MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
March 20, 2018 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, March 20, 2018 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 Ed Sain provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the March 6, 2018 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Sewer Adjustments

C. Consideration of Resolution Authorizing Utilization of Remaining BB&T Debt Proceeds and Related Budget Ordinance Amendment

D. Consideration of Appointments to Boards and Commissions

(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. Report from the Business Advisory Committee Economic Task force

Business Advisory Chair Jennifer Stiver presented a PowerPoint highlighting the accomplishments and future plans of the Business Advisory Committee.

B. Branding and Marketing

Assistant City Manager Sean Hovis gave a presentation about the process and results of the City’s 18 month Branding and Marketing study.

ITEM 7: Public Hearings

A. Plan Amendment #2018-01 – Fresenius Medical Center Newton (Startown Crossing – Food Lion)

Mayor Stedman opened the Public Hearing.

Planning Assistant Alex Fulbright stated that staff received a development plan from the Clayton Engineering & Design on behalf of Fresenius Medical Care to construct a medical facility on a 2 acre outparcel in front of the Startown Crossing Shopping Center. The project will front on Startown Rd and the primary entrance will be off of the shopping center’s existing driveway access from Startown road.

Mr. Fulbright explained the project will have a secondary driveway on Startown Rd which will be restricted to a right turn in and right turn out of the proposed facility.

Mr. Fulbright stated that while researching the compliance with Zoning requirements, it was determined that the subject property is currently zoned as PD-SC-C (Planned Development Shopping Center - Community). He stated this zoning designation was established when the City Council, in 2002, approved a development plan for the entire Startown Crossing Shopping Center which included the out-parcel in question. The Zoning Ordinance specifies that any substantial change in an approved preliminary plan shall be considered by Council. Mr. Fulbright stated this is not a rezoning, only an amendment to the previously approved plan.

Mr. Fulbright stated the proposed use is a permitted use in the zoning district. The original approved plan indicated that a 15’ buffer and screening be established along the north side and east side of the parcel; that there would be a driveway connection to the shopping center; and that sidewalks be constructed along the frontage along Startown Road. Only the driveway connection is shown on the plan. Mr. Fulbright stated that in addition to the requirements on the original approved plan, the development would still have to comply with the zoning, erosion control, and stormwater ordinance as it relates to the development of the site and that the plan amendment would approve the location of the building, parking and driveway on the site; as well as the appearance of the building.

Mr. Fulbright stated that Startown Road is scheduled to be widened to four travel lanes from US Hwy 70 to NC Hwy 10. The widening is listed in the current State Transportation Improvement Plan with right of way acquisition to begin in 2022 and construction to begin in 2024. Mr. Fulbright explained that the design of the widening has not been done so there is not a way to determine the impact that it may have on the project; however additional right of way was dedicated in 2002 and the project is located as far back on the site as possible which should minimize the impact the widening will have on the project.

Mr. Fulbright stated that notices for this case have been performed as follows:

Posted on-site: posted February 9, 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. 26 letters were sent on March 9, 2018.

Mr. Fulbright stated that it is the Planning Commission’s recommendation that this plan be approved on the condition that it complies with the conditions established when the original plan was approved in 2002, which are as follows:

1. That a 15’ buffer and screening be established along the north side and east side of the parcel.
2. That there would be a driveway connection to the shopping center.
3. That sidewalks be constructed along the frontage along Startown Road.

In addition, Mr. Fulbright stated the Planning Commission recommends that the buffer on the north side of the site be designed so that it does not negatively impact St Paul’s Reformed Church’s use of their property by reducing the site distance of their driveway on Startown Rd.

Mayor Stedman asked if there was anyone present to comment. No one appeared.

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

That the Public Hearing be – CLOSED.

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

That Plan Amendment #2018-01 – Fresenius Medical Center Newton (Startown Crossing – Food Lion) be – APPROVED.

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

B. Consideration to Extend a Lease Agreement with T-Mobile

Mayor Stedman opened the Public Hearing.

Assistant City Manager Sean Hovis stated the City of Newton entered into a Lease Agreement with T-Mobile USA, Inc. to lease space on the city’s water tank located at 201 West 4th Street on October 06, 2008 and is set to expire October 05, 2018. T-Mobile is requesting to renew the lease agreement for up to 180 months (15 years). Mr. Hovis explained that each initial lease is for 60 months with up to two renewals with the City of Newton being guaranteed 60 months. T-Mobile is requesting a lease rate of $3550.00 per month and offering a 10% escalation rate every 5 years. Mr. Hovis said that the current lease is $4,000 per month.

Mr. Hovis stated that staff recommends that City Council agrees to the terms of the amendment allowing the City Manager to sign the contract and City Council determine the property will not be needed or interfere with city operations for the term of the lease.

Mayor Stedman asked if there was anyone present to comment. No one appeared.

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

That the Public Hearing be – CLOSED.
Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That Consideration to Extend a Lease Agreement with T-Mobile 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 Expenditure of Principal from Sue Jones Estate

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

Mr. Clark 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 lighting at Jacob Fork Park.

Mr. Clark stated that at this time staff requests that City Council consider an expenditure of principal funds allocated to the City by Ms. Jones’ estate on a splash pad and on lighting for the ball fields located at Jacob’s Fork Park.

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

That Consideration of Expenditure of Principal from Sue Jones Estate be – APPROVED.

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

ITEM 9: City Manager’s Report

Meetings & Events

- March 22nd – Catawba Co. Chamber of Commerce “Future of Catawba County”, The Crossing at Hollar Mill, 7:30 a.m. – 12:00 p.m.
- March 25th - Newton Easter Egg Hunt (Southside Park)
- March 28th – Leadership Day – South Newton Elementary, 12:30 p.m.– 2:00 p.m.
- April 16th and 23rd – Teen Leadership
- April 26th WPCOG Annual Meeting, Crowne Plaza, 6:00 p.m.

**Next City Council Meeting April 10, 2018**

Budget Workshop Dates

May 10, 2018
May 15, 2018*
May 16, 2018*
May 17, 2018**
ITEM 10: Questions and Comments from Mayor and Council

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

Council Member Jerry Hodge gave reports on the Western Piedmont Council of Governments Policy Board and on the Transportation Committee.

ITEM 11: Closed Session – Per North Carolina General Statute 143-318.11(a)(5)

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

That City Council enter CLOSED SESSION per General Statute 143-318.11(a)(5)

Motion was then made by Mayor Pro Tem John Stiver, seconded by Council Member Ed Sain to return to open session

All ayes.

ITEM 12: Adjournment

Upon motion duly made by Council Member Jody Dixon, seconded by Council member Jerry Hodge, 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