MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

March 21, 2017 – 7 p.m.

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

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

ABSENT: Mayor Pro Tem John Stiver

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 Robert C. Abernethy, Jr. provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the March 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 Jody Dixon, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

A. Sewer Adjustments

B. Consideration of Appointments to the Public Art Commission

C. Consideration to Accept Revenues and approve Expenditures for Carfax

(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. Downtown Newton Development Association Annual Report

Main Street Coordinator Shannon Johnson gave a presentation about the recent events and upcoming projects of the Downtown Newton Development Association.
ITEM 7: Old Business

A. Consideration of Resolution Adopting 10-Year Capital Improvement Plan for FY 2018-2027

City Manager Todd Clark explained that city staff has prepared a 10-Year Capital Improvement Plan (CIP) which balances projected revenues and expenditures based on financial forecast and assumptions with the City’s long-range financial capacity. The 10-Year CIP for Fiscal Years 2018-2027 was provided at the January 19, 2017 Newton City Council Annual Workshop followed by another workshop on March 7, 2017 for your review. Mr. Clark stated that there were two things not included that needed to be included now. The first is in Information Systems. Mr. Clark explained that the new total for that department would be $97,950 to include servers and hardware storage.

The second is W A Street revitalization. He said there is a $1.5 million grant and $250,000 from the state and requires engineering. The quote for electric enterprise expense is $266,800, which would change the previous amount.

Mr. Clark said the CIP is updated annually as part of the City’s regular budget process. First-year projects noted on the CIP will be incorporated into the his recommended annual operating budget or in some cases a capital project ordinance with the exception of capital which will be funded by a potential grant that has not been awarded. Mr. Clark stated that the nine (9) subsequent years are not binding and are subject to change each year as the City’s priorities/needs, grant opportunities, emergency needs or other priorities established change.

Council Member Wes Weaver asked if there was a property tax increase for 3 cents for 2020, 2022 and 2024. Mr. Clark said that is correct. Mr. Weaver stated that this is a working document.

Council Member Abernethy stated that an accountant brought these numbers and when looking to the future accountants are very conservative.

Mayor Stedman stated that this vote is just for this year’s CIP. Mr. Weaver agreed and said the rest is not set in stone and that they don’t have to agree with it all. Mr. Clark said that it helps with the budget process.

Council Member Robert Abernethy, Jr. stated that he would vote for it with the understanding that he is against future rate increases.

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

That the Resolution Adopting 10-Year Capital Improvement Plan for FY 2018-2027 be – ADOPTED.

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

B. Consideration of Amendment to Animal Control Ordinance

City Manager Todd Clark stated that the police department staff was directed to review current city ordinance as it relates to the keeping of livestock within the city limits. During the review it was determined that there were some areas that needed clarification, deletion and addition. Mr. Clark stated that after two presentations to City Council, guidance was given to make limited changes.

Mr. Clark stated that amendments to Chapter 14 of the City Code have been drafted based upon discussion with City Council at the March 7, 2017 council meeting.
Mayor Stedman said that basically this just cleans up the wording and that the ordinance remains the same. Mr. Clark stated that is correct.

Council Member Jerry Hodge asked if someone could speak to the changes.

Police Chief Don Brown said that it basically defines livestock, pastures, service animals, therapy animals, and removes the permits and fees that are required now to have a pet. It would also remain that animals may be kept within 300 feet of dwelling.

Council Member Wes Weaver stated that he appreciates all Chief Brown does, but said that there was no smell at the Schmuker residence, even though there could have been a better fence. He said he could not get behind the 300’ rule. Chief Brown said that the 300’ rule is the same as before, it doesn’t change. Mr. Weaver said the Schmukers are good people and he hopes they get more animals.

Mayor Stedman said that they were not forced to get rid of their hogs. Chief Brown said that they hogs ended up falling under the nuisance ordinance.

Council Member Abernethy stated that we are reviewing a city wide ordinance because of one situation. He said that we went after them because their hogs got out but a child was mauled by a dog and we didn’t change the ordinance and the dog was able to retire to the country. Chief Brown said that the ordinance was changed at that time to give the Chief of Police authority to determine what consequences dangerous dogs would have in the future.

Mr. Abernethy stated that we directed staff to clean up the language. Council Member Wes Weaver said he didn’t understand why the service animal piece was added when that is regulated federally. Mr. Abernethy said that it just helps people understand and that federal supersedes municipal law.

Council Member Tom Rowe said part of the problem was pigs getting out becoming a nuisance. He said that Mr. Cannon bought his home in 1975 and the Schmukers bought their land 4 years ago. Mr. Weaver said that to council needs to be rational and that he’s been out there and they’re not impeding on Cannon. Mr. Weaver said that we live in a rural community. Mr. Rowe disagreed and said that we don’t need pigs; they don’t have them in Hickory or Conover.

Council Member Jerry Hodge said that we have ordinance that cover noise, and smell that should cover the nuisance of animals. He said the neighbors said the smell wasn’t bad. Mr. Abernethy said that the smell of animals is something neighbors can address. He would rather see how we are going to handle an aggressive animal.

Council Member Jody Dixon said that this has been talked about enough and he would like to vote.

City Attorney John Cilley stated that because this is an ordinance it must receive a 2/3 vote, so it will take 4 votes to pass tonight. If not a 2/3 vote, it will have to placed on the next agenda for a second vote.

Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Jerry Hodge, with Council Members Jody Dixon, Robert Abernethy and Jerry Hodge voting in favor of and Council Members Tom Rowe and Wes Weaver voting against:

MOTION FAILED.

Council Member Wes Weaver said the only real addition is something that is already a federal statute.

Mayor Stedman stated it was to clean up language.
City Attorney John Cilley said that the vote at the next meeting requires a simple majority vote to change the ordinance.

**ITEM 8: New Business**

A. Consideration of North Carolina Urban Forestry Council Grant Proposal

Karen McDougal, Newton Tree Board, stated that over mature trees in Eastview Cemetery pose danger to monuments, vehicles and persons. She explained that the Tree Board is requesting permission to submit a North Carolina Urban Forestry Council Grant Proposal to fund removal and replacement of these 80+ year old trees. She stated that the grant proposal is due March 31, 2017 and may range from $5,000 to $15,000 and requires 1:1 match from the City of Newton. Ms. McDougal explained that hours of labor provided by employees and volunteers count as matching funds, as do any donations or grants from local businesses or individuals.

Also, Ms. McDougal stated that activities to be covered include removal of existing trees, grinding of stumps, and planting of new trees (approximately 40). These will require purchasing a stump grinder to eliminate costs of renting one or contracting out this service. She stated that approximately 40 trees will need to be purchased, along with mulch and stakes.

Ms. McDougal stated that the grant period, if received, extends from September 2017 to July 2018, and the grant is under supervision of Department of Parks and Recreation.

Council Member Robert C. Abernethy, Jr. asked if these trees are unhealthy. Ms. McDougal stated that they are diseased and not healthy. Council Member Wes Weaver asked if an Arborist has been out to look at them. Ms. McDougal stated that she has a PhD in botany and she has looked at them thoroughly.

Council Member Jerry Hodge asked if the roots of the trees are hurting the graves. Ms. McDougal said that it didn’t look at all of them but that some might. Mr. Hodge asked if they would all be replaced at the same time. Ms. McDougal said they would, and that they would be replaced with Sugar Maples.

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

That the North Carolina Urban Forestry Council Grant Proposal be – APPROVED.

**ITEM 9: City Manager’s Report**

**Meetings & Events**

- March 22, 2017 – Future of Catawba Catawba, Moretz Mills, 7:30 a.m.
- March 24, 2017 – Employee March Madness Basketbowl Luncheon, Waste Water Treatment Plant, 11:30 a.m.
- March 25, 2017 – “Night Train, Rolling Down the Tracks: A Celebration of Railroads”, Newton Depot, 3:00 p.m.
- March 29, 2017 – Town Hall Day, Raleigh, NC
- April 20, 2017 – The State Transportation Program, Western Piedmont Council of Government Offices, 5-7 p.m.
- May 4, 2017 – South Newton Elementary’s Leadership Day
- April 6th and 19th, Teen Leadership, 8:00 a.m.-3:30 p.m.
- April 19th - Cohort #3 Service Excellence University begins
- Report on Trip to Washington DC
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

Stormwater Enterprise
AIA – Asset Inventory and Assessment Project
Electric Rate Study
West A Street Revitalization Project
Catawba County/Newton Hwy 16 Corridor Plan
Westside Drive Sewer line
Radio Station Road Aerial Crossing (sewer line)
St. Paul’s Church Road Waterline
WWTP – Pump Parts
Pedestrian Planning Project
Marketing and Branding Project
Danner Industrial and Newton Corporate Signage
Downtown Revitalization Project
Sue Jones Estate
Business Advisory Committee
Northside Pedestrian Crossing
Radio Station Road Pedestrian Crossing

ITEM 10: Questions and Comments from Mayor and Council

Mayor Anne P. Stedman gave a brief summary of things going on with the DNDA, including the Folk Art Festival that will be in the coming all.

Council Member Wes Weaver stated that the council had a very productive trip to the NLC Conference in Washington D.C. and commended the Mayor on the great job that she did there.

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