

**MINUTE BOOK 26, PAGE 009
CITY OF STATESVILLE PRE-AGENDA MEETING – February 01, 2016
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, Watt, M. Johnson, West

Council Absent: Phifer

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

Media Present 0

Others: Marin Tomlin, Robb Collier, Donald Hicks

I Call to Order

Mayor Kutteh called the meeting to order and stated an Executive Session will be held following the Pre-Agenda meeting to discuss a personnel matter, land acquisition, a contract matter and to preserve the attorney client privilege for all.

Mayor Kutteh stated an update report on the single stream recycling program will be added to the agenda.

II Invocation (Council meeting only)

III Pledge of Allegiance (Council meeting only)

IV 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.
Mayor Kutteh stated that the lease rate is \$600.00 per month and the tenant has kept the property in good condition.

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.

Mayor Kutteh said this is the ninth year for this event. Council member West reminded staff that Mr. Pressley can approve this or any event that has been approved by Council in the past as well as the street closing for the events.

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.

Mayor Kutteh stated this is to improve the Veterans Group Home on Wilson Boulevard. The City's portion of funding for this is \$19,494. Donald Hicks added that this home houses ten folks plus a live in staff member.

F. Consider a request to demolish the existing 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.

Mr. Currier distributed drawings of what the new structure will look like.

- 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.**

Mayor Kutteh stated that Iredell County Emergency Management has requested the City name the drive into the soccer complex for 911 purposes due to the connectivity with Tara’s Trace. This connectivity created some delays in response during a recent emergency. Staff recommends naming the drive “Soccer Park Drive”. Staff also recommends accepting the portion of “Soccer Park Drive” between Simonton Road and the soccer park gate into the City’s street network. This will enable the City to use Powell Bill funds for its maintenance. Powell Bill funds cannot be used to maintain streets that are gated, so there would be no benefit to adding the portion of the drive inside of the gate to the City’s street system.

- 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.**

Mayor Kutteh stated this is for the Dollar General property. Currier added that the tax value would be approximately \$300,000 at completion.

- 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 stated the purpose of this text amendment is to add the use of a jail to the table of permitted uses, to differentiate between a jail and a correctional facility, to allow flexibility in the setback for CB, CBP and H-115 for public open space, art, and tree protection, to add parking requirements for a jail, and to add a definition for a jail and clarify the definition for correctional facility.

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 said this property that is being considered for annexation is located on the south side of Amity Hill Road and is approximately 29.27 acres in size. The 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.

Mayor Kutteh asked what the tax value of the property will be after it is developed. Council member M. Johnson replied approximately \$18.2 million with 70 units. He added that he will be recusing himself from hearing this item at the Council meeting.

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

Mayor Kutteh 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.

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.

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

Mayor Kutteh stated that the maximum allowable adjustment will be limited to the volume of water estimated to have leaked in the first 24 hours of each occurrence. 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

Council member West asked if backflow prevention devices are state mandated because he has been told by contractors in Mooresville and Mecklenburg County that they are not having to do this. Mr. Harrell replied that yes they are state mandated unless the use does not require one.

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

Mayor Kutteh stated that originally staff proposed that the City assume testing and maintenance of backflow prevention devices connected to the City's water system. Since then, staff has received feedback from several customers and local plumbers. Based on those conversations, staff now proposes that this service be offered to customers, while allowing a customer to keep their current arrangement for testing and maintenance if they wish. The cost for this service will be billed in equal installments on the customer's monthly utility bill.

Council member Schlesinger asked if this would include any maintenance or liability. Mr. Harrell replied the program would include maintenance.

Council members discussed enforcing the testing policy. Mr. Harrell pointed out that the issue of non-compliance is customers that have not installed the device. He said the ordinance does allow the City to turn off the water of those in non-compliance but a softer approach has been taken during the recession to try to work with these customers.

Other Business

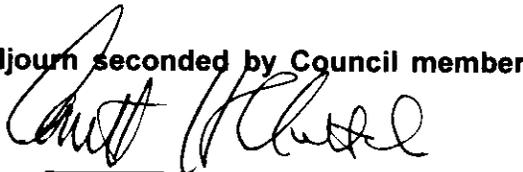
Council member West expressed his displeasure with the way the City Attorney and Planning Director handled the zoning permit approval for the group home slated to be located in Shannon Acres. He disagreed with their reasoning and announced that he had personally filed an appeal today against their decision to approve the group home permit. Council member West argued that it is not right that city procedures allow the City Attorney and a department head to make these types of decisions with such impact on the City without any input from the City Council. Mayor Kutteh advised that any motions about the matter should be made during a regular meeting. Council member Schlesinger said it sounds like a personnel issue that should be discussed in closed session.

Mayor Kutteh asked for a motion to move to Executive Session.

Council member Schlesinger 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, N.C.G.S. 143-318.11(a)(5) to discuss land acquisition and a contract matter, and [N.C.G.S. 143-318.11(a)(3) to preserve the attorney-client privilege for all, seconded by Council member Morgan. The motion carried unanimously.

Upon return from Executive Session Mayor Kutteh stated Council discussed a personnel matter, a land acquisition matter, a contract matter and preserved the attorney client privilege for all. No action was taken.

Council member Watt made a motion to adjourn seconded by Council member Williams. The motion carried unanimously.



Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk

