The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, April 4, 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

Council Member Wes Weaver 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 Jody Dixon, it was unanimously RESOLVED:

That the Regular Minutes of the March 21, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Council Member Robert C. Abernethy, Jr. asked that Item 4E be moved to New Business.

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

That Item 4E be moved to NEW Business

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

That the Consent Agenda be – APPROVED

A. Tax Releases
B. Sewer Adjustments
C. Consideration to of Commission/Committee Membership Appointments – Recreation Committee
D. Consideration of Capital Project Budget Ordinance to Close Capital Project
E. Consideration of Grant Project Ordinance for West A Street Bikeway and Pedestrian Improvements
F. Consideration of Water Annual Reports
G. Proclamation – Child Abuse Prevention Month
Mayor Stedman presented the Proclamation to Nancy Bruce who thanked the City Council for recognizing Child Abuse Prevention Month.

(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.

Candace Rhinehardt stated that she lives on a street where construction is being done. She said that as the contractor moved down the street, they tell residents to move their vehicles. She said that one day she parked down the street, and in the afternoon the contractor hit her vehicle damaging the window, the mirror and the seatbelt. Ms. Rhinehardt stated that the contractor’s settlement did not cover the repairs to her car, and that she would like to see some form of requirement by the city for a fund to cover what the contractor’s insurance will not pay. She stated that she had to pay $1,000, and she had done exactly what the contractor had asked her to do and her vehicle was out of the way. Ms. Rhinehardt stated that it would be nice if someone held the contractor accountable. She stated that the contractor often leaves equipment on the street and on resident’s driveways. Ms. Rhinehardt stated that she is reasonable and polite, but that if a child was hurt by this equipment that is left out, then she wouldn’t be so polite.

Mayor Stedman stated that she was sorry that Ms. Rhinehardt had to go through this experience. Council Member Wes Weaver stated that he would like to know why Ms. Rhinehardt was not indemnified by the insurance company. City Manager Todd Clark stated that the city is the 3rd party and that the contractor carries the insurance that the city requires. Mr. Weaver said that the insurance company is culpable if she was doing what they asked.

Council Member Robert C. Abernethy, Jr. asked Mr. Cilley if he could look into the fund that Ms. Rhinehardt suggested, within the confines of the law. Mayor Stedman said that City Council does not want citizens to suffer.

Mr. Ron Jones from Leaderes Comunidad of North Carolina stated that they now have an office in Newton. He said that they hoped to accelerate the integration of the Hispanic community with education programs and that he looks forward to working with the City of Newton.

Mayor Stedman thanked Mr. Jones for all he and his organization does for the community.

ITEM 6: Presentation

A. Suzanne White, Library Director – Catawba County Library

Catawba County Library Director Suzanne White gave a PowerPoint presentation to City Council detailing all the programs and benefits that the library has to offer. Ms. White highlighted Early Reading and Literacy, Partnering with Schools, Lifelong Learning, Digital Literacy including Public Access to Technology, Workforce Development, and the overall community impact that the library has.

Council Member Weaver stated how lucky we are to have Catawba County Library and Suzanne White.
ITEM 7: Old Business

A. Consideration of Amendment to Animal Control Ordinance

City Attorney stated that the council would only need a simple majority vote to pass this ordinance at this second reading and vote.

Council Member Robert Abernethy stated that it doesn’t make changes to current ordinance just provides access for some items to keep things in place.

Upon motion duly made by Council Member Jerry Hodge, seconded by Council Member Jody Dixon, with Mayor Pro Tem John Stiver and Council Members Jody Dixon, Robert Abernethy and Jerry Hodge voting in favor of and Council Members Tom Rowe and Wes Weaver voting against, it was RESOLVED:

That Amendments to Animal Control Ordinance be – ADOPTED.

Mayor Stedman stated it was to clean up language.

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

ITEM 8: New Business

4E. Consideration of Grant Project Ordinance for West A Street Bikeway and Pedestrian Improvements

City Manager Todd Clark stated that on July 1, 2016 Council approved the filing of a grant application to the Greater Hickory Metropolitan Planning Organization (GHMPO) for Transportation Improvement Program funding administered by the North Carolina Department of Transportation (NCDOT) of the West A Street Bikeway and Pedestrian Improvement Project which consists of a protected bikeway and bike lane improvements, sidewalk construction and ADA Improvements. Mr. Clark stated that it also includes the replacement of water lines and moving the utility poles.

Mr. Clark stated the City has been approved to receive funds allocated to the North Carolina Department of Transportation by the Federal Highway Administration (FHWA) up to and not to exceed a grant award of $1,520,000.

Mr. Clark explained that a project agreement between The North Carolina Department of Transportation and the City of Newton is ready to be executed along with the establishment of the Grant Project Ordinance to recognize the federal grant revenues awarded in the amount of $1,520,000, a $250,000 state grant designated for a portion of the City’s 20% match, and $1,165,450 from financing for a total project budget of $2,935,450.

Council Member Wes Weaver asked how much money the city has in the General Fund at this time. Finance Director Serina Hinson said that she doesn’t have the exact numbers with her, but reminded the council that the city’s needs, according to the CIP, have to be met and financing is the best option. Mr. Weaver stated that he does not like to borrow money. Council Member Robert Abernethy said he doesn’t mind using someone else’s money if it can be paid back. Mr. Weaver said that there is no benefit if the city only needs $100,000 but has to pay back $110,000. Mr. Abernethy said that if the interest rates rise then it makes sense to spend fund balance instead. Ms. Hinson said there is also streetscape to consider. Mr. Abernethy mentioned that numbers like this should not be on the consent agenda. Ms. Hinson stated that as the city manager had mentioned electric and wastewater are not covered by the grant. Council Member John Stiver said that payments could be made over the years, but shown in one year.
Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Wes Weaver, it was unanimously RESOLVED:

That Grant Project Ordinance for West A Street Bikeway and Pedestrian Improvements be – ADOPTED.

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

A. Consideration of Roserock Holdings, LLC (Love’s Truck Stop) Petition for Non-Contiguous Annexation

Planner Alex Fulbright stated that Roserock Holdings, LLC has filed a petition seeking a non-contiguous annexation to the city. They are seeking to annex property located on the north side of NC 10 Hwy West at the intersection of Southfork Drive. The petition includes 2 parcels, which consist of a 10.44 acre tract identified as Catawba County Pin #3619-15-54-7096 and a 7.55 acre tract identified as 3619-15-64-4521. Both parcels are owned by Roserock Holdings LLC and is the location of the Love’s Truck Stop, which is currently under construction.

Mr. Fulbright stated that this annexation is outside the City’s extraterritorial planning jurisdiction; because of this the City will need to establish zoning on the annexed parcel after completing the annexation. This will be on the agenda for the Council’s April 18, 2017 meeting along with approval of the annexation. The Planning Commission is recommending that the zoning district established in the annexed area will essentially mirror the existing county zoning in the area. Please note that the petition was received in June, 2016 with the understanding that it would not be processed until all permits were issued by Catawba County.

REQUESTED ACTION:

The Council will need to do the following in order to start the annexation process:

1. Adopt a resolution directing the City Clerk to investigate the petition.
2. Receive Clerk’s Certification of Sufficiency.
3. Adopt a resolution fixing the date of public hearing on the question of annexation.

The staff is recommending that the Council fix the date of the public hearing for 7:00 p.m. on April 18, 2017 in the Council Chamber of City Hall.

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

That Resolution Directing the City Clerk to Investigate the Petition – ADOPTED.

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

That the Clerk’s Certification of Sufficiency be – RECEIVED.

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

That Resolution Fixing the Date of the Public Hearing for 7:00 p.m. on April 18, 2017 in the Council Chamber of City Hall be – ADOPTED.
B. Consideration of Budget Ordinance Amendment for Emergency Repair on
St. Paul’s Church Rd.

Public Works and Utilities Director Dusty Wentz stated that in February of 2017, staff discovered that the existing 12” DIP water main crossing the creek near the intersection of St. Paul’s Church Road and Industrial Dr. was leaking. Excavation and inspection by staff determined that the concrete thrust blocking on one side of the creek had begun to sink, causing the pipe to separate and preventing conventional field repairs. Mr. Wentz stated that two valves were inserted on each side of the creek crossing to isolate the failing section of water line and take it out of service. He explained this solution creates two dead end sections on St. Paul’s Church road, which staff is routinely flushing in order to maintain water quality standards.

Mr. Wentz stated the waterline in this location was installed on the creek bed and is visible from the bank. The exact age of the waterline is unknown, but it was likely installed in the late 1970’s or early 1980’s.

Mr. Wentz explained that given the location of the leak and the size of the pipe and thrust blocking present, staff recommends contracting the repair. An engineering consultant was contracted to make repair recommendations, prepare plans and specifications, and obtain all necessary permits from both State and Federal regulators.

Three qualified bids were received on March 27, 2017, and are listed below:

<table>
<thead>
<tr>
<th>Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hickory Sand Co., Inc</td>
<td>$123,875</td>
</tr>
<tr>
<td>Max Prestwood Water &amp; Sewer, Inc</td>
<td>$140,000</td>
</tr>
<tr>
<td>Two Brothers Utilities, Inc</td>
<td>$137,700</td>
</tr>
</tbody>
</table>

Mr. Wentz stated that to date, the replacement project has only incurred the cost of the engineering consultant, in the amount of $18,395. Staff recommends adding a 10% construction contingency to this quote, in the amount of $12,300. This results in a total project cost of $154,570.

Mr. Wentz recommended that City Council entertain separate motions to approve the attached Budget Ordinance Amendment for the St. Paul’s Church Road Creek Crossing Water Line Replacement, and to award the contract to Hickory Sand Co., Inc in the amount of $123,875.

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Mayor Pro Tem John Stiver, it was unanimously RESOLVED:

That Budget Ordinance Amendment for the St. Paul’s Church Road Creek Crossing Water Line Replacement be – ADOPTED.

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

That Contract to Hickory Sand Co., Inc in the amount of $123,875 be – APPROVED.

C. Consideration of Memorandum of Understanding for Kids in Parks TRACK Trails and Related Budget Ordinance Amendment

Parks and Recreation Director Sandra Waters stated that on February 22, 2017 the City was selected for the Kids in Parks TRACK Trail Network Expansion Project Grant (Kids in Parks) in the amount of $8,000. The TRACK Trail Program was formed through a partnership between the Blue Ridge Parkway Foundation, the Blue Ridge Parkway, and the Blue Cross and Blue Shield of North Carolina Foundation to fight two ailments that face our youth today: Nature deficit disorder and childhood obesity. Ms. Waters stated the Program converts pre-existing hiking and biking trails, greenways, and disc golf courses into TRACK Trails through the installation of their self-guided materials.
Ms. Waters stated that Kids in Parks will be funding 20 TRACK Trail locations in North Carolina counties where there is not a TRACK Trail. Only one site in each county will be funded through this grant. Grant funds will be utilized to produce and deliver approximately $8,000 worth of the TRACK Trail materials (trailhead sign, brochures, webpages, etc.). Ms. Waters stated the grant requires a three year partnership with an annual membership fee of $400 or $1,200 upfront.

Ms. Waters explained that the $8,000 grant includes the following:

- Trailhead sign frame
- Trailhead sign (high-pressure polycarbonate material with 10-year warranty)
- Plaque with partnering agency logos for the kiosk
- Four brochure holders
- Four self-guided brochures (2,000 copies of each)
- Prize dissemination to kids who register their adventures on the City’s site
- Access to the back-end of the website to download data and monitor registrations
- Annual data reports about the users who have registered from the City’s site

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

That Memorandum of Understanding for Kids in Parks TRACK Trails and Related Budget Ordinance Amendment be – ADOPTED.

(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

- April 6th and 19th, Teen Leadership, 8:00 a.m.-3:30 p.m.
- Sunday, April 9 – Newton Easter Egg Hunt at Southside Park, 2 p.m.
- Tuesday, April 11 – El Bazaar ribbon cutting (1901 Northwest Blvd., Suite S) 4 p.m.
- April 13, 2017 – WPCOG Mayors/chairmen/Managers Meeting, Catawba Country Club, 6:00 p.m.
- April 19th - Cohort #3 Service Excellence University begins
- April 20, 2017 – The State Transportation Program, Western Piedmont Council of Government Offices, 5-7 p.m.
- Saturday, April 22 – Catawba County Residential Hazardous Waste and Electronics Collection Event at Bandys High School, 9 a.m.-1 p.m.
- April 27, 2017 – WPCOG Annual Meeting
- Saturday, April 29 – Spring Yard Sale at Southside Park, 6:30 a.m.-12:30 p.m.
- Saturday, April 29 – Newton Spring Litter Sweep, 9 a.m.-noon
- Appearance Commission is now accepting nominations for Yard of the Month. Applications are available at www.newtonnc.gov/yard.pdf
- Foothills Folk Art Festival is now accepting artist applications. Applications are available at www.foothillsfolkartfestival.com
- May 4, 2017 – South Newton Elementary’ s Leadership Day
Budget Workshop Dates *All begin at 5:15 in the Council Chamber

- May 4, 2017
- May 9, 2017
- May 11, 2017
- May 16, 2017

ITEM 10: Questions and Comments from Mayor and Council

Mayor Pro Tem John Stiver gave a brief summary of things going on with the Tree Board and the Parks and Recreation Commission.

ITEM 11: Adjournment

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

That the Meeting be - ADJOURNED

________________________________
Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk