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CITY OF STATESVILLE COUNCIL MEETING – November 04, 2013
CITY HALL COUNCIL CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, Gregory, Stallard, M. Johnson, Matthews, Huggins, Eisele

Council Absent: West

Staff Present: Fugett, Gaines, Pressley, Smyth, Salmon, Currier, Harrell, Cornelison, Hudson, Chipman, Davis, Hodges, Houpe, Miglin

Others: 6

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

I **Call to Order**
Mayor Kutteh called the meeting to order.

II **Invocation**
The Invocation was given by the City Clerk.

III **Pledge of Allegiance**
Mayor Kutteh led the Pledge of Allegiance.

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

A. **Approve the minutes of the October 17, 2013 Pre-agenda meeting and the October 21, 2013 City Council meeting.**

B. **Revise the Utility Customer Policy and Procedures to reinstate an omitted section.**

C. **Receive and concur with the financial report of the Statesville Convention and Visitor Bureau as of September 30, 2013.**

Mayor Kutteh asked if there were any items on the Consent Agenda that a Council member wished to be moved to the Regular Agenda. There being none, he asked for a motion to approve the Consent Agenda.

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

Regular Agenda

V **Consider approving a site plan for P13-08 Energy United located at 567 Mocksville Hwy.; Tax Map 4765-34-0565**
David Currier stated the site zoned B-4 is located at 567 Mocksville Road. The total acreage of the site is approximately 22.75 acres. Energy United is proposing to erect a 600 sq. ft. (20 x 30) metal building to house a paint booth for spraying transformers. The design standards for non-residential development typically do not allow new utilitarian type metal buildings; except for infill projects which take into account the existing conditions and building materials on the site. In this case there are several other metal buildings located on the site. In addition this building will be located towards the back of the property and will not be visible from the street. The new building meets the setback requirements of 40 feet from the front property line, 10 feet from the sides of property and 20 feet from the rear of the property. No additional parking or landscaping is required. Access will be provided from the existing driveways on the site. The Technical

Review Committee reviewed the site plan on October 2, 2013 and approved it as presented. Therefore staff recommends approval of the site plan as presented also. The Planning Board's recommendation is favorable with a unanimous vote as presented.

Council member Stallard made a motion to approve a site plan for P13-08 Energy United located at 567 Mocksville Hwy.; Tax Map 4765-34-0565, seconded by Council member J. Johnson. The motion carried unanimously.

VI Consider accepting a grant from the US Department of Justice / COPS Hiring Program, which supports the salaries and benefits of two (2) School Resource Officers, and approve Budget Amendment #17.

Sergeant Miglin stated the Statesville Police Department received official notification from the US Department of Justice that its application for a grant via 2013 COPS Hiring Program was awarded. This grant supports the retention of two School Resource Officers @ 75% of entry-level salaries & benefits (up to $125,000 per officer) for 36 months, effective October 1, 2013-August 31, 2016. The total Federal award is $250,000. The City of Statesville and Iredell-Statesville Schools (I-SS) have a signed MOA which states (in summary) that I-SS will (1) retain the two awarded positions within City of Statesville schools until at least August 31, 2017; (2) abide by all grant reporting & audit requirements as directed; and (3) will contribute the 25% cash match required by the grant for 10 months per year leaving the City to provide the remaining matching funds (25% @ 2 months per year). The match required by I-SS for 36 months is $106,164; the match required by the City of Statesville for 36 months is $21,230. The City of Statesville / I-SS is required to retain the position for at least 12 months past the grant end date (i.e. September 1, 2016-August 31, 2017). All other expenses (i.e. uniforms, training, overtime, etc.) will be provided by the City. The City's Finance Department will serve as fiscal agent and Sergeant Miglin will act as Grant Manager and serve as liaison between the US DOJ, I-SS, and the City of Statesville. Sergeant Miglin noted that the school system has already paid some of the funds required by the grant up front so the City is obligated to refund them approximately $50,470 since the grant has now been awarded.

Mayor Kutteh asked if the school system picks up the entire 4th year. Sergeant Miglin stated I-SS picks up 10 months and the City pays 2 months of each year. Mayor Kutteh asked if staff can again apply for the grant in fiscal year 2016-2017. Sergeant Miglin replied the grant can be applied for again at that time.

Council member Gregory made a motion to accept a grant from the US Department of Justice / COPS Hiring Program, which supports the salaries and benefits of two (2) School Resource Officers, and approve Budget Amendment #17, seconded by Council member J. Johnson. The motion carried unanimously.

VII Consider a request from Oakdale Baptist Church for annexation and a sewer tap to serve 585 Mocksville Hwy.

Scott Harrell stated the property is located at 585 Mocksville Hwy and is adjacent to the City Limits. The nearest sanitary sewer is located at the southwest corner of the property, adjacent to Mocksville Hwy. The property is served by Iredell Water. Representatives from the church have indicated that the existing septic system is failing. The church is also requesting annexation into the City. Staff recommends approving a sewer connection contingent on annexation and payment of applicable System Development Fees.

Council member M. Johnson made a motion to approve a request from Oakdale Baptist Church for annexation and a sewer tap to serve 585 Mocksville Highway, seconded by Council member Eisele. The motion carried unanimously.

VIII Consider approving first reading of a text amendment to the Cemetery Ordinance in the City Code, the Recreation and Parks Department Cemetery Regulations and the City Services Policy Manual.

Brent Cornelison stated that under current City policy, a designated employee is on-call for cemetery related matters on all weekends and holidays. This has resulted in approximately $6,000 in on-call and call back overtime pay each year, or 60% of the overtime budget in the Public Grounds and Cemetery Division. After discussions with local funeral homes, staff feels it can make better use of budgeted funds for overtime in that division by eliminating on-call personnel during non-business hours for cemetery business. This will not eliminate weekend burials as long as all necessary paperwork is

completed prior to 4:00 p.m. on the preceding Friday. In an effort to accommodate funeral homes during extended holidays, staff also recommends not exceeding 3 consecutive days without designated on-call hours. Those hours would be from 9:00 a.m. until 12:00 noon the day after Thanksgiving and a designated day and time if Christmas falls on a day that, including weekends, would cause the administrative office to be closed for 4 consecutive days. After receiving feedback from other public cemeteries, not having an on-call person and not allowing burials on City observed holidays is a common practice throughout the state. After consulting with local funeral home operators, it is staff's recommendation to make the following text amendments to the City Code, City Services Policy Manual and Recreation and Parks Department Cemetery Regulations:

Chapter 6, Article 2, Section 6.30 of the City Code: Grave Openings on Weekends
For grave openings in City cemeteries on weekends it shall be the duty of the funeral home director, or his authorized agent, to notify the enforcement officer or his duly authorized representative, no later than ~~12:00 noon~~ ***4:00 p.m.*** Friday for a **Saturday *or Sunday*** service~~ and no later than 12:00 noon on Saturday for a Sunday service~~. ***Exception: the enforcement officer or his duly authorized representative will be on-call from 9:00 a.m. until 12:00 noon the day after Thanksgiving and on a previously designated day and time if Christmas falls on such a day that exceeds three consecutive days without on-call hours.*** No grave openings or interments will be made on legal holidays observed by the City. ~~Exceptions to this section shall be stillborns and shipped-in bodies from out-of-town funeral homes.~~

City of Statesville Services Policy Manual - Recreation and Parks, E. Cemetery Rules and Regulations, 3. Interments:
For grave openings ***in City cemeteries*** on weekends it shall be the duty of the funeral home director, or his authorized agent, to notify the ~~duly authorized representative~~ ***enforcement officer or his duly authorized representative***, ~~of the City~~ no later than ~~12:00 noon~~ ***4:00 p.m.*** Friday for a Saturday ***or Sunday*** service~~ and no later than 12:00 noon on Saturday for a Sunday service. A grave opening on legal holidays observed by the City shall be done at the discretion of the party contracted by the City to provide this service.~~ ***Exception: the enforcement officer or his duly authorized representative will be on-call from 9:00 a.m. until 12:00 noon the day after Thanksgiving and on a previously designated day and time if Christmas falls on such a day that exceeds three consecutive days without on-call hours. No grave openings or interments will be made on legal holidays observed by the City.*** ~~Exceptions to this section shall be stillborns and shipped-in bodies for out-of-town funeral homes.~~

Under the heading "Interment" of the City of Statesville Recreation and Parks Department Cemetery Rules and Regulations:
For grave openings ***in City cemeteries*** on weekends it shall be the duty of the funeral home director, or his authorized agent, to notify the ~~duly authorized representative~~ ***enforcement officer or his duly authorized representative,*** ~~of the City~~ no later than ~~12:00 noon~~ ***4:00 p.m.*** Friday for a Saturday ***or Sunday*** service~~ and no later than 12:00 noon on Saturday for a Sunday service. A grave opening on legal holidays observed by the City shall be done at the discretion of the party contracted by the City to provide this service.~~ ***Exception: the enforcement officer or his duly authorized representative will be on-call from 9:00 a.m. until 12:00 noon the day after Thanksgiving and on a previously designated day and time if Christmas falls on such a day that exceeds three consecutive days without on-call hours. No grave openings or interments will be made on legal holidays observed by the City.*** ~~Exceptions to this section shall be stillborns and shipped-in bodies for out-of-town funeral homes.~~

Council member Huggins made a motion to approve first reading of a text amendment to the Cemetery Ordinance in the City Code, the Recreation and Parks Department Cemetery Regulations and the City Services Policy Manual, seconded by Council member Stallard. The motion carried unanimously.

IX **Approve a position in the Electric Utility Department and Budget Amendment #18.**
Lynn Smyth stated that in August 2012, the City's Electric Utility Director retired by taking advantage of the incented retirement package. As a result of this retirement, the Assistant Director of Electric Utility was appointed as acting Director and the Electric Engineer was appointed as Acting Assistant Director. The 2013/2014 budget was prepared with the position of Electric Utility vacant and unbudgeted. It was the intent to refill the position of Electric Utility Director but the decision was postponed while a new

City Manager was selected and he had sufficient time to consider the appointment of a new Electric Utility Director. With the appointment of Kent Houpe as Director of Electric Utility, it is the recommendation of the Manager to fill all three senior positions in the Electric Utility Department. Those three positions are Director, Assistant Director and Engineer. After significant consideration, the Manager has determined the filling of these three positions is vital to the efficient and effective operation of the Electric Utility Department.

Based on the City Manager's recent decision to appoint Houpe as the Director of Electric Utilities at an annual salary of $95,464 it is necessary for Council to authorize the position and in order to fill the now vacant position of Assistant Director approve a Budget Amendment funding the anticipated salary of a new assistant director. The Budget Amendment reflects the following line item changes and assumes hiring an Assistant Director at starting salary ($64,401) for six months of the fiscal year and considers other amounts budgeted for salaries and fringes in the department for the year. Staff expects to fill the position in January 2014.

Council member Stallard made a motion to approve filling a position in the Electric Utility Department and Budget Amendment #18, seconded by Council member J. Johnson and Eisele. The motion carried unanimously.

X **Consider approving a resolution stating the City of Statesville's 2012 Water Supply Plan meets the requirements of NC General Statute 143-355(L).**
Joe Hudson stated the Water Supply Plan is not an emergency plan, but rather a document stating where the City's water comes from and where it goes, wastewater treatment plants or other avenues of disposal, as well as descriptions regarding distribution system construction, bulk customers, etc. Staff updates the City's plan annually and is required to submit the update to the state for review and approval on an annual basis. The 2012 plan was recently approved by letter as meeting all minimum criteria set by the state and is acceptable contingent upon City Council approving a resolution stating that our 2012 Water Supply Plan is in place and the plan meets the requirements of the referenced law. The state's approval letter verifies that the plan does meet the referenced law.

Council member Huggins made a motion to approve a resolution stating the City of Statesville's 2012 Water Supply Plan meets the requirements of NC General Statute 143-355(L), seconded by M. Johnson and Stallard. The motion carried unanimously.

Council member Matthews made a motion to adjourn the meeting, seconded by Council member Eisele. The motion carried unanimously.

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk