

**MINUTE BOOK 26, PAGE 012
CITY OF STATESVILLE COUNCIL MEETING – February 01, 2016
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Pressley, Gaines, Fugett, Davis, Smyth, Currier, Ferguson, Watts, Cornelison, Harrell, Gregory, Barone, Billings, Staley

Others: 8

Media Present: Nina Mastandrea – Statesville Record & Landmark

I Call to Order

Mayor Kutteh called the meeting to order and stated there is one addition to the Regular Agenda, a report on the Single Stream Recycling program.

II Invocation

The City Clerk gave the Invocation.

III Pledge of Allegiance

Mayor Kutteh led the Pledge of Allegiance.

V 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 December 21, 2015 Pre-Agenda and Council meetings, and the January 04, 2016 Pre-Agenda and Council meetings.**
- B. Consider renewing a lease agreement with Mr. Donnie Pennell for the old Brittain Lumber property.**
- C. Make a formal request that the City of Statesville be an official co-sponsor of the 2016 Piedmont Healthcare Friday After Five Summer Concert Series, providing in-kind services as listed below.**
- D. Consider approving a motion to close West Broad Street from Kelly to Mulberry Street, from 2:45 pm to 10:00 pm, on the following dates in order to accommodate the “Friday after Five Summer Concert Series”, sponsored by the Greater Statesville Chamber of Commerce and Downtown Statesville Development Corporation: May 6, May 20, June 10, June 24, July 1, July 15, July 29, August 12, and August 26.**
- E. Consider approving the contract with the HOME Consortium for the 2015-2016 HOME funds of \$102,146.00.**
- F. Consider a request to demolish the exiting greenhouse and kitchen on the building at 204 Salisbury Road. All demolition in the Municipal Service District requires Council approval after Design Review Committee recommendation.**
- G. Consider naming the drive into the Soccer Complex “Soccer Park Drive” and accept the portion of the drive between Simonton Road and the soccer park gate into the City’s street network.**

- H. **Consider approving a resolution directing the City Clerk to investigate a petition of annexation for property located at 2046 Salisbury Highway; Receive City Clerk's Certificate of Sufficiency; Consider approving a resolution fixing a date of February 15, 2016 for a public hearing on the questions of the petitioned annexation.**
- I. **Consider approving 2nd reading of TA15-07 filed by the City of Statesville to TA15-07 filed by the City of Statesville to Amend Article 3 - Zoning, Table 3-1: Use Matrix, Tables 3-21: CB Lot Development Standards, 3-22: CBP Lot Development Standards, and 3-23: H-115 Lot Development Standards, Article 5 Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures, Article 6 Development Standards, Section 6.02 Density and Dimensional Standards, Table 6-1 Minimum Lot Dimensions, Section 6.03 Parking Standards, Table 6-4 Required Parking and Article 9, Section 9.02 Definitions.**

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

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

Regular Agenda

- V **Conduct a public hearing and consider approving first reading of an ordinance to annex the Johnson Group Property located on Amity Hill Road.**

Mayor Kutteh asked for a motion to recuse Council member M. Johnson from voting on this item due to a conflict of interest.

Council member Watt made a motion to recuse Council member M. Johnson, seconded by Council member Williams.

David Currier stated the property being considered for annexation is located on the south side of Amity Hill Road. The property is approximately 29.27 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4742-58-9712. The subject property is contiguous to the current primary municipal limits of the City of Statesville. Therefore, this request is being processed as a voluntary contiguous annexation. Council approved a resolution to hear this public hearing on January 4, 2016. The intention for the property is to sub-divide into single family lots, approximately seventy, for single family development; staff is anticipating an R-5 multi-family zoning district which allows single family but a higher density. Mr. Currier reviewed maps and aerial photos of the site.

Council member Schlesinger asked if there are City utilities to the site. Mr. Currier replied it has City water, sewer and electric utilities.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who wished to speak in favor or in opposition of this item. There being none he declared the public hearing closed.

Council member Schlesinger made a motion to approve first reading of an ordinance to annex the Johnson Group Property located on Amity Hill Road, seconded by Council member Morgan. The motion carried unanimously.

Council member Williams made a motion to bring Council member M. Johnson back, seconded by Council member Phifer. The motion carried unanimously.

- VI **Consider approving a co-sponsorship of the 2016 Carolina Music Festival to be held May 13-14.**

Brent Cornelison stated that the Carolina Balloon Festival (CBF) committee has requested use of the airport property used for the balloon festival to host a music festival on May 13-14 and also request the following level of support from City departments which is very similar to what the City contributes to the BalloonFest on a much smaller scale:

Public Works Department - Sanitation Division to provide 25 trash cans and 25 recycling cans.

Parks and Recreation Department - mow festival area and provides access to maintenance building.

Police Department – provide 3 officers. Additional officer requests will be paid by the CBF.

Fire Department – Fire Marshall inspects and issues permits for vendors.

Other services - As approved by the City Manager.

Council member Watt made a motion to approve a co-sponsorship of the 2016 Carolina Music Festival to be held May 13-14, seconded by Council member Morgan. The motion carried unanimously.

VII Consider approving a policy allowing adjustments to water bills after a leak associated with a backflow prevention device.

Scott Harrell stated that following Council's direction at the November 16, 2015 meeting, staff proposes the following policy by which adjustments may be made to a customer's water bill in the event of a leak associated with a backflow prevention device:

Leaks and Water Line Breaks – Water Adjustment

The City of Statesville may credit a customer on City water service for excess water charges resulting from the failure or malfunction of a backflow prevention assembly and/or its installation, including freezing. The maximum allowable adjustment will be limited to the volume of water estimated to have leaked in the first 24 hours of each occurrence.

The water billing adjustment will be based on the customer's previous six months average monthly consumption as determined by the Collections/Revenue Manager. If an average cannot be established from previous billings, an average shall be established with as many future billings as may be deemed necessary but not exceeding six following the repair of the leak.

Consideration for billing adjustments will be subject to the following conditions:

1. A billing adjustment will typically be granted only once within a 12 month period. Requests for additional adjustments within that time period will be subject to approval by the Public Works Director.
2. Water loss from a backflow prevention assembly that was out of date with respect to the annual testing requirement will not be eligible for a billing adjustment.
3. Leaks associated with backflow prevention assemblies on fire lines that are not charged for consumption, or freezing-related leaks of backflow prevention devices on irrigation systems, are not eligible for billing adjustments.
4. The customer must provide the City with a statement describing the date, nature, and estimated duration of the leak, the date it was repaired, and copies of any invoices associated with the repair.
5. All repair work must be performed by a licensed plumbing contractor certified to work on backflow prevention assemblies.

Staff recommends approval of this policy, effective immediately.

Council member Schlesinger asked how the first 24 hours will be determined. Mr. Harrell replied that it will be similar to how sewer adjustments are currently made. Staff will rely on the information submitted by the customer who would be required to submit invoices and a general description of the leak. Staff will compare the data and their usage for that month with previous months and determine an estimate of what that will be.

Council member Schlesinger asked how the first 24 hours can be determined if for example the leak happens on a Friday night and the office is closed until Monday and is not discovered until then. Mr. Harrell replied the estimate would have to be based on the

best information which is if the customer tells staff that the water ran for approximately three days then staff would look at how their usage exceeds their average, divide it by three and that would be the estimate.

Council member West stated the City only makes adjustments on the sewer usage if a customer has a water leak so why is this only for backflow prevention devices and not for other instances that would occur with busted water lines. Has there been any thought to letting this encompass both areas. Mr. Harrell this policy is in response to a Council directive but it can certainly include both if Council wishes. Council member M. Johnson stated once AML is in place the exact hour can be determined. He suggested modifying the policy to allow the Public Works Director to make adjustments as required based on extenuating circumstances and evaluate them on a case by case basis as they happen. He said that he does not know of any municipality that makes adjustments for leaks on the customer's side of the meter. Mayor Kutteh agreed stating that leaks on the customer's side should not be the responsibility of the City.

Council member Schlesinger made a motion to approve with the amendment to the policy to add that a minimum of one day, once per year, with additional time allowed at the discretion of the Public Works Director, seconded by M. Johnson. The motion carried unanimously.

VIII Consider approving a policy regarding annual testing of backflow prevention devices.

Mr. Harrell stated that this proposed policy is for the City to offer testing and maintenance services for backflow prevention devices. In the discussion last November, the proposal was for the City to assume responsibility for the annual testing of some 750 of these devices city-wide. Since then, staff has heard from several local plumbers and water customers. Based on those conversations, staff proposes this policy by which the City testing and maintenance service would be voluntary.

In general, a customer who has an existing arrangement for testing and maintenance of their device may continue to do so. Customers who prefer the City handle the testing and maintenance, could subscribe to this service and have a fee added to their monthly utility bill. Staff proposes this service be limited to devices 2" in diameter or less; the anticipated monthly fee is in the range of \$5 to \$7.50

The second part of this policy is designed to allow staff to address the customers who do not comply with the annual testing requirement. Staff proposes that, if after reasonable notice a customer does not respond to the request for the annual test, the City proceed to test their device and bill the customer.

Cooperation with the annual testing requirement is generally very good, but this provision would enable staff to deal more effectively with the occasional non-compliant customer, while maintaining the goal of protecting the City's water system.

City Code currently contains a provision for staff to cut off a customer's water service for failure to comply with the City's backflow ordinance. Staff would generally reserve such action for customers with high or severe hazard by State and Federal guidelines.

If approved, some modifications to the backflow ordinance will be required; staff will bring these to Council for review in the near future.

Staff recommends approval of the backflow prevention device testing and maintenance policy. To allow sufficient time to set up the enrollment and billing process, staff recommends a July 1, 2016 effective date.

Mayor Kutteh asked Mr. Harrell to explain the non-compliance numbers. Mr. Harrell said that with new construction that goes through the TRC for approval, the compliance is there. There has been a lot of cooperation with getting devices installed on existing services, but there has also been some resistance. There has been cooperation with testing the existing devices as well. The number of those not installing the device is greater than those not testing.

Mayor Kutteh explained that this is not a public hearing and that customers will still be able to choose who they want to test their backflow device, but he allowed Mr. Jacob Deal with JP's Heating and Plumbing to speak on this item.

Mr. Deal stated that he has been testing backflow devices for twelve years. He said he believes this is a bad idea for the City. This has been around for many years it just has not been enforced. This will place a lot of liability on the City that is not necessary.

Mr. Harrell stated that staff has looked at other municipalities policies and did not find any others that did this. Fayetteville did offer testing on residential irrigation backflow devices.

Council member West made a motion to postpone so staff can confirm the policies other municipalities have, seconded by Morgan. The motion carried unanimously.

ADD Receive report on the Single Stream Recycling program.
Mr. Harrell reported the below information:

	<u>Before</u>	<u>After</u>
% Households Participating	3,552 (38%)	5,276 (56.5%)
Tons collected annually, curbside	440	1,225
Annual Collection Cost	\$125,000	\$79,500

Other Program Data:

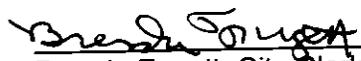
January 5, 2015	Start Date of single stream service
5,650	Number of carts purchased to date (\$293,180)
1	Number of automated collection trucks (\$291,000)
75	Average number of new requests per month
20 Tons	Annual collection at drop-off locations (Sharpe Street, SF&AC)

Mayor Kutteh stated that Council will meet with the Airport Consultant at 5:30 before the next pre-agenda meeting.

Council member West made a motion to adjourn seconded by Council member Morgan. The motion carried unanimously.


Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk

