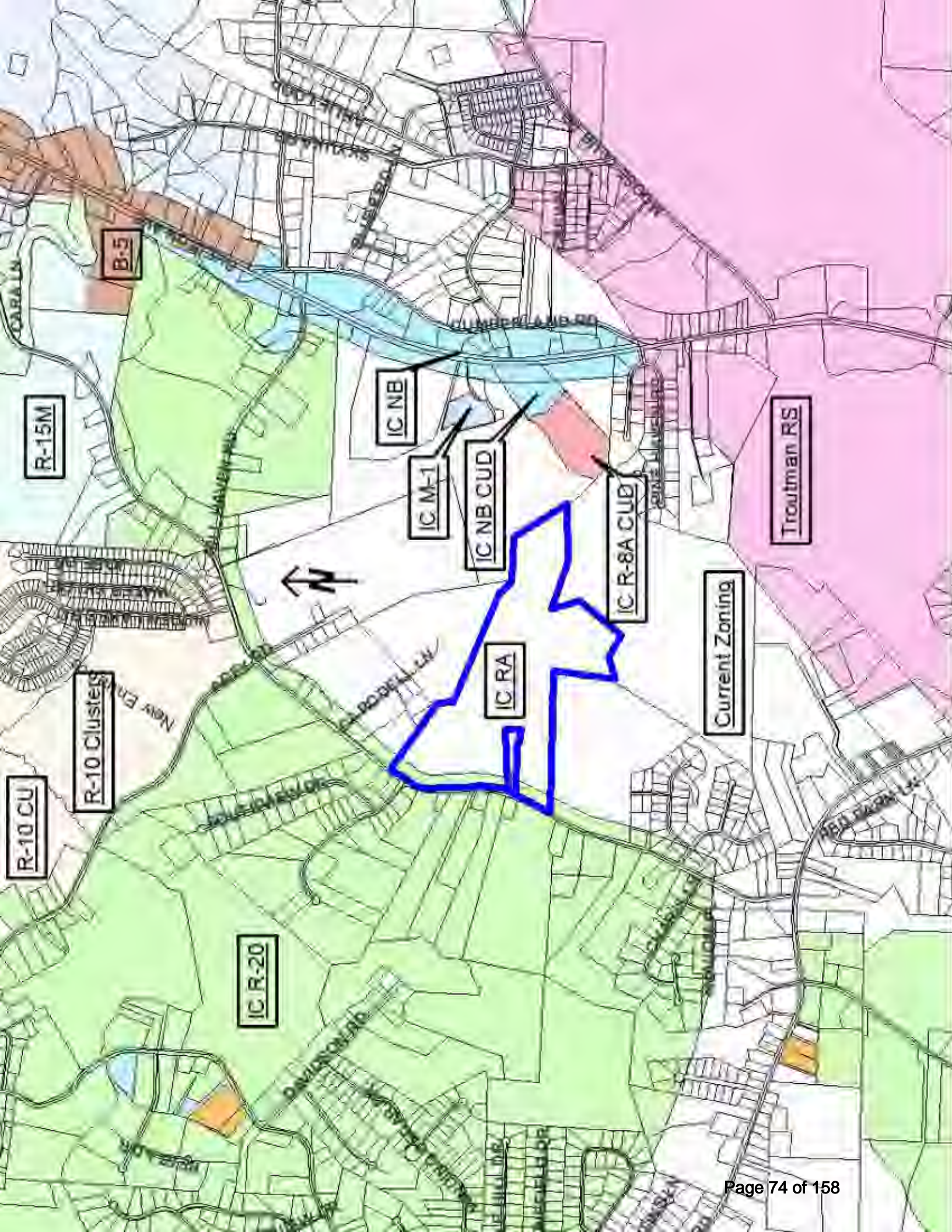
Attachments:

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



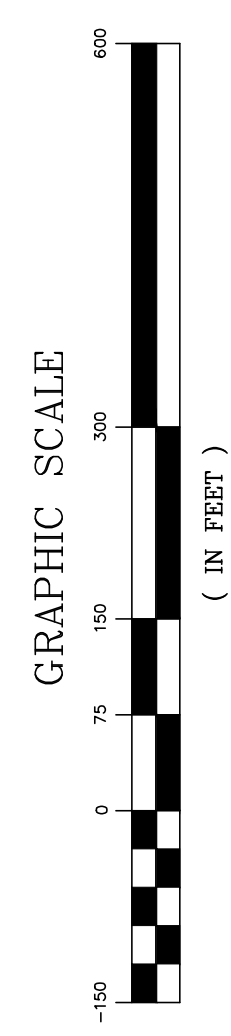
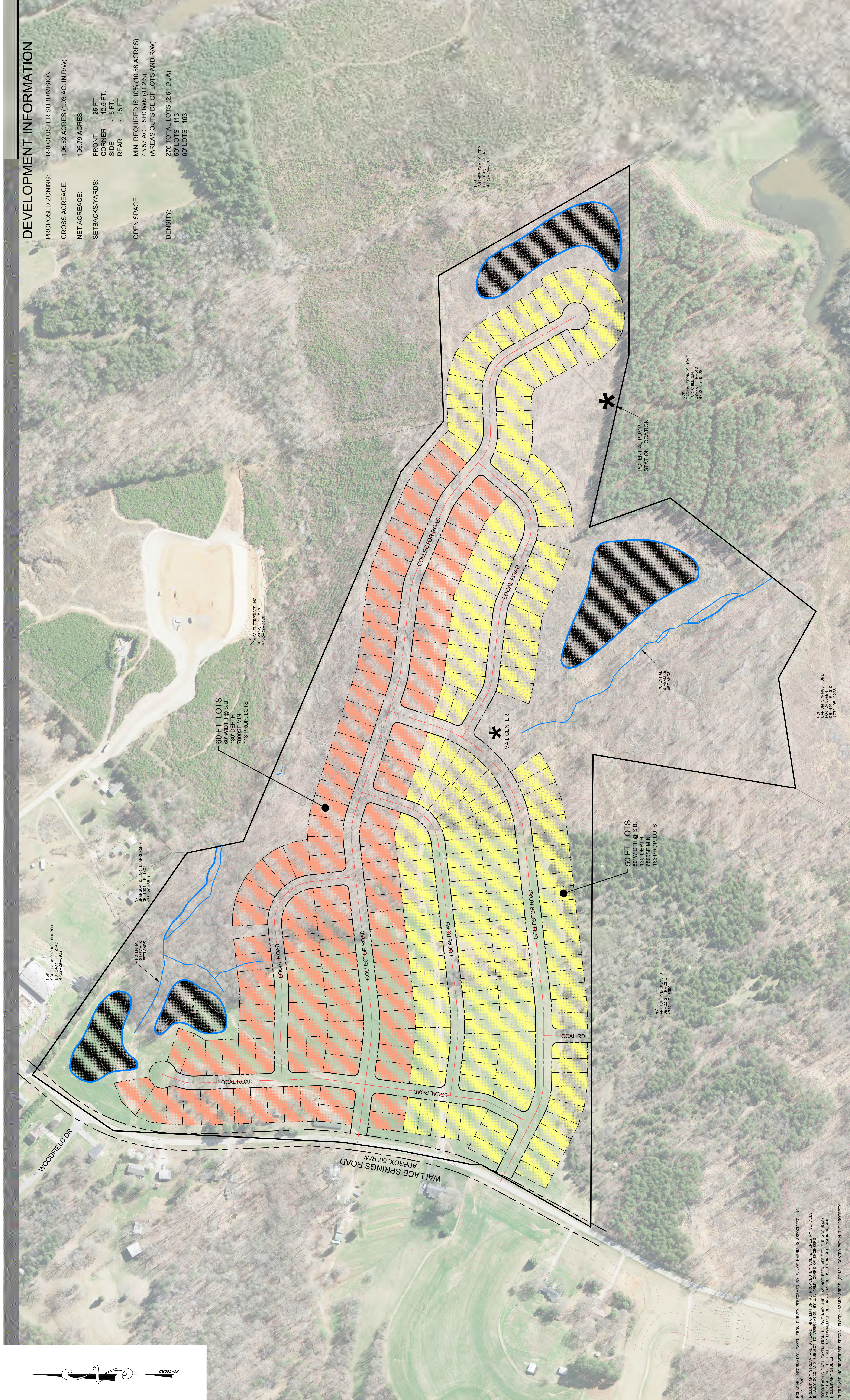
WALLACE SPRINGS

Wallace Springs Road



DEVELOPMENT INFORMATION

PROPOSED ZONING: R-8 CLUSTER SUBDIVISION
 GROSS ACREAGE: 106.82 ACRES (1.03 AC. IN R/W)
 NET ACREAGE: 105.79 ACRES
 SETBACKS/YARDS: FRONT - 25 FT.
 SIDE - 5 FT.
 REAR - 25 FT.
 OPEN SPACE: MIN. REQUIRED IS 10% (10.58 ACRES)
 43.57 AC. SHOWN (41.2%)
 (AREAS OUTSIDE OF LOTS AND R/W)
 DENSITY: 276 TOTAL LOTS (2.61 DUA)
 60' LOTS - 113
 50' LOTS - 163

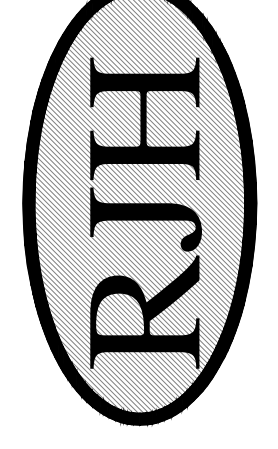


JULY 23, 2020

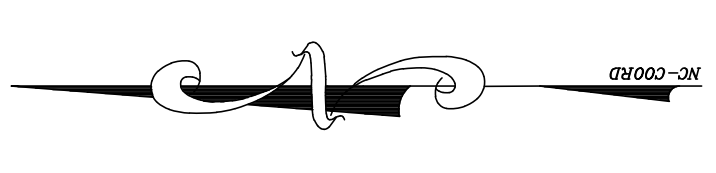
WALLACE SPRINGS ROAD | STINSON PROPERTY
 City of Statesville, North Carolina

JGNC, LLC
 120 COURT STREET
 STATESVILLE, NORTH CAROLINA 28677
 P. 704-986-5978
 W.

R. Joe Harris & Associates, Inc.
 Engineering • Land Surveying • Planning
 Management
1108 Stonecrest Boulevard, East Mecklenburg, NC 27615



BOUNDARY INFORMATION TAKEN FROM SURVEY PERFORMED BY R. JOE HARRIS & ASSOCIATES, INC. JULY 2020.
 PRELIMINARY STREAM AND WETLAND INFORMATION AS PROVIDED BY SOIL & FORESTRY SERVICES IN JULY 2020 AND SUBJECT TO VERIFICATION BY U.S. ARMY CORPS OF ENGINEERS.
 TOPOGRAPHIC DATA TAKEN FROM THE MAP AND HAS NOT BEEN CORRECTED FOR ACCURACY.
 THIS MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A PROFESSIONAL ENGINEERING OR SURVEYING STUDY.
 THERE ARE NO REGISTERED SPECIAL FLOOD HAZARD AREAS (SFHA) LOCATED WITHIN THE PROPERTY.





To: Statesville City Council
From: Sherry Ashley, Planning Director
Date: September 21, 2020
Subject: Rezoning
Case: ZC20-09 Kathy Talbert and Jerry Stinson
Address: 681 and 711 Wallace Springs Road, Statesville, NC 28677

The zoning amendment is **approved and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because _____

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

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

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director



To: Statesville Planning Board
From: Steve Bridges, Senior Planner
Date: August 18, 2020
Subject: Rezoning
Case: ZC20-09 Kathy Talbert and Jerry Stinson
Address: 681 and 711 Wallace Springs Road, Statesville, NC 28677

The zoning amendment is **approved and is consistent with the City's comprehensive land use plan** and is reasonable and in the public interest because _____

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

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

Date: Todd Lange, Planning Board Chairman

Date: Sherry Ashley, Planning Director



To City Council:

Subject: Certification Letter

Dear Council,

The purpose of this letter is to certify that the adjacent property owners of PINs 4732288431 and 4732187463 located at 681 and 711 Wallace Springs Road were mailed a notice notifying them of rezoning case ZC20-09 on August 11, 2020.

Thank you,

Steve Bridges

Senior Planner

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTIES FROM IREDELL COUNTY'S RA (RESIDENTIAL AGRICULTURAL) DISTRICT TO THE CITY OF STATESVILLE'S R-8 (MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL CLUSTER SUBDIVISION) DISTRICT

**ZC20-09 Kathy Talbert and Jerry Stinson
681 and 711 Wallace Springs Road
PIN's 4732-28-8431 and 4732-18-7463**

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on September 21, 2020 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described properties from Iredell County's RA to The City of Statesville's R-8: said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on September 11, 2020 & September 18, 2020, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

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

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

LEGAL DESCRIPTION

Parcels: 4732288431 and 4732187463
Statesville Township, Iredell County, NC

BEGINNING at a #4 Rebar that is North 17 degrees 37 minutes 53 seconds East 3133.55 feet from a NC Grid Monument "William"; thence running North 29 degrees 39 minutes 9 seconds East 465.00 feet to a computed point; thence running North 4 degrees 37 minutes 29 seconds West 27.02 feet to a #5 Rebar Disturbed; thence running North 11 degrees 00 minutes 00 seconds East 114.14 feet to a computed point; thence running North 8 degrees 00 minutes 11 seconds East 206.74 feet along Wallace Springs Road (State Route 1358) to a computed point; thence running North 2 degrees 52 minutes 28 seconds East 835.51 feet to a computed point; thence running North 34 degrees 35 minutes 09 seconds East 360.40 feet to a computed point, no iron set; thence running South 55 degrees 09 minutes 57 seconds East 403.00 feet along the boundary line of the adjoining property owned by Southview Baptist Church Inc Deed Book 2473, Page 2347 Iredell County Registry to a 1/2 in open Top Pipe; thence running South 55 degrees 09 minutes 57 seconds East 587.86 feet along the boundary line of the adjoining property owned by Bransom and Lori W. Blankenship, Deed Book 1094, Page 1402, Iredell County Registry to an Axle Found 4.93' LT at 577.66 feet; thence running South 11 degrees 39 minutes 15 seconds East 210.22 feet to a 1" Flat Iron; thence running South 66 degrees 52 minutes 54 seconds East 1473.33 feet to a #4 Rebar; thence running South 49 degrees 53 minutes 05 seconds East 242.58 feet to a Stone; thence running North 87 degrees 53 minutes 49 seconds East 532.83 feet to a 1/2 inch Open Top Pipe; thence running South 29 degrees 55 minutes 07 seconds East 809.00

feet to a Iron Set; thence running North 89 degrees 47 minutes 15 seconds West 695.19 feet to a 1/2 inch Open Top Pipe; thence running North 77 degrees 08 minutes 26 seconds West 645.47 feet to a 1/2 inch Open Top Pipe; thence running South 19 degrees 49 minutes 00 seconds East 313.39 feet to a Stone; thence running South 37 degrees 52 minutes 07 seconds West 676.49 feet to a #4 Rebar; thence North 60 degrees 45 minutes 55 seconds West 280.35 feet to a #4 Rebar; thence running South 81 degrees 15 minutes 15 seconds West 408.31 feet to a #4 Rebar; thence running North 9 degrees 28 minutes 34 seconds East 752.46 feet to an Iron Set; thence running North 89 degrees 34 minutes 59 seconds West 423.96 feet to a #4 Rebar; thence running North 89 degrees 47 minutes 18 seconds West 438.74 feet to a #4 Rebar; thence running North 89 degrees 48 minutes 04 seconds West 869.13 feet to a #4 Rebar back to a point and place of BEGINNING, containing 106.82 acres, more or less, as surveyed by R. Joe Harris & Associates, Inc, on 07-16-2020 (Project No. 4160) and being a combination of a 104.39 acre tract (PIN # 4732187463.000) and a 2.43 acre tract (PIN # 4732288431).

Property Address: 681 and 711 Wallace Springs Road, Statesville NC 28677

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

Ayes:
Nays:

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

Ayes:
Nays:

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

ATTEST:

CITY OF STATESVILLE

Brenda Fugett, City Clerk

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
Leah Gaines Messick, City Attorney

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Exec Director of Public Works / City Engineer
DATE: September 23, 2020

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

COUNCIL ACTION REQUESTED:

Approve the purchase of an inductively coupled plasma (ICP) mass spectrometer for the Fourth Creek WWTP Laboratory.

1. Summary of Information:

This is a replacement for the current mass spectrometer (an atomic absorption type unit). The ICP mass spectrometer equipment is capable of much lower detection levels versus the current unit, which is 15 years old. The US EPA has lowered the metal detection level limits below what atomic absorption devices can read.

- Currently, copper, chromium and zinc testing is contracted out to a commercial laboratory due to the inability of our current equipment to perform testing to the requisite detection levels. The cost of this outsourced testing is \$4,000 monthly.
- Lower detection limits on other metals are anticipated for adoption by the US EPA. The new equipment will allow in-house testing for all metals to required levels, thereby avoiding future out-sourcing expenses.
- A competitive bidding process was utilized for this equipment procurement; the bid results are below:

Perkin Elmer Health Science, Inc.	\$128,447.35
Franklin Young International	\$137,926.90
VWR International Corporation	\$152,100.25

2. Previous Council or Relevant Actions: This purchase is included in FY 2021 budget.

3. Budget/Funding Implications:

- Funds were approved in the FY 2021 budget in the amount of \$195,000
- The low bid is \$128,447.35 for a Perkin Elmer NexION 1000 ICP-MS
- This equipment will reduce the need for outside lab services by approximately \$4,000 per month
- Due to cost of the equipment (>\$90,000), purchase approval is required from City Council

4. Consequences for Not Acting: Staff will continue to outsource testing that cannot be performed with the current equipment.

5. Department Recommendation: Staff review of the bid submittal determined that all functional and operational requirements are met by the proposed equipment. Staff recommends approval of the purchase.

6. Manager Comments: This being a budgeted expenditure, I recommend for approval.

7. Next Steps: If approved, staff will issue a purchase order to Perkin Elmer for the ICP mass spectrometer.

8. Attachments: N/A

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Exec Director of Public Works / City Engineer
DATE: September 23, 2020

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

COUNCIL ACTION REQUESTED:

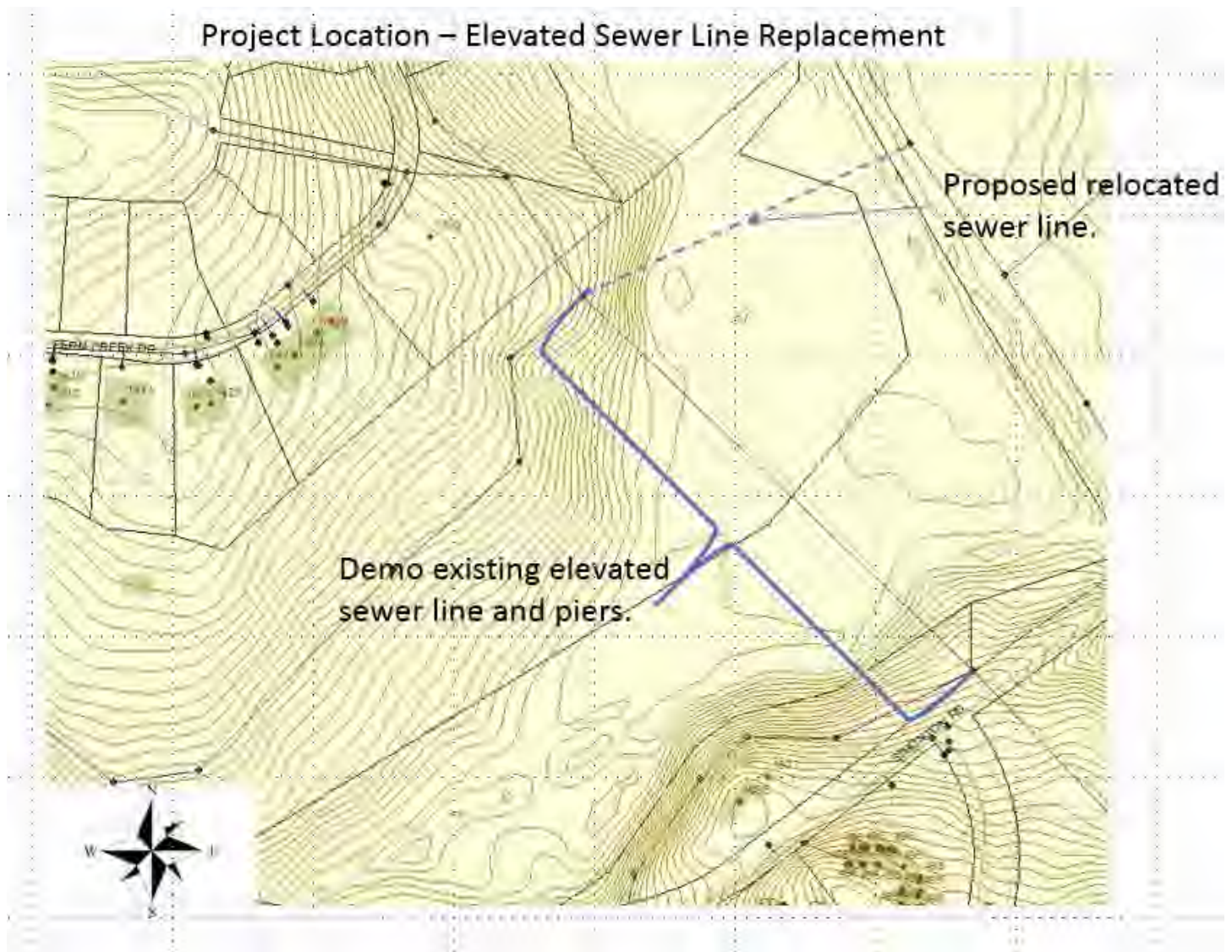
Consider adopting a Resolution in accordance with NC Department of Environmental Quality Infrastructure Grant requirements to apply for funds to help replace the elevated sewer pipe in the vicinity of Simonton Road with a buried sewer line.

1. **Summary of Information:** This grant application is for funds to help replace the elevated sewer pipe in the vicinity of Simonton Road with a buried sewer line. The existing elevated sewer line has passed existing service life (installed in 1938). Joints weep with seasonal temperature changes and existing metal pipe wall has thinned and is not suitable for adherence of patching materials or welding, creating the potential for sewer leaks and contamination of Fourth Creek and the adjacent flood plain. Relocating to underground will remove sewer overflow potential and obviate annual O&M requirements (time, etc. of workforce).
2. **Previous Council or Relevant Actions:** Project is included in FY 2021 budget.
3. **Budget/Funding Implications:**
 - Preliminary, estimated project construction cost is \$378,000.
 - NC DEQ "Affordability Calculator" indicates eligibility for a potential 50% grant.
 - Project budget of \$405,000 is included in FY 2021 budget.
4. **Consequences for Not Acting:** The opportunity for grant assistance with this project will pass.
5. **Department Recommendation:** Staff recommends adoption of attached Resolution in accordance with NC DEQ grant application requirements.
6. **Manager Comments:** This is an excellent opportunity to help fund the relocation and reconstruction of a potential liability. The funds for this project have been budgeted in the Sewer Maintenance section of the Water and Sewer Fund. Recommend for approval of the grant application.
7. **Next Steps:**
 - Submission of the grant application to NC DEQ
 - Selection of an engineering design firm

Attachments:

- (1) Project vicinity map.
- (2) Draft resolution and certification (NC DEQ suggested format).

Project Location – Elevated Sewer Line Replacement



RESOLUTION BY STATESVILLE CITY COUNCIL

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection systems, and
- WHEREAS, The City Statesville has need for and intends to construct a wastewater collection line to replace a failed and failing elevated wastewater sewer line, and
- WHEREAS, The City of Statesville intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STATESVILLE:

That the City of Statesville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Statesville to make scheduled repayment of the loan, to withhold from the City of Statesville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this _____ day of _____, 2020, at Statesville, North Carolina.

Constantine H. Kutteh, Mayor
City of Statesville

ATTEST:

Brenda Fugett
City Clerk to the Council

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Statesville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Statesville duly held on the _____ day of _____, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2020.

Brenda Fugett

City Clerk to the Council
Title

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Tip Nicholson, ABC Board General Manager
DATE: September 28, 2020

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

COUNCIL ACTION REQUESTED:

Consider re-appointing Ron Matthews to the ABC Board.

Summary of Information: The Statesville ABC Board has three members who are appointed by the Statesville City Council to serve three-year terms.

Ron Matthews was appointed to his first term on the board September 18, 2017. His term expires in October. Mr. Matthews would like to be re-appointed to serve another term on the board. There are no other applications for the ABC board on file.

Previous Council or Relevant Actions: Appointed Ron Matthews to his first term on the ABC board on September 18, 2017.

Budget/Funding Implications: None

Consequences for Not Acting: Member remains on the Board until approved or removed.

Department Recommendation: None

Manager Comments: None

Next Steps: Staff will notify the ABC General Manager of Council's decision.

Attachments:

1. Ron Matthews Volunteer Application

TIP

STATESVILLE CITY GOVERNMENT extends an invitation for all interested citizens of Statesville (and those residing in the extraterritorial planning jurisdiction) to volunteer their services to any of a number of boards and commissions which are appointed.

A list of these boards and commissions appears below. From time to time, the mayor also appoints special citizen study committees and tasks force to deal with specific issues. Please fill out this Volunteer Information and Interest Sheet if you're interested in volunteering. If you have questions about any of these boards, please call 704-878-3583. Your opinions are valued, your help is needed and Statesville welcomes your interest!

BOARDS/COMMISSIONS

- | | | |
|-------------------------------|----------------------------------|-------------------------|
| <u>ABC Board</u> | Airport Commission | Board of Adjustment |
| Civil Service Board | Community Appearance Commission | Design Review Committee |
| Convention & Visitors Bureau | Historic Preservation Commission | Planning Board |
| Statesville Housing Authority | Stormwater Advisory Commission | |

Names of boards, commission or committee in which you are interested. Please list in order of priority:

ABC Board

Name: Ron Matthews Home Phone: 704 880 5746

Home Address: 754 Fernhale Dr Statesville NC Zip Code: 28677

Ward: 5

Occupation: Retired

Business Phone: _____ Email: rcmatthews754@gmail.com

Place of Employment: Johnson Greenhouse Available for Daytime Meeting: Yes No _____

Race: W Sex: M Age 65

Equal Opportunity Information: City government policy prohibits discrimination based on race, sex, creed, national origin, age or handicap. The information requested will in no way affect the interest you have expressed in serving the City of Statesville. Its sole use will be to see how well our appointment efforts are reaching all segments of the population.

Education: Masters - Appalachian State

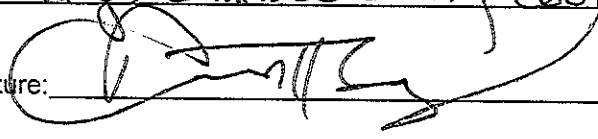
Business and Civic Experience: Owner - Johnson Greenhouse Board - Chair - ABC

Board of Directors - Statesville Chamber of Commerce
Retired school teacher served on various boards/committees in community

Areas of Expertise, interest, skills: Business, math, interests: fly fishing, water activities
Grand children, travel

Why do you want to serve? I am finishing my 1st term on the ABC Board, current Chair. I would like to continue as I learn more on how this Board gives back to our community; Gush things I missed during Covid-19

Date 5.14.20

Signature: 

The Statesville City Council sincerely appreciates the interest of all citizens in serving their City. For more information on the responsibilities of various boards, you may contact the City Manager's Office at 704-878-3583. Return form to the Deputy City Clerk, City Manager's Office, City of Statesville, PO Box 1111, Statesville, NC 28687-1111 or at anesbit@statesvillenc.net.

This form will remain active until THREE years after date received.

CITY COUNCIL PRESENTATIONS/RECOGNITIONS

TO: Mayor & City Council
FROM: Ron Smith, City Manager
DATE: September 24, 2020

DATE OF MEETING: October 05, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Presentation of 2020 Public Power Week Proclamation, Oct. 4-10

Presentation of 2020 Fire Prevention Week Proclamation, Oct. 4-10

Recognize the appointment of William Morgan to the 2020-2021 Legislative Policy Committee of the North Carolina League of Municipalities.

City of Statesville

North Carolina



Office of the Mayor

Proclamation

NC Public Power Week - October 4-10, 2020

WHEREAS, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service and prompt restoration;

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country;

WHEREAS, Statesville is the oldest public power community in North Carolina and one of many public power cities and towns that have been electric providers for more than 100 years, assisting their communities through boom times as well as pandemics and economic downturns;

WHEREAS, public power meets the electric needs of 49 million Americans, almost 15 percent of electricity consumers;

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and,

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community;

NOW THEREFORE BE IT RESOLVED that the week of October 4-10, 2020, is Public Power Week, a week to promote North Carolina's public power cities and towns for their contributions to their communities;

BE IT FURTHER RESOLVED that Statesville joins with all public power systems in the United States in this celebration of public power.

Adopted this 5th day of October, 2020

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Statesville on this 5th day of October, 2020.



Constantine H. Kutteh, Mayor

City of Statesville

North Carolina



Office of the Mayor

Proclamation

FIRE PREVENTION WEEK - OCTOBER 4-10, 2020

WHEREAS, Statesville's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 357,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and

WHEREAS, Statesville's residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire and working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, the 2020 Fire Prevention Week theme™, "Serve Up Fire Safety in the Kitchen!!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE I, Constantine H. Kutteh, Mayor of Statesville, do hereby proclaim October 4-10, 2020, as Fire Prevention Week in Statesville, and urge all residents to observe **Fire Prevention Week 2020** by checking their kitchens for fire hazards and using safe cooking practices today and every day.



In Witness Whereof, I have hereunto set my hand and caused to be affixed the Seal of the City of Statesville on this 5th day of October, 2020.


Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Ralph Staley, Assistant City Manager
DATE: September 25, 2020

ACTION NEEDED ON: October 5, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a Public Hearing in compliance with the application process for the State non-entitlement entity 2020 CDBG-CV grant funding.

1. **Summary of Information:** The State of North Carolina has issued the 2020 CDBG-CV non-entitlement entity grant funding solicitation for \$27 million to assist with CDBG eligible activities on a first come first served basis. The eligible grant that is of note for the City is one to assist citizens with utility bills that are at risk of termination of services due to COVID related issues for up to six months.
2. **Previous Council or Relevant Actions:** None related to this grant, but the City has accepted other COVID grants.
3. **Budget/Funding Implications:** The cost of grant application assistance will not exceed \$6,500 and \$3,500 can be reimbursed by the grant if won. The maximum grant is \$900,000 and 10% is allowed to be taken for administration. This grant will be given to Statesville residents who have issues paying utility bills. Many of these will be City customers.
4. **Consequences for Not Acting:** Statesville residents will not have the opportunity to apply for assistance with up to six months of utility bills.
5. **Department Recommendation:** Conduct the first of two public hearings and continue the process of grant application.
6. **Manager Comments:** Concur with the staff recommendation.
7. **Next Steps:** Call for and conduct the second public hearing and complete and file the grant application.
8. **Attachments:** None

CITY COUNCIL ACTION REQUEST

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

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

COUNCIL ACTION REQUESTED:

Discuss Text Amendment TA20-02 an ordinance to amend Article 3. - Zoning, Section 3.04 - Zoning District Regulations, V. H-115 – Highway 115/Shelton Avenue Corridor District, Article 4. - Non-Conforming Situations, Section 4.05 - Non-Conforming Uses, C. 3. and Article 6. - Development Standards, Section 6.02 - Density and Dimensional Standards, Table 6-1.

- 1. Summary of Information:** The purpose of this text amendment is as follows:
- To allow for some flexibility for existing viable businesses along the H-115/Shelton Avenue Corridor to expand while re-developing the corridor over time per the Downtown & NC Streetscape/Land Use Master Plan.

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

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

- 2. Previous Council or Relevant Actions:** The rezoning of 118 parcels along Shelton Avenue that make up the H-115 District was adopted by City Council back in March of 2009. The Downtown & NC 115 Streetscape/Land Use Master Plan followed the rezoning and was adopted by City Council 6 months later, October 5, 2009. All non-conforming businesses in the H-115 District could continue to operate but could not expand. Conforming businesses could only expand in compliance with the new standards.

*At the September 21, 2020 City Council meeting Mayor Kutteh opened the public hearing then a motion was made and carried unanimously to postpone this item for 60 days until the November 16, 2020 City Council meeting.

- 3. Budget/Funding Implications:** There are no budget implications based on this request.
- 4. Consequences for Not Acting:** If the text amendment is not approved, non-conforming businesses can continue to operate but cannot expand. Conforming businesses can expand, but only in compliance with the new standards.
- 5. Department Recommendation:** The department recommends approving the text amendment as presented. In addition, the Planning staff has inventoried all the existing businesses in the H-115 District as of September 1, 2020.

6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** Continue the public hearing and consider approving first reading of the ordinance at the November 16, 2020 Council meeting.
8. **Attachments:**
 1. Ordinance for proposed text amendment
 2. Map of H-115 District

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ARTICLE 3. ZONING, SECTION 3.04 ZONING DISTRICT REGULATIONS, V. H-115 – HIGHWAY 115/SHELTON AVENUE CORRIDOR DISTRICT, ARTICLE 4. NON-CONFORMING SITUATIONS, SECTION 4.05 NON-CONFORMING USES, C. 3. AND ARTICLE 6. DEVELOPMENT STANDARDS, SECTION 6.02 DENSITY AND DIMENSIONAL STANDARDS, TABLE 6-1

TA20-02

WHEREAS, the city has received requests to expand existing occupied businesses in the H-115 District; and

WHEREAS, the city wants to provide flexibility for these existing occupied viable businesses in the H-115 to expand to a degree while the corridor redevelops to the new standards;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Article 3. Zoning, V. H-115 – Highway 115/Shelton Avenue Corridor District, Article 4 Non-Conforming Situations, Section 4.05 Non-Conforming Uses, C. and Article 6. Development Standards, Table 6-1 be amended as follows:

Article 3. Zoning

Section 3.04 Zoning District Regulations

V. H-115 - Highway 115/Shelton Avenue Corridor District

1. Purpose: The purpose of this district is to establish this corridor as a major entryway into the downtown area. This district provides for mixed use, attached residential, civic and institutional uses, including a new municipal services node. This district is urban in character, with building setbacks and facades that are scaled to the pedestrian.

2. Authorized Uses: Uses permitted in this zoning district shall be limited to those indicated in Table 3-1, which include a wide range of retail sales and services, excluding automotive uses and outdoor storage.

3. Development Standards:

a. Development shall conform to the dimensional standards established in Article 6 of this code and summarized in Table 3-23.

Table 3-23: H-115 Lot Development Standards

Minimum Lot Size	No Minimum
------------------	------------

Minimum Lot Width at Front Setback Line	No Minimum
Maximum Front Setback*	10 feet, No Minimum
Minimum Side Setback	No required side yard, however, 5 feet minimum if provided
Minimum Rear Setback	No Minimum
Maximum Height	80 feet
Minimum Lot Size if used for residential purposes	1,000 sq. ft.
Maximum Density	40 dwelling units per acre

b. Square footage expansions to existing occupied businesses in the H-115 District may be permitted provided the expansion does not make the site any more non-conforming to the development standards. Parking may be expanded for existing occupied businesses in the H-115 District in the front yard. The cumulative total of square footage expansion and parking expansion cannot exceed a total of twenty-five percent (25%) of the existing square footage of the primary structure. Outdoor storage of inventory and products cannot be expanded.

*Front setback may be increased to preserve or create public open space, for architectural features or art and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

Article 4. Non-Conforming Situations

Section 4.05 Non-Conforming Uses, C.

3. When any non-conforming use is discontinued for a period in excess of one (1) year, six (6) months for properties located in the CB, CBP, Municipal Service or H-115 District, the property shall not thereafter be used except in conformance with the regulation of the district. However small expansions are permitted in the H-115 District provided the requirements of Article 3 and Article 6 have been met.

Article 6. Development Standards

Section 6.02 Density and Dimensional Standards

Table 6-1: Minimum Lot Dimensions

(in feet except as noted)

Zone	Min. Lot Size (square feet)		Min. Lot Width	Min. Front Setback ¹	Side Setback	Rear Setback	Maximum Building Height
R-A	20,000		100	35	12	35	35
R-20	20,000		100	35	12	35	35
R-15, R-15M	15,000		90	30	10	30	35
R-10, R-10M	10,000		75	30	8	30	35
R-8 ³ , R-8M ³ , R-8MF ³	8,000		70	25	8	25	35
R-5 ³ , R5-M ³ , R5-MF ³	5,000		50	25	5	25	35
R-20 Cluster (15,000 SF)	See cluster provisions in <u>Article 7</u>			30	10	30	35
R-15 Cluster (11,250 SF)				30	8	30	35
R-10 Cluster (7,500 SF)				25	6	25	35
O-1	5,000	5,000 if used for residential purposes	50	25	10	25	35
O & I-2	10,000		75	25	10	25	50
B-1	6,000		60	30	10	25	35
B-2	6,000		60	30	10	25	50
B-3	220,000	10,000 if an outparcel or single store location	400	40	10	20	65
B-4	10,000		75	40	10	20	65
B-5	No		60	25	8	10	65

Zone	Min. Lot Size (square feet)		Min. Lot Width	Min. Front Setback ¹	Side Setback	Rear Setback	Maximum Building Height
	minimum						
CB	No minimum	1,000 minimum for residential	No minimum	No minimum, 10 max. ⁴	No minimum ²	No minimum	80
CBP	No minimum		No minimum	No minimum, 10 max. ⁴	No minimum ²	No minimum	80
H-115 ⁵	No minimum		No minimum	No minimum, 10 max. ⁴	No minimum ²	No minimum	80
LI	No minimum		No minimum	30	No minimum ²	20	80
HI	No minimum		No minimum	30	No minimum ²	20	80

EXPAND

Table 6-1 Notes:

¹ When a lot abuts more than one (1) street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (½) the front yard requirement.

² As indicated no side yard is required, however if a side yard is provided, it must be at least five (5) feet.

³ These districts require ten percent (10%) active open space.

⁴ Front setback may be increased to preserve or create public open space, for architectural features or art, and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

⁵ Expansions of existing occupied businesses in the H-115 District must meet the requirements of Article 3.

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

AYES:
NAYS:

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

AYES:
NAYS:

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

CITY OF STATESVILLE

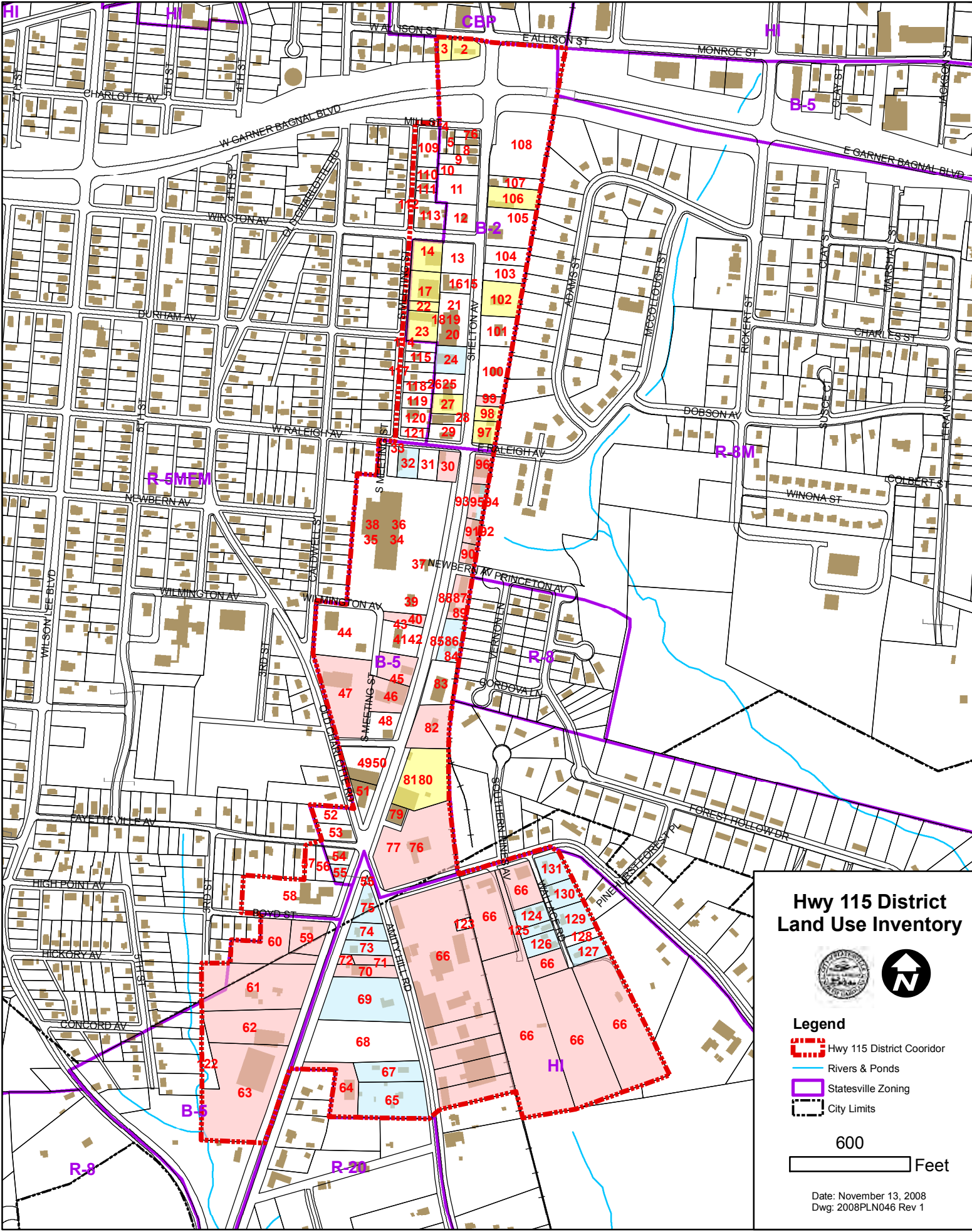
Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

ATTEST:

Leah Gaines Messick, City Attorney

Brenda Fugett, City Clerk



Hwy 115 District Land Use Inventory



- Legend**
- Hwy 115 District Corridor
 - Rivers & Ponds
 - Statesville Zoning
 - City Limits

600
 Feet

Date: November 13, 2008
 Dwg: 2008PLN046 Rev 1

CITY COUNCIL ACTION REQUEST

TO: Mayor and City Council
FROM: Ron Smith, City Manager
DATE: September 23, 2020

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

COUNCIL ACTION REQUESTED:

Review of the City's FY2021 first quarter financial position and consider actions delayed by the COVID-19 pandemic.

1. Summary of Information: When the budget was presented for approval this year a first quarter review was discussed with the Mayor and Council. At that time, due to questions about forecasted revenues, the budget was kept basically static with FY2020. At that time, COVID-19 was in its early stages and the financial indicators that the staff were seeing were all negative, particularly regarding sales tax receipts.

We have seen a different scenario than what we forecasted. For the last quarter of FY2020, sales tax receipts were up \$63,272 or 3.22% over the prior year. Although we do not have any sales tax data yet for FY2021, we feel that the revenue stream will at least stabilize, and we will not see the 15% decrease from last year's numbers.

Because the 15% decrease essentially left us with a \$1,000,000 hole in the General Fund budget, we put in place the following measures:

- No employee raises until we see positive revenue signs,
- No decision packages would be funded,
- Debt would be used to fund \$1,497,000 of rolling capital,
- Just over \$1,000,000 in Fund balance would be used for one-time expenditures/projects that are generally transportation related, and
- To preserve cash flow, we would delay as many capital purchases as possible.

Council's number one priority in this year's budget was raises for employees. We have included scenarios to that end in this CAR. In addition, we have long been told that Fire Department pay is not competitive with our peers and have seen data to that end. In addition to addressing the employee population writ large, I would like to request we begin a pay review process that will review all City positions over the next four years.

The first review would take place this year but would not be implemented until FY2022. The first cycle would address the Fire and Police Departments and could begin immediately and be completed

sometime around April or May. I will caution that if you mean to take on the study, you should also be committed to funding the results. We have included a scenario to that extent, but at this point it is just a guess.

Because they were true needs and included in the budget, we cannot push the purchase of capital needs off for too much longer. By not going through with these purchases we will be further behind from a capital perspective, and that could bleed over into next year. The biggest question is how we fund them. Chris Tucker and I originally proposed taking on debt to make those purchases, but do not feel it is necessary at this time. It seemed evident that the Council was split on this decision.

2. Previous Council or Relevant Actions: This discussion was originated during this year’s budget approval process.

3. Budget/Funding Implications:

Salary and benefits

Several scenarios are shown below. Increases of 1.5%, 2%, 2.5% and 3%, across the board, will impact each fund as shown in the following table. Keep in mind these salary costs perpetually carry forward.

The numbers shown below are fully funded scenarios (under the 1.5-3% columns), meaning that they are meant to depict an entire year of costs, and 75% funded columns that are in italics, showing only the amount to fill out the remainder of this year. These are on the conservative side, as the recent move to a \$15/hour minimum starting pay will have an impact on how this is implemented to those impacted by that move. I would recommend that we not apply an across the board increase to those individuals that got at least the same percentage amount you may give to the remaining employees.

Increased Salary and Benefits Scenarios by Fund								
Fund	1.50%	75%	2%	75%	2.50%	75%	3%	75%
General	\$187,000	\$140,250	\$358,300	\$268,725	\$447,825	\$335,869	\$537,420	\$403,065
Airport	\$4,540	\$3,405	\$6,049	\$4,537	\$7,561	\$5,671	\$9,078	\$6,809
Civic Center	\$6,090	\$4,568	\$8,120	\$6,090	\$10,147	\$7,610	\$12,178	\$9,134
Electric	\$37,820	\$28,365	\$50,414	\$37,811	\$63,035	\$47,276	\$75,633	\$56,725
Water & Sewer	\$42,565	\$31,924	\$56,726	\$42,545	\$70,896	\$53,172	\$85,091	\$63,818
Stormwater	\$3,915	\$2,936	\$5,216	\$3,912	\$6,524	\$4,893	\$7,824	\$5,868
Totals	\$281,930	<i>\$211,448</i>	\$484,825	<i>\$363,619</i>	\$605,988	<i>\$454,491</i>	\$727,224	<i>\$545,418</i>

An additional piece of information concerning a pay study is that when the Career Development Plan for Police and Fire were implemented in June of 2019 there was an action in the motion that guaranteed an annual 3% increase for Police. That motion passed (minutes are attached), but one Council action cannot bind another Council, and that was not honored this year (due to the same reason everyone else did not receive a raise). ***It would be up to Council on whether to take this on now.*** This was done on the tail end of a Career Development Plan, not a pay study.

To fund these increases, we have identified \$960,000 in the following areas: \$810K from over appropriation in Group Health, and \$150K in GF Contingency.

Pay Review Plan

The cost of the Pay Review will be \$12,000 per year over four years (this is based on a proposal from the Piedmont Triad COG). Funding of its implementation is a difficult number to forecast, but below are two scenarios for both departments. I am assuming that the overall Fire Department increase will

be at a higher percentage rate than in Police, as the latter has only recently been given a 3% increase. As mentioned above, these numbers would not be realized until next year's (FY2022) budget.

Pay Review Implementation Scenario Possibilities				
Department	Employees	Payroll	Low Estimate	High Estimate
Fire	82	\$5,460,137	\$109,203	\$218,405
Police (LEO)	82	\$7,190,649	\$143,813	\$215,719
Totals	164	\$12,650,786	\$253,016	\$434,125

As you will remember, we have recently completed a pay review for Electric and associated positions. I would recommend that we implement these results in next year's budget as well.

Capital Spending

In the adopted budget, Council agreed to set aside just over \$1,000,000 in fund balance to cover one-time capital projects, most associated with transportation projects. Because some of these projects have been put on hold by NCDOT, we are not going to need that full amount, thus giving us some flexibility in that area.

In addition, we anticipated taking on debt to fund rolling capital, up to \$1,497,000 in the General Fund. This was one of the primary ways we balanced this year's budget. However, based on better than expected sales tax revenues, I would suggest that we move forward strategically when it comes to purchasing capital, and possibly without taking on any debt. We will start with the purchase of the two biggest needs, a knuckle boom and rear load garbage truck in Sanitation. The cost for those two vehicles is \$595,000. As we see our evolving revenue picture, we will make additional budgeted purchases (for instance if our July sales tax receipts are to the good, we will move forward with police cruiser purchases).

I will caution that we are trying to get through this year with an overt influence from COVID-19. However, we are seeing high growth numbers, which will continue to grow. This is going to affect our needs for services in the next few years.

Funding Conclusions

- a. Salary increases can be funded by money originally associated with the health insurance increase that was offset by our third-party broker. This money is part of the budget structure and can be assumed next year.
- b. The proposed pay review is a Council decision. The results would be programmed into next year's budget, and we would then begin the second phase. It is impossible to predict where revenues will be next year, but this is a review that I feel we need to take on.
- c. Capital purchases mentioned in this CAR are already programmed and moving forward with debt was the biggest variable when the budget was approved. We can move forward surgically with our purchases as we see our funding evolve. Flexibility in the fund balance will give us some flexibility to do this.
- d. Upcoming debt issuances for utility infrastructure (if ultimately approved) will be funded by the associated enterprise funds and will not impact the General Fund.

4. Consequences for Not Acting:

- a. Employee Salaries were the highest priority for this year's budget and by not funding anything we

will get further behind our peers and employee morale will suffer. The recent move to \$15/hour was positive but did cause problems internally.

- b. At some point soon the City needs to get on a pay review schedule, as some of our neighbors generally take this on yearly and fund the results accordingly.
- c. Fire pay is some of the lowest in the region. Although many our vacancies over the last several years have been caused by retirements, we still need to compete with our neighbors to retain our valuable employees and pay a fair wage. We have a young department that can grow to be the best in the region if we keep it stable.
- d. Capital needs are not going away and have increased in the Sanitation Division. Holding off for too long will have a continued impact on service provision.

5. Department Recommendation: N/A

6. Manager Comments: Recommend moving forward with the items requested. I would suggest that we start by providing a 2% employee salary increase at the 75% level (highlighted in green in the first table) and undertake a pay review now, to be implemented in FY2022.

7. Next Steps: Move forward with each approved item.

- a. Salary Increases – Human Resources and Finance will move forward with this on the earliest possible payroll.
- b. Pay Review – Approve contract with Piedmont Triad COG and move forward with Phase I of the study (Police and Fire).
- c. Capital Purchases – Finance will work through the debt package for these purchases.

8. Attachment:

- 1. June 17, 2019 City Council meeting minutes regarding Police Pay

Council member Staford said he is opposed to this because he has received several calls from his constituents concerned about the 80/20 55+ threshold and he is also concerned about fire coverage in this area.

The vote was as follows:

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

Nays: Staford

Motion Carried: 7-1

XI Conduct a public hearing and consider approving first reading of Text Amendment TA19-03 filed by the City of Statesville to amend Article 6 - Development Standards, Section 6.07 - Sign Regulations, H. Prohibited Signs, S. Houses of Worship, Schools and Daycare Centers and Table 6-13. (Currier)

David Currier stated that the purpose for this amendment is to allow changeable copy LED signs for houses of worship, schools and daycare centers in residential districts. Currently houses of worship, schools and daycare centers are not permitted to have changeable copy LED signs in residential zoning districts. The Planning Department has received multiple request to allow for this type of sign. After review, the department has determined that many other jurisdictions allow for changeable copy LED signs for these uses in residential zoning districts. The Planning Board recommended approval of the amendment as presented. Staff has renumbered this amendment to better fit the ordinance since the time of the Planning Board meeting however the new language and the intent of the amendment have not changed. Planning Department staff and the City Manager recommend approval of the amendment as presented. There are no budget implications based on this request.

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

Council member Staford made a motion to approve first reading of Text Amendment TA19-03 filed by the City of Statesville to amend Article 6 - Development Standards, Section 6.07 - Sign Regulations, H. Prohibited Signs, S. Houses of Worship, Schools and Daycare Centers and Table 6-13, seconded by Council member S. Johnson. The motion carried unanimously.

XII Implement a Career Development Program for Public Safety Departments (Police and Fire). (Smith)

City Manager Ron Smith stated that in the 2018-2019 budget, staff was asked to develop a career development plan for public safety. This was primarily due to the high level of turnover experienced in the Police Department, and to a lesser degree in the Fire Department. The Human Resources Department explained at the time that there was also the need for a bigger picture compensation strategy for the City moving forward, and that ideally the two would complement each other. The career development portion of this was planned to be implemented in January 2019. However, based on the fact that we could not find a consultant to complete the study, it was delayed. We are now to the point of having both pieces of this completed, with the Career Development Plan being the first to come to City Council for approval and implementation.

- Staff proposes scenario I of Gallagher's options, with a change to make a Police Officer I advancement requirement at 2 years not 3 (with certifications).
- The overall plan is to provide in-grade benchmarks that will be added to positions below captain. This will allow for movement within the grade prior to a formal promotion.
 - In the Police Department this will take the form of a Police Officer, Police Officer I (2.5% increase at 2 years with all training and certifications), Master Police Officer (5% increase at 5 years overall), Master Corporal (5% at 3 years after making corporal) and Master Sergeant (5% at 3 years after making Sergeant). To achieve these titles will mean obtaining the required years of service and certifications.
 - In the Fire Department, the positions of Fire Fighter I (2.5% increase at 2 years), Master Fire Fighter (5% at 5 years overall), and Master Lieutenant (5%

after 3 years after making lieutenant).

- Not everyone will be eligible for an increase in the upcoming year, primarily based on the high number of recent hires. However, those hired in 2018 can move up in 2020 (with requisite training and certifications) and those from 2019 can move up in 2021.
- Anyone above Captain will not be included in the career development program, as they have already gotten to the point of promotions. However, based on our compression issues, we are proposing that these employees receive a blanket 5% increase as they will see no future benefit from the plan. If we do not include these increases, we will be increasing the number of police officers and fire fighters that make more than their supervisors.
- We have the money to cover this in this current fiscal year. Next year, we will be short in the true career development money, but we can cover it through other means.
- We will need to amend our personnel policy to mirror this, which will likely occur on July 15th.
- At some point when funds are more readily available, we have to look hard at starting salaries in both of these departments, as well as the impacts this program will have on positions at or above Captain. This will contribute to compression at the higher end of the scale if we do not address their pay long-term. There are adequate funds to cover these expenditures within this year's budget. The Departments and the City Manager recommend approval.

Council member M. Johnson made a motion to approve with the following amendments:

1. **Adopt the Base Plan as submitted**
2. **Change the Entry Level Pay Grade for Police Officers from Level 16 to Level 17**
3. **Give every Police Officer the \$1,882 pay increase**
4. **Guarantee Police Officers a 3% annual pay increase**
5. **The Fire Department employees will get everything outlined in the plan for their department as submitted with no amendments.**

The vote on the motion is as follows:

Ayes: M. Johnson, West, Williams, Allison, Morgan
Nays: J. Johnson, Staford, S. Johnson
Motion Carried: 5-3

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

Finance Director Chris Tucker stated that this resolution will establish the terms, conditions, and rate for the interfund loan from the Electric Fund to the Airport Fund. The resolution is consistent with Resolution 01-19 in that, if outside borrowing is more advantageous by July 2020, the City may reimburse its prior expenditures. The debt schedule is consistent with the adopted debt service amount in the FY2019-2020 budget. Staff and the City Manager recommend approval as presented.

Council member M. Johnson asked staff to analyze the possibility of moving some of the airport capital project funds back into the General Fund if there is an overlap of funding.

Council member Staford said he would like to investigate financing this with an outside source and not from the Electric Fund. Tucker explained that Council has until July 2020 to seek outside financing if they choose.

Council asked staff to provide them with a 6-month finance report of the revenues and fuel sales projections for the Airport at the end of July and what the cost of the loan would be in the regular market for a term of 15 years.

XIV Stormwater Service Fee Update. (Slocum)

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: September 9, 2020

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

COUNCIL ACTION REQUESTED:

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

- 1. Summary of Information:** In 2019 when the city applied for the STBG-DA funds, it was for an interchange justification report for a new interchange at Jane Sowers Road. However, the city was notified by CRTPO that they would award funds for the feasibility study only.
- 2. Previous Council or Relevant Actions:** On October 21, 2019 City Council approved a professional services agreement to assist the city with applying for STBG-DA shortfall funds and approved the Planning Department to apply for STBG-DA Shortfall funds for the Interchange Justification Report for a new interchange at Jane Sowers Road.

On April 7, 2020 CRTPO awarded the city up to \$242,000 of CRTPO planning funds (80%) with a city match of \$60,500 (20%) for a total of \$302,500 to conduct the feasibility study for the Jane Sowers Road interchange. These funds are to be used within one fiscal year, starting July 1, 2020 and with all reimbursable work completed by June 30, 2021. These are federal direct attributable funds for the CRTPO, and the city must follow the federal procurement process.
- 3. Budget/Funding Implications:** This is a reimbursable grant at 80%, so the city must spend the funds up front and then be reimbursed by CRTPO. The total cost of the project will be a maximum of \$302,500. CRTPO will reimburse the city \$242,000 and the city's match will be \$60,500. The Planning Department included an amount of \$154,365 needed for this project in the 2020/2021 budget. This amount was based on the 20% match for the Interchange Justification Report. Budget amendment BA #2021-5 is being presented with this action request.
- 4. Consequences for Not Acting:** The City would have to give up the grant and not complete the feasibility study.
- 5. Department Recommendation:** The department recommends approving the acceptance of the STBG-DA funds and conducting the feasibility study.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** The Letter of Interest (LOI) has been drafted and will be advertised to consultants if approved.

Attachments:

1. Budget Amendment #2021-5
2. CRTPO Award Letter
3. GIS Map

CITY OF STATESVILLE
BUDGET AMENDMENT #2021-5
 September 21, 2020
 FISCAL YEAR 2020-2021

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
GENERAL FUND					
010.0000.340.50.02 (NEW)	Revenue	CRTPO Grants	-	242,000	242,000
010.0000.399.00.00	Revenue	Fund Balance Appropriated	2,805,627	(93,865)	2,711,762
Total Revenues			<u>2,805,627</u>	<u>148,135</u>	<u>2,953,762</u>
010.4800	Expenditure	Planning	1,887,477	148,135	2,035,612
Total Expenditures			<u>1,887,477</u>	<u>148,135</u>	<u>2,035,612</u>

DESCRIPTION: To receive and appropriate CRTPO Grant revenues and expenditures; reduce use of Fund Balance for reduced local match



 Budget Officer

 Finance Director

APPROVED BY CITY COUNCIL:

 City Clerk



April 7, 2020

MEMORANDUM

To: Sherry Ashley, Planning Director
City of Statesville

From: Jennifer Stafford
Charlotte Regional Transportation Planning Organization (CRTPO)

Subject: CRTPO Local Planning Project Funding Award

Thank you for submitting your project for planning funds through CRTPO. We are pleased to inform you that the CRTPO Board approved funding for the following project:

Planning Project Submittals	Total Project Cost	Reimbursement from CRTPO (80%) to the City of Statesville	Non-Federal Match by the City of Statesville (20%)
I-77/Jane Sowers Interchange Study Planning Funds 80% CRTPO 20% Local Match	\$302,500	\$242,000 (not to exceed)	\$60,500

The funds were approved through the discretionary process and are federal direct attributable for the CRTPO. The CRTPO and the City of Statesville must follow the federal procurement process because the Federal Highway Administration (FHWA) and/or the Federal Transit Administration (FTA) allocates these funds to MPOs.

The planning funds are to be used within one fiscal year, starting July 1, 2020 and with all reimbursable work completed by June 30, 2021. Any work that is done prior to that date will not be reimbursable. However, to get a project completed in a year, it is advisable to draft the scope of work for your planning project and even work on the Request for Letters of Interest (RFLOI) as described below.

Attached is a Quick Facts reference for using Federal Funds and below a list of steps to help guide you through the process can be found on the next page.

1. Submit Request for Letter of Interest (RFLOI) for review/approval to Dominique Boyd, at the NCDOT Transportation Planning Branch, at dlboyd1@ncdot.gov or 919-707-0932. Please find attached a RFLOI template from NCDOT and an example from the City of Charlotte – either format is ok.



2. Consultants must be pre-qualified by NCDOT. [Click here](#) for more information on this topic at NCDOT's website.
3. Solicit consultants – Advertise for a minimum of three weeks. Please let me know if you need help posting the advertisement publicly.
4. Form a Selection Committee (3-5 people) to select the most qualified company and then request NCDOT's concurrence (send the request to Dominique Boyd). If you desire, your Selection Committee may include NCDOT or CRTPO staff.
5. Negotiate fees and schedule with the selected consultant. Then request NCDOT concurrence with fees and the contract terms – this could take a couple of weeks.
6. Finalize the consultant's contract – You may finalize the contract as long as no one starts work before July 1, 2020.
7. Depending on your internal process, you may get the contract on your Council/Board agenda for your consultant contract approval.
8. Quarterly progress reports must be submitted that briefly describes the progress made on the project.
 - a bulleted list of accomplishments during the quarter
 - invoices submitted by consultants

Planning projects are reimbursement projects through CRTPO, unlike capital projects; where the sponsor organization is reimbursed through NCDOT. All planning projects are required to have a 20% local match. After you hire a consultant/professional services firm, your member jurisdiction will receive the invoices. Your organization will pay 100% of their invoice. Then your organization will request an 80% reimbursement from CRTPO/City of Charlotte. We typically reimburse quarterly, but we can reimburse monthly if you need cash flow.

I'm happy to review your RFQ and contract(s) prior to sending it to NCDOT.

Any work throughout the year that does not follow the federal process, NCDOT process, or CRTPO process may be rejected for reimbursement. When in doubt, please reach out, and please let me know if I can be of further assistance to aid in the success of your project!

Jennifer Stafford, RLA, CPCM
Project Development Planner
Charlotte Regional Transportation Planning Organization
704-336-3369 | jennifer.stafford@charlottenc.gov



Jane Sowats Rd.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Richard Griggs, Recreation and Parks Director
DATE: September 22, 2020

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

COUNCIL ACTION REQUESTED:

Consider adding proposed fees for tennis & pickleball instruction and court rentals to the City's fee schedule.

- 1. Summary of Information:** Tennis programming at Caldwell Park has been run by a third-party organization for over 10 years. The City's relationship with the previous tennis organizers ended in May of 2020, therefore the City needs to institute fees to charge users for the programs and use of courts. The proposed fee schedule is attached. Fees were determined through researching other programs within the region and meetings with the instructors planning to facilitate programming. The instructor/city revenue ratio is proposed at 85/15.
- 2. Previous Council or Relevant Actions:** No relevant council action in over 10 years.
- 3. Budget/Funding Implications:** Previously, the city received zero revenue from tennis & pickleball programs. Once fees are approved, the current year's instructor payment will be paid out of already budgeted contracted services. Program growth could result in an increased budget request in contracted services for 21-22 fiscal year. Any increases would be more than offset by revenue increases from the programs. By way of example, for each \$1000 in program revenue collected, the city would pay the contractor \$850 and have a net revenue increase of \$150.
- 4. Consequences of inaction:** There will continue to be no revenue generated from tennis and pickleball programming at Caldwell Park.
- 5. Staff Recommendation:** Staff recommends approving the proposed fees for the Tennis & Pickleball programming.
- 6. Manager Comments:** Concur with department's recommendation.
- 7. Next Steps:** Pending fee approval, staff will begin drafting course registration forms and advertising for programs.
- 8. Attachments:** Proposed fee schedule



Tennis & Pickleball Program Fee Schedule

<u>Monthly Program</u>	\$80/month (8 lessons)
<u>Clinics</u> (offered weekly)	\$20/session
<u>Private Lessons</u>	
Single	\$50/hour
Package of 4	\$180
Semi Private (2)	\$70/hour
Package of 4	\$255
Semi Private (3)	\$75/hour
Package of 4	\$270
<u>Court Rental</u>	
Organized match play/practice	\$5/hour
Public	\$3/hour

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: John Maclaga, Electric Utilities Director
DATE: September 23, 2020

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

COUNCIL ACTION REQUESTED:

Receive a staff presentation about overhead and underground circuit construction methods per Council member request.

1. **Summary of Information:** Council requested a discussion/presentation on this topic.
2. **Previous Council or Relevant Actions:** Staff made a similar presentation in the Winter, 2019 Council retreat.
3. **Budget/Funding Implications:** N/A
4. **Consequences for Not Acting:** N/A
5. **Department Recommendation:** N/A
6. **Manager Comments:** N/A
7. **Next Steps:** N/A
8. **Attachments:** None

**STATESVILLE BOARD OF ADJUSTMENT
MEETING MINUTES
August 04, 2020**

The Statesville Board of Adjustment met Tuesday, August 04, 2020 at 12:30 p.m. in the City Hall Council Chambers located at 227 South Center Street, Statesville, NC.

Board Members Present: David Steele, Craig Morrow, Bill Winters, George Simon, Gurney Wike, Pidcock

Board Members Absent: 0

Council Present: 0

Staff Present: Sherry Ashley, Brenda Fugett, City Attorney-Sam Winthrop, Steve Bridges

Others: 7

Media: 0

Chairman David Steele called the meeting to order.

Consider approving the minutes of the July 07, 2020 Board of Adjustment meeting.

Simon made a motion to approve the July 07, 2020 Board of Adjustment meeting minutes as presented, seconded by Morrow. The motion carried unanimously.

Election of Chairman and Vice Chairman

Winters made a motion to appoint David Steele as Chairman and George Simon as Vice Chairman, seconded by Morrow. The motion carried unanimously.

Chairman Steele explained the quasi-judicial meeting process and that a 5/6 majority is required for approval and that all speakers must be sworn in.

V20-01 Variance request from Mr. Steve Hubbard for 1 variance from Section 6.07 Sign Regulations, Subsection H which prohibits the erection of new billboard signs. The request is to remove the existing billboard from the current location, parcel number 472532-8549 owned by 6490 Partners, LLC and install it on the adjacent lot, parcel number 4725-3-8720 owned by Jerry M. Campbell.

Chairman Steele swore in Planning Director Sherry Ashley.

Sherry Ashley gave the following Staff Report:

Background Information

The subject property is located at the corner of US 64 and NC 90, borders Weaver Hill Drive to the North and is owned by Jerry Campbell. The property is approximately 0.58 acres in size and

would host the new billboard if approved. The property is located in the Highway Business (B-5) District. The variance application was submitted on 12/05/2019.

Variance Request

The applicant, Mr. Steve Hubbard is requesting a variance from the City's Unified Development Code in regard to a billboard sign that was erected approximately 20 years ago on an unknown remnant of property, Tax Map 4725-32-8549 owned by 6490 Partners LLC, that was not shown on the GIS Maps at the time. Mr. Hubbard would like to re-locate the sign to the adjoining property, Tax Map 4725-32-8720, where it was supposed to be erected originally and where the lease agreement with the property owner, Jerry Campbell, and an Outdoor Advertising Permit from NCDOT are valid. The variance request is from Section 6.07 Sign Regulations, H. Prohibited Signs which prohibits new billboards in all City Zoning Districts.

Review

The applicant states the property on which the billboard is located (6490 Partners LLC) did not show up on the original GIS Map when he had it installed so it has been on the wrong parcel for approximately 20 years. According to Mr. Hubbard, his lease agreement is, and has been, with the adjoining property owner, Jerry Campbell, since the beginning. Mr. Hubbard, in order to comply with the lease agreement and the Outdoor Advertising Permit from NCDOT, must move the billboard to the adjacent parcel or remove it entirely. According to Jerry Campbell, the confusion began during the NCDOT project to build the new NC 64 Hwy and the survey staking that changed several times. Due to multiple issues when the sign was installed, the relocation is needed to correct where the billboard should have been located originally.

Alternative/Interpretation

Since the Code does not allow for new billboards in the City's Zoning Jurisdiction, the only alternative would be to remove the billboard sign entirely.

Chairman Steele asked if the billboard conforms to the current standards and if it will conform after being moved. Ashley replied that there will be no changes to the billboard, it will only be moved.

Chairman Steele declared the hearing open and asked anyone who wanted to speak in favor to come forward.

Steve Hubbard, the applicant, came forward and was sworn in. Hubbard explained the information he used when he first put the billboard in place 20 years ago. He said that the first survey that was done last year after the highway project was done that this remnant showed up, and that there were remnants left everywhere from the NCDOT project. The billboard will only be moving about 110 ft. to the northwest and there will be no changes to the billboard. He submitted Exhibits 1, 1A, and 1B.

Chairman Steele asked if a lot of trees will have to be removed in the new area. Hubbard replied there will not be because there is a huge, grassy area where the billboard will be installed.

Chairman Steele asked anyone present who wanted to speak in opposition of this item to come forward.

Mr. Pat Crosby with 6490 Partners, LLC came forward and was sworn in. Mr. Crosby stated that he purchased the property in 2019 and one of the reasons he purchased it was because of the billboard being on the property. He said that he was never able to come to terms on a lease agreement with Mr. Hubbard and did not know until he got the notice for this meeting that Mr. Hubbard even wanted to move the billboard. He stated that allowing the billboard to be moved will be detrimental to him as the owner of the property since it was permitted to have a billboard on it and he cannot put another one because the City does not allow any new billboards.

Board member Simon asked who owned the property before Mr. Crosby purchased it. Mr. Crosby replied that the JC Faw estate was the owner. Simon asked if a survey was done at that time and Crosby replied yes that he had one done himself before purchasing the property and that is when he discovered the billboard on the property. Crosby said Mr. Hubbard had paid him \$600 for the year for the billboard but they never came to an agreement.

Chairman Steele asked if there is no other use for this piece of property. Crosby replied no.

Ashley advised that there is not a permit for this property from the City and none from NCDOT for an outdoor advertising permit. The permit is for the Jerry Campbell piece that is being referred to. Typically, when a piece of property is purchased, seeing the permit and lease for the billboard would be something that the purchaser would want to see and verify that it would transfer before purchasing the property.

Board member Simon asked who actually owns the billboard since it is on 6490's property. City Attorney Sam Winthrop advised for the record that he has represented 6490 in the past for other business but does not believe that he represented them in the transaction of this property purchase. Regarding this case, there are two theories, adverse possession, if it is 20 years, and there is also the theory of mistake. Today we are hearing that there may have been a mistake made by these gentlemen, and the other issue is do you have an adverse possession issue. With adverse possession you have to have the elements of openness, visible, notorious, hostile intent. He believes the issue here is going to be determined by a court, which is the mistake and who does it inure to the benefit of. He believes that clearly the intent from Hubbard was that he thought he owned the property and took the legal steps necessary to get permits so he would be in compliance to get the billboard. 6490 states that they bought the property in reliance on a survey which they could rely on that said that they owned the billboard. He believes that a court needs to determine the legal ownership of what we have here. Obviously it would be preferable if both parties could come to an agreement, but the applicant and the other party is asking this court as a quasi-judicial, to actually determine, was there a mistake made in ownership and is this getting more towards legal court questions that a judge should decide rather than questions that this board should decide.

Simon said he agrees that the board is not in the position to determine this case and who actually owns the property, or the billboard and he feels uncomfortable trying to determine this.

Hubbard stated that he has been doing billboards since 1984 and knew JC Faw. He advised that billboards are not real estate and do not transfer with real estate. They are considered personal property. He said that billboards in Statesville are not moneymakers. He has been dealing with Mr. Crosby since August of last year and has sent Mr. Crosby the same amount of money he sent Mr. Campbell for a year's lease. He has been working with Mr. Crosby and offered to purchase the property. Billboards are trade fixtures and that he does have a NCDOT and City of Statesville permit. He believes that the owner of the billboard and the permits should be able to exercise ownership and to move it with limitations, especially when a mistake has clearly been made. He

gave an example of when the City allowed an Adams Outdoor billboard located in I-40 to be moved about 175 ft. back onto Bell's property when NCDOT purchased a right-of-way where the billboard was located. According to Mr. Crosby, he purchased a lot of real estate from the JC Faw estate and this piece was just one of many pieces.

Winters asked Mr. Hubbard if he could have worked out a lease with Mr. Crosby if this application would even be before this board. Mr. Hubbard replied he would not. He explained that Mr. Crosby said there is an issue with access to the property because Mr. Crosby thinks that he has an easement. He said that JC Faw never even had an easement to the property. Mr. Hubbard said he offered Mr. Crosby \$10,000 for the piece of property and they refused to sell it to him. He said the billboard is his and that he has paid Mr. Crosby \$600 for a one-year lease which expires this month.

Christopher Cartner came forward and was sworn in. He stated that 6490 did their due diligence before they purchased the property and knew that a billboard was there and because he did not, that is no reason for the board to change something that will financially impact 6490. Nobody has taken advantage of Mr. Hubbard and they have tried to do business with him on numerous occasions.

Jerry Campbell came forward and was sworn in. He gave a brief history of the property, stating that he inherited it from his sister-in-law when she died, and the agreement she made with Mr. Hubbard to lease him the property for a billboard for \$600 a year. His sister-in-law did not grant a right-of-way to him, she only asked Mr. Hubbard to call and let her know when he was going to the billboard. A survey was done when he decided to put the property up for sale and that is when he discovered that the billboard was not on his property. Upon finding this out, he called Mr. Hubbard to let him know and then agreed that it would be fine with him for Mr. Hubbard to move the billboard onto what was actually his property. He advised that there is no egress to this property other than across his property and that there is no dedicated driveway of any kind and he has a statement from Mr. Hubbard stating that he has never had a right-of-way, egress or driveway to the property except with his permission each time he wanted to enter the property.

There being no other speakers, Chairman Steele declared the hearing closed.

Chairman Steele reviewed the following variance checklist questions.

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

Winters - True

Simon – True - Does not believe that the Board is in a position to consider this item

Wike – True

Morrow – True

Steele – True

Pidcock - True

Total: True – 6

False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - False

Total: True – 5
False – 1

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

Winters - False
Simon – False
Wike – True
Morrow – True
Steele – False
Pidcock - True

Total: True – 3
False – 3

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

Winters - True

Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

Simon asked if the City can be sued over this decision.

City Attorney Winthrop stated that the Board of Adjustment is being asked to make a legal decision for ownership; this goes beyond the pale of a variance request because we have two parties that agree that a mistake was made. There needs to be Findings of Fact by a court to determine proper standing, but in this situation there is a winner and a loser and he does not know if it is proper for this body to be deciding winners and losers in this type of situation where there was clearly a mistake. This needs to be adjudicated elsewhere.

Chairman Steele said that either party can appeal the decision to the Superior Court.

Winters stated that he is okay with letting the applicant move the billboard to one of the two allowed locations.

Simon made a motion to grant the variance as submitted, seconded by Winters. The motion carried unanimously.

V20-05 Variance request from *blueharbor bank* for 2 variances. Variance 1 - from Section 3.04 CBP (Central Business Perimeter) District which allows for a maximum front setback of 10 feet, and Variance 2 - from Section 6.03 which states off-street parking in the CBP District shall be located only in the defined side and rear yard. The request is to allow the front setbacks to be increased and to allow parking in the front yard. The property is located at 108 and 110 N. Tradd Street, Tax Map 4744-06-7204.

Chairman Steele swore in Sherry Ashley.

Ashley gave the following Staff Report:

Background Information

The subject property is located at the corner of Davie Avenue, N. Tradd Street, and E. Broad Street at 108 and 110 N. Tradd Street and is owned by Piedmont Investment Properties, LLC. The property is approximately 0.60 acres in size and currently has an old shell station that is a convenience store and an old restaurant located on it. The property is located in the Central Business Perimeter (CBP) District. The variance application was submitted on 07/17/2020

Variance Request

The applicant, *blueharbor bank*, is requesting 2 variances from the City's Unified Development Code regarding the front setback and parking in the front yard for a proposed bank at 108 and 110 N. Tradd Street. *Blueharbor bank* would like to demolish the existing 2 structures and build a new one story bank on this site. The first variance request is from Section 3.04 - Zoning District Regulations, Subsection U. CBP (Central Business Perimeter) District, Table 3-22: Lot Development Standards which allows for a maximum front setback of 10 feet. The second variance is from Section 6.03 - Parking Standards, 2., which allows for off-street parking in the CBP District only in the defined side and rear yards. The first variance request is to allow the maximum 10 foot front setback to be increased to 39 feet from N. Tradd Street, to be increased to 72 feet, 9 inches from Davie Avenue and to be increased to 57 feet, 2 inches from East Broad Street. The second variance request is to allow seven parking spaces in the defined front yard.

Review

The applicant states the two current uses exceed the 10-foot maximum front setback. *Blueharbor bank* wishes to change the use and update the aesthetics of the parcel in downtown by redeveloping it with a new one story blueharbor bank. The applicant states they have a hardship meeting the maximum 10-foot front setback restriction due to the site being small .62 acres and having three front yard setbacks. This makes the site unviable for a branch bank with a drive-thru and ATM to provide proper site circulation. *Blueharbor bank* does not know how any other building could make the site work with the 3 street fronts. The applicant states that if parking is prohibited in the front yard it results in insufficient parking to support eight bank staff and normal customer parking. Again, the site is a small infill site with three front yards. The applicant states that the shape of the property and three street fronts combined with the requirements of the UDO for stacking and circulation, do not allow for the front setback to be 10 feet or less nor the parking to be located only in the side and rear yards. The surrounding businesses in the area such as Wells Fargo, First Citizens Bank, PNC Bank, and Statesville Record and Landmark have front setbacks in excess of 20 feet. *Blueharbor bank* will provide screening and landscaping for the parking to be located on the site. *Blueharbor bank* will bring the site into compliance with the current standards except for their request for the front setback and parking spaces in the defined front yard.

Alternative/Interpretation

The applicant can redesign the site to eliminate the drive-up windows which would allow for the setback and parking requirements to be met.

Chairman Steele declared the public hearing open and asked anyone who wished to speak in favor to come forward.

Chairman Steele swore in Jim Marshall, President of Blue Harbor Bank.

Mr. Marshall stated that this is a tight site and poses a lot of challenges.

Wike asked if they had considered only having two street fronts. Mr. Marshall replied that the architect could answer that.

Chairman Steele asked if one intent of moving to this location is to be downtown. Mr. Marshall replied that is correct. The bank is currently located downtown, but this location is even further downtown.

Chairman Steele swore in Clay Elder, the architect for the project. Mr. Elder pointed out and explained the challenges with this site. He said that the site has eight curb cuts and he is going to get rid of some of these. He believes that he has come up with a design that is going to work and look much better than what is currently on the site.

In response to a question from Chairman Steele, Mr. Elder described the landscape plan.

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

Variance #1 - from Section 3.04 CBP (Central Business Perimeter) District which allows for a maximum front setback of 10 feet. This variance request is to allow the maximum 10 foot front setback to be increased to 39 feet from N. Tradd Street, to be increased to 72 feet, 9 inches from Davie Avenue and to be increased to 57 feet, 2 inches from East Broad Street.

Simon made a motion to approve Variance #1 as submitted, seconded by Morrow. The motion carried unanimously.

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

Winters - True
Simon - True
Wike - True
Morrow - True
Steele - True
Pidcock - True

Total: True - 6
False - 0

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

Winters - True
Simon - True
Wike - True
Morrow - True
Steele - True
Pidcock - True

Total: True - 6

False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

Variance #2 – A Variance request from Section 6.03 which states off-street parking in the CBP District shall be located only in the defined side and rear yard. The request is to allow the front setbacks to be increased and to allow parking in the front yard. The second variance request is to allow seven parking spaces in the defined front yard.

Simon made a motion to approve Variance #2 as submitted, seconded by Wike. The motion carried unanimously.

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True

Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True
Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

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

Winters - True
Simon – True
Wike – True

Morrow – True
Steele – True
Pidcock - True

Total: True – 6
False – 0

Other Business

No other business.

Meeting adjourned at 1:51 p.m.

DRAFT

**Historic Preservation Commission Meeting Minutes
City Hall Council Chambers
June 25, 2020 @ 7:00 p.m.**

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

Members Present: Jonathan Dearman, Barry Edwards, Don Underhill, David Richardson, Glenn Setzer

Members Absent: Richard Boyd, Agnes Wanman, Billie Chrystler, Brittany Marlow Hill

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

Council Present: John Staford

Others: Amanda Jones, Michael Fuhrman

Media: 0

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

Consider approving the May 28, 2020 HPC meeting minutes.

Richardson made a motion to approve the May 28, 2020 minutes, seconded by Setzer. The motion carried unanimously.

Consideration for a Certificate of Appropriateness COA20-07 from SLS Apartments LLC to place a handicap ramp in the front yard on the property located at 510 Armfield Street; Tax Map 4734-83-7124.

Marci Sigmon gave the following Staff Report:

The house located at 510 Armfield Street was built a. 1910 and is listed in the historic survey as the E.T. Cook House. The structure is a framed, double-pile, high-hip-roofed dwelling with a center roof gable. The hip-roofed porch extends across a three-bay façade and has square posts. Two-over-one windows exist throughout the home. The rear elevation has a shed dormer and the front porch, with enclosed end bays, extends toward the rear. E.T. Cook is listed in the 1916-1917 City Directory as a furniture handler. The current owner is listed as SLS Apartments.

Mr. and Mrs. Jason Pinkerton, licensed general contractors for the North Carolina Vocational Rehabilitation and Independent Living Services Agency, are requesting to retain a permanent handicap ramp installed for a resident of the home, Carol Cornelius. The exterior handicap ramp was authorized to be installed by the North Carolina Vocational Rehabilitation and Independent Living Services Agency in order for the applicant, Carol Cornelius, to enter and exit the home safely. The advised staff that he was not aware the home was in the Historic District but has put an application in in good faith to try to get approval. Sigmon said she has not been able to get in touch with Ms. Cornelius, the resident. The ramp is four feet wide, placed flush against the front porch, slopes 1:12 due south for approximately seven feet. Next, the ramp continues with 5 feet

by 5 feet platform. The next section runs east, parallel with the front of the house, approximately ten feet sloping 1:12 to meet flush with the existing concrete sidewalk. The ramp consists of pressure treated wood with galvanized nails and exterior screws. The handicap structure posts are 4 inches by 4 inches and cemented into the ground 12 inches or more below grade.

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 3 - Changes to Building Exteriors, Pages 43-44: K. Accessibility & Life Safety Considerations.

Richardson asked if the applicant plans to remove the existing ramp. Sigmon replied that she does not know. Edwards pointed out that #2 on the NC Division of Vocational Rehabilitation Modifications sheet in the packet states that the existing wood ramp will be removed and disposed of.

Commission members discussed that this is another after the fact approval request. Edwards said that #1 on the Modifications sheet states: Note - this project is located in downtown Statesville. Verify all approvals required before construction. If the contractor would have done what he was supposed to do according to this, he would have found out that the house was in the Historic District.

Dearman said he used to spec ADA ramps out for the VA and that this ramp is built to ADA specifications.

Edwards said if the ramp was just the sloped part it would fit from the porch to the front sidewalk, which is about 14 ft. The sloped part of the ramp is only about 10 ft. He asked if a ramp has to have a setback from the sidewalk. Sigmon replied that handicap ramps and lifts are excluded from setback distances. Dearman said that the Commission cannot get into design details of ramps or how to build them, because they must be built to certain specifications and parameters. If looking at our guidelines it does or does not fit and we feel that there is a better option with the layout of the house and scope of the land, then that is something we could consider as well.

Findings of Fact

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

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

No: Unanimous

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

Not Applicable: Unanimous

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

Not Applicable: Unanimous

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

Not Applicable: Unanimous

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

Yes: Unanimous

Richardson made a motion to deny COA20-07 from SLS Apartments LLC to place a handicap ramp in the front yard on the property located at 510 Armfield Street; Tax Map 4734-83-7124 as submitted based on guideline: K. Accessibility and Life Safety Considerations #1. *Meets accessibility and life safety codes in ways that do not compromise the overall historic character of the building and site.* Setzer seconded the motion. The motion carried unanimously.

Sigmon reminded Commission members if the board answers “no” to any of the five Finding of Fact questions the Commission cannot vote to approve the application unless the board states why the request should be in approved such as best interest for the community or other guidelines or ordinances pertinent to the request. Dearman added that if someone does vote “no” on one of the questions, then they must also vote no if a motion is made to approve the application.

Chairman Dearman swore in Amanda Jones.

Consideration for a Certificate of Appropriateness COA20-14 from Ms. Amanda Jones to obtain approval to place a privacy fence in the side yard on the property located at 416 South Race Street; Tax Map 4734-83-1597.

Sigmon gave the following Staff Report:

The house located at 416 South Race Street was constructed circa 1950. The house is brick veneered with a side-gabled roof. The double-pile dwelling has Colonial Revival elements. There is small garage in the rear yard.

The owner, Ms. Amanda Jones, is requesting to place a wooden privacy fence in the side yard on the north side of the property. Through a staff approval, the owner placed a privacy fence in the rear yard. The fence will be a dog-ear style wooden privacy fence. The requested fence measures 6 feet tall and will extend 24 feet east to the front corner of the house. A wooden gate will be placed where the fence ends and meet the corner of the house. The requested side yard fence will complete the enclosure of the fenced yard.

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 2 - District Settings & Site Features, Pages 20-21: I. Fences & Walls

Edwards asked if the privacy fence will tie into the chain link fence in the front. Sigmon said that it is her understanding that the privacy fence will touch the chain link fence but will not be attached to it. Edwards asked if this is considered the front yard or the side yard. Sigmon replied that all yard from the back corners of the house forward is considered front yard, not side yard.

Underhill asked if the chain link fence will be removed. Sigmon replied she is not sure that the applicant will have to answer that. Underhill said he would like to see the fence panel that meets the chain link fence in the front a little bit shorter than 6 ft. and the smooth side of the panels facing out. Sigmon said that which side of the fence to face out is not clarified in the guidelines at this time, but Commission members can request the applicant to put the smooth side out. Staff does plan to do a Text Amendment in the near future to change this in the guidelines. Underhill stated the cross supports on the panels basically act like a ladder for anybody that wanted to climb up them and get into the yard, so the smooth side out is better for safety.

Chairman Dearman declared the public hearing open.

Amanda Jones explained that there will be four more panels if the board approves the application. The last two closest to the street will fill be flipped with the smooth side out but the first two next to the existing privacy fence will be smooth side in. Jones said that she is concerned about using a 4 ft. high fence because she has dogs and children and strangers could simply reach over the fence and unlock the gate. She said that she has had thefts and strangers coming into her yard previously. She is also concerned about peeping toms at the low windows in that location and feels that she really needs a 6 ft. fence. She plans to put plants in front of the panel which will help shield it some from the street. She said that she would like to take the chain link fence down, but she likes the separation it provides from the apartment building parking lot next door.

Chairman Dearman swore in John Staford.

John Staford stated he owns the apartment complex next door and the chain link fence belongs to him and runs around the perimeter of his property with the exception of this location where a tree fell and destroyed it so it was removed. He said that he has no problem with Ms. Jones putting up a 6 ft. privacy fence. He said he has had problems with theft and other issues with traffic.

Edwards asked Jones if she would be willing to turn all four of the fence panels smooth side out. Jones replied she would.

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

Findings of Fact

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

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

Yes: Unanimous

2. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and where possible, materials.

Replacement of missing features has been substantiated by documentary, physical, or pictorial evidence.

Not Applicable: Unanimous

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

Not Applicable: Unanimous

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

Not Applicable: Unanimous

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

Yes: Unanimous

Underhill made a motion to approve COA20-14 from Ms. Amanda Jones to place a privacy fence in the side yard on the property located at 416 South Race Street; Tax Map 4734-83-1597 with the condition that the panels running east are flipped so that the smooth side is facing out, citing that the fence is needed for security, safety, and to prevent foot traffic through the back yard. Setzer seconded the motion. The motion carried unanimously.

Underhill advised the applicant that she should stain the fence a color that is compatible with the brick on the house when the wood is ready.

Consideration for a Certificate of Appropriateness (COA20-15) from Ms. Kelly Cunningham to cover the front porch hidden gutters and place a new gutter system on the front porch area on the structure located at 423 West Front Street; Tax Map 4734-84-7339.

Sigmon gave the following Staff Report:

The house located at 423 West Front Street was constructed between 1905 and 1911. The historic survey states the house is a two-story frame house with classical detailing, hip roof, cross gables, and a main entrance with beveled glass sidelights and a transom. The house has a one-story wrap around porch with turned balustrades and Ionic columns on paneled plinths. A frame shed-roof garage stands at the right rear of house.

The owner, Ms. Kelly Cunningham, is requesting to cover the hidden gutters on the front porch of the structure and install metal OG guttering and downspouts. The applicant's request is due to extreme rotting and decay from water damage on the front porch roof and ceiling. The existing crown molding will be removed and the OG guttering system's design will mimic crown molding. The applicant is requesting to install solid sheathing as necessary. As part of the solid sheathing installation, the applicant is requesting to extend sheathing over hidden gutters.

As part of routine maintenance, the owner will be replacing/repairing siding and trim, front porch balusters, front porch railings, front porch decking and repairing and/or replacing windows as necessary matching existing materials in shape, design and profile. In addition, new 40-year architectural asphalt shingles will be placed on the porch roof to replace the existing asphalt shingles.

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 3 - Changes to Building Exteriors, Page 32: F. Roofs

Chairman Dearman declared the public hearing open.

John Staford further explained the repairs the applicant plans to make.

Findings of Fact

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

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

Yes: Unanimous

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

Yes: Unanimous

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

Not Applicable: Unanimous

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

Not Applicable: Unanimous

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

Yes: Unanimous

Richardson made a motion to approve citing guidelines 1 and 2, seconded by Setzer. The motion carried unanimously.

Consideration for a Certificate of Appropriateness COA20-16 from Mr. Michael Fuhrman to obtain approval to build a new screened in porch on the rear of the structure located at 333 Kelly Street; Tax Map 4734-87-6314.

The house located at 333 Kelly Street was constructed circa 1900. The historic survey states the house is a two-story late Victorian house with shingled gable ends and pointed arch vents. The house also adorns a recessed balcony beneath front gable end, center pedimented entrance bay, and a one-story front porch with brackets, turned posts and balustrade. The historic survey refers to this house as the Dellinger House.

The owner, Mr. Michael Fuhrman, is requesting to build a screened-in porch area at the rear of the house. The screened-in porch area will be 8' deep and 14' 2 ¼" long. The screened-in porch roof will complement the existing gable roof at the rear of the house matching the style and design. One existing double window area will be removed in order to place a patio door for entrance and exit from the screened-in porch area to and from the interior of the house. There will not be an exit to the outside environment from the new addition.

The addition will include:

- 5-inch lap siding to match the house
- 1x8 inch trim to match the house
- Screeneze Screen System
- Black asphalt architectural shingles to match the house
- Wood deck framing deck floor
- 6x6 inch deck posts
- Double treated 2 x 8s
- Double treated studs

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 4 - New Construction & Additions, Page 48: B. Additions to Historic Buildings Appendix, Page 82: G. New Construction Materials Guide.

Chairman Dearman declared the public hearing open.

The owner, Mike Fuhrman stated that the goal is to build the addition with as little impact as possible to the house.

Edwards asked what kind of door will be used. Fuhrman replied the same type that is already there, a French Door, will be used. Edwards asked if the lattice to be used made of wood. Fuhrman replied that it is.

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

Findings of Fact

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

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

Yes: Unanimous

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

Not Applicable: Unanimous

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

Not Applicable: Unanimous

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

Not Applicable: Unanimous

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

Not Applicable: Unanimous

Underhill made a motion to approve COA20-16 from Mr. Michael Fuhrman to obtain approval to build a new screened in porch on the rear of the structure located at 333 Kelly Street; Tax Map 4734-87-6314 citing guidelines B. Additions to Historic Buildings #1 and #2, seconded by Edwards. The motion carried unanimous.

Other Business

Dearman stated he and Sigmon are on the 2nd draft of the letter to be sent out to the community.

Sigmon gave an update on houses in progress. She added the vinyl windows home is receiving fines and as soon as the fines total \$500 it will be sent to the city attorney.

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

Historic Preservation Commission Meeting Minutes
August 27, 2020
Zoom Meeting – 7:00 p.m.

Present: Dearman, Edwards, Setzer, Wanman, Hill, Richardson

Absent: Chrystler, Underhill, Boyd

Staff: Sigmon, Fugett

Others: 4

Council Members: John Staford

Media: 0

Roll Call & Swearing In

Chairman called the meeting to order then called the roll. Chairman swore in all those that planned to speak.

Consideration for a Certificate of Appropriateness COA20-19 from Mr. Brandon Washam to install front porch railings on the structure located at 439 Armfield Street; Tax Map 4734-92-0925.

Marci Sigmon gave the following Staff Report:

Background

The house located at 439 Armfield Street was constructed between 1918 and 1925. The historic survey states the house is a two-story brick veneer house with a low gable roof and a gable end toward the street with overhanging eaves. The one-story front porch has brick posts and expands to form a porte-cochere on the left side of the house. A small metal and frame shed building once stood behind the house.

Request

The owner, Mr. Brandon Washam, is requesting to install railings on the front porch of the house. The railing would consist of wrought iron railings with wooden top rails. The railing would be custom made by a local ironsmith. The owner is requesting to install the railings primarily for the safety of his one-year old child. With the railing installed, she would be able to enjoy outside and be safe from falling off the porch. The owner states he would like to use wrought iron materials for its long-term durability and stability. The rails would be 35 1/2 inches tall and the wood top board would be 5/4. The wrought iron material will consist of 1 1/2 inch by 1 1/2 inch tubes for the posts and 1/2 inch by 1/2 inch solid bars for the pickets.

Commission Review

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 3 - Changes to Building Exteriors, Page 39-40: I. Porches, Entrances, and Balconies

Chairman Dearman declared the public hearing open and asked if anyone wished to speak.

Mr. Washam said he had nothing to add but would answer any questions from the board.

In response to a question from Edwards, Mr. Washam and the welder, Wesley Kivett, clarified the dimensions of the proposed top board, the railing that goes down the steps, and that the gate will be at the top of the steps on the porch, not at the bottom of the steps.

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

Sigmon reported she had received an e-mail from one neighbor and a phone call from another neighbor of the applicant in support of this request.

Chairman Dearman stated that the board would review the Findings of Fact for this application.

Chairman Dearman stated that the Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Findings of Fact results are as follows:

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

Yes - Unanimous

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

N/A - Unanimous

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

N/A - Unanimous

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

N/A - Unanimous

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

N/A – Unanimous

Edwards stated in the recent past, the Commission did not approve a gate at the top of the steps on another case.

Wanman asked if the board could approve this but make the condition that the gate is temporary and must come down after two years.

Sigmon advised the Guidelines state that a gate is not allowed at the bottom of the steps, but do not address gates at the top of the steps.

Wanman made a motion to approve COA20-19 citing guidelines Chapter 3 - Changes to Building Exteriors, Page 39-40: I. Porches, Entrances, and Balconies, #'s 3, 6, & 11. Hill seconded the motion. The motion carried unanimously.

Consideration for a Certificate of Appropriateness COA20-20 from Mr. and Mrs. Mike Davidson to place a fence in the rear side yard on the property located at 502 South Mulberry Street; Tax Map 473493-2536.

Sigmon gave the following Staff Report:

Background

The house located at 502 South Mulberry Street was constructed between 1905 and 1911. The historic survey states the house was constructed by builder Lee Steele for the original owner H. Oscar Steele (with no relation to each other). The survey also calls the house the H. Oscar Steele House. Oscar Steele was a son of J.C. Steele and was in charge of advertising and sales for the J.C. Steele and Sons Foundry down the street from 502 S Mulberry Street. The two-story brick house with both Elizabethan and classical influences has a deep hip roof with widely overhanging bracketed eaves and 1/1 sash with stone lintels and sills. The one-story front porch has quoined brick posts, wooden Ionic columns and turned balustrade. The sidelights and transom of the main entrance as well as some of the windows have leaded and beveled glass. A one-story brick garage is behind the house. The yard separated from the sidewalk by a low, Flemish bond brick retaining wall.

Request

The owners, Mr. and Mrs. Mike Davidson, are requesting to place a 6-foot-tall fence along the western property line and a 4-foot-tall metal fence along the northern property line parallel to W Bell Street. The requested 6-foot-tall fence along the western property line would be solid wood boards from the ground up to 4 feet. At the 4-foot height, the fence would be made of wood lattice material extending 2 feet in height and be partially transparent. The owner's goal is to save a very mature wisteria plant which was overgrown on many dead bushes along the western property line when the Davidsons' purchased the property.

The second request is to install a 4-foot-tall metal fence along the northern property line parallel to W Bell Street. The metal fence would be placed in the yard on the southern side of the bushes growing parallel to W Bell Street on the owner's property and run approximately 100 feet east and turn south, where the fence, with a metal gate, would continue and connect to the northeast corner of the patio on the north side of the house.

As a note, staff approval was given for a 6-foot-tall fence along the western property line including boards measuring 4 feet tall from the ground and lattice material topping the boards for an additional 2 feet. The area of the fence which staff approved was only the rear yard area.

Commission Review

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 2 - District Settings & Site Features, Page 20-21: I. Fences & Walls

Chairman Dearman declared the public hearing open and asked if anyone wished to speak. There being no speakers, Dearman declared the public hearing closed.

Chairman Dearman stated that the board would review the Findings of Fact for this application.

Chairman Dearman stated that the Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Findings of Fact results are as follows:

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

Yes - Unanimous

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

N/A - Unanimous

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

N/A - Unanimous

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

N/A - Unanimous

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

Yes – Unanimous

Edwards made a motion to approve CO20-20 citing guidelines Chapter 2 - District Settings & Site Features, Page 20-21: I. Fences & Walls #'s 3, 4, & 5. Setzer seconded the motion. The motion carried unanimously.

Consideration for a Certificate of Appropriateness COA20-21 from Mr. and Mrs. Tom Nicholas to remove four windows from the rear elevation, install two different style windows in the rear elevation, extend and enclose a small section at the rear of the house and place a new roof and shingles on the new enclosure on the structure located at 407 Walnut Street; Tax Map 4734-84-7887.

Chairman Dearman advised he has worked with the applicant on this project and needs to be recused due to a conflict of interest.

Wanman made a motion to recuse Dearman, seconded by Edwards. The motion carried unanimously.

Sigmon gave the following Staff Report:

Background

The house located at 407 Walnut Street was constructed by 1911. It is a two-story frame house with hip on gable roof. The historical survey indicates the wrap-around porch with paired Doric posts on brick plinths were present by 1918. The survey also indicates a small frame shed stood at the rear of the property.

Request

The owner, Mr. Tom Nicholas, is requesting to expand the laundry room in the rear of the structure with a new roof and windows and enclose a portion of the rear covered porch area.

The rear structure area of the house was showing signs of deterioration. As part of the discovery process while scoping what items needed repaired in the rear of the house, the owner noticed the laundry room brick foundation was built on a 4 inch main truck line resulting in the cast iron pipe having multiple cracks requiring it to be replaced. Since the foundation and drain lines would have to be replaced due to extreme decay, the owner is requesting to expand the laundry room area and enclose a portion of the covered back porch. Enclosing the covered back porch will create a mud room for entry from the rear garden area.

The foundation will be constructed according to building standards with concrete blocks and covered with the bricks to match the existing brick foundation on the remainder of the house.

As part of the laundry room expansion, square footage will be added to the rear of the house. The addition will be 3 feet 1 inch by 13 feet 1 inch. The addition will have a new roof line, which will lead to the need to install shingles on the new roof structure tying them into the existing shingles. The exterior wood on the rear of the house has begun to rot and show extensive damage, so the owner will be replacing the wood siding with 1 inch by 8 inch white pine plain bevel siding to match the remainder of the house. The laundry room expansion will have the same siding as the wood being replaced on the rear of the house.

Additionally, as part of the laundry room expansion, the owner is requesting to remove four non-original windows from the laundry room area and install two new vinyl windows in the laundry room. One window will be a sliding window 36 inches by 24 inches and the second window will be a transom, non-opening window, 12 inches by 36 inches.

Commission Review

The commission must consider the following pages in the Design Guidelines when rendering their decision: Chapter 3 - Changes to Building Exteriors, Page 25: A. General Guidelines for the Existing Structure; Chapter 3 - Changes to Building Exteriors, Page 26-27: B. Wood; Chapter 3 - Changes to Building Exteriors, Page 28-29: C. Masonry & Stone: Foundations & Chimneys; Chapter 3 - Changes to Building Exteriors, Page 32-33: F. Roof; Chapter 3 - Changes to Building Exteriors, Page 34-35: G. Exterior Walls & Trim; Chapter 3 - Changes to Building Exteriors, Page 36-38: H. Windows & Doors; Chapter 4 - New Construction & Additions, Page 48: B. Additions to Historic Buildings

Jonathan Dearman stated the windows that were removed in the rear of the structure were aluminum storm windows and one window was actually covered. He said Mr. Nicholas is really trying to keep the architectural integrity of the house as far as overhangs, etc. goes and has put a lot of thought and care into what he has done.

Edwards and Setzer commented Mr. Nicholas on the work he has done and the care that he is taking while renovating and maintaining the structure.

Vice-Chair Wanman stated the board would review the Findings of Fact for this application.

Vice-Chair Wanman stated that the Commission must either answer all five Findings of Fact in the affirmative or determine that such finding does not apply to the specific project under consideration. The Findings of Fact results are as follows:

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

Yes – Unanimous

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

N/A – Unanimous

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

N/A – Unanimous

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

N/A – Unanimous

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

Yes – Unanimous

Richardson made a motion to approve COA20-21 as submitted citing guideline Page 48: B. Additions to Historic Buildings, seconded by Edwards. The motion carried unanimously.

Edwards made a motion to reinstate Chairman Dearman, seconded by Richardson. The motion carried unanimously.

Other Business

Sigmon gave updates on the Coley house and the house located at 531 Walnut Street.

Edwards mentioned he is working on submitting several houses to the housing inspector. Edwards will send a list of new ones to the housing inspector soon and asked members to let him know if they want their names on the Minimum Housing Code form which is submitted to the

housing inspector. Chairman Dearman asked him to send the e-mail to the members sharing the addresses of houses which might need the housing inspector to review.

Sigmon advised she, Edwards and Wanman are viewing required training videos online so the city can maintain the required CLG accreditation.

Chairman Dearman thanked Sigmon and Commission members for their work and advised that progress is still being made despite the COVID19 virus.

There being no other business, Chairman Dearman asked for a motion to adjourn.

Wanman made a motion to adjourn, seconded by Edwards. The motion carried unanimously.

**Planning Board Meeting Minutes
City Hall Council Chambers
July 28, 2020 @ 7:00 p.m.**

Members Present: Mark Tart, Bernard Robertson, Don Daniel, Todd Lange, Alisha Cordle

Members Absent: Tammy Wyatt, Bo Walker, Charlotte Reid, Alternate - Rosetta Williams

Staff: Sherry Ashley-Planning Director, Brenda Fugett-City Clerk

Others: 0

Media: 0

Chairman Mark Tart called the meeting to order and asked for a motion on the June 23, 2020 Planning Board meeting minutes.

Consider approving the June 23, 2020, Planning Board meeting minutes.

Lange made a motion to approve the June 23, 2020 meeting minutes as presented, seconded by Robertson. The motion carried unanimously.

Election of Chairman and Vice-Chairman

Sherry Ashley said that the Planning Board's Rules of Procedure, Article IV, Sections 4-1 through 4-4, state that annually, at the regular meeting of the Planning Board held in the month of July, a Chairman and Vice-Chairman will be elected. These officers shall be elected for a term of one year and may be re-elected for successive terms to the same office. Members shall be notified of the date, time and place of the election of officers, at least seven days prior to the regular July meeting. Each officer shall serve until relieved of his/her duties as herein provide. The Chairman presides at all meetings of the Planning Board, appoints all standing and temporary committees, and has the duties normally conferred on such office. The Chairman also has the privilege of directing discussion on all matters before the Planning Board and, as needs arise, place time limitations on individual presentations before the Planning Board. The Chairman does not make motions or vote, unless there is a tie vote. The Vice-Chairman acts in the absence of the Chairman. In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the members present may elect a temporary Chairman for that meeting and proceed with the order of business.

Robertson made a motion to appoint Todd Lange as Chairman and Don Daniel as Vice-Chairman, seconded by Daniel. The motion carried unanimously.

TA19-08 Text Amendment to the Unified Development Ordinance filed by the City of Statesville to Amend Article 5, Supplemental Regulations/Performance Standards for Specific Uses, Section 5.02 Accessory Uses ad Structures, A. Generally, 4., d. and C. Accessory Dwellings, 7. and Article 6 Development Standards. Section 6.02, D. Building Setback Requirements, 5. Fences

Ashley gave the following Staff Report:

The Planning Board heard this text amendment in August of 2019 and recommended approval of the 5 ft. rear and side yard setback. The board also recommended approval of reducing the height of fences in the front yard from 6 feet to 4 feet. This amendment also went to City Council on September 16, 2019 however, it was postponed to December 2, 2019 due to discussion regarding alleys and historic districts. The text amendment was put back on Council's December 2, 2019 meeting however, it was postponed to the council retreat. Due to the number of items to be discussed at the retreat, the text amendment was further delayed. Staff has made some additions and corrections in the language of the text since December and due to a recent variance case, the text amendment needs to be reconsidered.

The purpose for this amendment is as follows:

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

Section 5.02 A. Generally, 4.

d. Accessory structures in residential districts may be allowed a side and rear yard setback of five (5) 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 I-II 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.

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

Section 5.02 C. Accessory Dwellings

7. Accessory dwellings shall comply with the front yard setbacks for the district in which the accessory dwelling is located. The required rear and side yard setbacks ~~may be reduced to a minimum of five (5) feet~~ must meet the setback requirements of Section 5.02; and

Section 6.02 D. Building Setback Requirements

5. Fences running along street rights-of-way and beyond the front plane of the structure shall not that exceed six ~~(6)~~ four (4) feet in height and must be located outside the right-of-way, ~~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.~~ Fences located in

the side and rear yards in excess of six (6) shall meet the setbacks for accessory structures in Section 5.02. Walls/Fences around the perimeter of subdivision are excluded from this section.

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

In response to a question from Chairman Tart, Ashley explained that height of a structure is measured from average grade to the top of the roofline, but she needs to check the UDO because this may have been amended.

Lange made a motion to recommend approval contingent upon staff verifying how the height of structures are measured, seconded by Robertson. The motion carried unanimously.

Training

Sherry Ashley reviewed NCGS §160D-301. (Effective January 1, 2021) Planning Boards - Article 3 - Boards and Organizational Arrangements, (a) Composition and (b) Duties. Ashley stated that the Statesville Unified Development Ordinance (UDO) basically matches the state statute but is more detailed.

Ashley reviewed the Statesville Planning Board Rules of Procedure adding that these also match the state statute and the UDO.

Ashely asked members to reserve the 4th Tuesday of the month to plan on attending the Planning Board monthly meeting. She explained to members that it is important to have a quorum because if a meeting must be rescheduled it is very expensive to re-advertise everything, the developer may have flown in from another state to attend the meeting, and citizens make plans to attend, so when this happens it costs everybody involved time and money and creates frustration and a bad reputation within the development community. The Rules and Regulations do contain an attendance policy that states that if any member is absent for two consecutive Planning Board meetings or is absent for 25% of the meetings scheduled in a years' time (July thru June), the Chairman may direct the Secretary to notify such member in writing of his/her absences and if such member fails to attend the next regular meeting, or exceeds the 25% absence rate, the Planning Board, by a majority vote of the remaining members, may request that the position be vacated and that a replacement be made by the City Council or Iredell County Board of Commissioners.

Ashley stated that a Planning Board member, who believes there exists a conflict of interest, shall declare such concern and explain to the Planning Board the nature of the conflict. The remaining Planning Board members present, by majority vote, shall then vote to accept or reject the presence of such conflict. If a conflict is determined to exist, said member shall be excused from voting on that item. Said member shall then immediately seat himself/herself apart from the Planning Board panel while the item of business is being discussed. Said member shall not vote on any motion regarding that matter but may voice his/her opinion, as a non-voting citizen, if seated with the other audience members. The Board must make a motion and vote to return the recused member to their seat.

Ashley advised that any member who is not recused from voting due to a conflict of interest, abstains from voting, they shall be considered to have voted "yes" on the matter.

Ashley said that the Rules of Procedure, within the limits set by law, may be amended by an affirmative vote of the membership present at a regular or special meeting provided that such proposed amendment shall have first been submitted to all Planning Board members at least seven days prior to the meeting at which the proposed amendment is to be discussed.

Ashley explained the different types of cases that the Planning Board hears:

1. Sketch Plans
2. Site Plans
3. Straight Property Re-zonings
4. Special Use/Conditional Use Re-zonings
5. Text Amendments
6. Transportation Plans
7. Land Use Plans

State statute does not require a public hearing for sub-division sketch plans. The Chairman may allow speakers if the Board chooses. If the sketch plan meets the requirements of the UDO, then it should be approved by the Planning Board as it is an Administrative Approval. Ashley pointed out that the motion made should include the staff recommendations that are included in the Staff Report unless the Board has their own.

In legislative courtesy hearings speakers will be limited to a 5-minute presentation to the Board. Presentations longer than 5 minutes will be granted at the discretion of the Chairman. In Quasi-Judicial hearings at the City Council meeting (Special Use Permit, Site-plan Review) there will be no time limit on speakers per NC General Statutes.

Ashley stated that re-zonings require a courtesy public hearing, must be noticed in the newspaper, that the adjoining property owners be notified, and a consistency statement. She pointed out that the Staff Recommendation in the Staff Report should be included in the motion unless the Board has its own, and that the consistency statement that is included with the Staff Report should be read as well.

Ashley said that Conditional Use Re-zonings are re-zonings with conditions from the developer. The Board can ask the developer to agree to other conditions, but the developer must agree to them. These require a community meeting so the developer can hear concerns from the community, a courtesy public hearing, must be noticed in the newspaper, that the adjoining property owners be notified, and a consistency statement. She pointed out that the Staff Recommendation in the Staff Report should be included in the motion unless they have their own, and that the consistency statement included with the Staff Report should be read as well.

Text Amendments must be advertised, and a courtesy public hearing held. Citizens may request text amendments as well.

Robertson asked if the Board members could have notebooks to put this information in to refer back to. Ashley replied she will take care of that.

Sherry Ashley introduced new board member Alisha Cordle.

Reports-City Council Meeting

Ashley reported that City Council approved the Cadence annexation. Harbor Freight was continued at the request of the developer who is still negotiating the roads. The rezoning along east Broad Street was continued. The Georgetown sketch plan was approved.

Other Business

No other business.

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

**Planning Board Meeting Minutes
City Hall Council Chambers
August 25, 2020 - 7:00 p.m.**

Members Present: Lange, Daniel, Wyatt, Cordle, Tart, Robertson, Walker, Williams

Members Absent: Reid

Staff: Bridges, Ashley, Fugett

Others: 12

Media: 0

Chairman Lange called the meeting to order and asked for a motion to approve the July 28, 2020 meeting minutes.

Approval of minutes from the meeting held on July 28, 2020.

Robertson made a motion to approve the July 28, 2020 minutes as submitted, seconded by Daniel. The motion carried unanimously.

ZC20-07 Rezoning request from Dynamic Nutraceuticals on behalf of AMH Holdings, LLC, located at 1441 Wilkesboro Hwy, to rezone approximately 9.38 acres out of 11.032 acres from B-3 (Shopping Center Business) District to LI CU (Light Industrial Conditional Use) District and B-5 CU (General Business Conditional Use) District. Approximately 1.652 acres of the parcel will remain B-3 (Shopping Center Business) District; Tax Map 4735-33-1067.

Steve Bridges gave the following Staff Report:

Rezoning Request

Mr. Jay Wolff with Dynamic Nutraceuticals on behalf of AMH Holdings, LLC is requesting a partial rezoning of approximately 9.636 acres, parcel 4735-33-7067 from B-3 (Shopping Center Business) District to LI CU (Light Industrial Conditional Use) District and B-5 CU (General Business Conditional Use) District for a Manufacturing and Distribution Site. The remaining 1.652 acres of the shopping center, parcels 3 and 4 will remain B-3. The community meeting was held on August 17, 2020 at 6:00 p.m. at the project site.

Evaluation

The site currently has 1 vacant commercial building, formerly Billiards/Playstation. A Flea/Farmers Market and an auto detail shop are in a second building, formerly Kmart/Fred's. The Coffee House Waffle Shop is located in the B-3 section to the front along with a Farmer's Market Stand. The intended use of the property is to remodel the Flea Market, formerly Kmart/Fred's for manufacturing nutritional supplements and to remodel the former Billiards/Playstation building for warehousing and distribution. The applicant will leave the Coffee House Waffle Shop and the parcels fronting Wilkesboro Hwy unchanged. City sewer, City water and Energy United electric utilities are available to the site. The land use plan calls for the property to be commercial and it is currently zoned B-3 (Shopping Center Business) District.

The site is located just south of Quarry Road and north of Northside Drive. The surrounding area consists of smaller scale commercial sites, the Martin Marietta Quarry, and single-family homes. All B-3, B-4, B-5, and Conditional Use site plans are required to be reviewed by TRC, Planning Board, and City Council.

The conditions that have been submitted by the applicant are:

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

Animal Husbandry; Asphalt, Cement, Concrete, Gypsum, and Plaster manufacturing/mixing plants; Bio-Fuel Plant; Bus garages/shelters; Cemetery (Animal or Human); Contractor's office, including yard maintenance and outdoor storage; Correctional facilities/Jails; Dairy, meat, and seafood processing and distribution; Disassembly plant; Hatcheries; Houses of Worship; Landfills; Livestock sales; Manufactured or mobile home and recreational vehicle sales; Oil, gasoline and propane distribution; Outdoor Storage; Race shops; Stone and clay products manufacturing; Transfer/Trucking companies; Truck Stop/Travel Plaza; Truck terminals; Wrecker/Tow Service.

2. Any tractor trailers that are stored on-site will be screened.
3. No outside manufacturing machines will be used.

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: Quarry Road and vacant property zoned B-2

EAST OF THE SITE: Wilkesboro Hwy and various commercial sites zoned B-2 such as Little Caesars Pizza, Payne Financial Consultants, Snider Insurance Group, Onin, and Michael's Gold Mine

SOUTH OF THE SITE: Vacant property zoned B-4, The Body, Mind & Spirit Day Spa zoned B-3, and Northside Drive

WEST OF THE SITE: Martin Marietta Quarry zoned HI CU

Staff Recommendation

The 2005 Land Development Plan projects the property to be Commercial and it has utilities. The property is West and South of B-2 sites, North and West of B-4 sites and East of a HI CU Site. The zoning request would be consistent with the Land Development Plan as commercial along NC 115 and would provide a transition between the smaller commercial sites along NC 115 and the Heavy Industrial in the rear by including a section of Light Industrial. If the rezoning is approved, final site plan approval will be required by TRC, Planning Board and City Council. Staff's recommendation is favorable to rezone the property contingent upon the conditions being met.

Chairman Lange declared the courtesy public hearing open.

Jay Wolff, the applicant, explained that his business has outgrown their current location. They only need the LI zoning designation for their business and they have no intention of selling the

property anytime in the future. He said that his company makes nutritional supplements and GNC is one of their biggest clients. The business is clean, not noisy and right off of I-40.

Chairman Lange asked Wolff if he would be making any parking lot improvements. Wolff answered that their plan is to patch and clean the parking lot and paint the front of the building and take the green awnings down.

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

Wyatt made a motion to approve ZC20-07 as submitted stating that in addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: The 2005 plan projects the future use as commercial. The current use is B-3 and the proposed use will be B-3, B-5 CU and LI CU. All but the LI CU are consistent the land use plan. The LI CU would provide a good transition between the smaller commercial sites along NC 115 and the Heavy Industrial site to the rear. Tart seconded the motion and it carried unanimously.

ZC20-08 Rezoning request from Greenbriar Bowman, LLC on behalf of Statesville Glens, LLC rezoning approximately 59.36 acres from R-15 (Urban Fringe Low Density Residential) District to R-5 CU (High Density Single-Family Residential Conditional Use) District; Tax Maps 4754-77-4649 and 4754-78-4690

Bridges gave the following Staff Report:

Rezoning Request

Greenbriar Bowman, LLC on behalf of Statesville Glens, LLC is requesting to rezone two parcels from R-15 (Urban Fringe Low Density Residential) District to R-5 CU (High Density Residential Conditional Use) District with the intention of developing a single-family residential subdivision. A community input meeting was held by the applicant on July 13, 2020 at 6:00PM at the project site.

Evaluation

The site is approximately 59.36 acres in size and located between Hollingswood Drive and Fourth Creek. The intent of this request is to develop a subdivision of approximately 139 lots for single-family residential use. This is a conditional use zoning request and, if approved, will be tied to the submitted concept plan and the conditions that have been submitted by the applicant. The site is being designed to accommodate the additional right of way needed for the future widening of Greenbriar road as presented in the 2019 City of Statesville Mobility and Development Plans.

The conditions that have been submitted by the applicant are:

1. The overall project density will not exceed 2.5 units per acre.
2. There will be no modular homes.
3. All homes will be single-family homes.
4. Any additional sheds/out-buildings will be in accordance with the neighborhood architecture and HOA requirements.
5. All homes will have front-loaded two car garages.
6. The HOA will be responsible for the maintenance and upkeep of all common areas.
7. Dedicate a 20' greenway easement along Fourth Creek.
8. Sidewalks will be provided on both sides of all streets.

9. Maintain existing tree stand on the North side of the property where applicable as shown on concept plan.
10. Provide a Class "C" 25ft. buffer adjacent to Bell Aire property.

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

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: R-15, Broadview Subdivision, Single-Family Homes

EAST OF THE SITE: R-5 CU, Bell Aire Properties Proposed Subdivision, Single-Family Homes (currently vacant)

SOUTH OF THE SITE: IC RA, Fourth Creek Crossing Subdivision, Single-Family Homes

WEST OF THE SITE: IC RA, R-15, Mitchell Aire and Mitchell College Foundation Subdivisions, Single-Family Homes

Staff Recommendation

The 2005 Land Use Plan calls for the property to be Medium Density Residential. The R-5 High Density Residential District allows up to 8.7 dwelling units per acre. The current zoning of R-15 allows 2.9 units per acre. The proposed plan shows a density of 2.34 units per acre which is less than the current R-15 zoning district and less than the requested R-5 zoning district allow. It is also less than the Medium Density Residential which allows 5.4 units per acre adopted in the 2005 Land Development Plan. The applicant is also providing additional permanent open space. This is a conditional use zoning request and if approved the request will be tied to the submitted concept plan and the conditions that have been submitted by the applicant. Therefore, staff recommends approval contingent upon the conditions on the concept plan matching the Conditional Use Permit as well as the easement for access to the well on the property being shown from the roadway. Sketch plans for subdivisions are required to be reviewed by the Planning Board and City Council following review by the Technical Review Committee.

Chairman Lange declared the courtesy public hearing open.

Nate Bowman, the Project Developer, stated that there is one adjoining property owner whose property survey does not match his survey, but they are working together on resolving that. There was one other adjoining property owner that wanted to make sure that the tree buffer would remain which is #9 of the conditions that he has agreed to. Bowman described the type of development this will be stating that the homes will be around 2,000 sq. ft. and cost approximately \$250,000.

Daniel asked for clarification of Condition #4. Mr. Bowman stated that any outdoor sheds must be made of matching materials to the home.

Robertson stated he believes this will be a good development for Statesville.

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

Daniel made a motion to approve ZC20-08 as presented stating that in addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: The 2005 Land Use Plan calls for the property to be Medium Density Residential. The R-5 High Density Residential District allows up to 8.7 dwelling units per acre. The current zoning of R-15 allows 2.9 units per acre. The proposed plan shows a density of 2.34 units per acre which is less than the current R-15 zoning district and less than the requested R-5 zoning district allow. It is also less than the Medium Density Residential which allows 5.4 units per acre adopted in the 2005 Land Development Plan. The applicant is also providing additional permanent open space. Tart seconded the motion. The motion carried unanimously.

ZC20-09 Rezoning request from JGNC, LLC on behalf of Jerry Stinson and Kathy Talbert rezoning approximately 106.82 acres from Iredell County RA (Residential/Agricultural) District to R-8 (Medium Density Single-Family Residential Cluster) District; Tax Maps 4732-28-8431 and 4732-18-7463.

Bridges gave the following Staff Report:

Rezoning Request

Mr. Michael Johnson with JGNC, LLC on behalf of Kathy Talbert and Jerry Stinson is requesting to rezone approximately 106.82 acres, parcels 4732-28-8431 and 4732-18-7463 located at 681 and 711 Wallace Springs Road from Iredell County's RA (Residential Agricultural) District to the City of Statesville's R-8 (Medium Density Single-Family Residential Cluster Subdivision) District.

Evaluation

The property is currently in Iredell County's zoning jurisdiction. The intended use of the property is a single-family subdivision of 276 homes. Zoning the property R-8 will require water and sewer service from the City of Statesville, therefore the applicant has also submitted a voluntary annexation request for these properties. The site would have a density of 2.61 units per acre. The intent of this request is to bring the property into the City of Statesville and allow for smaller lots with city utilities and set aside permanent open space. For example, the normal lot size for the R-8 zoning district is 8,000 sqft. In order to cluster, the lots can be reduced to 6,500 sqft as long as the remaining square footage (1,500) is set aside as open space.

The site is approximately 106.82 acres in size located on Wallace Springs Road across from Woodfield Drive, north of Autumn Brook subdivision, and south of Hidden Lakes Subdivision. All subdivision sketch plans regardless of zoning district are required to be reviewed by TRC, Planning Board and City Council. A concept plan was not required for this rezoning but was provided by the developer.

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: Iredell County RA (Southview Baptist Church), Vacant land, and Single-Family Homes, further north is City of Statesville R-10 (Hidden Lakes Subdivision) and Iredell County R-20

EAST OF THE SITE: Iredell County RA, R-8A CUD, M-1 (Troutman Chair Co.), NB, and NB-CUD, Troutman RS Vacant land and Single-Family Homes

SOUTH OF THE SITE: Iredell County RA, Vacant Land, Single-Family Homes (Autumn Brook Subdivision), and Troutman RS Vacant land and Single-Family Homes

WEST OF THE SITE: Iredell County R-20, Vacant land, Single-Family Homes (Southview Estates Subdivision)

Staff Recommendation

The 2005 Land Development Plan projects the property to be low density residential. It defines Low Density Residential as having a “maximum density of 2 dwellings per acre.” However, since 2005, water and sewer can be provided to the site. The density is proposed to be 2.61 units per acre and permanent open space will be provided. If approved, Sketch Plan approval will be required by TRC, Planning Board and City Council. Therefore, staff’s recommendation is favorable to rezone the property contingent upon annexation.

At the request of Chairman Lange, Ashley explained the City’s annexation agreement with Troutman and Mooresville. Ashley added that this property has always been in the Statesville annexation area.

Chairman Lange declared the courtesy public hearing open.

Michael Johnson with JGNC, LLC on behalf of Kathy Talbert and Jerry Stinson, stated that the developer has built pump stations, water/sewer lines, etc. and that all of this infrastructure will be donated to the City of Statesville. He said that there are three small wetlands on the site that they will stay away from. A Traffic Impact Analysis is not required. He explained that because of the topography and four stormwater ponds, 8 units per acres is not possible on this site. This project will yield \$80-\$90 million worth of homes and Statesville needs this housing. Johnson said that this will help revitalize the south side of Statesville from the outside in and will possibly bring in public transportation to an area that needs housing and public transportation.

Speaking in opposition of the project, James Tarman, 548 Wallace Springs Road, stated that he is concerned about the size of the lots and that the development is not consistent with the surrounding developments that have ½ to 1 acres lots. He wants to see a development with larger lots.

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

Chairman Lange said that he believes that an investment of this amount and size is exactly what is needed in this area.

Tart made a motion to approve ZC20-09 stating that In addition to approving this zoning amendment, this approval is also deemed an amendment to the City’s comprehensive land use plan. The change in conditions the Planning Board has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: The 2005 Land Development Plan projects the property to be low density residential. It defines Low Density Residential as having a “maximum density of 2 dwellings per acre.” However, since 2005, water and sewer can be provided to the site. The density is proposed to be 2.61

units per acre and permanent open space will be provided. Daniel seconded the motion. The motion carried unanimously.

Text Amendment TA20-02 to the Unified Development Ordinance filed by the City of Statesville to Amend Article 3. Zoning, V. H-115-Highway/Shelton Avenue Corridor District, Article 4. Non-Conforming Situations, Section 4.05 Non-Conforming Uses, C. 3. and Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, Table 6-1 to allow expansion of existing viable, occupied businesses.

Ashley gave the following Staff Report:

The purpose for this amendment is as follows:

- To allow for some flexibility for existing viable businesses along the H-115/Shelton Avenue to expand while redeveloping the corridor over time per the Downtown & NC 115 Streetscape/Land Use Master Plan.

In addition, staff will inventory the H-115 corridor to document existing viable businesses.

Chairman Lange declared the courtesy public hearing open. There being no speakers, Chairman Lange declared the courtesy public hearing closed.

Tart made a motion to approve TA20-02, seconded by Robertson. The motion carried unanimously.

Reports-City Council Meeting

1. The East Broad Street rezoning is still postponed.
2. Council opened the public hearing and continued it until the September 21st Council meeting for the text amendment for Fences and Accessory Structures.

Other Business

None

Adjournment

Robertson made a motion to adjourn, seconded by Tart. The motion carried unanimously.

**Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
August 19, 2020 at 9:00 a.m.**

City Staff: Elaine Anthony – Planning, Mark Taylor – Public Works, Ray Allen – Stormwater, Chris Sloan – Electric, Jared Wiles – Electric, Charles Jenkins – Fire, Brenda Fugett – City Clerk

County Staff: 0

Others:

Call to Order

Elaine Anthony called the meeting to order.

Consider approving the July 01, 2020 TRC meeting minutes.

Taylor made a motion to approve the July 01, 2020 TRC meeting minutes, seconded by Sloan. The motion carried unanimously.

Statesville Mini Storage – Site Plan – Monroe St. / Wall St.

Elaine Anthony:

1. Lots need to be combined before the CO is issued.
2. The property located in the right-of-way will need to be dedicated to NCDOT before the CO is issued.
3. The Garner Bagnal section is a street front so the setback is 12.5 feet.
4. A parking lot tree, a street yard tree and some small shrubs in the site triangle area must be added and shown on the Landscape Plan.
5. The fencing along the right-of-way must be green or black coated and noted on the plan.
6. No dumpsters are shown on the plan, but if one is used it must be screened with the same material that was used on the building.
7. The rear buffer can be reduced to 5 feet but all other must be 8 feet.
8. Signage is permitted separately from the site plan.
9. Color elevations must be submitted.

Chris Sloan – The electric poles belong to AT&T. Applicant must contact AT&T to relocate them. He has e-mail Eric Harrison with AT&T about this and he will most likely be contacting the applicant about this. The applicant must run the conduit pipe to the City hook-up and the City will set the meter.

Mark Taylor – Sidewalk requirement to be determined by City Council. Still waiting to hear from NCDOT about curing on Wall Street.

Ray Allen:

1. Detailed Stormwater Plans and calculations were not provided. Provide calculations that support the design and sizing of the SCM.
2. Plans provided for the stormwater feature must be detailed for the specific project. Materials for the Contech feature and back fill type must be labeled and depths provided. An inspection port is not optional.
3. Plans do not show the easement from the public way to the SCM.
4. Plans must provide a maintenance schedule for the SCM on the plans and in the O&M Agreement. Include the annual cost for operations, inspection and reporting. Be advised the CMP pipe is not an accepted material in our design specifications.
5. An O&M Agreement draft must be provided. Current City bonding requirements are under review. Additional information should be available at resubmittal.
6. An NCGO1 permit must be provided. DEMLR e-NOI process with the SWPPP can be used.
7. Provide proof of Iredell County Erosion and Sediment Control plan approval prior to Stormwater approval.
8. Additional review of the Stormwater Plans and Calculations will be necessary once these items are provided by the applicant.

Regina Hoke – No comments. No water to facility.

Brandy Johnson – No comments.

Jonathan Barnett-NCDOT – No comments.

Jared Wiles – No comments.

Charles Jenkins – No comments.

Other Business

None

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

**Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
September 02, 2020 at 9:00 a.m.**

City Staff: Elaine Anthony – Planning, Mark Taylor – Public Works, Ray Allen – Stormwater, Charles Jenkins – Fire, Shawn Cox – Arborist, Brenda Fugett – City Clerk

County Staff: Randall Moore – County Stormwater

Others: Jonathan Murdock – Hidden Lakes-Phase 6 Representative, Scott Bell - GLWBCO

Call to Order

Elaine Anthony called the meeting to order.

Consider approving the August 19, 2020 TRC meeting minutes.

Taylor made a motion to approve the August 19, 2020 TRC meeting minutes, seconded by Cox. The motion carried unanimously.

Randy Marion Storage Lot - Site Plan - Fox Ave and Salisbury Road

Elaine Anthony – Landscape Plan – May need to dedicate right-of-way, need to put bushes between the trees.

Brandy Johnson-WWTP – No comments.

Regina Hoke-BFCC – Appears that the parking lot will not have any water service. If a yard hydrant or irrigation service is installed for the landscaping, then an RPA BFA will be required at the water meter.

Electric Dept – No comments. Will provide parking lot lighting if the applicant wants it.

Mark Taylor – Plan meets minimum requirements for stormwater. Total impervious area must be on the site plan.

Charles Jenkins – No comments.

Shawn Cox – Species on the landscape plan are good.

Jenkins made a motion to approve contingent upon correction of the landscape plan, seconded by Taylor. The motion carried unanimously.

Hidden Lakes Phase 6 - Construction Plans - Wallace Spring Road

Shawn Cox – No comments.

Charles Jenkins – Make sure that all infrastructure is in, the hydrants are working, and the streets named before any vertical construction begins. The current fire access road must stay intact and usable until the other road is completed.

Mark Taylor – The sewer line outfall shall be re-established and accessible. The stormwater pond must be functioning. Erosion is blowing it out. C.O. will be held until the stormwater plan is complete and correct. Phase 3 NOD needs to come into compliance.

This item was tabled for revisions.

Other Business

None

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

**Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
September 16, 2020 at 9:00 a.m.**

City Staff: Elaine Anthony – Planning, Chris Sloan – Electric, Charles Jenkins – Fire, Regina Hoke – BFCC W/S Maintenance, Brenda Fugett – City Clerk

County Staff: Rich Hoffman – Addressing, Jonathan Williams – Erosion Control

Others: Matthew Graham – TKC-Lowe’s Statesville, Matthew Erick – Diamond Hill/Statesville Mini-Storage, Dan Shabeldeen – Diamond Hill/Statesville Mini-Storage, John Barnett - NCDOT

Call to Order

Elaine Anthony called the meeting to order.

Lowes Warehouse – Site Plan – Business Park Drive

Brandy Johnson-WWTP via e-mail – No comments.

Regina Hoke – Revise notes to state NO PVC allowed from the meter to 5 ft. past the 2nd riser of the RP BFA on W3. Revise notes to state NO PVC allowed from the meter to 5 ft. past the 2nd riser of the RP BFA on W5. Revise notes to state NO PVC allowed from the tap to 5 ft. past the 2nd riser of the RPDA BF (must be DI Pipe from the tap to 5 ft. past the RPDA on W7. On W5 revise notes to state new 1” irrigation line (Type L Hard Copper) (Note: No PVC allowed within 5 ft. of either end of the backflow preventer). See CSPWD STD #W-1. Add a note that an inspection from BFCC or the City Inspector must be performed before covering the pipes up and again after the pad is in place.

Charles Jenkins – Move the FDC connection to the corner of the building where the hydrant is now. Must add a 2nd hydrant at the rear left corner of the building.

Rich Hoffman – Will review site plan and provide an address.

Jonathan Williams – Applicant needs to submit an Erosion Control Plan.

Chris Sloan – Need to submit a Schedule Panel and a Load Sheet so Electric can determine what size transformer is needed. Must bring the pipes to the City hook-up.

Elaine Anthony – City Code requires an 8 ft. landscape buffer around the perimeter. If applicant will be using a dumpster it must be screened with the same material as the building and shown on the plans. If it is not visible from the road it does not have to be screened. Label Business Park Road and put the zoning district on the plan.

John Barnett – No comments.

Item tabled for revisions.

Statesville Mini-Storage – Revised Site Plan – Wall/Monroe Street

Regina Hoke – No comments.

Charles Jenkins – No comments.

Chris Sloan – The City will move its poles over or set a pole if needed. He will coordinate with the applicant as to what power is needed and which power-pole they want to hook to. Applicant needs to submit Load Data Sheets.

Jonathan Williams – Has already received an Erosion Control Plan and it has been approved.

Rich Hoffman – Will provide an address.

Elaine Anthony – Must pay fee in lieu of for wall and Garner Bagnal before the permit will be issued. She will verify if the applicant must install sidewalk on Monroe Street. If not, then the site plan will be ready to go to the Planning Board.

Sloan made a motion to approve contingent upon Stormwater approval and Load Data Sheet being submitted, seconded by Hoke. The motion carried unanimously.

Other Business

None

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