MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
January 8, 2019 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, January 8, 2019 at Newton City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem John Stiver and Council Members Jerry Hodge, Anne Wepner, Jody Dixon, Tom Rowe and Ed Sain

STAFF: City Manager Todd Clark, City Clerk Amy S. Falowski, City Attorney John Cilley, City Department Heads and members of the management team

ITEM 1: CALL TO ORDER

Mayor Anne P. Stedman welcomed everyone and called the meeting to order.

ITEM 2: OPENING Invocation and Pledge of Allegiance

Council Member Tom Rowe provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

Upon motion duly made by Council Member Ed Sain, seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That the Regular Minutes of the December 4, 2018 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Upon motion duly made by Council Member Ed Sain, seconded by Council Member Anne Wepner, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Sewer Adjustments

C. Consideration to Recognize Funds from ElectriCities for System Betterment Program

D. Consideration of Appointments to Boards and/or Committees

(Ordinances, Resolutions and Proclamations are hereby referenced and on file in the Office of the City Clerk)

ITEM 5: COMMENTS FROM THE PUBLIC: PEOPLE WHO WISH TO COMMENT ON NON-AGENDA ITEMS ARE ASKED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING.

Mayor Anne P. Stedman asked if anyone present would like to make comment concerning non-agenda items. No one appeared.
ITEM 6: Presentation

A. Western Piedmont Council of Governments – Transportation Patterns

Taylor Dellinger and Brian Horton provided City Council with presentations concerning transportation patterns for the region.

ITEM 7: Public Hearing

A. Consideration of Rezoning Application asFiled by Babamov Enterprises NC, LLC

Mayor Stedman opened the Public Hearing.

Planner Alex Fulbright stated that a rezoning request has been filed by Babamov Enterprises NC, LLC. The request is to rezone a portion of property located at 2306 N Main Ave from R-9 Multi-Family Residential to M-1 General Manufacturing so that the entire site is zoned M-1. Mr. Fulbright stated the subject site consists of a 1.41 acre tract identified as Catawba County Pin 3741-17-12-0274. The purpose of the request is to have the entire site zoned M-1 so that the western portion of the site and the building is not restricted by the R-9 zoning.

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>Subject(s)</th>
<th>ZONING</th>
<th>LANDUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M-1 General Manufacturing</td>
<td>Warehouse and vehicle repair</td>
</tr>
<tr>
<td></td>
<td>R-9 Multifamily Residential</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>R-9 Multifamily Residential</td>
<td>Single family residential</td>
</tr>
<tr>
<td>South</td>
<td>R-9 Multifamily Residential</td>
<td>Single family and multifamily residential</td>
</tr>
<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
<td>Catawba County Schools parking lot and single family residential</td>
</tr>
<tr>
<td>West</td>
<td>R-9 Multifamily Residential</td>
<td>Single family residential</td>
</tr>
</tbody>
</table>

Mr. Fulbright stated that the area to be rezoned is currently zoned R-9, and that according to the current, 1982, and 1966 Zoning Map the area has been zoned R-9. The portions of the property that is currently zoned M-1 General Manufacturing was zoned that way on both the 1966 and 1982 zoning map.

Mr. Fulbright stated the site has frontage on both East 23rd Street and N. Main Ave. East 23rd Street is considered a neighborhood street. Traffic on East 23rd is minimal (no traffic counts are available). North Main is also known as NC Hwy 16 and is a major arterial for the city. Traffic counts along N. Main in this area are around 8,400 (2017 DOT count) vehicles per day. He explained that it is not anticipated that the rezoning request would have a significant impact on existing or future traffic patterns. City water and sewer are available.

Mr. Fulbright stated the 2010 Core Area Plan Future Land Use Map shows the area being zoned residential. The request is inconsistent with the current land use plan for the area but would be consistent with the existing land use of the area and it would not adversely impact the adjoining residential area.

Mr. Fulbright stated that public notice for this rezoning case has been performed as follows:

Newspaper: published on December 27, 2018 and January 3, 2019.
Posted on-site: posted November 15, 2018
Mailed notices: sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 20 letters were sent on December 28, 2018.

Mr. Fulbright stated that the Planning Commission unanimously recommends to the City Council approval of this rezoning request. The request is inconsistent with the 2010 Core Area Plan, but the request is consistent with existing use of the property and would not adversely impact nor hamper the development of the adjoining residential areas.

Mayor Stedman asked if anyone present would like to speak. No one appeared.

Upon motion duly made by council Member Ed Sain, seconded by Council Member Jody Dixon, it was unanimously RESOLVED:

That the Public Hearing be – CLOSED

Upon motion duly made by council Member Ed Sain, seconded by Mayor Pro Tem John Stiver, it was unanimously RESOLVED:

That Rezoning Application as Filed by Babamov Enterprises NC, LLC, for Property located at 2306 N Main Ave - from R-9 Multi-Family Residential to M-1 General Manufacturing so that the entire site is zoned M-1 be – APPROVED

(Ordinances, Resolutions and Proclamations are hereby referenced and on file in the Office of the City Clerk)

ITEM 8: Old Business

A. Consideration of Staff Recommendations for Splash Pad

Assistant Manager Sean Hovis stated that City Council has considered the utilization of proceeds from the Jones estate on several occasions. According to Lillian Sewell Jones’ will, there must be two unanimous votes by two seated City Councils that are at least 2 years and 3 months apart. Mr. Hovis stated the first unanimous vote occurred January 8, 2013, at the regularly scheduled council meeting, and the second unanimous vote occurred January 9, 2018.

Mr. Hovis stated that during the January 23, 2018, Council/Staff Workshop, City Council discussed projects on which to spend the proceeds. The three projects agreed upon were an amphitheater, splash pad, and ballfield lighting at Jacob Fork Park.

Mr. Hovis stated that the ballfield lighting at Jacob Fork Park was completed in November 2018 with a project cost of $404,000. The amphitheater is part of the Phase I Downtown Revitalization project and has an estimated cost of $200,000. The remaining balance of Mrs. Jones estate is approximately $953,000, which is available for completing the splash pad project.

Mr. Hovis explained that at the August 2018 City Council Workshop, City Council directed staff to complete an assessment of the area surrounding the pool at the Recreation Center as a potential location for the splash pad.

Staff met with a vendor that had been retained by neighboring Catawba County municipalities for similar projects and had a reputation as being a leader in this industry. Mr. Hovis explained that over the course of the next two months, the staff worked with this vendor. Unfortunately, staff determined that the vendor could not reliably produce renderings for the project and was not responsive to questions asked by staff. Staff also learned the vendor had not satisfactorily completed their construction projects as
specified in contracts with two other local governments in Catawba County. Consequently, staff decided to evaluate the services of other vendors. Mr. Hovis stated that staff has worked diligently with the Parks and Recreation Commission since November to assess the site and evaluate other vendors.

Mr. Hovis stated that through discussions with City Council and input from members of the Recreation Commission, staff selected a specific design and accessories that stood out and was different from what nearby locations currently had.

The pricing breakdown is as follows:

Splash pad installation (including permits, engineered drawings) $465,354.40  
Site amenities package (includes benches, trash receptacles, etc.) $58,357.45  
ADA accessible sidewalk from back parking lot $13,850.00  
10% Contingency $53,756.00  
$591,317.85

Mr. Hovis stated that City Staff has worked in cooperation with the Parks and Recreation Commission to develop a site specific recommendation as presented herein. Staff respectfully asks City Council to consider these recommendations.

Council Member Hodge asked if any other splash pad in the area would have the same features. Mr. Hovis said that they may have the same types of features, but not exactly the same. Mr. Hodge asked if the company is a North Carolina Company, Mr. Hovis said they are located in Mooresville.

Council Member Anne Wepner asked about parking at the Recreation Center during construction and how it would be affected. Mr. Hovis stated that it would be affected mostly during the demolition stage. City Manager Todd Clark stated that a lot of the staging for the project would be done in the back of the building.

Council Member Jerry Hodge asked how many parking spaces are in back of the building. Recreation Director Sandra Waters stated that there are around 50-75 spaces. Mr. Hodge asked if we would be losing 19 in front. Ms. Waters stated there would be 40 left in the front.

Mayor Stedman stated that the city needs to move forward with the project.

Upon motion duly made by council Member Jody Dixon, seconded by Mayor Pro Tem John Stiver, it was unanimously RESOLVED:

That the Bid to Waterplay for the Construction of the Splash Pad at the Newton Recreation Center be – APPROVED

B. Consideration to Eliminate Traffic Signals on Ashe Ave and Brady Ave

Interim Police Chief Tim Hayes stated that on December 4th 2018, Council was presented with information regarding the elimination of traffic signals at the intersections of ‘A’ Street and Ashe Avenue, 1st Street and Ashe Avenue, and ‘A’ Street and Brady Avenue. Traffic signals at all three intersections are all owned by the City of Newton.

Interim Chief Hayes stated that based on the observed number of accidents and the traffic flow and volume, staff believes traffic can be moderated just as easily with the use of stop signs as opposed to traffic signals. Additionally, the removal of the signals represents a financial benefit to the city through cost savings related to electrical expenses. Finally, the city regularly receives complaints from motorists concerning wait times at these intersections. Interim Chief Hayes stated that elimination of the signals...
will satisfy motorist, as wait times at stop signs will be less than at traffic lights based on the current
traffic flow and volume.

Council had a brief discussion concerning the removal of the listed traffic signals and replacing them with
stop signs. Council requested more time to review the proposal before they advise staff how to proceed.

Interim Chief Hayes stated that staff has conducted a safety review at all three intersections. At the
intersection of ‘A’ Street and Ashe Avenue, buildings are located on each corner of the intersection radius
which creates limited sight distance. There is also a building located on the northeast corner of 1st Street
and Ashe Avenue and the northeast corner Brady Avenue and ‘A’ Street near the intersection radius at
both locations.

Interim Chief Hayes stated it is the recommendation of staff that if the traffic signals are removed, all
three intersections be made all-way stop due to limited sight distance.

