MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
February 21, 2017 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, February 21, 2017 at Newton City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem John Stiver, and Council Members Tom Rowe, Jerry Hodge, Wes Weaver, Robert C. Abernethy, Jr., and Jody Dixon

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

Mayor Pro Tem John Stiver provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:

That the Regular Minutes of the February 7, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

A. Sewer Adjustments

B. Consideration of Budget Ordinance Amendment to Recognize Revenues and Expenditures for Precious Metals Permits

C. Consideration of Budget Ordinance Amendment to Recognize Revenues and Expenditures for Golf Cart Permits

D. Consideration of the Annual Reports for the Wastewater System

(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.

Mr. James Cannon thanked Chief Brown and Code Enforcement Officer John Raines for their help dealing with a situation in his neighborhood dealing with pigs in the back yard.
Mr. Cannon attempted to ask City Council questions concerning a proposed amendment change to the Animal Control Ordinance. Mayor Stedman stated that this was not appropriate at this time and that this would be placed on an upcoming agenda. Council Member Robert C. Abernethy stated that he was open to speaking about the matter if Mr. Cannon or anyone else would like to give him a call. Mr. Weaver stated that he would welcome phone calls on the matter from both sides.

Council Member Tom Rowe asked that the matter be placed on the agenda no later than the first meeting in March.

Mr. Hiram Longfellow of 1722 Mt. Olive Church Road stated that he owns 10 acres and that he has cattle and pigs. He stated that he disagrees with changing the ordinance where fencing is mentioned and strongly disagrees with the “no swine” recommendation.

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

[item 6: public hearings]


City Planner Alex Fulbright stated that Second Nature Technology, Inc. has submitted a rezoning application. The request is to rezone property located at 1670 Southwest Blvd from R-20 Single Family Residential to M-1 General Manufacturing and includes 2 parcels, which consist of a 10.01 acre tract identified as Catawba County Pin #3639-12-95-7062 and a 7.8 acre tract identified as 3649-09-05-1042. Both parcels are owned by Second Nature Technology, Inc.

Review:

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>ZONING</th>
<th>LANDUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject R-20 Single Family Residential</td>
<td>Bed &amp; Breakfast</td>
</tr>
<tr>
<td>North R-20 Single Family Residential &amp; R-11 Single &amp; Two Family Residential</td>
<td>Agriculture Single family homes</td>
</tr>
<tr>
<td>South B-4 General Business</td>
<td>Vacant</td>
</tr>
<tr>
<td>East M-1 General Manufacturing</td>
<td>Residential</td>
</tr>
<tr>
<td>West R-20 Single Family Residential</td>
<td>Southside Park, Connections Clubhouse, and Southside Cemetery</td>
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Zoning History:

Mr. Fulbright stated that the property historically used as Windmill Acres Horse Farm is currently the site being used by Catawba Farms as a Bed and Breakfast which is a special use approved in 2006 by City Council. The subject site has been zoned R-20 Single Family Residential and before that they were zoned R-15, the predecessor to the R-20 District. Mr. Fulbright explained that the property has overlay zoning of SPI –2 US Highway 321 South Corridor Protection District, which was adopted in 1992.
The following is a list of zoning activity from 1969 to the present:

**Rezoning Application #01-69**, filed by Glenn Young, sought to rezone property off of Technibilt Drive from R-15 to M-1 General Manufacturing. Both the Planning Commission and City Council approved the request.

**Rezoning Application #04-80**, filed by Harold Danner, sought to rezone property North of Town Creek and fronting on US 321 S. The request was to go to B-4 General Business from an existing zoning of B-2 Highway Business, to allow tire recapping. The request was denied.

**Rezoning Application #03-81**, filed by Udean Burke, sought to rezone property south of Town Creek and fronting on US 321 S. The Request was to go to B-4 General Business from R-20 Residential. The property was rezoned based on approval by both the Planning Commission and City Council.

**Rezoning Application #16-87**, filed by John L. Murtagh, sought to rezone property off of Technibilt Drive behind the subject site. The Request was to go from R-20 to M-1 General Manufacturing. Both the Planning Commission and City Council approved the request.

**Special Use Permit #91-2**, filed by the City of Newton, to allow the development of South Side Park. The permit was approved by City Council.

**Rezoning Application #2000-1**, filed by Sigmon and Sons, sought to rezone property located in the southwest quadrant of the intersection of Technibilt Drive and Southwest Blvd. The Request was to go from R-20 to B-4 General Business. Both the Planning Commission and City Council approved the request.

**Special Use Permit #2004-1**, filed by the City of Newton, to allow the development of South Side Cemetery. The permit was approved by City Council.

**Transportation:**

Mr. Fulbright stated the site has frontage along Technibilt Drive and Southwest Boulevard. Both roads are maintained by the North Carolina Department of Transportation (NCDOT). It is estimated that average annual daily traffic (AADT) counts for Technibilt Drive is less than 1,000 vehicles per day (vpd). NCDOT’s most recent AADT counts for Southwest Boulevard is between 11,000 vpd, just north of the site and 9,900 vpd obtained just south of the site.

Mr. Fulbright stated that the subject site is bordered by Technibilt Drive, a part of the proposed Newton-Conover Southern Loop, which extends from NC 16 South to NC 10 West in southern Newton. He said the proposed route is comprised of Technibilt Drive, East P Street Extension, and a new road on a new location. The Newton-Conover Southern Loop will serve traffic that enters Newton- from the south, connecting NC 16 to the proposed Newton-Conover Western Loop. This facility will also provide access for the projected developments in southern Newton serving the industrial area between US 321 and Saint James Church Road, which is a currently unfunded project. Mr. Fulbright stated that city water and sewer are provided to the subject site. The site obtains power through Duke Energy.

Mr. Fulbright stated the proposed request is not consistent with the 2008 Southeast Area Plan’s Future Land Use, the plan shows the proposed land use for the area as being residential.

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

Newspaper: published on February 10 and February 17, 2017.

Posted on-site: posted January 20, 2017
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. 69 letters were sent on February 10, 2017.

Mr. Fulbright stated that the Planning Commission unanimously recommends to the City Council approval of this rezoning request and that the Southeast Area Plan is recommended to be amended to reflect the proposed land use.

Council Member asked if this property is located in the Extra Territorial Jurisdiction. Mr. Fulbright said that it is.

Council Member Jerry Hodge stated that the area is a collage of different zoning such as parks, industry, residential and cemetery.

Mayor Stedman asked when the South East Area Plan was approved. Mr. Fulbright stated that it was approved in 2008.

Mayor Stedman asked if there was anyone present that would like to speak during this public hearing.

Michael Waltuch, owner of the property, stated that first of all he would like to wish the city congratulations on the announcement of Corning coming to Newton.

Mr. Waltuch then said that they plan to add something very special on this property that would be attractive for other businesses as well. He said that they will incorporate a winery, brewer and cidery within the existing blueprint. Council Member Wes Weaver asked what exactly is planned. Mr. Waltuch stated there would be a tasting room and facility within the existing barn. Mr. Weaver stated that he didn’t recall a barn on the property. Mr. Waltuch said that there is a 4-5,000 square foot barn there.

John Sigmon stated that the property was formerly owned by his family and that his current property is adjacent. Mr. Sigmon said that he will be the most affected by this change, and that he welcomes it. He said that there has been an alcohol permit on the premise for 10 years and that the grape vines will make a nice attraction.

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Wes Weaver, it was unanimously RESOLVED:

That Public Hearing be – CLOSED.

Mayor Stedman agreed that it is a great use of land. Council Member Wes Weaver stated that it is another attraction and a good idea. Council Member Jerry Hodge agreed and stated that no neighbors came in opposition to the Planning Commission meeting.

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


Council Member Robert Abernethy stated that he thinks it’s a terrific idea, and was a little concerned at first that it should be a special use permit in order to consider future owners of the property, but could see where it would be easy for the next owners to try to keep the same business.
B. Consideration of Plan Amendment to Create Driveway from Old St. Paul’s Church Road – FedEx

City Planner Alex Fulbright Staff received a development plan from the Clayton Engineering & Design on behalf of FedEx to construct a new driveway connecting the FedEx terminal, both existing and proposed expansion to St. Paul’s Church Road. The development is divided between the City of Hickory and the City of Newton. As shown on the attached “Master Land Use Plan” map, the portion of the property within the Newton City Limits is approximately 5 acres; of which a portion will be improved with parking facilities and an expanded distribution facility structure. Mr. Fulbright stated that the remaining land area will provide a buffer between the facility and St. Paul’s Church Road, with the exception of the proposed driveway access. A combination of existing trees and an improved berm-and-planting combination are currently being used to minimize impact on surrounding properties.

Mr. Fulbright stated that while researching the compliance with Zoning requirements, it was determined that the subject property is currently zoned as PD-IP (Planned Development Industrial Park). This zoning designation was established when the City Council, in 2005, approved a development plan for the Ice Dome. That plan was amended as previously mentioned. Mr. Fulbright stated that The Zoning Ordinance specifies that any substantial change in an approved preliminary plan shall be considered by Council. Mr. Fulbright explained that this is not a rezoning, only an amendment to the existing zoning designation.

Mr. Fulbright stated that the following section describes how the project aligns with the regulations and requirements applicable to PD-IP districts, as set forth in Sec.102-509:

- **Land Use** – The proposed facility is a permitted principal use in the PD-IP district.
- **Transportation** – Please note that St. Pauls Church Road is not an approved truck route. Through truck traffic is not permitted but local truck traffic is permitted if and only if deliveries are local.
- **FAR** – The floor-to-area ratio of the proposed structure at maximum build-out is less than the .75 maximum permitted FAR.
- **Building Height** – The structure’s building height will be 15’ (max. height is 35’).
- **Parking Requirements** – Parking facilities proposed are compliant with City specifications.
- **Utilities** – The facility will utilize Hickory water and sewer services.
- **Signage** – It is unknown if new signage would be needed or desired.
- **Buffers and Screening** – A combination of existing vegetation and a berm and Leyland Cypress are in place to comply with this requirement.
- **Public Notices** – the notice for this case has been performed as follows:
  - Posted on-site: posted January 20, 2017
  - 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. 18 letters were sent on February 10, 2017.
Mr. Fulbright stated that the Planning Commission unanimously recommends to the City Council approval of this plan modification as submitted.

Mayor Stedman asked if there was anyone present that would like to speak in favor or against the proposed plan amendment.

Cale Young stated that he drives that road 3-4 times a day and that this area is in an almost blind curve. He stated that if people aren’t paying attention that it could become a big problem and that there needs to be a turn lane.

Donald Bumgarner, representative from Fed-Ex stated that they are doing a $3.5 million expansion and creating 4-6 new driver jobs. He stated this request is because Fairgrove Church Road is so congested and a new road is needed to send 4-5 trucks east. He said that the speed limit is posted 35 mph before the curve. Mr. Bumgarner stated that this project is permitted by North Carolina Department of Transportation.

Council Member Tom Rowe asked if it is just for trucks exiting and Mr. Bumgarner said that it is, that there is an island that prevents vehicles from entering. Council Member Wes Weaver asked if it will lead trucks back to Hwy 70, Mr. Bumgarner said yes, east to Statesville, Mooresville, etc. Council Member Jerry Hodge asked if they had considered making a petition to Conover to remove the median. Mr. Bumgarner said that they have no plans to make that request. Mr. Hodge asked what size the average trucks coming from there are. Mr. Bumgarner stated that most are 53’. Mr. Hodge asked if Sunbelt would be cutting across, Mr. Bumgarner said they would not.

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That Public Hearing be – CLOSED.

Council Member Robert Abernethy stated that it is a DOT issue as far as the trucks sight lines and speed. He stated that he does not have a problem if DOT says it is safe.

Council Member Wes Weaver stated that there is a blind corner and he doesn’t see any advantage. He stated that it is not worth losing one life due to infrastructure in that road for tractor trailers. Mr. Abernethy stated that DOT has approved the plan and that helps him with his decision. Mr. Weaver stated that he could not, with a clear conscience approve this and he couldn’t live with himself it there was one causality in order to save a little time. Council Member Jerry Hodge stated that he would yield to the expertise of the DOT.

Upon motion duly made by Council Member Tom Rowe, seconded by Council Member Jerry Hodge, with Council Member Wes Weaver voting in opposition it was RESOLVED:

That Plan Amendment 2017-01 as filed by FedEx be – APPROVED.

C. Consideration of Special Use Permit to Allow a Wedding and Events Center
   – Scott Coley, 747 W C Street

Mayor Stedman opened the public hearing and stated that anyone that would be speaking must be sworn in before they offered any comment during the hearing.

City Planner Alex Fulbright stated that Mr. Scott Coley, the applicant, has filed an application for a special use permit for a public assembly. The applicant is seeking a special use permit to allow for the use and operation of a wedding and event center at 747 W C ST. The property is located on the south side of W C St (NC 10 Hwy) just west of Courtyard Drive. Mr. Fulbright stated the proposed site
includes 2 parcels, which consist of a 1.1 acre tract identified as Catawba County Pin #3730-19-60-5907 and a 8.8 acre tract identified as 3730-19-60-5494 which are both owned by the applicant.

Mr. Fulbright stated that Mr. Coley is operating a wedding and event center at 747 West C Street. Mr. Fulbright explained that the subject site contains Mr. Coley’s home and a barn and that the property is rented out to individuals looking for a location to host weddings and other special events. The barn is made available to individuals and organizations that rent the site. Mr. Fulbright stated that parking is provided in the field nearest West C Street (NC Hwy 10). There was no site plan provided by the applicant as it is his intent to use the property in its current condition. Mr. Fulbright stated the only planned improvement is a restroom and changing room to be located near the existing barn.

Mr. Fulbright stated that a special use is a use that would not be appropriate generally without special study throughout the zoning district, but which if controlled by the number, size, location or relationship to the neighborhood, would promote the public health, safety, and welfare. Mr. Fulbright explained that the special use permit is reviewed by the Planning Commission and approved by City Council. In lieu of specific standards for place of assembly as a special use, the general standards are included below apply and can be used to impose conditions upon the applicant in effort to mitigate adverse impacts that the use may have on the surrounding area.

Mr. Fulbright stated that there are no specific standards specified for “place of assembly” as a special use; however, the general standards below would apply and would be the basis of any special conditions imposed by the City Council.

Sec. 102-462. - General standards.
The following general standards shall be met by all applicants for approval at special uses:

1. The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application.

2. The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of articles IV, V and VI of this chapter, unless greater or different regulations are contained in the individual standards for that special use.

3. The use will maintain or enhance the value of contiguous property, or that the use is a public necessity.

4. The use is in compliance with the general plans for the physical development of the city as embodied in these regulations. The board of adjustment or the council, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use.

Mr. Fulbright stated that the Planning Commission unanimously recommends to the City Council approval of this special permit as submitted.

Mayor Pro Tem asked about noise. Mr. Fulbright stated that would be covered under the existing noise ordinance.

Mayor Stedman asked if anyone would like to speak.
Mr. Coley, applicant, stated that he originally built the building for his daughter to get married. He stated that he soon started receiving requests from others to use the building for weddings. He said that he now needs to have the building inspected to meet requirements such as handicapped restrooms and exit signs.

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That Public Hearing be – CLOSED.

Upon motion duly made by Council Member Wes Weaver, seconded by Mayor John Stiver, it was unanimously RESOLVED:

That the use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application.

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

That the use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of articles IV, V and VI of this chapter, unless greater or different regulations are contained in the individual standards for that special use.

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That the use will maintain or enhance the value of contiguous property, or that the use is a public necessity.

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:

That the use is in compliance with the general plans for the physical development of the city as embodied in these regulations. The board of adjustment or the council, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use.

Upon motion duly made by Council Member Jerry Hodge, seconded by Council Member Wes Weaver., it was unanimously RESOLVED:

That Special Use Permit 2016-01 as filed by Scott Coley be – APPROVED.
ITEM 7: New Business

A. Consideration of Budget Amendment for WWTP Influent Pump

Public Works and Utilities Director Dusty Wentz stated that during the second week of January, 2017, pump three ceased operation at the influent pump station of the wastewater treatment plant. Inspection by staff uncovered mechanical failures in the impeller and rotating shaft assembling of the pump. Mr. Wentz stated that replacement of the failed parts is required in order to resume operation of the pump.

Mr. Wentz explained that given the age and operational record of the pump station, all three pumps must remain in working condition. He stated that the pump remains inoperable until parts are acquired and the rotating shaft assembly has a 14 week delivery time.

Mr. Wentz stated that City Council is advised that an emergency with the motors and drive system electronics in October 2016 prompted a budget ordinance in the amount of $27,000. Even with those additional funds, staff has expensed $12,092.26 of the original $18,000 on routine repairs, leaving only $5,907.74 remaining in the budget.

Mr. Wentz stated that the emergency purchase order leaves a deficit of $12,730.24 in this line item with nine months remaining on the fiscal calendar. Transferring funds of this amount from other line items is not feasible.

Mr. Wentz stated that the quote provided by the vendor is $71,380 for the rotating assembly and the impeller for one pump and only one vendor is available to replace these parts due to the age and brand of the pump.

Mr. Wentz stated that staff requests council approve the budget ordinance amendment attached for $71,380 for the cost to replace components of Pump Three at the waste water treatment plant influent pump station.

City Manager Todd Clark handed out a copy of the budget ordinance amendment.

Mayor Stedman asked that given the age of the influent pump station, is it up for replacement in the CIP. Mr. Wentz stated that the entire wet well is up for replacement in year 10 at $5.8 million. Mr. Abernethy asked if debris caused the break down. Mr. Wentz stated that it is designed to handle some debris, but not this much. Mr. Abernethy stated that the pump was installed in 1975. Mr. Wentz stated that it was and that there is screening, but rocks, concrete etc. still makes it through. Mr. Abernethy asked if this will make it like new. Mr. Wentz said that it will be 70-75% new. He said the pump house will be original but in good shape. He explained that no matter how precise the manufacturer is, it won’t be as good as new. Council Member Wes Weaver said that after this fix there should be a plan to get a new one for the other. He said the city can’t play around with this. Council Member John Stiver said that all electrical housings have to be redone. Mr. Weaver asked if Mr. Wentz has checked in to a lease. Mr. Wentz said no, but that a lease would have the same energy regulations as a new pump. Mr. Abernethy asked if there are any local municipalities that have any similar parts. Mr. Wentz stated that most of theirs have been replaced as well. Mr. Clark stated that Mr. Wentz has thought this through thoroughly and his recommendation is sound. Mr. Weaver agreed and said that the staff is qualified. Mr. Wentz stated that when the parts are replaced the old parts will be auction or sold.

Mayor Stedman stated if it is not scheduled until 10 years for now for replacement, should it be pumped out again before then. Mr. Abernethy asked how hard it is to get to the pumps. Mr. Wentz stated that a temporary pump station would have to be constructed if that one is shut down completely for replacement.
Council Member Jody Dixon said that he doesn’t see a choice, this needs to be voted on. Mr. Weaver stated that he is not comfortable staying with the current transition period and wants to make sure there are no discrepancies in what the city wants to do. Mr. Abernethy stated that we’re against timing issue with two pumps down and while working we should look at getting all 3 pumps refurbished. Mayor Pro Tem John Stiver asked how much the additional parts would be. Mr. Wentz stated that it would be $74,000 times 3 pumps with a 10% reduction. Mayor Stedman asked what the last rate hike was, Mr. Clark said that it was 5%. Finance Director Serina Hinson stated that 1% brings in $50,000. Mr. Abernethy asked if $74,000 was going to put us in a bad position. Ms. Hinson said that it would be make it tight.

Upon motion duly made by Council Member Jerry Hodge, seconded by Council Member Wes Weaver, it was unanimously RESOLVED:

That Budget Amendment for WWTP Influent Pump be – ADOPTED.

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

ITEM 8:  City Manager’s Report

Meetings & Events

• February 27th – 3:00 p.m. Ribbon Cutting at The Hen & Egg
• February 28th – 7:00 a.m. Taste of Newton Pancake Breakfast, Public Works
• February 28th – 5:30 p.m. Pedestrian Plan Open House, City Hall Council Chamber
• March 7th – 5:30 p.m. CIP Workshop in City Hall Council Chamber
• March 12th- 15th – NLC Conference, Washington, DC
• March 29, 2017 – Town Hall Day, Raleigh, NC
• Teen Leadership
• This week the Marketing and Branding Public Survey will be available at newtonnc.gov/brand

Budget Workshop Dates *All begin at 5:15 in the Council Chamber

• May 4, 2017
• May 9, 2017
• May 11, 2017
• May 16, 2017

Projects

• Building Reuse Grant Award for Newton Primary Urgent Card
• Update on Hwy 16 Waterline Agreement
• Economic Development Project RFI – Newton Corporate Center
• Pedestrian Crossing on N Ashe Ave at Newton-Conover High School
• Pedestrian Crossing signs – Radio Station Road and Northside Park
• “Green Lot” parking lot has been sold
• The Arbor Day Foundation has named Newton as a 2016 Tree City USA
• List of Committee and Commission Members provided

Presentation on City Owned Properties
ITEM 9: Questions and Comments from Mayor and Council

City Manager Todd Clark stated that the City of Newton had a joint meeting with Catawba County yesterday to announce the good news that Corning would be coming to the old General Dynamics location in the City of Newton. He said that this would create

Council Member Jerry Hodge gave a brief summary of things going on with the Western Piedmont Transportation Advisory Committee such as the Hwy 16 project, right of way purchases being complete and that construction on the project should begin in early summer with a completion in 2019.

ITEM 10: Closed Session – per North Carolina General Statutes 143-318.11(a)(5) and 143-318.11(a)(6)

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

That City Council enter CLOSED SESSION per General Statutes 143-318.11(a)(5) and 143-318.11(a)(6)

The Mayor announced that the purpose of the Closed Session was to continue the discussions that Council began at the Closed Session held on February 7, 2017 concerning the performance of the City Manager over the previous twelve months as called for in his employment contract with the City of Newton. Also, there had been discussion at the previous Closed Session concerning the fact that Mr. Clark was in his final year of his current contract with the City.

After a general discussion following up the discussion from the February 7, 2017 Closed Session of Council as to Mr. Clark's future with the City of Newton as its City Manager, Council wanted to move forward with negotiations with Mr. Clark for a contract extension or a new employment contract to replace the current one rather than waiting later in the year to begin the process. It was the consensus of Council to offer Mr. Clark a new employment contract to replace the current employment contract that would become effective on September 1, 2017 and would be for a period of four years from September 1, 2017. The salary to be payable to the City Manager would be raised from the current figure of $115,000.00 to $120,000.00 and would become effective as of September 1, 2017. The City Manager would also be prohibited from seeking any other employment with any other employer during the first two years of the four year term of the agreement. All other provisions of the existing employment contract would be incorporated into the terms of the new employment contract.

Mr. Clark was then invited to join the Closed Session and the Mayor shared with him the terms of the new employment contract as offered by Council. Mr. Clark accepted the terms as presented by the Mayor and expressed his appreciation to the Council for making this offer to him and he stated that he looks forward to continuing to work with Council to move the City forward. The Mayor expressed gratitude to Mr. Clark on behalf of Council for all he has done and Council looks forward to working with him in the future.

Motion was then made by Councilman Wes Weaver to return to open session to consider the employment contract with Mr. Clark. Seconded by Councilman Robert Abernethy.

All ayes.

Upon returning to open session, a motion was made by Councilman Tom Rowe to enter into a new employment contract with E. Todd Clark that would be for a period of four years beginning September 1, 2017 with a salary of $120,000.00 to become effective September 1, 2017, with the provision that
Mr. Clark would not seek other employment during the first two years of the four year term, and with all other provisions of the current employment contract being incorporated into the new employment contract herein, and that the Mayor is authorized and directed to enter into such agreement on behalf of the City of Newton with Mr. Clark herein. Second by Councilman Wes Weaver.

ITEM 11: Adjournment

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

  That the Meeting be - ADJOURNED

__________________________________
Anne P. Stedman, Mayor

_________________________________
Amy S. Falowski, City Clerk