

STATESVILLE CITY COUNCIL MEETING AGENDA

JANUARY 6, 2020

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

Pre-Agenda Meeting – 6:00 p.m. 2nd Floor Conference Room

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 Public Comment** (Only at Council Meeting)
- 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 2nd reading of Rezoning Request ZC19-07 for the property located at 393 Twin Oaks Road; Tax Map 4753-99-4940 from Iredell County RA (Residential Agricultural) District to City of Statesville RA (Residential Agricultural) District due to annexation. (Ashley) Pg. 3**

REGULAR AGENDA

- VII Presentation and introduction of the winners of the Statesville Mascot Challenge. (Davis) Pg. 12**
- VIII Receive a presentation regarding the Vance Hotel from Stephen Barker. (Smith) Pg. 13**
- IX Consider granting permission to the Statesville Police Department staff to accept a grant from the NC Governor’s Crime Commission, Federal VAWA-Violence Against Women Act – for up to \$110,292.03 for the purpose of supporting the department’s Domestic Violence Initiative, Victim Advocate, and two (2) Domestic Violence Investigators salaries, fringe benefits, supplies, and training and approve Budget Amendment #10. (Navey) Pg. 14**
- X Consider granting permission to the Statesville Police Department staff to apply for a grant from the NC Governor’s Crime Commission, Federal VAWA-Violence Against Women Act – for up to \$150,000 for the purpose of supporting the department’s Domestic Violence Initiative, Victim Advocate, and 2 Domestic Violence Investigators salaries, fringe benefits, supplies, and training. (Navey) Pg. 18**

- XI Consider approving a request for water service connections at 2151 and 2155 Amity Hill Road. *(Harrell) Pg. 19*
- XII Consider approving a resolution directing the City Clerk to investigate a petition of annexation for the property located at 1217 Williams Road, receive the City Clerk's Certificate of Sufficiency and consider approving a resolution fixing the date of February 03, 2020 for a public hearing on the question of the petitioned annexation. *(Ashley) Pg. 21*
- XIII Consider approving a resolution directing the City Clerk to investigate a petition of annexation for the property located at 257 Hill Haven Road, receive the City Clerk's Certificate of Sufficiency and consider approving a resolution fixing the date of February 03, 2020 for a public hearing on the question of the petitioned annexation. *(Ashley) Pg. 27*
- XIV Consider reviewing the Statesville City Council Code of Ethics – Resolution No. 25-10 dated October 4, 2010. *(Smith) Pg. 33*
- XV Consider approving the purchase of one (1) fire engine (1500 GPM Pumper on a Spartan Metro Star chassis) from Marion Body Works, Inc., and to approve Budget Amendment #9 in the amount of \$730,000 to reflect this purchase. *(Weatherman/Smith) Pg. 37*
- XVI Further discussion and possible decision regarding the contract and direction for the Municipal Services Building. *(Smith) Pg. 42*
- XVII **Boards and Commissions Updates:**
11/14/2019 Design Review Committee Meeting Minutes *Pg. 44*
12/3/2019 Board of Adjustment Minutes *Pg. 48*
12/12/2019 Design Review Committee Meeting Minutes *Pg. 54*
12/18/2019 Technical Review Committee Meeting Minutes *Pg. 57*
12/19/2019 Stormwater Advisory Commission Meeting Minutes *Pg. 59*
- XVIII **Other Business**
- XIX **Closed Session** (Following the Pre-Agenda Meeting if Needed)
- XX **Adjournment**

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Assistant Planning Director
DATE: December 04, 2019

ACTION NEEDED ON: January 06, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving 2nd reading of Rezoning Request ZC19-07 for the property located at 393 Twin Oaks Road; Tax Map 4753-99-4940 from Iredell County RA (Residential Agricultural) District to City of Statesville RA (Residential Agricultural) District due to annexation.

Summary of Information:

Background Information: The property was requested to be voluntary annexed into the City of Statesville for city water service. The annexation was approved by City Council on October 7, 2019 and was effective on October 31, 2019. As with all annexations, the city must apply its zoning to the property once it is annexed into the city's jurisdiction.

Rezoning Request: Staff is requesting to rezone the parcel located at 393 Twin Oaks Road (see GIS map) from Iredell County RA (Residential Agricultural) District to the City of Statesville's RA (Residential Agricultural) District.

Evaluation: All annexed properties are required to be assigned a city zoning district. As stated above this property was annexed for city water service. Since the use is not changing the property should be assigned the most similar city zoning district to was zoned by the county. The surrounding zoning districts and land uses are as follows:

<u>NORTH OF THE SITE:</u>	IC-RA (Residential Agricultural) District, Single-Family Residences & Undeveloped Land,
<u>EAST OF THE SITE:</u>	Iredell County R-A (Residential Agricultural) District, Single-Family Residences
<u>SOUTH OF THE SITE:</u>	Iredell County R-A (Residential Agricultural) District, Single-Family Residence & Undeveloped Land,
<u>WEST OF THE SITE:</u>	Iredell County R-A (Residential Agricultural) District & Iredell County M1 (Light Industrial) District, Iredell County Landfill

Staff Recommendation: The property was zoned Iredell County RA prior to annexation; therefore, staff recommends zoning the property to the City of Statesville's RA district as it is the most similar district to Iredell County's RA. Also, the land use plan calls for the property to be low-density residential and RA is a low-density residential district.

Planning Board Recommendation: The Planning Board unanimously recommended approval of the zoning request because the City's RA is the most similar zoning district to Iredell County's RA district and the 2005 Land Use Plan call for the property to be low density residential and RA is a low-density residential district.

Previous Council or Relevant Actions: This property was annexed into the City effective October 31, 2019 for city water service.

Budget/Funding Implications: None

Department Recommendation: The department recommends approving the rezoning request.

Manager Comments: Recommend for approval.

Attachments:

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



To: Statesville City Council
From: Sherry Ashley, Assitant Planning Director
Date: 12/16/19
Subject: Rezoning
Case: 19-07 James Stuart
Address: 393 Twin Oaks Road

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

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

- The 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, Assitant Planning Director



To: Statesville Planning Board
From: Andrew Ventresca, Senior Planner
Date: November 26, 2019
Subject: Rezoning
Case: ZC19-07
Address: 393 Twin Oaks Road

The zoning amendment is approved and is consistent with the City's comprehensive land use plan and is reasonable and in the public interest because The land use plan calls for the area to be low density residential and RA fits that designation. Also, this property was annexed and RA is the most similar city zoning district to Iredell County's RA District which the property was zoned prior to annexation.

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

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

DocuSigned by:
Christopher Lange 12/2/2019
FC303786C9284DA...
Date: Todd Lange, Acting Planning Board Chairman

AV 12/2/19
Date: Andrew Ventresca, Senior Planner



To City Council:

Subject: Certification Letter

Dear Council,

The purpose of this letter is to certify that the adjacent property owners of PIN 4753-99-4940 located at 393 Twin Oaks Road, case ZC19-07 were mailed notice of this rezoning request on November 12, 2019.

Thank you,

A handwritten signature in dark ink, appearing to read "A. Ventresca".

Andrew Ventresca

Senior Planner

Current Zoning

IC-RA

RA


LI

IC-M1



FANUOX RD

TWIN OAKS RD



Legend

-  Subject Property

City Zoning

-  LI
-  R-A

County Zoning

-  M-1
-  RA



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM IREDELL COUNTY RA (RESIDENTIAL AGRICULTURAL) DISTRICT TO THE CITY OF STATESVILLE RA (RESIDENTIAL AGRICULTURAL) DISTRICT

**ZC19-07 City of Statesville
393 Twin Oaks Road
PIN 4753-99-4940**

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 December 16, 2019 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 IC-RA to RA; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on December 6, 2019 & December 13, 2019, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

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

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

LEGAL DESCRIPTION

BEGINNING at a point at the northwest corner of the property identified as PIN 4753994940 Frank H Whiting III Property, and running thence with the line South Southeast approximately 206.88 feet along the property line of PIN 4754905087 Vickie Griffin Property to a point, thence running approximately 200 feet southwest along property line of PIN 4753995687 Brandon Blaney Property to a point, thence running approximately 204.99 feet northwest to along an unopened Right-of-Way to a point, thence running approximately 200 feet northeast along Twin Oaks Road to the Beginning encompassing approximately 0.942 acres in total.

393 Twin Oaks Road, Statesville, NC 28625

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

Ayes:

Nays:

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

Ayes:
Nays:

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

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
Leah Gaines Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Nancy Davis, Public Affairs Director
DATE: December 17, 2019

ACTION NEEDED ON: January 6, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Presentation and introduction of the winners of the Statesville Mascot Challenge.

Summary of Information:

Last summer, City Council approved the City's participation in the CCOG 2019 Love Where You Live Grant Program. City of Statesville staff members Nancy Davis, Richard Griggs and Sherry Ashley, along with DSDC Executive Director Marin Tomlin and Chamber of Commerce President Shannon Viera, submitted the idea of a Statesville Mascot Contest and were awarded a \$500 matching grant.

The successful contest is now completed, and the winning entries have been notified. They will be introduced at the January 6 meeting and awarded their prize money: \$50 for Third place, \$100 for Second place and \$200 for First place. The committee is also having a cut-out of the winning entry produced so that it can be displayed at community events. It will allow people of all ages to have photos taken of themselves as the mascot. Depending on the success of these efforts, the committee will decide if it is feasible and beneficial to create an actual mascot costume.

The CCOG grant has been used to promote the contest, cover the prize money and produce the winning mascot.

The committee has greatly enjoyed working with the unique project that has involved quality public engagement and community enhancement and look forward to promoting the mascot as another fun and unique way for Statesvillians to show they love their City.

Previous Council or Relevant Actions:

Council approved the committee's request to apply for the grant and approved the acceptance of the grant when it was awarded.

Budget/Funding Implications:

Department Recommendation:

Manager Comments:

Next Steps:

Attachments:

CITY COUNCIL ACTION REQUEST

TO: Mayor and City Council
FROM: Ron Smith, City Manager
DATE: December 30, 2019

ACTION NEEDED ON: January 6, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Receive a presentation from Stephen Barker regarding the Vance Hotel.

Summary of Information: Mr. Barker has been discussing the possibility of redeveloping the Vance Hotel the last year. He has met with staff, and many of you, to discuss his plans. Mr. Barker would like to bring his ideas to the City Council meeting and if the Council has interest in the project, we could then move to the next step in the process.

Budget/Funding Implications: This will be determined later, as the Council should decide if the City should take the next step in the process. At that point we would work with Mr. Barker to determine what type of purchase or development agreement framework would be most beneficial to the City.

Department Recommendation:

Manager Comments: At this point, we need some action on the Hotel. I have mentioned on several occasions that the condition of the building is deteriorating. This is good timing for a conversation on Mr. Barker's project, as Council can take this up at the retreat in January if it is received favorably. I have spoken with many developers/interested parties over the last year, but none have been serious. Mr. Barker has stayed in the conversation and would like to move it forward. I recommend the Council formally authorize staff to come back to the retreat with more information and a path forward on this request.

If you would like to walk through the building prior to the Council meeting, please let me know and we will arrange some time.

Attachments: None, Mr. Barker will have presentation materials at the meeting.

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Pamela Navey, Community Resource Coordinator
DATE: December 19, 2019

ACTION NEEDED ON: January 6, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider granting permission to the Statesville Police Department staff to accept a grant from the NC Governor's Crime Commission, Federal VAWA-Violence Against Women Act - for up to \$110,292.03 for the purpose of supporting the department's Domestic Violence Initiative, Victim Advocate, and 2 Domestic Violence Investigators salaries, fringe benefits, supplies, and training and approve Budget Amendment #10.

SUMMARY OF INFORMATION:

- The Statesville Police Department received notification from GCC/VAWA grant funding is available for acceptance. This grant is for 12-months and will be effective from October 1, 2019 through September 30, 2020 with a total projected budget of approximately \$147,056.04.
- The requested GCC/VAWA Federal funding will be used for up to 75% of salaries, fringe benefits, supplies, and training for SPD's two (2) current Domestic Violence Investigator positions of up to \$110,292.030.
- There is 25% cash match required by the City for this grant of up to \$36,764.01.
- The City's Finance Department will serve as fiscal agent.
- Pamela Navey has taken on the responsibility of a grant writer and manager with the Statesville Police Department (SPD) on previous SPD grants and she will administer this grant as well. It is requested that Pamela be authorized to represent the City of Statesville in management of this grant and serve as liaison between the GCC and the City of Statesville for the duration of this grant. Thank you!

Budget/Funding Implications: Up to \$36,764.01 match from City, which is 25% of \$147,056.04 GCC/VAWA Award.

Department Recommendation: Allow SPD to accept GCC DV Initiative funding of \$110,292.03 Federal VAWA Award to support up to 75% of 2 DV Investigator's positions.

Manager Comments: Recommend for approval.

Attachments:

1. Domestic violence grant budget (2019-2020)
2. Budget Amendment #10

BUDGET & NARRATIVE - SPD DV INV FY 19-20

PERSONNEL	Annual	75%	25%	
Item	Cost	GCC	City	Formula / Calculation
DV Investigator 1 - E. Lane	\$53,868.00	\$40,401.00	\$13,467.00	Set by City
FICA	\$4,120.92	\$3,090.69	\$1,030.23	7.65%
Retirement	\$4,713.96	\$3,535.47	\$1,178.49	
Hospitalization	\$11,850.00	\$8,887.50	\$2,962.50	Set by Vendor
Life Insurance	\$200.04	\$150.03	\$50.01	Approx/To Be Set
Sub Total	\$74,752.92	\$56,064.69	\$18,688.23	
DV Investigator 2 - K. Pope	\$47,769.00	\$35,826.75	\$11,942.25	Set by City
FICA	\$3,654.00	\$2,740.50	\$913.50	7.65%
Retirement	\$4,180.08	\$3,135.06	\$1,045.02	
Hospitalization	\$11,850.00	\$8,887.50	\$2,962.50	Set by Vendor
Life Insurance	\$200.04	\$150.03	\$50.01	Approx/To Be Set
Sub total	\$67,653.12	\$50,739.84	\$16,913.28	
TOTAL Personnel	\$142,406.04	\$106,804.53	\$35,601.51	

2 DV Investigators will conduct investigations individually & in conjunction with other officers & agencies with regard to incident of domestic violence within the City, including homicide, sexual assaults, stalking, human trafficking, & other acts of violence.

TOTAL Supplies/Printing \$4,650.00 \$3,487.50 \$1,162.50

*\$3,600 - Printing of DV Resource Guides in English & Spanish for Countywide Distribution
\$1,050 - Printing of DV Investigator Business Size DV Crisis Resource Cards & DV Investigator Contact Cards*

TOTAL OVERALL BUDGET FY 19-20
\$147,056.04 \$110,292.03 \$36,764.01

**CITY OF STATESVILLE
BUDGET AMENDMENT #2019-10**

January 6, 2020
FISCAL YEAR 2019-2020

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
Domestic Violence Fund					
225.0000.340.00.00	Revenue	Intergovt - GCC Domestic Violence	592,506	110,293	702,799
225.0000.395.10.00	Revenue	Transfer from General Fund	195,652	36,765	232,417
Total Revenues			<u>788,158</u>	<u>147,058</u>	<u>935,216</u>
General Fund					
010.6600.01.00	Expenditure	Contingency	557,881	(36,765)	521,116
010.6600.22.50	Expenditure	Transfer to DV Fund	-	36,765	36,765
Domestic Violence Fund					
225.5100	Expenditure	Grant Expenditures	788,158	147,058	935,216
Total Expenditures			<u>1,346,039</u>	<u>147,058</u>	<u>1,493,097</u>

DESCRIPTION: 1) To appropriate contingency to fund local match of GCC Domestic Violence Grant 2) To appropriate grant and local match to fund grant expenditures

Budget Officer

Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager

FROM: Pamela Navey

DATE: December 20, 2019

ACTION NEEDED ON: January 6, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider granting permission to Statesville Police Department (SPD) staff to apply for a grant from the NC Governor's Crime Commission (GCC), Federal VAWA-Violence Against Women Act - for up to \$150,000 for the purpose of supporting the department's Domestic Violence Initiative, Victim Advocate, and 2 Domestic Violence Investigators salaries, fringe benefits, supplies, and training.

SUMMARY OF INFORMATION:

- The Statesville Police Department will be applying for up to \$150,000 in VAWA grant funding from Governor's Crime Commission. This grant is for 12-months and, when awarded, will be effective from October 1, 2020 through September 30, 2021.
- The requested GCC/VAWA Federal funding will be used for 75% of salaries, fringe benefits, supplies, and training for SPD's two (2) current Domestic Violence Investigator positions and Victim Advocate of up to \$150,000.
- There is 25% cash match required by the City for this grant of up to \$37,500.
- The City's Finance Department will serve as fiscal agent.
- Pamela Navey has taken on the responsibility of a grant writer and manager with the Statesville Police Department (SPD) on previous SPD grants and she will administer this grant as well. It is requested that Pamela be authorized to represent the City of Statesville in management of this grant and serve as liaison between the GCC and the City of Statesville for the duration of this grant. Thank you!

Budget/Funding Implications: Up to \$37,500 match from City, which is 25% of \$150,000 maximum GCC award.

Department Recommendation: Allow SPD to apply for GCC DV Initiative funding for a maximum of \$150,000 to support up to 75% of 2 DV Investigator's positions.

Manager Comments: Recommend for approval.

Attachments: None

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Scott Harrell, Executive Director of Public Works / City Engineer
DATE: December 18, 2019

ACTION NEEDED ON: January 06, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request for water service connections at 2151 and 2155 Amity Hill Road.

Summary of Information:

1. The residences at 2131, 2151 and 2155 Amity Hill Rd, which are located on two parcels, are currently being served by a single water service connection (located at 2131).
2. The owner of these properties (Mr. Steven Stewart) is requesting two new water service connections so each residence will have a separate connection.
3. The parcel with 2131 and 2151 Amity Hill Rd is 4.11 acres and has a current tax value of \$147,380.
4. The parcel with 2155 Amity Hill Rd is 0.72 acres and has a current tax value of \$32,080.
5. The properties are adjacent to the Larkin Golf Course development.
6. The nearest City sewer is approximately 870 feet to the west.
7. Both parcels are served by City Electric.

Previous Council or Relevant Actions: None.

Budget/Funding Implications:

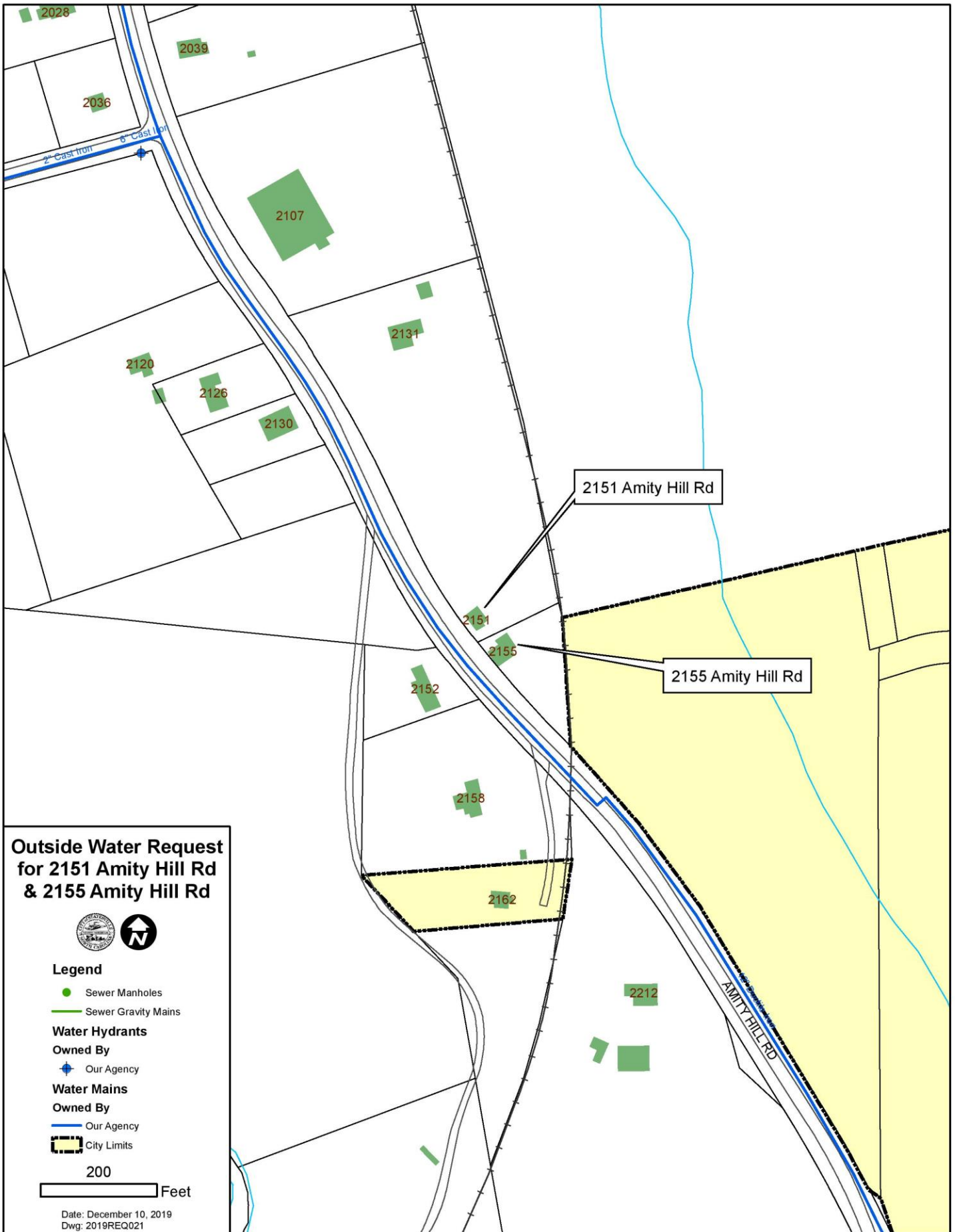
1. If approved, the water tap fee (\$525) will apply for both connections.
2. The water system development fee (\$652) will apply only to the connection at 2155 Amity Hill Rd. (When two or more residences on the same parcel are sharing a water and/or sewer connection and the shared connection existed prior to 2004 (when system development fees began), the system development fee is not charged if the owner seeks to establish separate connections. This condition exists at the parcel with 2131 and 2151 Amity Hill Rd.)
3. The subject properties are on an existing Sanitation services route.
4. At the current tax rate, the annual City property tax for both properties will be \$983.08.

Department Recommendation: Approve both water service connections subject to inside rates and the applicable tap and system development fees, contingent on receipt of a petition for voluntary annexation for both parcels.

Manager Comments: Recommend for approval.

Next Steps: If approved, City crews will install the water service connections upon payment of the applicable tap and system development fees and receipt of voluntary annexation petitions for both parcels.

Attachments: Location map.



CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Assistant Planning Director
DATE: December 20, 2019

ACTION NEEDED ON: January 06, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

1. Consider approving a resolution directing the City Clerk to investigate a petition of annexation for the property located at 1217 Williams Road.
 2. Receive the City Clerk's Certificate of Sufficiency.
 3. Consider approving a resolution fixing the date of February 03, 2020 for a public hearing on the question of the petitioned annexation.
-

Summary of Information:

The property being considered for annexation was submitted by Cynthia Branch (owner) and is located at 1217 Williams Road. The subject property is approximately 2.16 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4724-91-1920. 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 Zoning Jurisdiction, is zoned R-5M and therefore will not have to be rezoned.

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

Previous Council or Relevant Actions: On December 16, 2019 Council approved a water tap to the subject property contingent on submission of a voluntary annexation petition. In 2017 Council approved an annexation request for the purpose of water service at 1209 Williams Road which is approximately 150 feet away from the subject property.

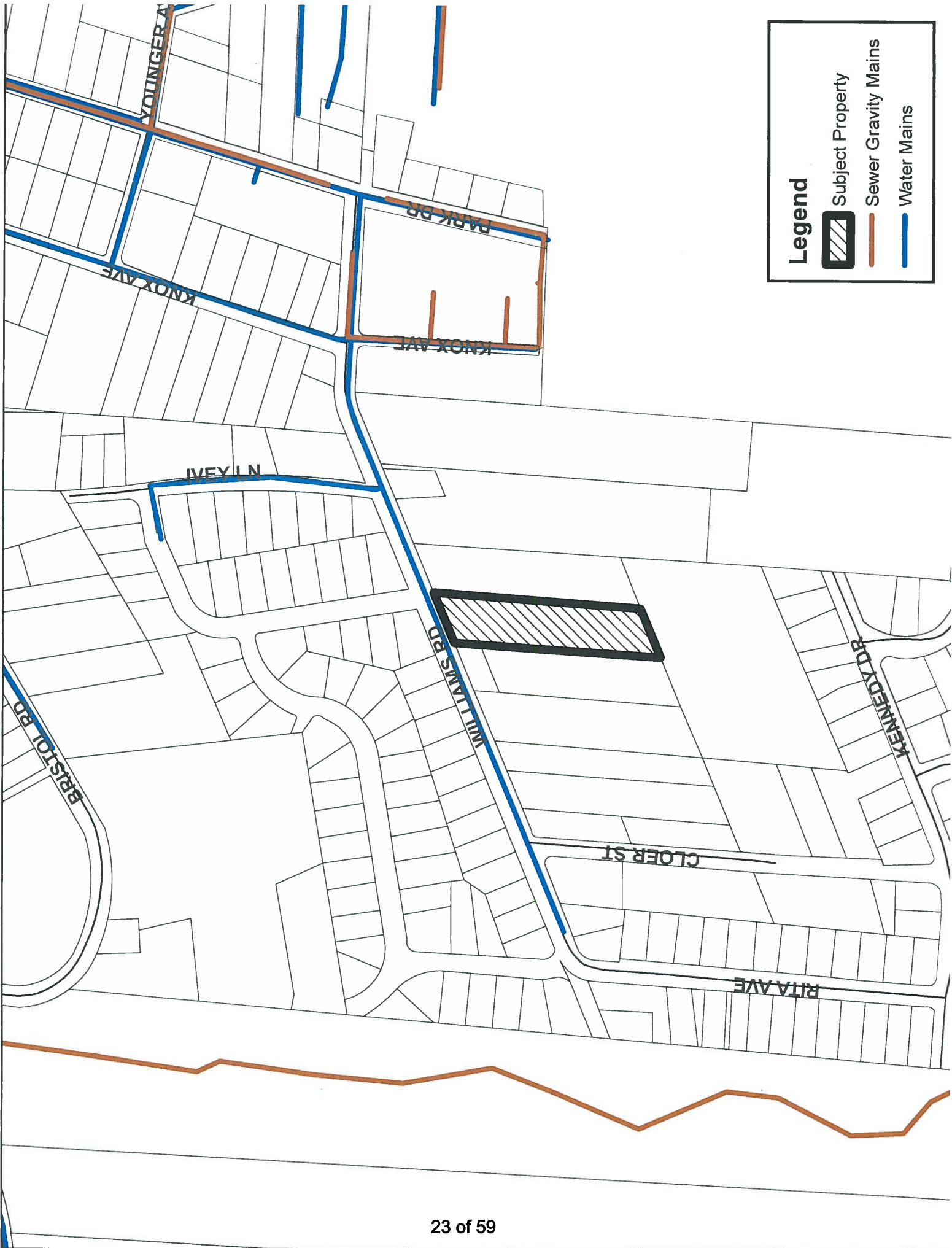
Budget/Funding Implications: The tax value of this property is \$49,550. At the current tax rate, the annual City property tax will be \$271.43. The water tap and system development fee (\$1,177 total) will apply. The property is served by City electric service.

Department Recommendation: The department recommends passing the resolution to set a date for a public hearing on this annexation request.

Manager Comments: Recommend for approval.

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 Property
- Sewer Gravity Mains
- Water Mains

CERTIFICATE OF SUFFICIENCY

1217 Williams Road

4724-91-1920

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 6th day of January 2020.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

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

**1217 Williams Rd.
4724-91-1920
AX19-05**

WHEREAS, a petition requesting annexation of the non-contiguous area described in said petition has been received on 6th day of January 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 6th day of January, 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

**1217 Williams Rd.
4724-91-1920**

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 3rd day of February, 2020.

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

Description – PIN 4724-91-1920

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

BEGINNING at Cynthia Branch's northwest corner in the center of Williams Road, and thence South 5 deg. 42 min. West 627 feet; thence south 68 deg. 12 min. West 150 feet; thence north 5 deg. 42 min. East 627 feet to the center of Williams Road; thence North 68 deg. 12 min. East 150 feet to the BEGINNING. For back title, see Deed Book 189, page 2119, Iredell County Registry.

Property Address: 1217 Williams 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 6th day of January, 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, Assistant Planning Director
DATE: December 20, 2019

ACTION NEEDED ON: January 06, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

1. Consider approving a resolution directing the City Clerk to investigate a petition of annexation for the property located at 257 Hill Haven Rd.
 2. Receive the City Clerk's Certificate of Sufficiency.
 3. Consider approving a resolution fixing the date of February 03, 2020 for a public hearing on the question of the petitioned annexation.
-

Summary of Information:

The property being considered for annexation was submitted by Jerry Ray Jordan (owner) and is located at 257 Hill Haven Road. The subject property is approximately 1.39 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4733-41-5934. The subject property is not contiguous to the primary corporate limits of the City of Statesville, and therefore, the petition is being processed as a voluntary satellite annexation. The property is located in Iredell County's Zoning Jurisdiction and is zoned R-20 and therefore will have to be rezoned to a City Zoning District if annexed.

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

Previous Council or Relevant Actions: On December 16, 2019 Council approved a water tap to the subject property contingent on submission of a voluntary annexation petition.

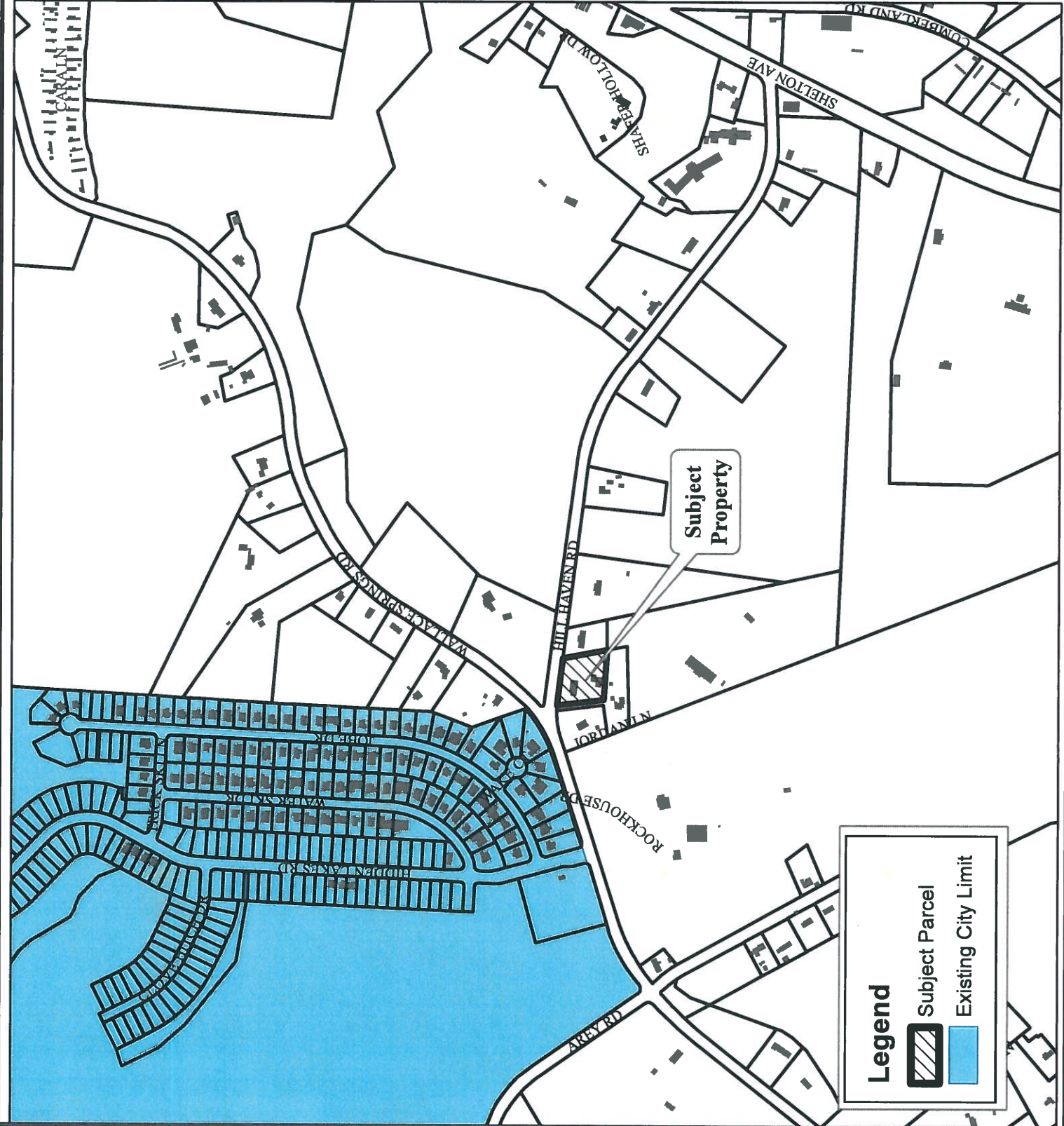
Budget/Funding Implications: The tax value of this property is \$121,580. At the current tax rate, the annual City property tax will be \$666.01. The water tap and system development fee (\$1,177 total) will apply. The property is served by City electric service.

Department Recommendation: The department recommends passing the resolution to set a date for a public hearing on this annexation request.

Manager Comments: Recommend for approval.

Attachments:

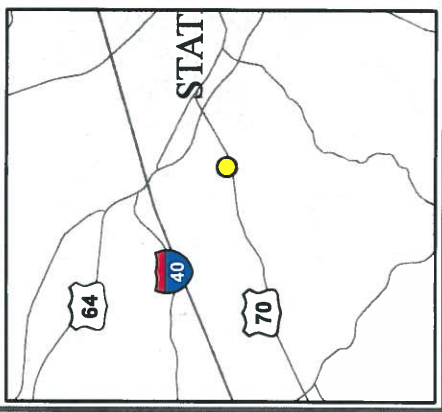
1. Location Map
2. Utility Location Map
3. Certificate of Sufficiency
4. Resolution Directing the Clerk to Investigate
5. Resolution to Set Public Hearing



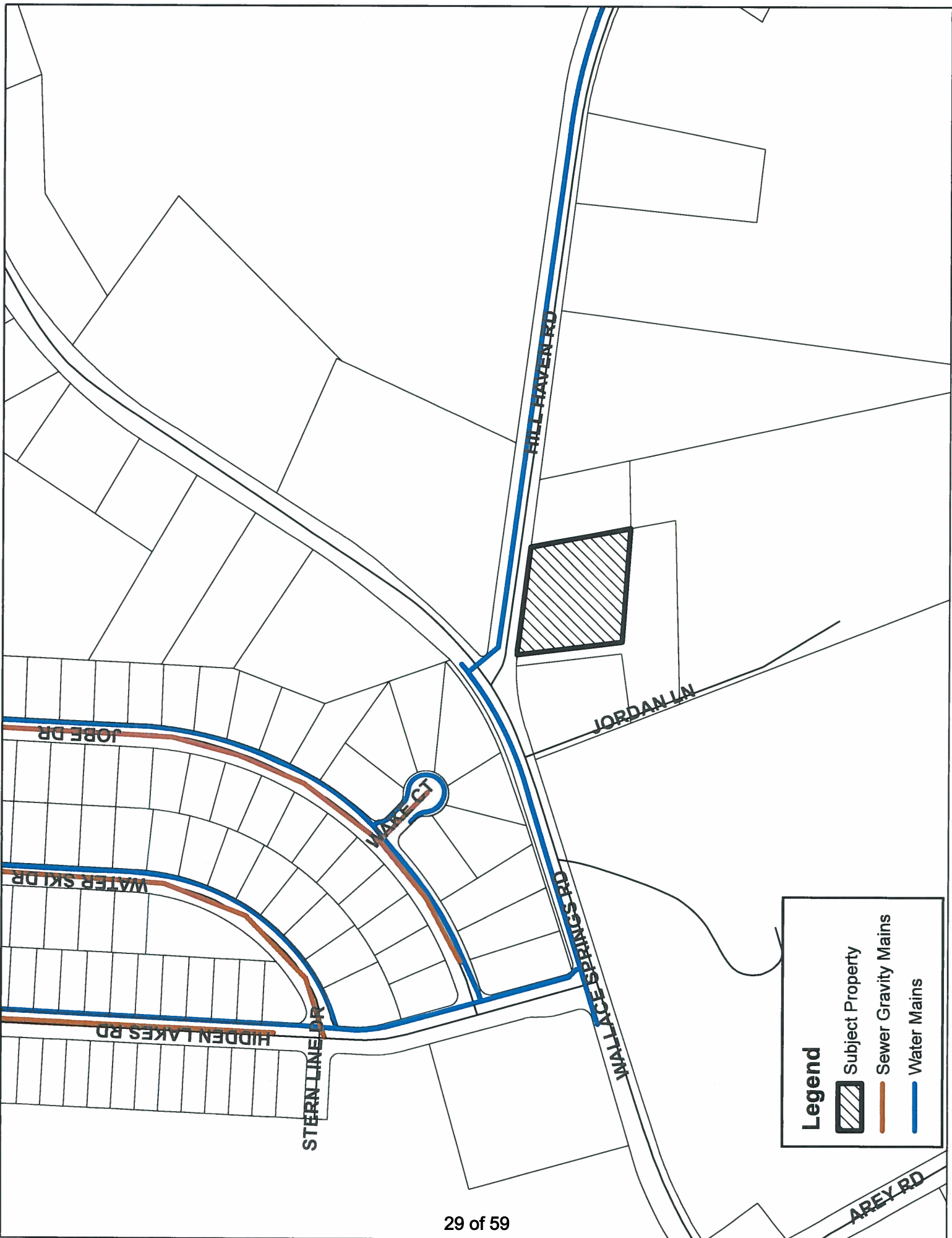
Legend

-  Subject Parcel
-  Existing City Limit


City of Statesville
Planning Department
 257 Hill Haven Road
 Property



1 inch = 666.666667 feet



Legend

-  Subject Property
-  Sewer Gravity Mains
-  Water Mains

CERTIFICATE OF SUFFICIENCY

257 Hill Haven Rd.

4733-41-5934

AX19-06

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 6th day of January 2020.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

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

**257 Hill Haven Rd.
4733-41-5934
AX19-06**

WHEREAS, a petition requesting annexation of the non-contiguous area described in said petition has been received on 6th day of January 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 6th day of January, 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

**257 Hill Haven Rd.
4733-41-5934
AX19-06**

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 3rd day of February, 2020.

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

Description – PIN 4733-41-5934

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

BEGINNING at a point at the northwest corner of the property identified as PIN 4733415934 Jerry Ray Jordan Property at its property boundary with Stephen and Rebecca Akers Property Deed Book 2090 Page 2086, and running thence with the line South Southeast approximately 233.28 feet along the shared property line to the point of the southwest corner of PIN 4733415934 Jerry Ray Jordan Property, thence running approximately 250 feet east southeast to the point of the southeast corner of PIN 4733415934 Jerry Ray Jordan Property, thence running approximately 223.25 feet north northwest to the point of the northeast corner of PIN 4733415934 Jerry Ray Jordan Property, thence running approximately 238.59 feet west northwest along Hill Haven Road ROW encompassing approximately 1.39 acres in total.

Property Address: 257 Hill Haven 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 6th day of January, 2020.

ATTEST:

CITY OF STATESVILLE

Brenda Fugett, City Clerk

By: _____
Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: Mayor and City Council
FROM: Ron Smith, City Manager
DATE: December 30, 2019

ACTION NEEDED ON: January 6, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Review the Statesville City Council Code of Ethics – Resolution No. 25-10 dated October 4, 2010 and establish a practice to adopt a new Resolution at the beginning of each year.

Summary of Information:

This item was requested by Council Member David Jones, with the support of Frederick Foster and Amy Lawton. The intent is to request that the City Attorney review the current Ethics Resolution (No. 25-10) for any areas that need to be updated or clarified and bring any recommended updates or items to the Winter Retreat (January 22-23, 2020) for reviewed and a vote. It would then become the Council's practice to adopt this Resolution and require that Council Members sign an Oath of Ethics annually.

Budget/Funding Implications: None

Department Recommendation:

Manager Comments: I have no specific recommendation, other than this is a good way to promote ethical standards, decorum, and accountability as a priority for the Council.

Attachments:

1. Resolution No. 25-10

RESOLUTION NO. 25-10**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.

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 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 publically 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 hear 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.

Accepted this the 4th day of October, 2010.

ATTEST:



Brenda Fugett
Brenda Fugett, City Clerk

City of Statesville

Constantine H. Kutteh
Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: City Council
FROM: Andy Weatherman, Acting Fire Chief and Ron Smith, City Manager
DATE: December 30, 2019

ACTION NEEDED ON: January 6, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving the purchase of one (1) fire engine (1500 GPM Pumper on a Spartan Metro Star chassis) from Marion Body Works, Inc., and to approve Budget Amendment #9 in the amount of \$730,000 to reflect this purchase.

Summary of Information: During this year's budget discussions, there was a request to replace a fire engine. Ultimately, the decision was made to wait until next year and not include this request in the budget, with the caveat that if the truck failed its pump test, to come back to the Council for reconsideration. Engine 1 is our located in Station 1, which is the highest use station. The truck has been in and out of the shop since the Summer, and we would like to request permission to order a new vehicle. If approved, Engine 1 would be replaced and moved into our reserve fleet, replacing an older, open-cab truck that does not meet NFPA Standards.

This request would likely have been the number one capital priority in the upcoming FY2020-2021 budget. However, due to the delay in receiving the vehicle after the initial order (the contract states 390 days), we would like to order the truck now. The proposed contract would require no payment up front. Once the chassis is completed and delivered to Marion Body Works, the City will pay for that portion. Upon completion of the remainder of the vehicle, payment will be due in full. This payment structure allows our fire department personnel to review the final build and require any changes necessary.

If Council approves this purchase, the vehicle would be delivered to the City sometime around March, 2021.

Previous Council or Relevant Actions: During the May, 2019 budget meetings, this item was discussed, but it was not included in the approved budget. However, staff was encouraged to come back to Council if the truck did not pass a pump test, which it did not.

Budget/Funding Implications: Budget for the truck, with tax and tags is \$730,000 (\$637,000 for the truck, \$85,000 to equip to City of Statesville specs, plus tax and tags). Payment details are listed above. Although no money is due at this point, the funds will be assigned from fund balance, hence the need for the BA. This purchase would bring our unassigned fund balance to roughly 35% of our operating budget.

Department Recommendation: Staff recommends Council approve the purchase of the truck

with tax and tags.

Manager Comments: Due to the need, priority among all capital needs, and the time it takes to build and receive a fire engine, I recommend making this purchase.

Attachments:

1. Marion Body Works, Inc. Contract
2. Budget Amendment #9



EMERGENCY VEHICLE SALES CONTRACT

BUYER:

**City of Statesville
P.O. Box 1111
Statesville, NC 28677**

SELLER:

**Marion Body Works, Inc.
211 W. Ramsdell Street
P.O. Box 500
Marion, WI 54950**

1. AGREEMENT TO SELL AND TO PURCHASE

The seller (referred to as MARION) agrees to sell and buyer (referred to as BUYER) agree to purchase the following apparatus and equipment according to the attached specifications which are a part of this contract:

DESCRIPTION OF APPARATUS AND EQUIPMENT

PRICE

One (1) 1500 GPM Pumper on a Spartan Metro Star chassis per specs on 12-20-19. Pricing is based on contract signing no later than 1-24-20.

\$722,000.00

Total Price, F.O.B. Marion Body Works, excluding all Federal, State and Local Taxes

In case of any conflict between BUYER'S specifications used for all bidders and SELLER'S proposal specifications, SELLER'S specifications will apply. Any sales representative supplied items included above are detailed on Appendix A which is a part of this contract.

2. CONFORMANCE TO NFPA STANDARDS

It is the policy of SELLER to manufacture in accordance with all applicable NFPA standards. This contract conforms to all known such standards as of the date of acceptance by SELLER. Any increased costs incurred by SELLER because of future NFPA standards issued during the manufacture of this emergency vehicle will be passed on to BUYER as an addition to the price set forth in #1 above.

3. COMPLETION ESTIMATE

CALENDAR DAYS

Estimated total calendar days for completion after Marion acceptance of signed contract

390

Above estimate based on timely (usually 30 days) approval by you of submitted drawings and specifications, timely receipt of the chassis, and any events beyond the reasonable control of Marion.

4. WARRANTY

The standard Marion Emergency Vehicle Warranties shall be in effect upon delivery of this apparatus as outlined below:

- A two (2) year material and workmanship.
- A twenty (20) year structural warranty.
- A ten (10) year paint warranty.

- A seven (7) year electrical warranty.
- A ten (10) year stainless steel plumbing warranty.

5. CONSEQUENTIAL DAMAGES AND OTHER LIABILITY

MARION shall not be liable for and disclaims all consequential, incidental and contingent damages and liability whatsoever. See also the standard MARION warranty.

6. CANCELLATION

In the event of cancellation by BUYER, MARION shall be entitled to payment of 10% of the contract price for orders not yet begun in production and for orders for which production has begun, the full contract price less the amount of expenses saved by MARION by reason of the cancellation.

7. PAYMENT

The chassis shall be paid for by BUYER in full upon its receipt at Marion. The remainder of the contract price shall be paid in full upon completion by Marion and delivery to BUYER. This Emergency Vehicle shall remain the property of Marion until payment in full has been received. A finance charge of 1% per month (annual percentage rate of 12%) will be added to all accounts over 30-days.

8. ENTIRE AGREEMENT

This contract including its appendices is the entire understanding between the parties, and merges all prior discussion and agreements between them. Any changes to this contract, including appendices, must be in writing and signed by an authorized representative of the BUYER and MARION.

AGREEMENT BY BUYER:

_____ By: _____
 Buyer's Registered Name

Date Signed _____

ACCEPTANCE BY SELLER:

Date Signed _____ By: _____
 Marion Body Works, Inc.

**CITY OF STATESVILLE
BUDGET AMENDMENT #2019-9**

January 6, 2020
FISCAL YEAR 2019-2020

FUND / ACCOUNT #	ACCOUNT TYPE	DESCRIPTION	CURRENT BUDGET	CHANGE (+ / -)	AMENDED BUDGET
General Fund					
010.0000.399.00.00	Revenue	Fund Balance Appropriated	4,296,108	730,000	5,026,108
Total Revenues			<u>4,296,108</u>	<u>730,000</u>	<u>5,026,108</u>
General Fund					
10.5300.74.00	Expenditure	Fire - Capital Outlay	1,307,011	730,000	2,037,011
Total Expenditures			<u>1,307,011</u>	<u>730,000</u>	<u>2,037,011</u>
<i>DESCRIPTION: To appropriate fund balance to fund purchase of new Engine 1</i>					

Budget Officer

Finance Director

APPROVED BY CITY COUNCIL:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: City Council
FROM: Ron Smith, City Manager
DATE: December 30, 2019

ACTION NEEDED ON: January 6, 2020
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Further discussion and possible decision to revoke the contract for the construction of the Municipal Services Building.

Summary of Information:

This item has been requested by two Council members to be placed on the January 6th agenda. The specific request is to consider delaying or terminating the Municipal Services Building contracts (for the building and the associated road improvements) and project until a needs assessment and site analysis is performed. This request is due to the proposed change in the scope of the project from a Fire Station, Police Substation, and EMS base to solely a Police Headquarters building.

Previous Council or Relevant Actions: Council approved a contract with G. L. Wilson Building Company on November 18, 2019 for construction of the base bid (police substation) portion of the Municipal Services Center. Council voted on December 6th to postpone the decision to convert the building to a Police Headquarters until the Winter Budget Retreat on January 22-23.

Budget/Funding Implications:

Costs to Date: We have contracts with CBSA (MSC design) and McGill (Amity Hill Rd realignment) for design, bidding & award, and construction administration tasks. If the project is paused at this time, we will owe them for the completed tasks, which are design and bidding & award.

For CBSA, this totals \$480,824.
For McGill, this totals \$123,500.

Overall total is \$604,324.

If the conversion to the PD HQ is approved, there will be an additional \$69k in design costs. The Construction Admin contract cost is \$59,664 for CBSA and \$81,500 for McGill (\$141,164 total). These tasks are in the current contracts but will not be expended unless we proceed with construction.

Potential Damages: Damages could be based on money spent in reliance on the award of the contract. On further research, the City Attorney found that the contract is not legally binding until it has been executed, and the pre audit has been performed and affixed to the contract in accordance with GS 159-28. Without a notice to proceed issued by the City pursuant to a legally binding contract, the builder cannot recover reliance damages. We only waive sovereign immunity when there is a valid contract, and sovereign immunity protects municipalities from being sued for quantum meruit and estoppel.

If the City revokes this Contract after execution, but before LGC Approval has been given (we are scheduled to go to the February meeting), then the contract will be considered terminated for convenience. The damages that can result from termination for convenience are payment for work executed, reasonable costs incurred by

reason of such termination, along with reasonable overhead and profit on the work not executed, and possibly all costs incurred in terminating subcontracts and purchase orders and all costs of demobilization.

Regarding revocation of the contract in relation to LGC approval – the City can only terminate the contract at no penalty if we did not get approved by the LGC or if we otherwise lose financing from a lending institution. So termination of the contract prior to LGC approval for convenience can still lead to the damages outlined in the paragraph above.

Department Recommendation:

Manager Comments: At this point, we need guidance from Council on how to move forward. The project and contract were awarded by the previous Council, and staff has been moving forward in good faith based on that approval. The contract is currently in GL Wilson’s hands and we have given them our final edits. We are also planning to continue moving forward to submit our debt/financing request to the February LGC meeting. Staff is attempting to move forward on a contested project that is ever-changing. For the staff to be held accountable, we need to have firm guidance on the Council’s direction.

Next Steps: This depends upon the decision.

Attachments: None

**DESIGN REVIEW COMMITTEE MEETING
CITY HALL – 3rd FLOOR CONFERENCE ROOM
November 14, 2019 @ 2:00pm**

Members present: Goode, George, McBane and Jones

Absent: Marshall

Staff present: Sigmon, Deal, Tomlin, Harrell, Taylor

Council present: None

Others: Larry Schaffer, Nathan Morgan, Jimmy Holcomb – American Child, Donald Hicks – Statesville Housing Authority, Dean Wooten – Wooten Insurance

Chairman Goode called the meeting to order and asked for a motion to approve the DRC minutes from October 10, 2019 meeting.

George made a motion to approve the October 10, 2019 DRC Meeting minutes, seconded by McBane. The motion carried unanimously.

Review Design Review Application, DRC 19-14, from the City of Statesville to construct a new parking deck at the northeast corner of West Front Street and South Meeting Street.; Tax Maps 4734-95-8009, 4734-95-7178, and 4734-95-9167.

Sigmon gave the following staff report:

The City of Statesville is requesting to construct a new parking deck which will provide 74 parking spaces at the northeast corner of West Front Street and South Meeting Street. The parking deck will be constructed of concrete and metal. The exterior will exhibit pre-cast panels with a brick pattern imprinted in the panels.

Scott Harrell gave a history of the project and stated the project was unshelved last month by City Council. Harrell stated the initial bids were \$4.5 million, which was over budget and he worked with the contractor to reduce it down to \$3.5 million. The cost reduction, many of the aesthetic touches were eliminated. It was going to be a pour in place, cast in place concrete deck with brick veneer touches and now it will be a pre-cast concrete structure, concrete columns, and the concrete panels will have a brick inlay. Harrell stated he met with the contractor, Tindall, on November 13, 2019, but did not have a final rendering of how the parking deck will look. He also stated this pre-cast company did the exterior of the Iredell County Detention Center. Harrell stated the parking deck project is a work in progress due to redesign work and reconfiguring the deck to meet the budget constraints, considering authorization was just given less than a month ago. The final rendering work is being done now and is not available. However, Harrell stated he does expect to have samples from the pre-caster in the near future.

There was discussion regarding the ramp, alley, aesthetics, and lighting between committee members and Scott Harrell. Goode asked why the elevator tower was moved from the corner at Meeting Street and Front Street toward the Vance Hotel. Harrell replied it was originally at the corner of Meeting and Front St. and was shifted east adjacent to the new ramp because the easiest and most effective place to

tie in drainage is on Meeting St. and he did not want the elevator shaft located where the deck is sloped to drain towards. Tomlin asked for the next steps of the project and Harrell replied the pre-cast engineer has completed some preliminary design work and the next step is for the structural engineer to take the pre-cast design and develop the reactions, which is the loadings at each point on the ground and finalize the footing design. Once the footing design is complete that allows the contractor to start work and the pre-cast company to finish their design, construct each part, ship them here and erect the deck. He stated there is also a site engineer and an Architect involved in the project. Tomlin asked if there is anything to hold up the process and Harrell said TRC approval is required prior to getting an Iredell County building permit and site work and demolition could potentially take place in January 2020 and foundation work commenced in March 2020. Goode made a suggestion to table this project until more details were available.

Jones made a motion to table Design Review Application, DRC 19-14, from the City of Statesville to construct a new parking deck at the northeast corner of West Front Street and South Meeting Street.; Tax Maps 4734-95-8009, 4734-95-7178, and 4734-95-9167, seconded by George. The motion carried unanimously.

Review Design Review Application, DRC 19-15, from Nathan Morgan with Design Associates, Inc. to construct a new building for American Child at 203 S. Green St., Tax Map 4744-16-6050.

Chairman Goode announced he is recusing himself and George will take over.

Sigmon gave the following staff report:

The owner, American Child, is requesting to construct a new 8,067 square feet single story building at 203 S. Green Street. The facility will be moving from their current location at 115 Cooper Street, Statesville to the new facility. American Child Inc. is an educational center for young children and currently located in Historic Downtown Statesville. Founded in 1999 and formerly known as Best of America, American Child's goal is to create a premier center that recognizes children as our world's greatest resource. This center will provide care for infants through 4 years old. The building facades will be made of ground faced block, cast stone, brick and fiber reinforced plastic for the freeze and column wraps and trim. The windows will be custom, opting for material suggested by the Design Review Committee. The gabled roof and faux dormers will be covered with architectural shingles. Aluminum gutters and downspouts will be used. The playground equipment is yet to be determined.

Tomlin asked for clarification of the position of the building on the site and Nathan Morgan replied it will be parallel to Green St. George asked what the gable and dormer material would be made of and Morgan replied the gables are horizontal, hardy board siding, standing seam metal roof on the porch, and faux dormers with the same horizontal, fiber cement siding with the same architectural shingles. Morgan stated the plantings are from the civil plan and he does not currently know what the tree and bush varieties will be. George asked if there is a shared drive and Morgan stated they would like to have a shared drive. Tomlin asked if school staff will drive in from Elm St. and Morgan stated yes. Sigmon asked if they are waiting for TRC feedback and Schaffer stated formal submittal will be last week of December or the first week in January. George asked if the windows are metal and Morgan replied they will be wood windows,

metal clad on the exterior or aluminum clad. Holcomb stated that each room has a door to the exterior and to the hall and it is a non-sprinkled building.

McBane made a motion to approve Design Review Application, DRC 19-15, Nathan Morgan with Design Associates, Inc. to construct a new building for American Child at 203 S. Green St., Tax Map 4744-16-6050, seconded by Jones. The motion carried unanimously.

Review Design Review Application, DRC 19-16, from Donald Hicks with Statesville Housing Authority to perform exterior design changes and additions to the building located at 117 McElwee St., Tax Map 4744-02-7775.

Sigmon gave the following staff report:

The property located at 117 McElwee Street is currently vacant and has been vacant for approximately 10-12 years. The building is a factory/warehouse located at the corner of Shelton Avenue and McElwee Street. The last use of this building was a re-entry housing and job program for males returning from prison or jail. When the Statesville Housing Authority obtained the property, it was the agency's goal to reopen the building as a combined Veteran's and re-entry housing and programs facility. Due to the railroad proximity, the property was deemed as a non-livable space due to noise pollution. Therefore, the structure would require another use to be utilized in the space. The Statesville Housing Authority is planning to open the building as an Arts Building. With this endeavor, the applicant is requesting approval for several items involving the exterior of the building:

- Exterior color change – New color palette for entire exterior of building.
 - Roycroft Pewter for the roof and back of porch.
 - Wickerwork, Salon Rose, Festoon Aqua, Jazz Age Coral, Majolica Green, & Peacock Plume for the metal façades of the building.
- Remove wooden rail system on front porch and handicap ramp and replace with an updated industrial cable railing system.
- Install three flag poles at handicap ramp to announce and showcase existing artists or upcoming events.
- Enlarge windows on the second floor from 48 inches tall to 72 inches tall. The width will remain the same size as currently exists.
- Install new fire escape stairs in the rear of the building fabricated from steel, just as the existing fire escape stairs. The new fire escape stairs will serve all three floors.
- Construct a small addition on the back of the building to store tables and chairs. An outside entrance will not be needed. The new addition will be constructed of corrugated steel to match the existing material on the structure. The new addition will measure 10 feet deep and 21 feet wide.
- Placement of permanent sculptures on the property. This request will be refined as the renovation continues.

Tomlin asked if there is a grant for this project and Hicks replied one part is grant money, one part is nonprofit contribution, and the other half is by a fund-raising committee. Hicks stated the building siding and roof are corrugated steel and the wood railing on the porch and handicap ramp is failing and will be replaced with a cable railing system. He stated the building colors

will be painted on the corrugated steel panels, not on another material and will be separated by dividing lines with a dark steel color. Goode asked if Hicks has the color samples and Tomlin stated she has them. Goode said Sigmon should have the color samples for reference and Sigmon agreed she needs them for her file. Hicks said the current wooden porch ship lap will be replaced with horizontal steel panels painted the same color as the roof and the flags are to advertise events. The window heights on the second floor will be increased to allow more light infiltration for the art studios. The interior stairway to the third floor will be removed and a new elevator will be installed to save space. The exterior fire escape will be extended to the third floor. Goode asked if the end walls will be painted and Hicks replied the back and end walls will be painted the same solid color. Goode stated the end wall on the McElwee side should be multi-colored like the front of the building and Hicks stated this wall will be used for a mural or some type of art.

McBane made a motion to approve Design Review Application, DRC 19-16 with the flags, sculpture and mural to be addressed later, from Donald Hicks with Statesville Housing Authority to perform exterior design changes and additions to the building located at 117 McElwee St., Tax Map 4744-02-7775, seconded by George. The motion carried unanimously.

Other Business

Mr. Dean Wooten with Wooten Insurance was present to request painting the building located 102 Court Street. George stated this is an after the fact approval. Wooten stated he has sent the application and pictures to Sigmon since she stopped the painters and confirmed it is an after the fact approval. Wooten showed pictures of the chosen colors on his cell phone and there was discussion for painting scheme improvement.

McBane made a motion to defer this item to staff approval upon exact color submissions to paint 102 Court Street from Dean Wooten, seconded by George. The motion carried unanimously.

Sigmon stated the next meeting would be held on December 12, 2019.

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

**STATESVILLE BOARD OF ADJUSTMENT
CALLED MEETING MINUTES
December 03, 2019**

The Statesville Board of Adjustment met Tuesday, December 03, 2019 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, Gurney Wike, Wayne Miller, Bill Winters, George Simon

Board members absent: Pete Jones

Council present: 0

Staff present: Andrew Ventresca, Lori Deal, City Attorney-Leah Gaines Messick

Others: Ted Moretz, Robert (Bob) Foster

Media: 0

Chairman David Steele called the meeting to order.

Election of Chairman and Vice-Chairman

Winters nominated Steele for Chairman and Simon for Vice-Chairman, seconded by Wike. There being no other nominations, upon a vote the nomination carried unanimously.

Chairman Steele explained the quasi-judicial meeting process and that a 4/5 majority is required for approval.

Amended Findings of Fact Requirements

Steel read the four amended findings of fact requirements. Ventresca stated that the ordinance has been amended to the State General Statute for granting a variance from the previous seven findings of fact to four.

Chairman Steele swore in all those present who planned to speak during the hearing. City Attorney Messick stated the applicant is not present because she is elderly and not in good health and the two gentlemen are not licensed attorneys, nor have power of attorney to speak on her behalf, but are fact witnesses. If the Board needs to hear from the applicant the hearing will be continued to another date to allow her to testify.

V19-03 - Request for variance from Elaine Grant requesting a variance from Section 6.02 (A) (6), Dimensional Standards and Table 6-1 Minimum Lot Dimensions. The request is to allow for an encroachment in the side yard setback and minimum lot width for two properties. The properties are located at and adjacent to 2021 E. Greenbriar Road, further described as tax maps 4754-21-0726 and 4754-21-2531.

Andrew Ventresca gave the following staff report:

Background Information

- The subject properties are located at and adjacent to 2021 E. Greenbriar Rd, (**Exhibit 4 – Aerial Photo**)
- The subject properties are owned by Elaine Grant (**Exhibit 1 - Application**),
- The subject properties are approximately 1.75 acres in size,
- The subject properties consist of one single-family home and one undeveloped parcel,
- The subject properties are located outside the City Limits in the Extra-Territorial Jurisdiction
- The subject properties are located within the Residential Agricultural (RA) Zoning district.

Variance Request

A variance application was submitted on October 23, 2019 to request relief from the setback and minimum lot width requirements of the unified development ordinance. More specifically, the applicant is requesting a variance to encroach the side setback on one parcel and reduce the minimum lot width requirement on a second parcel as required for lots in Table 6-1. Table 6-1 states that the side yard setback is to be a minimum of 12 feet and the minimum lot width to be 100 feet in the RA Zoning District. Also, section 6.02 (A) (6) requires 37 ½ feet of road frontage for any building to be constructed on a residential lot. (**Exhibit 2 – Ordinance**). The applicant is requesting to adjust the property line as a single-family home is currently extending over a property line (**Exhibits 3 – Site Plan**). The applicant intends to keep two properties and will them to family members.

Review

Elaine Grant owns two properties on East Greenbriar Road. The first property is addressed as 2021 E. Greenbriar Road and is located on the corner of E. Greenbriar Rd and Sterling Street. The lot has a single-family home on it that was built in the early 1970's which was before the current ordinance was adopted. The house was constructed so that the carport section of the home extends approximately 34 feet over the property line onto the second property making the lot non-conforming as the home does not meet the required 12-foot side setback as required in the RA District. The lot is also non-conforming as a 20,000sf minimum lot size is required and the lot is only approximately 14,000sf. The second property is undeveloped and is approximately 63 feet wide at the road frontage. This property is currently non-conforming as the RA District requires 100 feet of road frontage. This lot is narrow at the road frontage but widens in the rear and is approximately 1.44 acres in size. The applicant is requesting a variance to adjust the property line in order to have all of the existing home on the first lot. By moving the existing property line 38.91 feet to the east, the existing home would be entirely on lot one with a 3-foot side setback. The home would still be non-conforming however it would no longer be extending over a property line. Also, though the lot would still be non-conforming to lot size, it would be approximately 17,800sf making it less non-conforming than it exists currently. This would also make the lot width for the second lot 25 feet wide which will increase the current non-conformity. Also, this would reduce the lot to less than 37 ½ feet wide at the road frontage so allowing a residential structure to be built on the second lot will also have to be addressed in this request if the applicant ever intends to build on the second lot.

The applicant states that without the variance the home will continue to be located on two properties making it non-conforming currently. Also, by granting the variance allowing the home to exist on one lot removes the largest non-conformity.

The applicant states that hardship was not created from actions taken by the property owner and it is unique to the property as the home was built prior to the current ordinance being adopted.

If the variance is granted, the applicant will need have the plat recorded with the Register of Deeds after Planning Department approval.

Alternatives

1. Leave the property as it is.
2. Combine both parcels into one conforming property.

Winters asked if there is access to the approximate 1.5 acre lot and Ventresca stated there is access from E. Greenbriar Road at the 25' of road frontage. Winters asked if there is enough room to put a driveway to the lot in the rear and Ventresca stated there is approximately 10' or they could work out an easement with another property owner. Steele asked if there is a road at the house next to it and Ventresca replied it is a driveway to two houses. Steele asked if there was an ordinance in place when this house was built and Ventresca stated he could not find any records and from his experience with properties in the ETJ it was probably built in Iredell County's jurisdiction and their zoning code was adopted in the early 1980's. Steele asked if it is two lots or one and Ventresca stated currently there are two lots. Steele asked if they get an easement on the east end shared driveway would that solve what they want to do and Ventresca stated they want to get the home on one lot with a three foot setback and still leave 25' of road frontage. Steele asked if the house could be on the front lot and an easement to the back lot and Ventresca stated you cannot re-deed the lot without meeting the minimum standards. There was discussion regarding an access easement to the back property by the board members and Ventresca stated the code requires all lots to have road frontage, but the Board of Adjustment has the right to ease the restrictions of the code. Steele asked if the City requires the land locked property owner to buy frontage and Ventresca replied yes. Miller asked if a 25' entrance will be enough to build a house in the back and Ventresca replied yes. Steele stated you cannot build a house without a variance on the road frontage and Ventresca agreed. Ventresca restated that if the house is on one lot the back lot will need a variance due to the road frontage reduced from 63' to 25', but you can access the back lot without an easement.

Messick reminded the board the speakers can testify to facts, but not on the applicant's behalf since they are not her authorized representative.

Robert L. (Bob) Foster stated Ms. Grant is 86 years old, a family friend, and wants to give the properties to her children. Steele asked how many children she has and he stated three girls and one boy.

Ted Moretz stated he works for Ted Benbow & Associates land surveying and is here to answer technical or survey questions and not render an opinion. Steele asked how wide is the strip and Moretz stated the narrowest is 9.9'. Steele asked if it is wide enough for a driveway and Moretz stated it is wide enough for a single car. Simon asked if it was a recent survey and Moretz replied it was late summer and fall. Simon asked if he surveyed on the right side where the dirt road is and Moretz stated no. Wike asked if the building at the house next door was on the property line and Moretz stated the true property line is closer to the fence than shown on GIS. Winters stated if the fence line is the boundary the non-compliance is worse and Ventresca stated the current road frontage is approximately 63' and by reducing it to 25' it allows the house to be 3' away from the new property line. Steele asked if it is 63' from the garage to the fence

and Ventresca stated it is 63' based on the survey by Moretz. Steele asked Moretz if that is correct and he replied yes. Ventresca stated exhibit 3 is the actual survey by Moretz and it is 29.1' from the edge of the carport on the north side to the property line and on the south side it is 28.4' to the property line.

Steele asked if there was anyone else to speak in favor or against granting the variance and Bob Foster asked the board to grant the variance to Elaine Grant.

Wike asked Messick how making adjustments will affect the heirs and Messick stated if Ms. Grant has a will and is leaving these properties to two children and this is not dealt with now, the heirs will have to deal with it later and the problem will not go away. Steele asked Ventresca if in his opening statements he stated very few of the properties in this area comply with setbacks and road frontage and Ventresca replied that he was not sure of setbacks, but the minimum lot size is 20,000 sq. ft. and the minimum lot width is 100 sq. ft. and none of the properties on Sterling Street and Greenbriar meet all the requirements, so there is a lot of non-conforming properties in this area. Winters stated the setback on the rear of the house is probably non-conforming and Ventresca agreed it is in violation of the rear setback. Steele asked if it should be taken care of if they grant a variance in order for the owner to be able to sell it or will it be grandfathered. Ventresca stated this will create two legally recorded lots that will be able to be sold or transfer ownership. Messick stated the undeveloped lot in the rear does not have vested rights and will not be grandfathered, since it does not have a building on it, but the house has vested rights and will be grandfathered. Steele asked about water and sewer services in the ETJ and stated the City is not required to provide them and Ventresca confirmed that is correct. Messick referred the board to exhibit 1 of the application regarding the wishes of Ms. Grant.

Steele closed the public portion of the hearing and opened the floor for discussion. Messick reminded the board a decision does not have to be made today and a motion can be made to postpone to another date and continue with the hearing with the applicant present to speak. Board members discussed the previous testimony and Winters asked if the rear lot can be subdivided into two lots and Ventresca replied the owner has to bring a case before this board and prove a hardship for a variance. Steele asked if the property can be multi-family and Ventresca replied the zoning is RA, Residential Agricultural and is meant for single family and agricultural purposes.

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

Chairman Steele reviewed the following variance checklist questions.

1. Unnecessary hardship would result from the strict application of the ordinance,

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

Explanation:

Simon – The applicant wishes to make two separate lots for her estate.

Winters – This makes the best out of a bad situation.

Wike – There is no good solution, but this is probably the best one.

Miller – This case complies with the wishes of the owner.

Steele – The lots were divided prior to there being zoning and they were legal at the time they were done and has only arisen as a result of new zoning restrictions imposed by the City after the fact and those zoning restrictions renders the back lot worthless if we live with the letter of the law on setbacks and road frontage.

Morrow – When the owner bought it this zoning was not there and she did not have a choice to make at that point in time whether to buy the property or not and she bought it based on what the standards were at that time.

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

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

Explanation:

Simon – Referenced Steele’s answer in question one is his answer.

Winters – Agreed with Simon as his explanation.

Wike – The ordinance came about after the purchase of the property.

Miller – None stated.

Steele – True for the same reasons plus it gives access to the property, which is a benefit to the City.

Morrow – None stated.

3. The hardship did not result from actions taken by the applicant or the property owner,

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

Explanation:

Steele – The hardship occurred because the City imposed zoning restrictions on land that did not have zoning restrictions before.

Simon – Same reason.

Winters – Same reason.

Wike – Same reason.

Miller – Same reason.

Morrow – Same reason.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved,

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

Explanation:

Simon – Because of all the above things just gone over, it is a peculiar situation, and is just that we do something to help out the property owner.

Winters – Same reason.

Wike – It does not create issues for the City or public.

Miller – None stated.

Steele – Justice of allowing two lots over weighs strictly adhering to the setbacks and road frontage in this area which has never been complied with.

Morrow – Same reason.

Simon made a motion to approve variance V19-03 for both lots, seconded by Miller. The motion carried unanimously.

Ventresca stated the next step in the process is to get the lot recorded through the City Planning Department.

Chairman Steele adjourned the meeting at 1:25 pm.

**DESIGN REVIEW COMMITTEE MEETING
CITY HALL – 3rd FLOOR CONFERENCE ROOM
December 12, 2019 @ 2:00pm**

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

Absent: John Marshall

Staff present: Marci Sigmon, Lori Deal, Marin Tomlin

Council present: None

Others: Terry Miller – Terry-Lynn, Ronnie Lee – Iredell County, Benjamin Loftis – G. L. Wilson, Jim Duffey - ARS

Chairman Goode called the meeting to order and asked for a motion to approve the DRC minutes from November 14, 2019 meeting.

George made a motion to approve the November 14, 2019 DRC Meeting minutes, seconded by Jones. The motion carried unanimously.

Review Design Review Application, DRC 19-17, from Iredell County to remove a portion of the building located at 418 South Meeting Street; Tax Map 4734-94-8208.

Sigmon gave the following staff report:

The building located at 400 South Meeting Street was built circa 1940 and is currently utilized by Iredell County to provide maintenance on county vehicles. The structure received two small additions at some point which are undocumented in the Iredell County GIS.

Iredell County is requesting to remove one of the two small additions to the building located at 400 South Meeting Street. The demolition subject area is located at the southeast corner of the building and is addressed as 418 South Meeting Street. Removal of the addition is required in order to repair the footings of the main building which is beginning to sink into the ground where the addition attaches to the main structure. Significant water damage has occurred at the intersection of the main structure and the southeast addition facing South Meeting Street and maintenance is needed to stop the water intrusion and building from sagging.

Once the small addition is removed and the footings are repaired, the land where the addition once stood will either be paved or seeded in grass per the zoning ordinance.

The Design Review Committee will make a recommendation to City Council for the demolition request. City Council determines all demolition requests within the City of Statesville.

Before rendering a decision the committee should reference design guidelines:

Page 45: Chapter 7: Demolition & Relocation; Section 7. A. Demolition

Sigmon stated this is in the CBP district and must be grass or paved when completed, but cannot be gravel and Lee replied it will probably be paved. Goode asked Miller if the foundation issue is on the east side of the building and he replied yes and the foundation is failing on the rounded top building in the southeast corner and Ram Jack will be making the repairs. Goode asked if the foundation is failing in other portions of the building and Miller stated yes and was repaired about two months ago.

George made a motion to approve Design Review Application, DRC 19-17, from Iredell County to remove a portion of the building located at 418 South Meeting Street, Tax Map 4734-94-8208, seconded by Jones. The motion carried unanimously.

Review Design Review Application, DRC 19-18, from Jim Duffey with American Renaissance School to demolish a structure located at 205 South Tradd Street.; Tax Map 4744-15-0715.

Sigmon gave the following staff report:

The structure located at 205 South Tradd Street was built circa 1925. It is a two-story brick house and is currently utilized as a storage area for American Renaissance School in Statesville. American Renaissance School has owned the building since 2014. The rear yard of the parcel is used by students for recreation activities.

The American Renaissance School is requesting to demolish the two-story brick structure in order to build a new 70,000 square foot school facility. The proposed new facility will contain many classrooms plus a gymnasium, art rooms and music rooms to list a few highlights. The applicant has submitted sketch plans and a site plan for the new facility with the demolition request.

The Design Review Committee will make a recommendation to City Council for the demolition request. City Council determines all demolition requests within the City of Statesville.

Before rendering a decision the committee should reference design guidelines:

Page 45: Chapter 7: Demolition & Relocation; Section 7. A. Demolition

Jim Duffey stated the long term vision of the property has been to do something more permanent in downtown as they rent more than 50% of the facilities. There was discussion regarding the elevation of the new school and Loftis stated the building at three stories will be probably twice as tall as the bank. George asked if it would be cut down to street level and Loftis replied the drawing in the packet is a mass model rendering and will not be designed until January. Jones asked if the entrance to the school is on Green Street and Loftis replied they are working with DOT on the traffic pattern and traffic study.

McBane made a motion to approve Design Review Application, DRC 19-18, from Jim Duffey with American Renaissance School to demolish a structure located at 205 South Tradd Street.; Tax Map 4744-15-0715, seconded by Jones. The motion carried unanimously.

Sigmon stated that City Council member, John Staford made notice to the other Council members at the last meeting that he wanted the parking deck placed on the December 16, 2019 agenda for further discussion, therefore Scott Harrell will not be here until a decision is made by the City Council.

Goode adjourned the meeting.

Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
December 18, 2019 at 9:00 AM

City Staff: Elaine Anthony – Planning, Ed Hodges – Fire, Mark Taylor – Engineering, Jared Wiles and Chris Sloan – Electric, Clyde Fox and Brian Wilson – Water Sewer Maintenance, Kenneth Boller – Sanitation, Cinnamon Black and Bo Prince – Stormwater, Shawn Cox – Arborist, Brandy Johnson – Water Resources, April Nesbit – Clerk

County Staff: Randall Moore and Rich Hoffman

Others: Jonathan Barnette – NCDOT
Gerald Grant – Black Automotive

Media: None

Anthony called the meeting to order.

Consider approving the November 4, 2019 meeting minutes.

Hodges made a motion to approve the October 2, 2019 meeting minutes, seconded by Taylor. The motion carried unanimously.

Black Automotive Storage Lot – Site Plan – 916 Salisbury Hwy

Chris Sloan – Will the lot need City lights? Grant stated yes.

Brandy Johnson – No comment.

Mark Taylor – Will you be requesting no sidewalks? Anthony stated that they are not required because they are not doing the 25%.

Jonathan Barnette – Will the driveways be full access or one way in/out? Grant stated that the driveways are wide enough for two way traffic. It will be vehicle storage only so we do not anticipate a lot of traffic. If the east entrance that is blocked by cars from the dealership is opened up DOT will want those driveways to align.

Ed Hodges – No comment.

Rich Hoffman – No comment.

Randall Moore – No comment.

Clyde Fox – Will there be water at the site? Grant stated no.

Cinnamon Black – Form B of the Stormwater application needs to be completed and resubmitted. The plan needs to include the pre-impervious surfaces and proposed impervious surfaces. Black asked Grant

where the stormwater would drain, and if any hazardous materials would be stored on the site. Grant stated that the stormwater would flow toward the railroad and no hazardous materials would be on the site.

Elaine Anthony – Need the species of trees.

Shawn Cox – No comment.

Kenneth Boller – No comment.

Anthony asked for a motion on the site plan.

Wiles made a motion to approve the site plan for Black Automotive Storage Lot at 916 Salisbury Hwy, contingent upon (1) Form B of the Stormwater application being completed and resubmitted, (2) the pre-impervious surfaces and proposed impervious surfaces be listed on the plan and (3) the species of trees listed on the plan. The motion was seconded by Taylor and carried unanimously.

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

STORMWATER ADVISORY COMMISSION MEETING MINUTES
2nd Floor Conference Room – City Hall, Statesville, NC
December 19, 2019 @ 12 PM

Members present: David Reese, Tim Johnson, Steve Knight, Chris Lamberth, Charles Taylor, and Janice Powell

Council present: None

Staff present: Derek Slocum, Cinnamon Black, April Nesbit, Dwayne Nicholson, Bo Prince

Others: Amy Black – Jewell Engineering Consultants

Derek Slocum called the meeting to order and stated that the Commission would be taking a field trip to view stormwater sites around the City. The next scheduled meeting is January 16, 2020. Slocum introduced Bo Prince, the new Stormwater Supervisor. He has 15+ years of stormwater experience in Newton and Claremont.

Cinnamon Black stated that the field trip would be to areas with the following:

- 1) Stormwater control measure (SCM's)-visit SECU site,
- 2) Tail ditch
- 3) Potential capital improvement projects (i.e. Holland Dr Culvert)
- 4) Potential stream restoration, sections of Free Nancy Branch

Black advised that the trip would take approximately two (2) hours and the Commission was adjourned to board the bus.