MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
August 6, 2019 – 7 p.m.
The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, July 9, 2019 at Newton City Hall.

PRESENT: Mayor Pro Tem John Stiver and Council Members Jerry Hodge, Anne Wepner, Jody Dixon, Tom Rowe and Ed Sain

ABSENT: Mayor Anne P. Jordan

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. Jordan welcomed everyone and called the meeting to order.

ITEM 2: OPENING Invocation and Pledge of Allegiance
Council Member Ed Sain provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES
Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:

That the Regular Minutes of the July 9, 2019 and the July 22, 2019 City Council meetings be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS
Upon motion duly made by Council Member Ed Sain, seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

A. Sewer Adjustments

B. Consideration of Street Closures
   • Bright Future Concert – September 19th
   • Foothills Folk Art Festival – October 5th

C. Consideration of the Pyrotechnics Display Permit for the American Legion Fairgrounds

D. Consideration to Adopt The Records Retention and Disposition Schedule for Local Government Agencies per the North Carolina Department of Cultural Services, Division Of Archives and History

E. Consideration of Budget Ordinance to Carry Forward Outstanding Purchase Orders at June 30, 2019

F. Consideration of Official Intent to Reimburse Capital Purchase of Five Police Vehicles

(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 Pro Tem John Stiver asked if anyone present would like to make comment concerning non-agenda items. No one appeared.

**ITEM 6: Public Hearings**

A. Consideration of Text Amendment #2019-01 – To Allow Members of the Planning Commission to Serve as Members of the Board of Adjustment

Mayor Pro Tem John Stiver opened the Public Hearing.

Planner Alex Fulbright stated that the Planning Department provides guidance to the Planning Commission and the Board of Adjustments (BOA) in review of development matters as defined by the Code of Ordinance and in creating the vision of City of Newton. This guidance ensures future orderly development and economic growth that is reflective of the community’s desires and needs. Mr. Fulbright stated that membership of these boards is appointed by the City Council for terms of three years with no more than four consecutive terms.

Mr. Fulbright stated that the Planning Commission meets on a monthly basis as needed to review development proposals and zoning amendments, among other similar revisions. The Board of Adjustments meets on an ‘as needed’ basis to review specific type requirements in a quasi-judicial manner. These reviews consist of variances, special use permits, and interpretation of staff decisions. Mr. Fulbright stated that it is important that both boards have full membership and availability to serve the city and its citizens in review of these important matters.

Mr. Fulbright stated that the Board of Adjustments last met in November 2011. Since that time, the membership of the board has declined due to term expirations, relocations and death. Since there have been no applications submitted for review and staff turnover in the Planning Department to advise the Council of the membership deficit, the City Council has not appointed any new members and the Board of Adjustment membership is incomplete. Therefore if an application was submitted for review, an untimely delay would occur to the applicant in order to appoint and train new members.

Mr. Fulbright explained that this issue is not unique in Newton, and that several cities and towns have seen similar issues arise due to the ‘on-call’ need for the Board of Adjustments to meet. The NC General Statues permit the combination of membership rosters for the Planning Commission and Board of Adjustments, while their duties and actions would follow course with separate board considerations and reviews.

Mr. Fulbright stated that Planning Commission recommends approval to the City Council to amend the Code of Ordinances as attached to combine the membership rosters of the Planning Commission and Board of Adjustments and be staffed by the present members of the Planning Commission.

Mayor Pro Tem John Stiver asked if anyone present would like to speak. No one appeared.

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

That the Public Hearing be – CLOSED

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

That the Ordinance to Amend the Code of Ordinances to Combine the Membership Rosters of the Planning Commission and Board of Adjustments, and be Staffed by the Present Members of the Planning Commission be – ADOPTED

(Ordinances, Resolutions and Proclamations are hereby referenced and on file in the Office of the City Clerk)
B. Consideration of Text Amendment #2019-02 Eliminating Chapter 82 – Soil Erosion and Sedimentation Control from the Newton City Code

Mayor Pro Tem John Stiver opened the Public Hearing.

Planner Alex Fulbright stated that Catawba County has approached the City about letting the County administer the Soil Erosion and Sedimentation Control (SESC) Program inside the City of Newton City Limits and its Extraterritorial Jurisdiction. The County is currently delegated the authority by the State to administer the SESC Program within the entire County and the municipalities in the County with the exception of the City of Newton. The City was delegated authority by the State in 2001 prior to the County starting their program in 2005. At the time that Catawba County began their program, the City evaluated relinquishing its authority and requested that the State allow the County to administer the SESC Program within the City. Mr. Fulbright explained that at that time, there was not a compelling reason to do so. However, the State recently made some changes that have the potential to significantly increase the amount of monthly inspections that the City would have to perform. Catawba County has the staff available to meet the increased demands. In addition, this change would make it easier on developers and contractors as the SESC program would be the same agency throughout the entire County. Mr. Fulbright stated that the City would not incur any cost as result of this change and the State would still issue SESC permits to the City, as is currently the case. Staff has been in contact with the State Department of Environmental Quality and they would be willing to relinquish the City’s authority to administer the SESC program and delegate that authority to the County

Mr. Fulbright stated that It is the recommendation of staff that Council relinquish its authority to administer the State’s SESC program and they allow the County to administer the State’s SESC program within the City’s Jurisdiction by taking the following actions:

1. Adoption of an ordinance to rescind the City’s Soil Erosion Ordinance.

2. Authorize the City Manager to sign the memo of agreement between the North Carolina Sedimentation Control Commission and City of Newton for the purpose of rescinding the Commission's delegation of authority to enforce the Sedimentation Pollution Control Act.

3. Authorize the City Manager to sign the contract between Catawba County and City Newton for enforcement services of Catawba County Soil Erosion and Sediment Control Ordinance within the City Limits and It's Exterritorial Jurisdiction.

Mayor Pro Tem John Stiver asked if there was anyone present that would like to speak. No one appeared.

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

That the Public Hearing be – CLOSED

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

That the Ordinance to rescind the City’s Soil Erosion Ordinance be – ADOPTED

(Ordinances, Resolutions and Proclamations are hereby referenced and on file in the Office of the City Clerk)
ITEM 7:     New Business

A. Consideration of Memorandum of Agreement Between the North Carolina Sedimentation Control Commission and City of Newton

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

That the City Manager be – AUTHORIZED to sign the Memo of Agreement between the North Carolina Sedimentation Control Commission and City of Newton for the purpose of rescinding the Commission's delegation of authority to enforce the Sedimentation Pollution Control Act

B. Consideration of Contract Between Catawba County and City of Newton for Enforcement of Soil Erosion and Sedimentation Control Regulations

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

That the City Manager be - AUTHORIZED to sign the Contract Between Catawba County and City Newton for Enforcement Services of Catawba County Soil Erosion and Sediment Control Ordinance within the City Limits and It’s Exterritorial Jurisdiction

C. Consideration to Approve Public Art Commission By-Laws

City Manager Todd Clark stated that the Newton Public Art Commission adopted bylaws shortly after it was founded in 2017, and that modifications of such bylaws have been made over the past two years. The commission proposes the attached bylaws for the transaction of business subject to the approval of city council.

Approve the attached proposed Newton Public Art Commission bylaws.

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

That the Proposed Newton Public Art Commission bylaws be – APPROVED

(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

- August 11th – Symphony on the Square, 7:30 p.m.
- August 22nd – Western Piedmont Council of Governments Mayors/Chairs/Managers, Cedar Rock Golf & Country Club, Lenoir
- Sept. 9th – Bright Future Concert, 3:30p.m. – 10:00 p.m. Frank and Sue Jones Amphitheatre
- Recruiting to Begin for Newton 101

ITEM 9:     Questions and Comments from Mayor and Council

Mayor Pro Tem Stiver asked if there were any questions or comments from City Council.

Mayor Pro Tem John Stiver gave reports on the Tree Board and ElectriCities.
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

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Amy S. Falowski, City Clerk