Mayor Pro Tem John Stiver stated that he is not in favor of a four way stop, and that at this time there is
enough disruption to traffic downtown and that the timing for this is not right. Council Member Jerry
Hodge agreed.

Council Member Tom Rowe made a motion that A Street and Ashe be left as is and that on Ashe and 1st,
two stop signs be added. Also that Brady and A would be through for traffic and two stop signs added at
A Street, at Renwood Mills and at Citizens Bank. Motion FAILED for lack of a second.

Mayor Stedman stated that this matter may be revisited after construction.

ITEM 9:   New Business

A. Consideration to Amend the City of Newton Water Shortage Response Plan and
   Call for a Public Hearing, February 19, 2019

Public Works and Utilities Director Dusty Wentz stated that on August 21, 2007 City Council adopted a
Water Shortage Response Plan (WSRP). Since then this plan has been amended four times. The initial
adoption, in the fall of 2018, the North Carolina Department of Environmental Quality (NCDEQ) reviewed
our Water Shortage Response Plan and wanted changes. Mr. Wentz stated that having a Water Shortage
Response Plan is a requirement from the North Carolina Department of Quality.

Mr. Wentz stated that city staff made changes which NCDEQ approved. When there are significant
changes that will require the plan to be revised the Council must set a date to hold a public hearing.
Upon completion of the public hearing, the City Council may adopt the revisions.

Mr. Wentz recommended that Council set a public hearing for February 19, 2019 to receive public comment.

Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Jerry Hodge, it
was unanimously RESOLVED:

That Public Hearing for February 19, 2019 to Receive Public Comment be –
APPROVED

B. Consideration of Budget Ordinance Amendment for Legal Services and Lease of
   Office Space

City Manager Todd Clark stated that City Council has determined that a need exists for full time legal
services. As a result, the Council has offered a contract for full time employment to the current City
Attorney. Mr. Clark stated that Council has authorized the employment of a paralegal to assist the City
Attorney in meeting the needs of the City. A budget amendment is required to appropriate funds for salary, benefits, associated training and travel for each of these positions.

Mr. Clark stated City Council has also recognized the need to provide work space accommodations for each of these positions. Mr. Clark stated that at the direction of the Council, he has evaluated various options and recommend leasing office space for a term of six (6) months, with an option to extend an additional six (6) months, at 217 North Main Avenue in Newton. Mr. Clark stated that it is important to note that the City Attorney has no ownership interest in the property and will derive no income through the lease agreement. His office however is, presently located within the office building jointly owned by Gary Corne and Bob Grant.

Mr. Clark stated that the lease amount is $1500 per month plus a proportionate share of utility expenses. A budget amendment is necessary to cover these expenses for the remainder of the fiscal year.

Mr. Clark stated that staff recommends that City Council to approve the proposed lease as outlined in the attached lease agreement.

Mr. Clark stated that staff also recommends a separate action to approve the proposed budget amendment for expenses related to the employment of the City Attorney and Paralegal, as well as expenses related to the lease of property located at 217 North Main Avenue, Newton.

Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Ed Sain, it was unanimously RESOLVED:

That Lease for Property Located at 217 North Main Ave be – APPROVED

Upon motion duly made by Council Member Ed Sain, seconded by Council Member Anne Wepner, it was unanimously RESOLVED:

That Budget Amendment for Expenses Related to the Employment of the City Attorney and Paralegal be – ADOPTED

(Ordinances, Resolutions and Proclamations are hereby referenced and on file in the Office of the City Clerk)

ITEM 10: City Manager’s Report

Meetings & Events

- Feb 5-8 – City Council/Staff Workshop 2:00 p.m. – 6:00 p.m.
  - BAC Workshop
- Feb 13 – Catawba County Chamber of Commerce Shareholders and Investors Meeting, Hickory Metro Convention Center – 11:30 a.m. – 1:30 p.m.
- Feb 15 – Breakfast with the Stars – Western Steer, 7:00 a.m.

Other Projects

- Leaf Collection ends January 18th
- CIP
- Budget
- Annual Audit
- AVAC at Central Recreation
- Update on Fire Dept. Heavy Rescue Vehicle Purchase
- Star Awards
• Water/Sewer Rate Study
• Update on 20th Street
• High School Intern
• Valley Drive Line Replacement
• Streetscape Meeting with Downtown Businesses

**Employee Updates**

- Patrick Moore, Landscaper with the Parks and Recreation Department, attended and successfully completed the National Recreation and Park Association course. Patrick is now a Certified Public Playground Safety Inspector.
- Greg Moser, Maintenance Worker with the Parks and Recreation Department, completed a 132 credit hour course and received a Bachelor of Science in Agricultural Education/Agricultural Professional Services and secondary major in Plant and Soil Science.
- Sgt. Jason Hill, with the Police Department, received a Bachelor of Arts degree from Arizona State University with a major in history and minor in religious studies.

**ITEM 11: Questions and Comments from Mayor and Council**

Mayor Stedman asked if there were any questions or comments from City Council.

Mayor Stedman gave a report on the Public Arts Commission.

**ITEM 10: Adjournment**

Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Ed Sain, it was unanimously RESOLVED:

That the Meeting be – ADJOURNED

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Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk