MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

July 11, 2017 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, July 11, 2017 at Newton City Hall.

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

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 Mayor Pro Tem John Stiver, it was unanimously RESOLVED:

That the Regular Minutes of the June 20, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Tax Releases
B. Sewer Adjustments
C. Consideration of Public Fee Structure 2017 Soldiers Reunion Activities

(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: Presentations

Mayor Anne Stedman presented Sandra Waters, Parks and Recreation Director, with a resolution celebrating 50 years of service with the city. Mayor Stedman stated that these years of service have been marked by exemplary participation vital for the accomplishments of the city and the Parks and Recreation Department. Mayor Stedman thanked Ms. Waters on behalf of herself and the City Council.
Mayor Stedman also presented Finance Director Serina Hinson and her staff the Certificate of Achievement in Financial Reporting from the Government Finance Officers Association for fiscal year 2016.

**ITEM 7: Old Business**

A. Discussion of Sue Jones Estate

Mayor Stedman stated that at this time council will discuss the estate of Sue Jones, and that a vote will not be taken tonight, but at the August 1st meeting.

City Attorney John Cilley stated that the will states that there have to be two separate unanimous votes by two seated councils at least 2 years and 3 months apart in order to utilize the principal, and that the August vote will only be a vote to use the money. Mr. Cilley stated that a specific project does not have to be named at the time of the vote. Mr. Cilley also stated that the vote has to be a unanimous vote of those council members in attendance, a quorum being present. He also stated that the money cannot be used for existing parks or for repairs on existing parks. He said it can be one big new project, or multiple little projects, and that acknowledgment with a plaque was requested.

Council Member Weaver asked what the consequences of a non-unanimous vote would be. Mr. Cilley stated that the money would stay with the city and be invested by the finance director. He said that any interest earned could be used for anything in the recreation budget. Mr. Rowe asked if the vote is not unanimous then when could another vote be taken. Mr. Cilley said that the will does not have a provision requiring that the two unanimous votes have to be consecutive, unanimous votes, so anytime Council wished to schedule another vote, it could do so. Mr. Abernethy asked if that means another vote could be taken in September. Mr. Cilley said that as there is no requirement in the will as to when subsequent votes must be taken other than the two year and three month requirement after the first unanimous vote to utilize the funds has already been taken, in his opinion, the answer is yes. Council Member Wes Weaver said that he has a hard time voting yes until he knows what will be dedicated to the Jones’. He stated that it must be magnificent. Council Member Robert Abernethy agreed and said that they need to pick the items and designate the majority to a specific project. He asked if some of the money could be parlayed into more through grants. Mr. Weaver agreed.

Council Member John Stiver gave a timeline of the various meetings when the estate has been discussed, and said that a lot of time has been spent and that the money is worth less and less as expenses rise. He said that Mr. Abernethy has said twice we need to spend the money. He said that the council needs a consensus and that everyone can’t get what they want. Mr. Weaver stated that he wants to make sure the project gets the recognition the Jones’ deserve. Mr. Stiver asked what he wants specifically. Mr. Weaver stated that his idea in February was a fitness center and amphitheater, but he said that he wants something grand to recognize them. He said that he asked for information on an amphitheater in February and didn’t get any. He said that he wants something to honor them and that if it’s an amphitheater he wants to know dimensions and the location. Mayor Stedman stated they are all on the same page concerning the recognition of the project.

Council Member Weaver stated that he is all for an amphitheater, he just wants to know exactly what is going to be done. Mr. Stiver said that there is a list of things they have talked about doing. He asked Mr. Weaver if he wants a large plaque at city hall or the recreation department in honor of the projects. Mr. Weaver said he wants something magnificent, and that he knows he can’t get his way on every cent but he wants to honor the intent of the will. Mayor Stedman said that he wants to know the project, Mr. Weaver said yes. Mayor Stedman asked if the project can be decided and then be designed and engineered. Mr. Weaver said that if one-third of the money is going toward the amphitheater he will vote yes. Mr. Abernethy stated that Randy Williams, Planning Director, could probably do a rendering.
Council Member Jerry Hodge stated that some projects have been listed since 2012, and what he is hearing council say is minimum of $500,000 toward a big project, one-third for leveraging other grants and one-third for small projects. He said that he feels like the funds need to be released first. Mr. Weaver said that is not going to happen. Mr. Hodge said that he feels this is a roadblock holding back money by one person because it is not “that project”. Mr. Weaver said he doesn’t care, that he doesn’t feel that this was Sue Jones’ intent to build a bunch of dog parks. Mr. Hodge says he has done his homework and that it is time after 5 years to use the money for a signature project, leverage grants and spend on small projects on the level of professionalism not politics. Mr. Weaver said that he is afraid that if he votes to release the funds then it won’t matter what he has to say after that. Mayor Stedman said that everyone likes to see ideas and that a conceptual drawing would be helpful.

Mr. Abernethy stated that people on the Recreation Committee have made recommendations as well and there is no sense singling out and asking one person what they wanted. He said the group brought recommendations that were narrowed down. He said Mr. Weaver and he both feel like if they could have an agreement on each item that could be part of the motion. He said an amphitheater with a nice sign on top. He said they’ve all done separate research, but that he has talked so some of Mrs. Jones’ friends and she liked outdoors, flowers and pocket parks with gardens. Mr. Weaver said that he wants to honor the will and an amphitheater with a statue or plaque would do that. He said he also brought up a fitness center. Mr. Hodge said that if it is in the will it will be done. Mr. Weaver said that he doesn’t trust this council.

Council Member Jerry Hodge stated that there is a certain amount of time in the will and nothing has happened. He said that Mrs. Jones had greenhouses and that there has to be a certain amount of faith in council’s decisions. One unanimous decision has been made and we have not been allowed to move forward. Council Member Abernethy stated that council doesn’t come up with the agenda and that we can’t just ask for trust. Mr. Hodge stated that he is asking for trust in the whole body of the council. Mr. Abernethy said he asked for trust over one penny. Mr. Abernethy said the project needs to be specific in the vote.

Council Member Jody Dixon stated that he has no problem with Mr. Weaver coming up with a project and that there is $250,000 for an amphitheater in the Streetscape plan. He said council should go with the things talked about. Mr. Weaver said that there was consensus in the workshop to spend one-third on a big project, one-third to find grants and one-third for smaller projects. Mr. Dixon said so $250,000 isn’t enough for the amphitheater. Mr. Weaver said no. Mr. Abernethy asked Mr. Rowe how much the pavilion was at the Newton Depot. Mr. Rowe said he couldn’t say for absolute sure, but he thinks around $150,000. Mr. Rowe said he thinks the council should drop the dog park from the list, leave the splash pad, amphitheater, lights and Jacob Fork Park. Mr. Weaver said he disagrees with the lights. Mr. Rowe said he would like to have rough cost estimates. Mr. Dixon said there are rough estimates. Mr. Weaver asked if there are concerns with rough estimates. City Manager Todd Clark stated that there is no way to guarantee without bidding the projects, grading etc. Mayor Stedman said that the city has parks and recreation estimates. Mr. Rowe said that you never know until the project is bid.

Council Member Stiver stated that there is Parks and Trust Fund money for grants for the splash pad, soccer fields at Jacob Fork Park and the lights. He said 1.4 million should be enough money to do well and not short change the projects, do them right.

Council Member Jerry Hodge stated that he had notes and lists of things that members of council have discussed and agreed on recently. Mr. Hodge shared that list as follows:

1. Designate approximately $500K +/- to construct a “signature project” that would appropriately honor the financial commitment made to the City of Newton from the estate of Ms. Sue Jones and Dr. Frank Jones.
   a) The project, most frequently, mentioned during the collective discussions was an amphitheater in Newton designed as an event venue for outdoor performances and as a
space that could be enjoyed as a gathering place when not being utilized for an event. This project could be funded by the estate proceeds and/or leveraged with private funds.

2. Designate approximately $500K +/- to leverage other financial resources like grants or public/private partnerships that could be used as funding sources for a site plan at Jacob Fork Park that could include a soccer field with lighting, lighting for the baseball fields and completion of the Disc Golf Course. Projects should be consistent with the purpose for use of the proceeds as outlined in the Sue and Frank Jones Estate.

3. Designate approximately $500K +/- for the following projects, as, collectively, identified during discussions with each Council Member and as recommended by the City of Newton Recreation Department Master Plan 2016:
   a) **Recreational water feature** that is distinguished by its appealing design features, a public art component, its most effective placement site and its safety standards.
   b) **Pocket parks** designed as a gathering place and venue for park visitors and located on various geographic sites within the Newton city limits.

4. Ensure that Sue and Frank Jones are appropriately recognized and honored in name for their generous contribution.

5. Sue and Frank Jones Estate funds should only be applied to projects that are consistent with Sue Jones’ desire as expressed in the will.

6. The need and request for a Dog Park was identified in the 2016 Recreation Master Plan. A Dog Park was discussed by Council Members and received a lower priority based on park development costs, anticipated additional personnel costs and maintenance costs.

7. Concern for any funds being used at the Jacob Fork Park was expressed during a discussion because of its distance from the current population base in Newton. However, if a balance of projects in the City limits was achieved, use of the funds for Jacob Fork Park was considered acceptable.

8. Caution was expressed for constructing too many (more than 3) pocket parks. The concern focused on costs for maintenance/upkeep and cost for potential need for additional personnel to manage the parks. Consider making pocket parks a size that is practical and sustainable from a cost and maintenance perspective.

9. Allow enough estate fund balance to ensure that projects have enough money to be completed.

10. Let’s be aggressive in leveraging the estate funds to acquire additional funding from grants and public/private partnerships.

Mr. Hodge stated that he feels like all the council has agreed on this list and wants to move forward and that trust should not be an issue in this discussion. Council Member Weaver stated that he agreed to or conceded to all things and has said so all along. However, he wants nice projects rather than Jacob Fork Park.

Mayor Stedman asked about conceptual models. Mr. Clark said that it will cost to have these done. Council Member Abernethy stated that he would like to make the right decision. Mayor Stedman asked what happens if a design is made and no one likes it. Mr. Weaver said that’s a good point. Mr. Clark reminded everyone that we still don’t have consensus on the location for the amphitheater. Mayor Stedman asked if $500,000 was set aside for a signature project would everyone be good with that at the next meeting.

Council Member Wes Weaver encouraged everyone to read the will again before the next meeting.

Mr. Clark asked Mayor Stedman the expectation of staff for the August 1st agenda. Mayor Stedman said to include the consideration of the second vote to spend the principal of the Sue Jones estate on the August 1st agenda.

Council Member Jerry Hodge said that he has the utmost respect for council and apologized to the citizens and thanked them for their patience.
ITEM 8:  City Manager’s Report

Meetings & Events

- July 13th Ribbon Cutting – Picket Fence Antiques and More, 107 North College Ave at 11:00 a.m.
- July 17th Ribbon Cutting – Capital Converting, 2066 Industrial Drive at 2:30 p.m.
- July 19th EDC Annual Meeting, Metro Center at 11:45 a.m.
- July 26th Ribbon Cutting – Studio 562, 1114 North Main Ave, 3:00 p.m.
- July 21st All-American Picnic at the Water Treatment Plant 11:30 a.m. – Employees and City Council Only
- July 22nd Motorcycle, Truck & Car Show Classic at Southside Park, 5:00 p.m.
- July 23rd Azalea Glen Official Ground Breaking, Radio Station Road at 2:00 p.m. with an open house from 1:00 p.m. until 5:00 p.m.
- July 25th Tales of the Rails at Newton Depot, showings at 2:00 p.m. and 7:00 p.m.
- July 25th NCMPA1 Board of Commissioners Meeting, Charlotte at 10:00 a.m.
- July 13, and July 20, July 27, August 3, and August 10, 2017 from 7 p.m. until 11 p.m. “Get Your NewtOn – Thursdays on the Square”

*Introduction of Brandon Elrod as Human Resource Director

Projects

- COPS Grant Application Filed
- City was awarded a $250,000 direct appropriation from the state of North Carolina – Mitchell Setzer and Andy Wells were instrumental in getting this grant for our Streetscape Revitalization Project
- Danner Industrial Sign installed on St. James Church Rd.
- Streetscape: Doug Wesson and Randy met with light / utility pole consultants and discussed specifications and requirements - Meet with NCDOT concerning light / utility poles and specifications – Worked with McGill on trees, street furniture and light / utility pole locations.
- Pedestrian Plan: Received comments from State – Met with consultants to discuss and make revisions – Due to be on Planning Board agenda for July (this will be to review revisions including Dogwood Hills concerns with PB and Public) and City Council in August for potential adoption.
- West A Street: A Request for Letter of Intent has been released and planning Staff has already some inquires. RFLOI are due on July 31st.

ITEM 9:  Questions and Comments from Mayor and Council

Mayor Stedman reported on the DNDA and the Public Arts Committee. She said that Spooktacular is scheduled for October 28th and Get Your NewtOn is an ongoing event throughout the summer. Also she said that the Foothills Folk Art Festival is looking for volunteers for this year’s festival.

Mayor Stedman asked if there were any questions or comments from City Council.
Council Member Robert C. Abernethy, Jr. stated that he is happy that a pay and class study is going to be done and that he thinks that the governing body needs to be part of that study. He said that he feels the wages and benefits for the council need to be looked at. Mr. Abernethy also said that the technology for council needs to be upgraded, and that maybe a cell phone or internet connection should be provided. Council Member Wes Weaver agreed.

ITEM 10:  Closed Session – Per North Carolina General Statutes 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 City Council enter CLOSED SESSION per General Statutes 143-318.11(a)(5)

Motion was then made by Council Member Wes Weaver to return to open session, seconded by Mayor Pro Tem John Stiver. All Ayes.

ITEM 11:  Adjournment

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

That the Meeting be – ADJOURNED

_________________________________________
Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk