

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

May 3, 2016 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, May 3, 2016 at Newton City Hall.

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

That the Regular Minutes of the April 18, 2016 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 Wes Weaver, it was RESOLVED:

That the Consent Agenda be – APPROVED with the Addition of Municipal Clerk’s
Week Proclamation.

- A. Sewer Adjustments
- B. Consideration of Appointment to Commissions and Boards
- C. Proclamation – National Police Week – May 15-21, 2016
- D. Proclamation – National Public Works Week – May 15-21, 2016

(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.

Sheila Iveson stated that she would like to make a statement concerning Item 7C, “Consideration to Adopt Resolution for the Sale of Real Property”. Ms. Iveson stated that the property is 1000 N Ashe Ave and is adjacent to her lot. Ms. Iveson stated that in 2013 she inquired about making an offer on this property and that in 2014 she called to make an offer. She stated that she did not hear back about her offer, and that she would have liked to have known how the process worked. Ms. Iveson stated that she has been maintaining the lot since the building was torn down.

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

ITEM 6: **Presentation**

A. Marketing Videos – Family and the Newton-Charlotte Connection

Public Information Officer Alex Frick presented the third and fourth of five marketing videos for the City of Newton.

ITEM 7: **New Business**

A. Consideration to Accept North Carolina Department of Transportation Division of Bicycle & Pedestrian Transportation Grant Award – City of Newton Pedestrian Plan, and Adopt Budget Ordinance Amendment

Planning Director Randy Williams stated that the NCDOT Pedestrian Plan Grant Initiative is a matching grant program that encourages municipalities to develop comprehensive pedestrian plans and is sponsored by the Division of Bicycle and Pedestrian Transportation. Mr. Williams stated this program has been in place since 2004 and is eligible for municipalities under 25,000 in population.

Mr. Williams stated this plan will assist the City to address not only the infrastructure needs but also to develop project priorities; review local policies and guidelines; and identify opportunities for the implementation and education and safety programs. NCDOT will assist in choosing a pre-qualified consultant to author the plan and require citizen outreach meetings and a steering committee to oversee the plan development.

Mr. Williams explained that in October 2015, City Council approved the submission of a grant application to NCDOT Bicycle and Pedestrian Division for a city-wide pedestrian plan. Planning Staff received word in March 2016 that the grant application was approved for funding and the City of Newton was awarded the grant.

Mr. Williams stated that with limited resources and a long list of needs for sidewalk repairs and extensions, the NCDOT Pedestrian Plan will assist the City with prioritization, a review of the detailed needs assessment, and determine the best interconnection to bicycle and transit options within Newton. He stated the requirements for the plan development include the establishment of a steering committee, selection of a consultant, quarterly reports submitted to NCDOT and review by the Bicycle and Pedestrian Division to ensure the plan meets NCDOT standards and the needs of the community.

Mr. Williams stated the Pedestrian Plan will also be used as background data for an upcoming comprehensive plan update and identified small area plans. The implementation recommendations of this plan will also be used as we begin to update the development standards for the City. Additionally, it will need to show the benefits of non-vehicular network necessary for transportation to all citizens by establishing safe alternatives to vehicle travel for access throughout the city and open additional connections to recreation facilities.

Mr. Williams stated the grant funds are distributed to local jurisdictions by application for grant funds and require a minimum 30% cash match based on the City’s population. NCDOT has approved the city’s

application and awarded up to \$60,000 for the project, which breaks down as \$42,000 in grant funds, plus the city's match of \$18,000.

Mr. Williams stated that Planning Staff requests that City Council endorse the project, approve the NCDOT funding grant award for the Newton Pedestrian Plan, and adopt the attached Budget Ordinance 2016-9 for this project.

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

That the North Carolina Department of Transportation Division of Bicycle & Pedestrian Transportation Grant Award be – ACCEPTED.

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 2016-9 be – ADOPTED.

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

B. Consideration of Contract for Powell Bill Paving

Public Works Director Dusty Wentz stated that this year, resurfacing is limited to repaving of Cherry Lane. Mr. Wentz stated that Cherry Lane was selected from the Asphalt and Sidewalk Condition Assessment Report completed in late 2015 because it has the most severe issues that could be replaced with available funds.

Mr. Wentz explained that Cherry Lane will have all asphalt removed, the gravel base checked to ensure proper thickness, and 4 inches of asphalt applied in two lifts. Mr. Wentz said staff included 1,000 square yards of gravel base replacement and 1,000 square yards of milling were also included in the bid to gauge unit prices for future work.

Mr. Wentz stated that staff has solicited for bids from local contractors and received three bids. The responses from the bid solicitation are listed below:

1. J.T. Russell	\$79,200
2. Mid State	\$107,420.50
3. Maymead	\$88,770

Mr. Wentz stated that all three bids include a 10% contingency, and were complete and accurate.

Mr. Wentz recommended that Council consider awarding the bid for the Annual Overlay Project to J.T. Russell for \$71,280, and hold a 10% contingency of \$7,920 in reserve, and that any utilization of contingency funds will be presented to council.

Council Member Tom Rowe asked if all asphalt would be removed, Mr. Wentz stated that it would.

Council Member Jerry Hodge stated that the spreadsheet from McGill was very impressive in that it evaluated the streets and will allow the city to get where it needs to be. Mr. Hodge wondered if there is a way to look at the spreadsheet and how to evaluate with a better choice of needs based on more traffic versus a dead end street with only 4 to 6 houses so that there would be a bigger bang for the dollar. Mr. Wentz stated that the color changes on the sheet already so that and that the higher up on the list, the worst the street scored. He stated that the city could spend the money on the green and yellow roads or fix the roads that are already in failure. Mr. Hodge stated that he realizes it is hard with limited funds but

wondered if there is a way to change the aspect of how the city goes about repairing the roads. Council Member Hodge asked if there is a way to look at the roads with the most travel first. Mr. Hodge stated that he would like to cover the most with as little as possible without losing ground with the level of funding.

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

That Contract for Powell Bill Paving be – APPROVED.

Council Member Hodge stated that he would like to take a look moving forward. Council Member Robert C. Abernethy, Jr. stated that it would be a good topic to discuss in workshop, but that he doesn't want to micro manage. Mayor Stedman agreed.

C. Consideration to Adopt Resolution for the Sale of Real Property

City Manager Todd Clark stated the City of Newton acquired a parcel of land located at 1000 North Ashe Avenue several years ago through a foreclosure proceeding for the purpose of demolishing a structure that posed an eminent threat to the health, safety and welfare of the public. The structure has been demolished and the property has no practical use by the City at this time.

Mr. Clark stated the Newton City Council previously declared this parcel as surplus property on March 18, 2014, and that as directed by the City Council, the city staff subsequently advertised the property for sale. Mr. Clark said there was one inquiry, but a sale was not finalized.

Mr. Clark stated that recently, Trae Partners, LLC submitted a bid on April 27, 2016 in the amount of \$1,750. In accordance with North Carolina General Statute §160A-269, "when an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer."

Mr. Clark stated that additionally, the Statute requires that the public notice include a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. If an upset bid is offered, the bidder must deposit (5%) of his increased bid with the City Clerk and the Clerk must re-advertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. Mr. Clark stated the Statute also provides that the Council may at any time reject any and all offers.

Mr. Clark recommended City Council consider the bid of \$1,750 and if accepted direct the staff to follow the procedures set forth in NCGS §160A-269.

Council Member Jerry Hodge stated that for clarification, the tax value is \$2,200 and the offer is for \$1,750. Mr. Clark stated that is correct.

Council Member Wes Weaver asked how the property is zoned. Mr. Williams stated that it is zoned R-7 Residential.

Council Member Robert C. Abernethy, Jr. stated that he doesn't find the offer sufficient.

Mr. Weaver asked Ms. Sheila Iveson why she maintained the property for so long. Ms. Iveson stated that she has seeded it and watered it since 2012. Mr. Weaver asked what her bid was before, she said that it was \$1,500, and that she now understands the process.

City Attorney John Cilley stated that Council may accept the bid offered tonight or reject it.

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

That the Bid for the Sale of Real Property located at 1000 N Ashe Av, in the amount of \$1,750 be – REJECTED.

D. Presentation of Fiscal Year 2016/2017 Budget

City Manager Todd Clark reviewed his message to the Council on the Fiscal Year 2016-2017 Budget.

Mayor Stedman thanked staff for their hard work and for presenting such a conservative budget.

ITEM 8: City Manager's Report

Meetings

- May 5th – Budget Workshop, council chamber, 5:15 p.m.
- May 5th – South Newton Elementary Leadership Day at 9:00 a.m.
- May 6th – Ribbon Cutting, In My Father's House, 111 E 1st Street, 3 p.m.
- May 13th – Ribbon Cutting, Turner Finance, 24 South Brady Ave., Suite A 3 p.m.
- May 16th - Dedication of the NCWorks Center at Conover Station at 2 p.m.
- May 18th – Catawba Valley Business and Health Council Meeting, AHEC 12 at CVMC, 4:30-6:00 p.m.
- May 18th -*Tentative trip to General Assembly, Raleigh
- May 22nd – Unity Day, Newton-Conover Auditorium 2 p.m.- 4 p.m.
- May 24th – WPCOG Policy Board Meeting hosted by City of Newton at Newton Fire Headquarters – 6 p.m.
- May 31st – United Arts Council of Catawba County Annual Meeting at SALT Block
- June 8th – Town Hall Day

Budget Workshop

- May 2, 2016 Presentation of Fiscal Year 2016-2017 Budget to City Council
- May 5, 2016
- May 10, 2016
- May 12, 2016

Tentative Dates if needed:

- May 17, 2016
- May 18, 2016
- May 19, 2016
- June 7, 2016 Public Hearing and Budget Adoption

All Workshops will begin at 5:15 p.m.

- On May 18th the Recreation Survey Results will be presented to the Steering Committee, results will be presented to city council at an upcoming meeting.

Employees Honored for Various Accomplishments

- **Patrick Evans** was honored as Policeman of the year and **Bradley Long** was honored as Fireman of the year by the Newton Elks

- The International Public Management Association for Human Resources has recently notified us that **April Hatley**, HR Analyst, recently achieved the highest level of public HR certification. With her degree, experience, and passing a rigorous exam, she received the designation of “IPMA-HR Senior Certified Professional.” By earning this award, she has shown her commitment to the betterment of public sector human resource management and her own personal leadership.
- At a recent awards luncheon, the Catawba County Cancer Task Force recently designated the City of Newton as a “Silver Wellbusiness” for helping to prevent cancer in our community by promoting a healthy workforce.
- On April 22, **Teresa Laffon** was honored by the Local Government Federal Credit Union for her 10 years of serving as an Advisory Council Member.
- On April 19th through April 21st 2016, **William Barlow** (Captain – NFD – Engine 3 – “A” Shift) went to Greensboro to compete in a Skills USA competition at the North Carolina State Conference.

This competition is college based with all testing and evaluations done by NC OSFM (Office of State Fire Marshal) and its officials. Colleges from all over North Carolina came to compete. Due to being in the degree program at CVCC, William was eligible to compete in the Post-Secondary Firefighting Nationals division. The competition is comprised of a written exam, individual interviews, and several firefighter physical skill stations. Scores were tallied and William placed first in North Carolina in his division.

William will now proceed to Louisville Kentucky to compete against all the colleges in the US for the national championship.

While doing this he will be representing Catawba Valley Community College and The City of Newton (Fire Department).

- **Spencer Cline** – Earned a B.S. in Criminal Justice and will graduate from Gardner Webb University this Saturday, May 7, 2016

ITEM 11: Questions and Comments from Mayor and Council

Mayor Anne P. Stedman asked if any Council Members would like to make any comments. There were none.

Council Member Robert C. Abernethy, Jr. gave a report on the Appearance Commission.

Points from the Appearance Commission were:

- Light Replacements for Christmas Lights
- Recognition to Collette Touchette for the “Looking Good Program”
- Budget for the Appearance Commission
- Flowers at the Median on 321, Planted by Council Member Tom Rowe and Jim Gargis

ITEM 9: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(4) and G.S. 143-318-11(a)(5)

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

That the City Council enter CLOSED SESSION per G.S. 143-318-11(a)(4) and G.S. 143-318-11(a)(5)

Council Member Robert C. Abernethy, Jr. made the motion to go back into open session, which was seconded by Mayor Pro Tem John Stiver. All Ayes.

ITEM 10: **Recess**

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

That the Meeting be – RECESSED until the Budget Workshop Scheduled for 5:15 p.m., Thursday, May 5, 2014

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor