

**MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL**

August 2, 2016 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, August 2, 2016 at Newton City Hall.

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

ABSENT: 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 Mayor Pro Tem John Stiver, seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:

That the Regular Minutes of the July 12, 2016 City Council meeting be –
APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Budget Ordinance Amendment to Carry Forward Outstanding Purchase Orders at June 30, 2016
- D. Approval of Mowing Bids for Highway 16
- E. Authorization for Fireworks Display – Hickory American Legion Fair Association

(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: Public Hearing

A. Special Use Permit – Bennett’s Funeral Home

Mayor Stedman opened the Public Hearing.

City Attorney John Cilley reminded everyone that this is a quasi-judicial hearing and everyone that wishes to speak during the public hearing must be sworn in.

Assistant Planner Alex Fulbright stated that attached with this memo is a copy of an application filed by Robbie Bennett. Mr. Bennett is seeking a Special Use Permit to allow him to locate a Funeral Parlor on NC Hwy 16. The subject site is located on the eastside of NC Hwy 16 just south of NC Hwy 10. The site comprises of two adjacent lots that are approximately 4 acres combined. Mr. Fulbright stated the site is zoned R-20 and Funeral Parlors are permitted as a Class A Special Use within the R-20 District, with approval by the City Council.

Mr. Fulbright stated that a Special Use is a use that would not be appropriate generally without special study throughout the zoning district, but which is controlled by the number or size of location or relationship to adjoining neighborhood and which would promote the public health, safety, and welfare.

Mr. Fulbright stated the applicant is proposing to construct a 14,000 square foot main building and a 4,800 office building. The site is located outside the City Limits but within the ETJ. The proposed facility would be served with city water and on-site septic system.

Mr. Fulbright explained the zoning ordinance as it applies to Funeral Parlors as a special use in residential districts requires that the following standards be met:

- **Funeral parlors are permitted in residential districts that are zoned R-20 Single Family Residential.** The site which the applicant is applying for is zoned R-20.
- **The site shall have direct access to an arterial street as shown on the thoroughfare plan and the collector street plan.** The site fronts on NC 16 Hwy which is classified as an arterial street on the collector street plan.
- **All applicable state regulations governing Funeral establishments have been met.** The state regulation cannot be met until zoning approval has been granted.
- **Signage is subject to article VII of the Zoning Ordinance as it pertains to Churches and Civic Organizations.** Sign permits have not been applied for the proposed funeral parlor at this time. If a special use permit is granted all sign would have to comply with article VII of the Zoning Ordinance as it pertains to Churches and Civic Organizations.

Mr. Fulbright stated that the use would have to comply with all required city regulations and standards; unless greater or different regulations are recommended and approved. Based on the site plan which is

considered conceptual in nature; building appearance, landscaping, parking, stormwater, soil erosion, buffers & screening, and signage would be reviewed and approved when construction plans are submitted in order to obtain permits to begin construction.

Mr. Fulbright stated that in addition to City regulations, the site will have to comply with all applicable Federal, State, and County regulations. Specifically, the proposed on-site septic system would have to be approved by the NC Board of Funeral Service and the State and County Environmental Health Departments.

Mr. Fulbright stated that a public notice was published in the Observer News Enterprise on July 22 and July 29, 2016. A notice was mailed to 24 property owners, including all owners of adjacent properties and those properties which fall within 100 feet of the adjacent tracts. In addition to the published notices and mailings, signs were placed at the site and will remain in place until Council takes action on this item. Mr. Fulbright stated the Planning Department has received one written response to the special use application which is attached to this memo.

Mr. Fulbright stated the Planning Commission unanimously recommends to the City Council approval of this special permit as presented with the condition that the exterior lighting is limited to full cut off fixtures to minimize light spill onto adjoining properties. Mr. Fulbright stated the recommendation is subject to the City of Newton City Council making the required findings as mentioned in the review. Also attached is a form entitled "Decisions on Special Use Permit, Newton City Council"; this should be resource in making a decision on the Special Use Permit.

Mr. John Hass, property owner, stated that he is not opposed, but he is opposed to the process allowing it. He stated that if a funeral home is located in the R-20 district it is bad for property values. He stated that city council needs to look at the next 3-5 years for the corridor from I-40 to Dale Earnhardt Chevrolet, and he hopes they think of something other than the R-20 designation because things have changed.

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

Council Member Wes Weaver stated that he lives across the street from a funeral home with no problems.

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

That Public Hearing be – CLOSED.

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

That Finding Number One – The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application – be - APPROVED

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

That Finding Number Two – The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of articles IV, V and VI of this chapter, unless greater or different regulations are contained in the individual standards for that special use – be - APPROVED

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

That Finding Number Three – The use will maintain or enhance the value of contiguous property, or that the use is a public necessity be – APPROVED

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

That Finding Number Four – The use in compliance with the general plans for the physical development of the city as embodied in these regulations. The board of adjustment or the council, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use – be – APPROVED.

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

That Special Use Permit – Bennett’s Funeral Home be – APPROVED.

B. Economic Development Agreement – Peoples Bank

Scott Millar, Catawba County Economic Development Corporation President stated that Peoples Bank proposes to equip and up-fit its headquarters facility located at 510 West C Street. Mr. Millar stated that in an effort to accomplish this up-fit, Peoples Bank is seeking the assistance of the City of Newton to assist with an appropriation for the purpose of aiding and encouraging Peoples Bank in the proposed up-fit to its headquarters facility in Newton.

Mr. Millar stated that in order for the City of Newton to be able to authorize an appropriation such as that being requested by Peoples Bank, the applicant must demonstrate that there will be an actual investment in property located with or near its boundaries and that new jobs will be created as a result of the proposed investment.

Mr. Millar explained that Peoples Bank proposes to invest not less than Three Million Five Hundred Thousand dollars (\$3,500,000) in the location at 510 West C Street, Newton, NC, and to create a minimum of Twenty-Five (25) new jobs at the facility as well as maintain Seventy-Five (75) permanent jobs, with the improvements to be made and new jobs to be created between May 1, 2016, and December 31, 2017.

City Manager Todd Clark stated the proposed Economic Development Agreement between the City of Newton and Peoples Bank provides for the payment of Economic Development incentives for real and personal property investments and for job creation by the City of Newton to Peoples Bank in annual payments equal to fifty percent (50%) of the ad valorem taxes associated with the additional value as paid to the City for a five (5) year period, commencing with the taxes payable for the tax values January 1, 2017, and January 1 of the succeeding four (4) years for investments made pursuant to the Economic Development Agreement under consideration. Mr. Clark said that payments by the City shall be payable annually, beginning in 2018 and shall be payable through and including 2022.

Mr. Clark explained that in no event will the payments by the City exceed Ten Thousand Eight Hundred Dollars (\$10,800) per year, or the cumulative amounts of Fifty-Four Thousand Dollars (\$54,000) as provided in said agreement.

Mr. Clark stated that the suggested action is for City Council to enter into said Economic Development Agreement with Peoples Bank.

Council Member Jerry Hodge asked Mr. Millar to clarify “new job”. Mr. Millar stated that the jobs would be all newly created and not transferred from other locations. Mr. Hodge stated he was glad jobs weren’t just going to be transferred from West A Street. Mr. Millar stated that was also incorporated in the county agreement.

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

That Public Hearing be – CLOSED.

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

That it be determined that entering into the Economic Development Agreement with Peoples Bank as presented is a necessity for the expansion of the corporate headquarters by Peoples Bank to go forward and that said agreement shall increase the taxable value of real and personal property within the city, stimulate the local economy and result in the creation of a substantial number of new jobs in the City of Newton that pay at or above the median average wage in the city.

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

That the Economic Development Agreement between the City of Newton and Peoples Bank be – APPROVED.

ITEM 7: **New Business**

A. Consideration of Paving Bids

Public Works and Utilities Director Dusty Wentz stated the City’s 10-Year Capital Improvement Plan consisted of paving at six City of Newton facilities as approved by Council for Fiscal Year 2017: Police Complex, 24 S. College Ave. Parking Lot, Wastewater Treatment Plant, Southside Community Building, Southside Park, and Central Cemetery with a total budget for all paving of \$378,100.

Mr. Wentz stated that five RFP’s were submitted to the following vendors: Carolina Paving, Evans Bros., Maymead, Midstate, and J.T. Russell. He stated that the City received a bid/response from four of the five vendors. Midstate did not respond to the RFP. Maymead provided a “No Bid” for each project. Evans Bros. provided a “No Bid” for the Police Complex and South College Parking Lot projects. All other bids are noted on the attached spreadsheet.

Mr. Wentz stated the City has the option of awarding Contracts for these projects as a single contract or separate Contracts for each project.

Bidders were requested to provide a base bid plus 10% contingency. Bidders were also requested to provide the following bids in the event that a specific project did not meet certain specifications:

- **ABC Stone Sub-base** - Bid per ton to remove existing asphalt and install an ABC stone base (minimum may vary by project) if existing stone base is less than specified for each respective project.

- **Structural Backfill** - In the event any area of the paving project has insufficient structural sub-base, the bidder was requested to provide a bid per cubic yard to undercut and install structural backfill.
- **2” of Binder Asphalt and 2” of S9.5B Asphalt** – The bidder was requested to provide a bid per square yard to meet pavement thickness specifications.

Mr. Wentz stated that staff recommends accepting the lowest bidder based on the base bid plus contingency for each project. Staff also recommends awarding alternates to the vendor with the base bid award due to familiarity and continuity of the project which should prove to be seamless.

Mr. Wentz stated the motions to approve are as follows:

1. Award paving contract for Police Complex to J.T. Russell for \$61,000 plus 10% contingency for a total of \$67,100 and alternates if required.
2. Award paving contract for South College Parking Lot to Carolina Paving for \$61,085 plus 10% contingency for a total of \$67,193.50 and alternates if required.
3. Award paving contract for Wastewater Treatment Plant to J.T. Russell in the amount of \$35,838 for installation of 1,500 square yards and alternates if required.
4. Award paving contract for Southside Community Building to Evans Bros. for \$45,412 plus 10% contingency for a total of \$49,954 and alternates if required.
5. Award paving contract for Southside Park to J.T. Russell for \$98,000 plus 10% contingency for a total of \$107,800 and alternates if required.
6. Award paving contract for Central Cemetery to J.T. Russell for \$34,000 plus 10% contingency for a total of \$37,400 and alternates if required.

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

That Award paving contract for Police Complex to J.T. Russell for \$61,000 plus 10% contingency for a total of \$67,100 and alternates if required be – APPROVED.

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

That Award paving contract for South College Parking Lot to Carolina Paving for \$61,085 plus 10% contingency for a total of \$67,193.50 and alternates if required be – APPROVED.

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

That Award paving contract for Wastewater Treatment Plant to J.T. Russell in the amount of \$35,838 for installation of 1,500 square yards and alternates if required be – APPROVED.

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

That Award paving contract for Southside Community Building to Evans Bros. for \$45,412 plus 10% contingency for a total of \$49,954 and alternates if required be – APPROVED.

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

That Award paving contract for Southside Park to J.T. Russell for \$98,000 plus 10% contingency for a total of \$107,800 and alternates if required be – APPROVED.

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

That Award paving contract for Central Cemetery to J.T. Russell for \$34,000 plus 10% contingency for a total of \$37,400 and alternates if required be – APPROVED.

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

B. Presentation – Golf Cart Ordinance

Police Chief Don Brown gave a brief presentation concerning a Golf Cart Ordinance. Chief Brown asked for direction from City Council about the future of an ordinance for the use of golf carts downtown.

Council Member Wes Weaver asked Chief Brown to work on an ordinance and bring it back to city council. Council Member Jody Dixon thanked Chief Brown for his work on this project.

ITEM 8: City Manager's Report

Meetings & Events

- August 4th – Meeting with Patrick McHenry followed by Flag Presentation in honor of Captain Bradley Long, 9:00 a.m., Fire Headquarters
- August 11-13th – ElectriCities Annual Conference, Concord
- August 25th – Mayors/Chairmen/Managers Meeting, 6:00 p.m., Cedar Rock Country Club, Lenoir
- August 30th – Electric Cost of Service Study Informational Meeting, 5:30 p.m., City Hall Upstairs Conference Room
- August 31st – Community Engagement Breakfast, 8:00 a.m., Abernethy Laurels
- October 1st – Folk Art Festival
- October 19th – BAC Annual Meeting

» The BAC is accepting nominations for the 2016 Economic Development Award and the 2016 Economic Development Professional of the Year Award, both of which will be awarded at the BAC's annual meeting on Oct. 19. Nomination forms are available at www.newtonnc.gov/businessaward.pdf.

» The Appearance Commission is accepting applications for the Paint the Town Red, White and Blue contest through Aug. 10. Citizens and businesses are welcome to enter. Judging will be Aug. 12-13. Entry forms are at www.newtonnc.gov/paintthetown.pdf.

***Reminder – There is only one Regular City Council Meeting scheduled for the month of August**

***Written Report of Updates has been provided by the Planning Director**

***The RFP for Marketing and Branding has been advertised**

***The RFP for Site Grading at Danner Industrial Park has been advertised**

***Water and Sewer Rate Study Report from Dennie Martin of Martin-McGill Associates will be made at the September 6th meeting**

***Parks and Recreation Master Plan – A report is expected to be made by the city’s consultant at the September 6th meeting**

***Pedestrian Planning Grant – City Staff released a request for proposals and we have received 4 responses from different firms. City Staff will be making a selection in the month of August. The study will take approximately 6-9 months to complete.**

***Streetscape Demonstration Project – City Staff applied for and received a smart communities grant from ElectriCities to complete a streetscape demonstration project. The schedule for the demonstration project is tentatively set for mid-October.**

ITEM 9: 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 Tom Rowe gave a report on the Newton Depot Authority.

ITEM 10: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(4)

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

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

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

ITEM 11: Adjournment

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

That the Meeting be – ADJORNED

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor