

**MINUTE BOOK 24, PAGE 512
CITY OF STATESVILLE COUNCIL MEETING – November 19, 2012
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Council Present: Mayor Costi Kutteh presiding, J. Johnson, Eisele, West, M. Johnson, Matthews, Huggins, Stallard, Gregory

Council Absent: 0

Staff Present: Fugett, Gaines, Pressley, Davis, Salmon, Bullins, Smyth, Miglin, Byerly, Harrell, Adams, Houpe, Currier

Media Present: Jim McNally-Record & Landmark, Dave Veiser-Charlotte Observer

Others: 15

Call to Order

Mayor Kutteh called the meeting to order.

Invocation

The Invocation was given by the City Clerk.

Pledge of Allegiance

Girl Scout Troop 10203 led the Pledge of Allegiance.

Public Comment

Mayor Kutteh advised that during the second meeting of each month citizens are invited to speak about matters not on the current agenda. There were no speakers present.

Mayor Kutteh reported that Dr. Thomas Marshburn, Statesville's NASA Astronaut is getting ready to go back into space with Expedition 34 & 35. He will be departing on December 5, 2012 with two others and will be there until May 2013. Mayor Kutteh wished Dr. Marshburn well in his travels.

Mayor Kutteh advised that items on the Consent Agenda are considered to be routine by City Council and will be enacted by one motion with no separate discussion on the 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. There were no requests to move an item from the Consent Agenda. Mayor Kutteh read the Consent Agenda.

- A. Approve the minutes of the November 01, 2012 Pre-agenda Meeting and the November 05, 2012 City Council meeting.**
- B. Consider approving a resolution directing the City Clerk to investigate a petition of annexation, receive the City Clerk's Certificate of Sufficiency and consider approving a resolution fixing the date of December 03, 2012 for a public hearing on the questions of the petitioned annexation.**
- C. City of Statesville Electric Utilities Department requests approval of exemption from G.S. 143-64.32 (Qualification Based Selection) for the design by Progressive Engineering Consultants, Inc. for the Delivery 3 Breaker Replacement Project.**
- D. Consider authorizing the Statesville Police Department to apply for a grant from the Firehouse Subs Public Safety Foundation for the purchase of a forensic computer system, and to authorize Sergeant Daniel Miglin to represent the City of Statesville in the management of this process.**
- E. Consider approving the purchase of two manhole air scrubbers that qualifies as non-depreciable capital items for use (maintenance) on the gravity main from the Deer Ridge Lift Station for a total of \$3,630.**

Mayor Kutteh asked if there were any requests to move an item from the Consent Agenda. Council member M. Johnson stated he would like to move Item B to the Regular Agenda. Mayor Kutteh advised that Item B on the Consent Agenda would be moved to the second item on the Regular Agenda.

Council member West made a motion to approve the Consent Agenda excluding Item B, seconded by Council member Gregory. The motion carried unanimously.

REGULAR AGENDA

VI Recognize the winner of the first Historic Preservation of the Year Award.

Statesville Historic Preservation Commission Chairman Jonathan Dearman explained that the Commission has given awards over the years for good examples of preservation and this year the Commission would like to create a Preservation Award of the Year. This award acknowledges a property that has made the most dramatic changes, yet preserves the historic character and fabric of the area. Mr. Dearman presented the award to Mr. and Mrs. Greg Parmer in recognition of the preservation of their 1881, 406 Davie Avenue home.

B Consider approving a resolution directing the City Clerk to investigate a petition of annexation, receive the City Clerk's Certificate of Sufficiency and consider approving a resolution fixing the date of December 03, 2012 for a public hearing on the questions of the petitioned annexation.

David Currier stated the developer of the property is proposing to develop it as a Dollar General store. The property is located to the northwest of the intersection of Highway 90/64 and Marble Road, is approximately 1.432 acres in size and encompasses a portion of Iredell County Parcel Identification Number (PIN) 4725-31-8965. The site plan meets the City's regulations and has been approved by the Technical Review Committee. The store will be using City water and electric which prompted the annexation petition. The project is not within 500' ft. of an existing sewer line so the developer plans to install a septic system. Since this is a petitioned annexation, the City is not required to provide the service.

Council member M. Johnson asked what the residual size of the parcel is. Mr. Currier replied the entire parcel is approximately 10-12 acres with frontage on both Marble Road and Highway 90/64. The cutout for the Dollar General store is at the intersection and is roughly 1.5 acres. Council member M. Johnson asked if the owner of the parcel had made any accommodations with the City of Statesville for sewer on the balance of this site or should we anticipate more minor sub-divisions such that we have more septic fields on this site. Mr. Currier replied that to his knowledge the owner, Mr. J.C. Faw has not approached the Planning or Engineering staff with any type of sewer plans for the balance of the tract. Council member M. Johnson stated he did not believe that this utility configuration is in the best interest of the City expanding in that area and that although he has no problem letting the petition go forward at this point, but he has some very serious questions about the utility configuration in this area which would need to be resolved before he could vote to approve in a final vote.

Mayor Kutteh explained that this is a 10-12 acres tract where there could be several more single uses all of which could each have a septic field. He stated he appreciated Council member M. Johnson's concern with multiple sewer fields in this location but Council could approve the item at this phase of the process.

Mr. Currier stated that on the survey it shows that this parcel was an old landfill. He will need to contact the owner, Mr. Faw and Mr. Fawcett, the Dollar General Representative, to convey Council's concern of the utility availability in the area. He pointed out that it is over 400' ft. to the north and over 1,000' ft. to the south to the closest gravity sewer. The elevation of the northern manhole is well above the site elevation so that in essence would be a forced line from the site to the north manhole. If the balance of the Faw property develops into individual lots then there will be a number of potential forced lines which you do not want without a master collection station. At this time the City typically does not extend lines, this is at the cost of the developer. In this case, the developer has opted not to tie into City sewer since he is out of the 400' ft. run. He is petitioning for annexation because he wants to use City water, which requires annexation. Staff's research shows there is not another water provider in the area. If Council denies the tie in to City water, the developer would have to drill a well, and in doing that he would probably need to purchase more property due to the separation requirements between a well and a septic field on the same lot.

Mayor Kutteh asked if this parcel is in the City's electric area. Mr. Currier replied that it is and the developer has already discussed this with Mr. Houpe.

Council member Stallard asked if this item could be tabled to give staff time to provide additional information to Council. Mayor Kutteh explained that any item can be tabled, but there would be no harm in proceeding and setting a date for a public hearing and making the owner and the developer aware of Council's concerns. At that point, Council can approve or deny the request. Council member Stallard asked if there is a required waiting period before the applicant may reapply if Council does not approve this item at the public hearing. Mr. Currier verified there is no waiting period to reapply for an annexation.

Council member West asked how close is the nearest gravity fed sewage line to the project on the west side of the highway. Mr. Currier replied he did not know the elevation of the manholes on Anna Drive but approximately 1,000' ft. or more. Mr. Currier displayed the location of the property and the sewer manhole to the north on the overhead projector. He stated he felt the elevation of this manhole is well above the elevation of the subject property, and heading south in towards I-40 there are manholes. West asked if there is anything on the west side within the vicinity of the parcel. Mr. Currier stated there is a private forced main serving the Wooten property back to the west, it runs on Marble road, crosses Marble Road then runs down the right of way to the Anna Drive manholes which is a private forced main. Council member West asked what line services the shopping center and the Southern Bell facility. Mr. Currier replied they are on sewer to the south, basically you have sewer at the Anna Drive area that serves that area and heads south to the shopping center, then you have sewer in the Dowell Park and the sewer main there runs down behind Comsco all of this western side is sewer to the east into the outfall that heads down through the middle of Dowell Park. Council member West asked where is the end of the gravity fed line on the west side of the shopping center side and the Southern Bell site. Mr. Currier replied he does not know how far north that sewer from the shopping center comes, however staff can provide that information at a later date. The map he has does not show any of the sewer lines into the south. Mayor Kutteh pointed out that the line at Anna Drive would still be closer.

Council member M. Johnson commented that even if Council does not compel the owner to run the sewer line, the City should at least install a collector. He stated he did not understand how there could be two private force mains in a public right-of-way. Mr. Currier agreed and said he would need to check the records. Council member M. Johnson stated he would like to see this information.

Council members discussed annexing the entire tract. Mr. Currier pointed out that the part of the tract that was previously a landfill would not be developable and there is also a large power transmission line located on the site.

Council member West asked where the force main on Marble Road ties into the City line. Mr. Currier replied it runs along Marble Road up to 64/90, runs across, turns south and runs down and ties in at Anna Drive.

Mayor Kutteh instructed Mr. Currier to determine the origin of the private force main lines located in the public right-of-way.

Council member M. Johnson made a motion to approve resolution directing the City Clerk to investigate a petition of annexation, receive the City Clerk's Certificate of Sufficiency and consider approving a resolution fixing the date of December 03, 2012 for a public hearing on the questions of the petitioned annexation, seconded by West.

Council member West asked if the private force main was installed illegally if the City could access the line. Mr. Currier stated he did not feel the line had been installed illegally because it serves properties to the west that did petition for annexation years ago and the City would have had oversight and authority over that line being in the ground.

The vote was as follows:

Ayes: M. Johnson, Gregory, West, J. Johnson, Eisele, Matthews, Huggins

Nays: Stallard

Motion carried 7-1

VII Consider approving revisions to the Sewer Use Ordinance as recommended by the NC Division of Water Quality.

Jerry Byerly explained that the NC Division of Water Quality has issued required and recommended modifications to the Sewer Use Ordinance (SUO). The process required the municipality to draft a modified SUO and submit to the state for reviews and approvals prior to being adopted by the municipality. Applicable sections of the original template have been replaced by a section from the Uniform Development Ordinance (UDO) per City Council request and this change has been approved by the state. The state has reviewed and approved all changes to the existing SUO. The modifications do not change any processes currently used by Statesville to monitor and enforce the SUO. The modifications have been reviewed by Mr. Gaines.

Council member M. Johnson made a motion to approve revisions to the Sewer Use Ordinance as recommended by the NC Division of Water Quality, seconded by Council member Gregory. The motion carried unanimously.

VIII Request permission to enter into a contractual agreement with the Statesville Housing Authority (SHA) for the purpose of assigning a full-time police officer to provide police services exclusively at all properties owned by the SHA within the City of Statesville (a total of \$26,878 applicable to the current fiscal year), and approve Budget Amendment #18.

Sergeant Dan Miglin stated the Statesville Housing Authority (SHA) will reimburse the Statesville Police Department up to \$26,878 between January 1, 2013 and June 30, 2013 as compensation for providing one (1) full-time police officer to provide police services exclusively in all SHA properties within the City of Statesville. Total compensation will include fringe benefits, as well as training, vehicle, and equipment expenses. The officer will perform essential job functions as identified on the job description. Reimbursement to the City of Statesville will be made upon the submission of a monthly invoice identifying hours worked, name of officer, and submission of monthly activities, all of which will be provided by the Statesville Police Department.

Sergeant Miglin explained that this officer patrols over 400 residential units as well as coordinating any special meetings at the housing areas and most importantly building relationships with the community members.

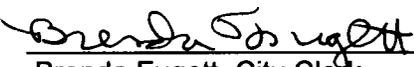
Council member Stallard made a motion to approve the request to enter into a contractual agreement with the Statesville Housing Authority for the purpose of assigning a full-time police officer to provide police services exclusively at all properties owned by the SHA within the City of Statesville (a total of \$26,878 applicable to the current fiscal year), and approve Budget Amendment #18, seconded by Council member J. Johnson. The motion carried unanimously.

There being no further business, Council member West made a motion to adjourn, seconded by Council member Eisele. The motion carried unanimously.



ATTEST:


Constantine H. Kutteh, Mayor


Brenda Fugett, City Clerk