

**MINUTE BOOK 25, PAGE 504
CITY OF STATESVILLE PRE-AGENDA MEETING – November 16, 2015
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, Schlesinger, Morgan, Williams, West, Watt, M. Johnson

Council Absent: Phifer

Staff Present: Pressley, Fugett, Gaines, Davis, Carrier, Harrell, Smyth, Barone, Hutchens, Ferguson, Shelton, Gregory

Others: 0

Media Present: Jim McNally-Statesville Record & Landmark

I Call to Order

Mayor Kutteh called the meeting to order and advised an Executive Session will be held following the Pre-Agenda meeting to discuss a personnel matter, and preserve the attorney client privilege. Mayor Kutteh asked Council members to submit their comments to staff on the Airport Study.

II Invocation (Council meeting only)

III Pledge of Allegiance (Council meeting only)

IV Public Comment - During the second meeting of each month citizens are invited to speak about matters not on the current agenda. (Council meeting only)

V Mayor Kutteh reviewed the Consent Agenda.

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 minutes of the November 02, 2015 Pre-Agenda meeting, and November 02, 2015 Council meeting.

B. Consider approval of a Resolution adopting the 2016 Statesville City Council Regular meeting schedule.

REGULAR AGENDA

VI Conduct a public hearing and consider approving first reading of TA15-06 filed by the City of Statesville to amend Article 3 - Zoning, Section 3.04 - Zoning District Regulation, Table 3-1: Use Matrix, Article 5 – Supplemental Regulation/Performance Standards for Specific Uses, Section 5.04 - Primary Uses and Structures, UU. Professional Residential Facilities, and Article 9 - Definitions, Section 9.02 - Definitions, Professional Residential Facility.

Mayor Kutteh advised this ordinance will amend the City Code to be consistent with State and Federal ordinances.

VII Conduct a public hearing and consider approving first reading of ZC15-13 filed by Jerald Yang for the property located at 215 Eastside Drive; Tax Map 4744-97-1260; from B-4 (Highway Business) to R-10 (Urban Low Density Residential) District.

VIII Conduct a public hearing and consider approving first reading of TA15-04 filed by the City of Statesville to Amend Article 5 Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures, P. Churches, Storefront in CB and CBP.

IX Consider changes to the City policy regarding adjustments to water bills and annual testing requirements associated with backflow prevention devices.

Scott Harrell stated that it has come to the attention of City staff that there have been some unique problems as a result of installation of backflow prevention devices. For those not familiar, a backflow prevention device is a device used to prevent water from flowing back into the public water supply system once it has entered a facility or other connection to the system. North Carolina Administrative Code requires backflow devices on all connections where an actual or potential threat of contamination exists. State guidelines specify the type of backflow prevention device to be installed, based on whether the potential threat to the water supply is moderate or severe. Examples of moderate threats include:

- Most lawn irrigation systems
- Most commercial establishments
- Bakeries, beauty shops

Examples of severe threats include:

- Facilities with booster pumps or other sources of back pressure
- Buildings with five or more stories above ground
- Hospitals and other medical facilities
- Car washes
- Laundries
- Swimming pools

“Other medical facilities” is typically interpreted to include clinics, doctor’s offices, and dentist’s offices. A copy of the state guidelines is included for reference.

The Water/Sewer Maintenance Division currently monitors over 1,000 backflow prevention devices that are connected to the City’s water supply system; these are primarily associated with commercial/industrial customers, fire suppression systems, and irrigation systems. In order to protect the public water supply, these devices must be tested regularly to ensure they are functioning properly. The frequency of testing recommended by manufacturers and most jurisdictions is yearly, with semi-annual testing required in some situations. Statesville City Code currently requires annual testing of all backflow devices.

Problems that can be associated with backflow prevention devices include freezing and subsequent leaks, as above-ground installation is typically required for these devices. Since the City and our customers have no alternative to their installation, staff suggests allowing more discretion in the adjustment of water billing in the event of leaks associated with above-ground backflow prevention devices. In such situations, staff would consider whether the leak was reported and/or addressed in a timely manner, whether the backflow device was properly installed, and whether the device was in compliance with annual testing and maintenance requirements.

Regarding testing of the devices, Water & Sewer Maintenance personnel currently contact customers to remind them when their annual test is due. The test and any necessary repair work is performed at the customer’s cost. If Council desires, staff will consider assuming responsibility for the annual testing and repair of backflow devices connected to the City’s water supply system.

If administered by the City, annual testing could be performed either by contract or by City personnel, with the cost recovered by adding a monthly fee to the utility bill of affected customers. Staff recommends limiting City testing of backflow devices to connections that are 2 inches in diameter or smaller (approximately 750 devices at present). The estimated monthly cost to provide this service is \$5.65 per customer.

Staff requests guidance on the following items:

1. Whether to modify City Policy to allow for water billing adjustments in the event of leaks associated with backflow prevention devices.
2. Whether to prepare a policy describing the process and associated customer fees for the Water & Sewer Maintenance Division to oversee the annual testing and maintenance of backflow devices connected to the City’s water supply system.

Council member West asked if the City has ever had any contamination prior to the backflow devices being required. Mr. Harrell replied none that he was aware of.

Council member Schlesinger stated he is required to install a device at his medical office where there is no different use than would be in a residential unit and has had two major leaks and several of his colleagues have contacted him regarding leak issues as well. He said he is very frustrated because physician offices that do not use chemicals, have regular restrooms, and have nothing hooked up with a hose, are being included in the same category with hospitals.

Council member West asked if there is any precedent to city's that might determine the need for a backflow preventer based on usage. Mr. Harrell replied that is what the need is determined by. The State guidelines are based on the use as to whether or not a device is needed. Council member West explained he meant the amount of water usage. Mr. Harrell replied to his knowledge it is based only on the use.

Mayor Kutteh reminded Council members that the consultants will present the Electric Rate Study report on December 3rd at 5:00 p.m. in the City Office Building 2nd floor Training Room.

Council member Morgan made a motion to move to Executive Session in accordance with N.C.G.S. 143-318.11(a)(6) to discuss a personnel matter and [N.C.G.S. 143-318.11(a)(3) to preserve the attorney client privilege, seconded by Council member Williams. The motion carried unanimously.

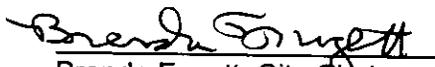
Upon return from Executive Session Mayor Kutteh stated a personnel matter was discussed and the attorney client privilege was preserved. No action was taken.

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




Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk