MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
May 21, 2019 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, May 21, 2019 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 Jody Dixon 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 May 7, 2019 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Sewer Adjustments

(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. John Sigmon stated that he has concerns about the public hearing that is on the agenda concerning rezoning of a property located at 300 E N Street from PD-H to R-11 Single Family and Two Family Residential. He stated that he doesn’t have a problem with the existing plan to the property, but he doesn’t see how the new plan would benefit the city. He stated that he was not properly notified of the rezoning.

Mayor Stedman explained that in order to ensure that everyone is properly notified, the proposed rezoning public hearing will be heard at the June 4, 2019 Council Meeting.
ITEM 6: Public Hearings

A. Consideration of Rezoning of a Portion of Property Located at 300 E N Street from PD-H to R-11 Single Family and Two Family Residential

City Manager Todd Clark stated that the North Carolina General Statutes require several notifications when rezoning is considered. He stated that notification must be made in a local publication, notification must be mailed, and the proposed rezoned property must be posted with a sign. Mr. Clark stated that there are some questions about whether the signage for the proposed property was posted for the required time for City Council to review; therefore this item would be removed from this agenda so that the property could be posted and advertisements sent for the June 4th meeting.

B. Consideration of Rezoning Property Located East of St. Pauls Church Rd Between Industrial Drive and Old Conover Startown Rd. from R20A Single Family Residential to M-1 General Manufacturing

Mayor Stedman opened the Public Hearing

City Planner Alex Fulbright stated that a rezoning request has been made by the City of Newton Planning Department at the request of the Catawba County Economic Development Commission. Mr. Fulbright stated the request is to rezone property located just east of St Pauls Church Rd between Industrial Drive and Old Conover Startown Rd. from R-20A single family and manufactured housing residential to M-1 General Manufacturing. The subject site is 19.26 acres identified as Catawba County Pins 3731-18-22-6316, 3731-18-22-8259, & 3731-18-32-1226. The intent of the request is to allow for the construction of an industrial project on the subject site and the adjoining property.

Review:

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>ZONING</th>
<th>LANDUSE</th>
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<tbody>
<tr>
<td>Subject(s)</td>
<td>R-20A Single Family and Manufactured Housing Residential</td>
</tr>
<tr>
<td>North</td>
<td>R-20A Single Family and Manufactured Housing Residential</td>
</tr>
<tr>
<td>South</td>
<td>M-1 General Manufacturing &amp; R-20A Single Family and Manufactured Housing Residential</td>
</tr>
<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
</tr>
<tr>
<td>West</td>
<td>M-1 General Manufacturing</td>
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</tbody>
</table>

Mr. Fulbright stated that the subject site was not included in the City’s planning jurisdiction according to the 1966 Zoning Map. He explained that the site was taken into the City’s ETJ in 1980 and was zoned R-20A Single Family and Manufactured Housing Residential at that time and the zoning remained that when it was annexed into the City in 1991, and that the subject site has not been a part of any zoning activity. The adjacent property to the east was rezoned in 1995 from R-20A to M-1 zoning.

Mr. Fulbright stated that the site has access to St Paul’s Church Rd, which is classified as a collector street per the City’s collector street plan and City water and sewer are available.
Mr. Fulbright stated that the 2001 St Pauls Area Plan Future Land Use Map shows the area being zoned industrial and the request is consistent with the current land use plan for the area.

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

- Posted on-site: posted April 12, 2019
- 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. 22 letters were sent on May 10, 2019.

Mr. Fulbright stated the Planning Commission is recommending approval of this rezoning request to City Council.

Mayor Stedman asked if there was anyone present that would like to speak.

Cyndia Bollinger, adjacent parcel owner, stated that they were surrounded by other industries and has no problem with them. She stated that the only problem that they have with this particular item is that they do not know what is going to be built there. City Manager Todd Clark explained that the City Council has not been made aware of what will be built there either, and that are only being asked to rezone the property at this time.

Mayor Pro Tem John Stiver stated that he would like to know the permitted uses for this zoning classification. Planning Director Randy Williams read the permitted uses.

Council Member Jerry Hodge asked if there would be road improvements in to the rezoned property. Mr. Williams explained that the road would have to be upgraded. Mr. Hodge asked if the planning board approved the proposed rezoning, Mr. Williams said that they approved rezoning the property unanimously.

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

That the Public Hearing be – CLOSED

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

That Rezoning Property Located East of St. Pauls Church Rd Between Industrial Drive and Old Conover Startown Rd. from R20A Single Family Residential to M-1 General Manufacturing be – APPROVED

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

**ITEM 7: New Business**

A. Consideration to Accept the Annual Powell Bill Paving Contract and Adoption of the Budget Ordinance Amendment

Public Works and Utilities Director Dusty Wentz stated that this year, resurfacing is focused on N. College between 22nd and the City Limits and W. E St. Both street segments were selected from the Asphalt and Sidewalk Condition assessment completed in late 2015, as well as assessment by Staff of condition of streets Citywide. He stated that they are the city roads that the assessment indicated as having the most severe issues that could be replaced with available funds.
Mr. Wentz explained that all the paving segments are complete removal and replacement.

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

1. Carolina Paving  No Bid
2. Evans Bros.     $467,923.07
3. J. T. Russell   $359,622.68

J. T. Russell’s bid was found to be complete and accurate.

Mr. Wentz explained that no contingency is being recommended at this time. If contingency is needed, staff will ask Council at a later date.

Mr. Wentz stated that the amount available in the street paving budget is $267,585.88, requiring an appropriation from Powell Bill Fund Balance of $92,036.80. These funds are available from the General Fund Appropriation to the Powell Bill Fund for street paving in FY2018 that has not yet been fully utilized.

Mr. Wentz stated that staff recommends that Council consider awarding the bid for the Annual Overlay project to J. T. Russell in the amount of $359,622.68 and approving the attached Budget Ordinance Amendment.

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

That the bid for the Annual Overlay project to J. T. Russell in the amount of $359,622.68 be – AWARDED.

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

That the Budget Ordinance Amendment be – ADOPTED.

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

B. Consideration to Adopt Resolution Demonstration Support for a Stormwater Compliance Program

Public Works and Utilities Director Dusty Wentz stated that on December 11th, 2018, North Carolina Department of Environmental Quality (NCDEQ) and representatives from the Environmental Protection Agency (EPA) inspected the City for compliance with the issued National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. Mr. Wentz stated that the program put in place by the City was found to have several deficiencies in both physical removal of pollutants at the Public Works Facility and city wide enforcement of stormwater regulations. As a result, a Notice of Violation was issued by NCDEQ.

Mr. Wentz explained that the Notice of Violation is extremely thorough. Staff has contacted the Council of Governments and private consultants to obtain budget pricing for assistance with bringing the stormwater management program into compliance. At a minimum, staff currently feels that discharge monitoring and testing sites, active inspection of construction sites, active tracking and follow-up of violations, post construction inspections on stormwater structures, community outreach and reporting will
have to be implemented in some fashion.

Mr. Wentz stated that the first action required by the Notice of Violation is the acceptance of the attached resolution. Staff will return to City Council once the changes to the program, and associated costs, have been developed for approval to implement.

City Manager Todd Clark stated that this is mandated, and unfunded by the federal government, and that the city does not have a choice on whether or not to implement.

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

That the Resolution Demonstrating Support for a Stormwater Compliance Program 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

- May 22nd – Public Works Equipment Rodeo, Southside Park – 9:00 a.m. – 3:00 p.m.

Current Active Projects

- Splash Pad Construction
- Core Streetscape Project /Amphitheater Construction
- West A Streetscape Engineering
- Website Project
- Greenway Extension
- Central Rec HVAC Replacement
- Fire Heavy Rescue Truck Purchase
- Valley Drive Waterline Update
- Tree Trimming – Starting Next Week
- Sewer Projects (West A Street, East 2nd Street, 15th Street, Radio Station Rd.)
- Hwy 16 Waterline
- Economic Development Strategic Plan Project
- Strategic Growth Plan Update
- Brownfield Planning Grant
- AT&T Joint Use Agreement
- 20th Street Stormwater Infrastructure Replacement Project – NCDOT

ITEM 9: Questions and Comments from Mayor and Council

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

Council Member Tom Rowe gave reports on the Newton Depot Authority.
ITEM 10: Adjournment

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

That the Meeting be – ADJOURNED

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Anne P. Jordan, Mayor                        Amy S. Falowski, City Clerk