

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD NOVEMBER 13, 2017 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Vice Mayor Konrad called the meeting to order at 7:01 p.m. with the Pledge of Allegiance.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Joe Konrad, Councilmembers Pat Boyle, Larry Dempster and David Lambert. Absent were: Councilmembers Levi Garner and Lori McGoffin

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:** Mayor King read a proclamation declaring November 20, 2017 as “Extra Mile Day.”

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, AZ, stated she had a number of things to mention, stating there was a newspaper article on Benson in the Sierra Vista paper and she will give it to the Clerk. Ms. Gerrodette then stated she has questions on the Revitalization Districts (RD) formation and will submit them for the record, so she would not read them. Mr. Gerrodette then spoke about Exhibit D for the RD application, stating the words “qualified” or “electors” do not appear, and instead reads “registered voters” within the boundaries, adding her request is to change the title of the exhibit or to obtain the proper certification the Cochise County recorder. Ms. Gerrodette then stated she has two comments concerning City Management, adding she requested a copy of the Mayor’s calendar but has received no records responsive to that request. Ms. Gerrodette then stated she is used to such records being available and she thinks statutorily, all records reasonably necessary or appropriate to maintain an accurate knowledge of activities supported by funding should be kept, adding she will look forward to future calendars. Ms. Gerrodette then stated she has asked before for the City Manager’s report to be about things that are happening in the City instead of being just a calendar, adding that the City Manager citing what he did at the Benson economic luncheon, with a report on activities, should be given at each meeting or monthly or quarterly, and include the events attended, meetings with people and what is happening in the City.

Paul Lotsof, a non-resident and business owner of the CAVE FM radio station in Benson, spoke about the building codes, taxing districts and advertising. Mr. Lotsof stated he felt the Council just rubberstamps and approves everything the staff recommends; then asked if Benson needed the same building codes as Chicago requires. Mr. Lotsof then said people are impoverished and applying codes to properties already built makes owners want to abandon their buildings. Mr. Lotsof then asked where the violation amount and jail came from, adding the codes make it tempting for him to get land outside the city limits. Mr. Lotsof then spoke about taxing districts stating he is concerned about the power they will have. Mr. Lotsof then stated he also has questions that have not been answered and asked if his questions would ever be answered from someone who is appropriate or if the answers would only come from Council and Staff. Mr. Lotsof then stated the golf course and restaurant are money losers and he has made a deal with a Tucson radio station which result in his station now covering about 200 miles of the interstate for a while, but he doesn’t plan any rate increases and his advertisers will get Tucson and parts of Phoenix. Mr. Lotsof then stated he charges \$3.00 per ad and \$30 per day and thinks his price is great and that nearly every dollar spent with him gets spent in Benson. Mr. Lotsof then asked who was authorized to make advertising decisions and that he was anxiously waiting to find out the answer.

Jeff Cook, N. Huachuca, Benson, stated he would like to discuss New Business Items 2 and 10, then addressed the liquor license for the Giant Store, located at 104 E. 4th Street. Mr. Cook stated that every time he buys the Daily Star, Giant never charges tax, but others stores do. Mr. Cook then stated this is a small thing, but Giant

sells a lot of papers over the course of a year, and it leads him to question what else they are not taxing, but then said it may not be what the City does; it may be up to the State. Mr. Cook then stated the Council has the opportunity to help bring a business into compliance by not approving the requested control of their liquor license. Mr. Cook then spoke about New Business Item 10, stating there are several provisions that could be applied to him, but he doesn't have the money to do the repairs that are required or pay for the possible penalties of up to \$2,500 per day. Mr. Cook then stated with a total income under \$900 per month, some of the repairs are beyond the possibility of him having them done and the penalty is out of his reach. Mr. Cook then stated the Council needs to think of that; not everyone can afford what may be required by the codes and the penalties of not doing what would be required.

### **CITY MANAGER REPORT:**

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

Saturday, November 18, 2017 – Historic Preservation Commission, 9:00 a.m., City Hall  
Monday, November 27, 2017 – City Council Meeting, 7:00 p.m., City Hall  
Tuesday, November 28, 2017 – Community Watershed Alliance, 6:30 p.m., City Hall

Thursday & Friday  
November 23 & 24, 2017 – Thanksgiving Holiday, City Offices Closed

Saturday, December 2, 2017 – Festival of Lights – Light Parade, Floats that best represent the Theme “Dreaming of a White Christmas”, will be awarded 1st, 2nd and 3rd place prizes!

Win prizes by donating non-perishable food items for the Benson Food Bank – Drop off items anytime at City Hall, the Visitors Center, the Community Center and the Tree Lighting.

The Light Parade starts at 6:00 p.m.

Santa will be attending the Christmas Tree Lighting at Benson City Hall, 120 W. 6th Street. The Christmas Tree Lighting starts immediately following the Light Parade.

Mr. Stephens then stated the library is currently offering reduced library fines for people who bring in a canned item to donate this holiday season, adding the Library Manager, Kelli Jeter, can be contacted for additional information.

### **NEW BUSINESS:**

#### **1. Discussion and possible action on the Consent Agenda**

1a. Minutes of the March 27, 2017 Regular Meeting

Vice Mayor Konrad moved to approve the Consent Agenda. Seconded by Councilmember Boyle. Motion passed 5-0.

#### **2. Discussion and possible action regarding Resolution 34-2017 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Acquisition of Control of the Liquor License at Giant Store #655, 104 E. 4th Street, Benson, Arizona**

City Clerk Vicki Vivian stated Western Refining Retail LLC, the owner of the Giant Store #655, located at 104 E. 4th Street, has applied for acquisition of control of the liquor license, adding the procedures have been followed according to ARS §4-201 and §4-203(F), with no written arguments in favor of or opposed to the issuance of the license being received. Ms. Vivian then stated it is now at the step where the “governing body of the City or

Town shall then enter an order recommending approval or disapproval within sixty days after filing of the application” and once Council makes a recommendation, she will forward the proper documents to the Arizona Department of Liquor Licenses & Control. Councilmember Lambert then moved to approve Resolution 34-2017. Seconded by Councilmember Dempster. Motion passed 5-0.

3. **Discussion and Possible action regarding the Benson Clean and Beautiful and Benson Chamber of Commerce request for support for the Benson Christmas Festival, set for Saturday, December 16, 2017**

City Manager Bill Stephens stated Benson Clean & Beautiful is partnering with the Chamber of Commerce on the Benson Christmas Festival and they are making a request of the City of Benson for sponsorship of the Benson Christmas Festival in the amount of \$2,000, adding the event is set for Saturday, December 16th, 2017 from 10am-4pm. Mr. Stephens then stated members of the Chamber and Benson Clean & Beautiful, Cindy Allen and Regan Wilmarth, are available should the Council need clarification or have any questions. Mr. Stephens then stated the Council also has a copy of the funding request letter. Councilmember Dempster asked about the location of the event and if she took advantage of Tim’s offer with Ms. Wilmarth stating she has been talking to the City Manager, the Fire Chief and the Chief of Police in addition to ADOT to request permission to hold the event on 4th Street. Ms. Wilmarth then stated the request requires public safety measures, such as barricades in place and even though she will be taking advantage of Tim’s Wrecking Service’s offer to use the flat-bed trailers, there will still be the costs of the water barricades themselves. Ms. Wilmarth then stated the traffic control costs to hold the event on 4th Street will be fairly substantial. Councilmember Dempster stated this event has been done for years, with some being successful and some not, adding he thought Ms. Wilmarth should get credit for working to hold it on 4th Street. Councilmember Dempster then stated anything the Council can do to help with safety, they should do, adding he believes it will be very successful. Ms. Wilmarth said she has been working with ADOT, the City and others for several months to hit all the requirements for closing down 2 blocks, adding traffic from San Pedro to Patagonia will be rerouted over to Highway 80 in the safest way possible. Ms. Wilmarth then stated this requires additional expenses the Chamber has never had before, such as traffic signs, electronic boards announcing the event and then changing the message the day of the event, and for safety reasons, water barrels to serve as barricades or concrete k rails for 160 linear feet, both of which are excessively expensive. Ms. Wilmarth then stated she is looking at every option possible, including talking to construction companies to get donations, but at this point, the event is 40 days out and she needs funding for viability. Ms. Wilmarth then stated the delivery and pick up of the barricades requires a special truck, adding the k rails alone cost \$8,000, then added the detour and other signs cost \$3,200, so traffic control is going to cost \$11,520, again noting this is an expense the Chamber has never incurred before, but it’s required to keep the public safe. Ms. Wilmarth then stated to hold the event on 4th Street they have to plan for the unforeseen, adding, it was pointed out to her that a fully-loaded truck weighing 80,000 lbs. going 60 mph would hit the k rails at 440,000 psi, adding this is a substantial risk, which is what requires more than just simple metal barriers. Ms. Wilmarth then stated this is why so many cities own them, but as the City doesn’t own them, the Chamber would have to rent them, which means there is a cost to deliver and pick them up on the day of the event. Ms. Wilmarth then stated the City has wonderfully allowed a 12-hour window to hold the event, but she has less than a 2-hour window to have the barricades set up and have the event operational and less than an hour window to have the barricades picked up and traffic opened up. Ms. Wilmarth then stated the benefit of hosting the event is that there is \$250,000 in revenue that drives down 4th Street, according to figures she obtained from the Department of Revenue, and if the City could tap into that, it would be fresh revenue, instead of the recycled revenue in the City. Ms. Wilmarth then stated she is looking at every option, including the offer made by Tim’s Wrecker Service to use 50’ tractor trailers that she could have water barricades placed on, adding she doesn’t know how much cheaper it will be to do so, but she knows this option will be cheaper than concrete k rails.

Councilmember Boyle stated the request is for \$2,000 and then asked how short she was of the needed \$11,000 and if she thought they would be able to get the rest with Ms. Wilmarth stating she was very confident, adding she is currently talking to other sponsors who have been past sponsors and she is roughly 2/3 of the way there, not counting the request before Council. Ms. Wilmarth then stated she has explained the situation to all the sponsors.

Councilmember Dempster asked how much funding has been obtained with Ms. Wilmarth stating she has been promised \$3,200 and has been promised an additional \$2,000, so the Chamber is at \$5,200 right now, adding this doesn’t include any vendors that will be brought in for the event. Mayor King then stated with the request to the City Council for \$2,000, the funding would be at \$7,200 and they would still need another \$3,300.

Councilmember Dempster then asked about the number of vendors and merchants with Ms. Wilmarth stating she is still working on those. Councilmember Dempster then asked if there were time to come back and make this request at a later date with Ms. Wilmarth stating the event is to be held on December 16, and she has to have a commitment 30 days before the event, so she is down to the wire. Councilmember Boyle asked if the Chamber would refund any money should the Chamber fail to obtain the \$11,520 with Ms. Wilmarth stating funding would be returned.

Councilmember Boyle moved to approve request for the Benson Clean & Beautiful and Chamber for the activities. Seconded by Councilmember Lambert. Councilmember Boyle then amended the motion to include \$2,000 for the sponsorship of the event. Amended motion seconded by Councilmember Lambert. City Attorney Gary Cohen stated for the record to be clear, the activities referred to in the motion is actually the Benson Christmas Festival set for December 16 with Councilmember Boyle confirming this was correct. Motion then passed 5-0. Mayor King told Ms. Wilmarth to let him know if she needed volunteers with Ms. Wilmarth stating she needs all the volunteers she could get. Ms. Wilmarth then thanked the Council.

4. **Discussion and possible action regarding a request from Benson Clean and Beautiful and the Benson Chamber of Commerce for a Vendor Business License Variance for the Benson Christmas Festival, set for Saturday, December 16, 2017**

City Manager Bill Stephens stated Benson Clean & Beautiful is partnering with the Chamber of Commerce on the Benson Christmas Festival and they are requesting a variance to the normal business license fee of \$25.00 for those vendors who do not do regular business in the City of Benson. Mr. Stephens then stated they agree a business license should be paid for and issued, but is asking for the fee be reduced to \$5.00 for those vendors who will do one-time business, for this event, in the City of Benson, adding the event is set for December 16th, 2017, from 10 am-4 pm. Mr. Stephens then stated, again Cindy Allen and Regan Wilmarth are available to answer any questions the Council may have or to provide clarification if needed. Mr. Stephens then stated the Council has also been given a letter with regards to this issue as well.

Mayor King asked if this was something the Council could do with Mr. Stephens deferring to the City Attorney. City Attorney Gary Cohen stated the City Code reads that the fee for an annual business license is \$25, and it can be pro-rated for 6 months at the cost of \$12.50. Mr. Cohen then stated the request is to reduce the fee to \$5 and points out other cities, such as Tucson and Sierra Vista, that have special provisions for 1-day events. Mr. Cohen then stated the problem is that there is nothing in the City Code to address something like that, adding he is not aware how the Council can give a variance to what the law requires unless the City Code is amended to reflect the option. Mr. Cohen then stated if the Council would like, he could draft an ordinance amending the City Code for the Council to consider for future requests. Mayor King asked if the Council could approve the pro-rated amount for the request with Mr. Cohen stating the City Code already allows that, so the Council could either let the item die or move to deny the request for a variance. Ms. Wilmarth stated since the pro-rated fee could apply, she was fine with the Council denying the request. Mr. Cohen then stated the Council could table the item and then discuss a possible code change in the future if they would like to see something in place for any 2018 events. Mayor King asked Mr. Stephens to look into this to see if the Council could put in a provision for future events to possibly create a different fee for 1-day events. Mr. Stephens then stated if the Council votes to not approve the request or takes no action, Staff can still use the current Code provision to pro-rate and reduce the fee and then the Council can consider changing the Code later. Mr. Cohen stated from a legal perspective, it would be cleaner if the Council votes on the item and denies the request, adding there would be no obligation to bring the item back to the Council, but the Council could also table the item to a future meeting should the Council want to address this in the future.

Vice Mayor Konrad clarified that the Council would be denying the event for this year and then moved to deny the request. Seconded by Councilmember Boyle. Motion passed 5-0.

5. **Discussion and possible action regarding Ordinance 586 of the Mayor and City Council of the City of Benson, Arizona, amending the Benson City Code, Chapter 21, "Benson Public Library," Article 21-2 "Powers and Duties," Section 21-2-2(G) "Library Advisory Board"**

City Manager Bill Stephens stated the Library Advisory Board has approved changing Library Advisory Board meetings from monthly to quarterly, adding Ordinance 586 changes the City Code to reflect the change. Mr. Stephens then stated should business come up that the Board needs to discuss and take action on before the next scheduled meeting, a special meeting could always be convened, adding Library Branch Manager Kelli Jeter was present should Council have any questions. Vice Mayor Konrad confirmed with Ms. Jeter that the Board was still active and that it just wasn't necessary to meet monthly. Councilmember Boyle then moved to approve Ordinance 586. Seconded by Vice Mayor Konrad. Motion passed 5-0.

6. **Discussion and possible action regarding Ordinance 587 of the Mayor and Council of the City of Benson, Arizona, amending and deleting Article 18-5, "Library Board" from the Benson City Code, Chapter 18, "Boards, Commissions and Committees"**

City Manager Bill Stephens stated in 2011 the Mayor and Council approved Ordinance 561, adopting Chapter 21, "Benson Public Library," which set forth the code provisions governing the operation of the Benson Public Library as part of the City Administration. Mr. Stephens then stated at that time, Article 18-5 concerning the Library Board should have been deleted, adding Ordinance 587 is a housekeeping ordinance that simply amends the code to delete Article 18-5. Mr. Stephens then stated Ms. Jeter, Library Branch Manager, was present to answer any questions the Council may have. Councilmember Lambert then moved to approved Ordinance 587. Seconded by Vice Mayor Konrad. Motion passed 5-0.

7. **Discussion and possible action regarding Resolution 35-2017 of the Mayor and Council of the City of Benson, Arizona, Declaring the 2017 Cochise County Multi-Jurisdictional Hazard Mitigation Plan to be a public Document and Adopting said Plan as the City's Hazard Mitigation Plan**

Fire Chief Keith Spangler stated the Council approved a plan like this back in 2012 and the reason this is before the Council is that the federal government requires the plan be reviewed and readopted 5 years later. Chief Spangler then stated the plan looks at hazards, noting most of the hazards are related to mother nature. Chief Spangler then stated if funding should become available to mitigate hazards, the City would have the plan in place and be able to apply for the funding. Vice Mayor Konrad asked for clarification on funding with Chief Spangler stating the City has to have an approved plan in place to be able to apply for funding, should it become available. City Manager Bill Stephens stated Chief Spangler was talking about grant funding to mitigate hazards or to mitigate circumstances that create hazards, should it become available. Vice Mayor Konrad asked if funding should be included in the budget or if it would be based on grants with Chief Spangler stating it would be based on grants. Councilmember Dempster asked if the hazards were fire-related hazards and asked for examples with Public Works Director Brad Hamilton stating the hazards could include fires, floods and other special hazards such as a rail car leaking. Councilmember Dempster asked if this was basically a planning document with Mr. Hamilton stating it was, then adding that if the City ever had a natural disaster and FEMA came in to assist the City, FEMA wouldn't offer any funding unless the plan was in place. Mayor King stated this is why the City Council passed the previous plan.

Councilmember Lambert asked if the Council needed 2 separate votes to declare the plan a public document and adopt it with City Attorney Gary Cohen stating there are times the Council needs to approve a resolution declaring something a public document, such as with the building codes, and then approve the document with an ordinance, but that is when the Council is amending the City Code and chooses to adopt the changes by reference. Mr. Cohen then stated since there is no code amendment and the Council is simply considering the adoption of the plan, it does not have to be adopted by reference.

Councilmember Lambert moved to approve Resolution 35-2017. Seconded by Councilmember Boyle. Motion passed 5-0.

8. **Discussion and possible action regarding the Procurement of Environmental Remediation Services for Ocotillo Avenue Sewer for the removal of regulated Asbestos Sewer pipe under AZ State Contract # ADEQ17-140223 for \$22,181.00**

Public Works Director Brad Hamilton stated this item addresses the wastewater line on Ocotillo that the City has nervously watched, adding the line will be replaced in conjunction with the Chiricahua Health Centers

construction project. Mr. Hamilton then stated the pipe currently in the ground is asbestos and has to be disposed of, adding he is utilizing the Arizona State contract to do so. Mr. Hamilton then stated the project is one of those things the City has delayed, but there will be a catastrophic event if the line isn't replaced. Mayor King asked if the project was in the budget with Mr. Hamilton stating the project has been in the budget since 2010, but hasn't been done due to financial issues. Mr. Hamilton then stated this section also serves the primary wastewater from the hospital, noting it is a critical section. Vice Mayor Konrad stated the timing is good with the current construction going on with the new Chiricahua Health Center with Mr. Hamilton stating the heavy equipment on the road probably didn't help, but doing the project in conjunction with the construction is good. Mr. Hamilton then stated the manholes are still good, but the line isn't, adding the asbestos pipe will be removed and properly disposed of and the new PVC pipe will be installed, leaving the system in good shape.

Councilmember Boyle asked how long the construction would take with Mr. Hamilton stating most of the work will be performed by City crews, adding the removal will take about 3 weeks, and the replacement shouldn't take that long. Mr. Hamilton then stated it may be a month or a little longer, adding crews won't start until right after the first of the year if everything remains ok until then. Mr. Hamilton then stated this is one item he needed before Council so he could get the environmental cleared, adding in the past, the old pipes were just clay, which is ok, but asbestos is not and requires remediation services.

Councilmember Lambert asked how traffic would be diverted with Mr. Hamilton stating the wastewater line is on the east side of the roadway, so the project will be right off the roadway. Mr. Hamilton then stated crews may barricade an inside white striped area, but there shouldn't be too much closure on the road, noting it should be no more than what was needed to install the water line to the Chiricahua Health Center building. Vice Mayor Konrad stated the contractor did a good job with the traffic flow when they had to cut across Ocotillo to install that line. Mr. Hamilton agreed, stating he was happy to work with that contractor, adding that contractor worked well with the City. Mr. Hamilton then stated he thinks this project will go as well as the water line installation project.

Councilmember Boyle moved to approve the Procurement of Environmental Remediation Services for Ocotillo Avenue Sewer for the removal of regulated Asbestos Sewer pipe under AZ State Contract # ADEQ17-140223 for \$22,181.00. Seconded by Councilmember Dempster. Motion passed 5-0.

9. **Discussion and possible action regarding Resolution 36-2017 of the Mayor and Council of the City of Benson, Arizona, declaring as Public Record certain Updated Codes to be incorporated by reference into Benson's City Code, Chapter 7, "Building", Article 7-1, "Uniform Codes", Section 7-1-1, "Adoption"**

Public Works Director Brad Hamilton stated this item is to declare documents as a public record, which is something the City Attorney spoke about earlier in the meeting, and the next item is the ordinance to adopt them. City Attorney Gary Cohen stated declaring documents a public record before adopting them by reference cuts down on the cost of publication, adding the resolution doing so is a technical procedure and is a necessary predicate before the Council can consider the ordinance, which is the next item.

Councilmember Lambert moved to approve Resolution 36-2017. Seconded by Councilmember Boyle.

Councilmember Dempster stated in the worksession it seemed to him that there were two things; one, it makes a big difference in insurance costs to the community both with existing and new construction and two, the new codes do not have to apply to existing buildings. Mr. Hamilton stated the new codes will only apply to new construction, and other parts of maintenance code will apply to current structures, then stated it will also get the City's insurance rate (ISO rating) back to where it should be, adding he feels for those who can't pay for required updates, but if the new codes are not passed, the City is essentially making everyone, commercial and residential, pay for it through insurance rates that are higher. Mayor King stated by passing the new codes, the Council will help get the lower insurance rates in place for everyone and conversely, if the Council doesn't pass the new codes, the rates will be even higher. Mr. Hamilton then stated this could also influence lending for capital, adding if something can't be insured, banks won't loan capital.

Vice Mayor Konrad asked about remodeling an existing residence, such as a kitchen, stating he knows there is a moratorium on sprinklers right now, but at some point, sprinklers will be required in residences, then asked what

happens if a person comes in with an existing residence wanting to do a kitchen remodel. Mr. McMillan, of Brown & Associates (contracted building official) stated the way the code is written, sprinklers would not apply, adding they would only apply to newly-constructed homes. Mayor King then confirmed the new codes would not apply to existing structures with Mr. McMillan stating existing structures are considered legal non-conforming, meaning they were presumed to be legally constructed at the time of construction, therefore as they stand, they don't necessarily have to meet the new codes, adding only the portion of the remodel affected would. Councilmember Boyle asked about an inspector coming into a residence and seeing something else that would be required, such as electrical upgrades with Mr. McMillan stating this would be different requiring all sprinklers, adding if someone was going to remodel a kitchen, there is the potential that there may be some electrical upgrades or requirements related to that, but they typically wouldn't apply.

Councilmember Lambert stated this discussion is something that should be under the next item, adding the only thing the Council is doing now is declaring the documents a public record. City Attorney Gary Cohen stated the Council could discuss the content of the documents. Mayor King then called for a vote. Motion passed 5-0.

10. **Discussion and possible action regarding Ordinance 588 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code, Chapter 7, "Uniform Codes", Article 7-1, "Uniform Codes", Section 7-1-1, "Adoption"**

Councilmember Boyle asked about situations, giving as an example, someone has a limited budget and their water heater quits, then asked what could go wrong by having their son come and install a new water heater. Mr. McMillan of Brown & Associates (contracted building official) stated the permit would only cover the work as it applies, or in this situation, only to the water heater. Councilmember Boyle confirmed the permit was to replace the water heater with Mr. McMillan stating that was correct and then added the permit would be required under the City's current codes. Councilmember Boyle then asked if the person could install it himself or would have to hire a licensed contractor with Mr. McMillan stating the person could install it themselves and would not have to hire a licensed contractor, adding that is actually controlled by State law. Councilmember Boyle then stated a lot of people in town simply don't have the money to do those things. Mr. McMillan then stated this is really just a code update to requirements already in place, adding residential sprinkler systems are going to be required now and are written into the code, but a moratorium on that has been put into place by the state. Mr. McMillan then stated due to the current financial climate for building, construction and new home sales, the home builders association petitioned the State, and got approval to not have to sprinkler new homes, which is probably the biggest change in the codes. Mr. McMillan then stated the codes are going from 2006 to 2015, and contain some technical updates and structural updates, but do not have that many more changes than what is in the currently adopted codes.

Council discussed the codes being in place for remodeling with Mr. McMillan again stating the sprinklers will be in the code, which is the biggest change, but again the State has a moratorium in place on that requirement and there really aren't that many more changes than what the City currently have adopted. Councilmember Boyle expressed concern over the City causing people to live with conditions because they can't afford to upgrade with Mr. McMillan stating in those instances, the property maintenance code would apply. Mr. McMillan then stated in his 20 years of working, he has only had 2 incidents of penalties applying, adding most all jurisdictions want to work the citizens and help them, giving time extensions, noting penalties only come in after due process. Mr. McMillan then stated his job is to work with people, both residential and commercial, to make them successful, not penalize them. Councilmember Lambert confirmed that replacement of a water heater would currently require a permit and therefore wasn't changing with the adoption of the newer codes with Mr. McMillan stating Councilmember Lambert was correct.

Mayor King stated the majority of the new codes are not demanding something that's not already required, such as the permit to replace a water heater, but people like to create fear in the community about the new codes. Mayor King then stated the Council was not doing this behind anyone's back, adding they were just updating the codes, with very little change and he wants people to understand that. Mayor King then stated it's ridiculous to try and spread fear in the community, when the Council is doing something to help the community with their insurance rates.

Vice Mayor Konrad asked if code updates come every 3 years with Mr. McMillan stating the codes change every 3 years, but most cities adopt new codes every 6 years, adding it's less costly. Mr. McMillan then stated the ISO rating is reviewed every 10 years, so he would like to see the goal to adopt new codes every other update, which is every 6 years, to keep the ISO rating down, adding he would not bring an update to Council in 2018, but would anticipate an update in 2021.

Councilmember Lambert asked if Mr. McMillan had any idea on when the moratorium on sprinklers in residences would be lifted with Mr. McMillan stating there was no sunset date on the moratorium. Councilmember Lambert then stated if the new codes are not approved, the City's ISO rating can go to 10 with Mr. McMillan stating the current ISO rating is a 9 and will stay at a 9, adding there are people who have already experienced the results of this, which is that they can't get property insurance or their insurance has gone up double or triple due to the increased rating.

Mayor King asked about the new codes effective date and when people could expect the ISO rating to be adjusted with Mr. McMillan stating one of his goals is public education so people understand what is being done and to get ISO to come in and conduct another audit, so the rating can come back down to what it really should be, which is a 3 or 4 for commercial and 4 for residential. Mr. McMillan stated the ISO rating board has worked with the City in the past, noting the rating had increased when the water system had issues, but after the issues were addressed they came back out and lowered the rating back down and his goal is to have them come back out and review the rating. Mayor King asked about a timeline for the rating to be lowered with Mr. McMillan stating if the Council approved the new codes, he would contact them tomorrow, adding typically, they will come back in 30-60 days.

Councilmember Boyle asked about not being able to build if the new codes were not approved with Mr. McMillan stating the codes are causing problems, because people can't get insurance and therefore, funding to build. Councilmember Lambert then stated he called his insurance company, adding with the ISO rating of 4 going to 9, his insurance would go from \$600.00 per year to over \$3,000 per year. Mayor King stated this is what people need to understand, so they don't fear these changes. Vice Mayor Konrad moved to approve Ordinance 588. Seconded by Councilmember Lambert. Motion passed 5-0.

**DEPARTMENT REPORTS:** No comments from Council.

**ADJOURNMENT:**

Vice Mayor Konrad moved to adjourn at 8:13 p.m. Seconded by Councilmember Lambert. Motion passed 5-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk