MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
September 4, 2018 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, September 4, 2018 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 Jerry Hodge 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 August 7, 2018 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 Ed Sain, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

   A. Tax Releases
   B. Sewer Adjustments
   C. Proclamation – Constitution Week, September 17-23, 2018
   D. Consideration of Street Closure – Folk Art Festival, October 6, 2018
   E. Consideration of Budget Ordinance Amendment for 2018 Water and Wastewater Financial Analysis and Rate Update
   F. Consideration of Budget Ordinance Amendment for Contribution Received in Fiscal Year 2018
   G. Consideration to Designate Mayor Anne Stedman as Voting Delegate, and Mayor Pro Tem John Stiver as the Alternate Voting Delegate at the NCLM Annual Conference

(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. Consideration of Special Use Permit for Bed & Breakfast

Planning Assistant Alex Fulbright stated that Mr. David Hayes, the applicant has filed an application for a special use permit for bed and breakfast at 603 N Main Ave. The 1.15 ac. site is also known as Catawba County Pin # 3647-13-24-0308. The property is zoned R-11 Single and Two Family Residential.

Mr. Fulbright stated the City’s zoning ordinance allows bed and breakfasts as a special use in the R-11 zoning district. A special use is a use that would not be appropriate generally without special study throughout the zoning district, but which if controlled by the number, size, location or relationship to the neighborhood, would promote the public health, safety, and welfare. Mr. Fulbright explained that the conditions that a special use permit for a Bed and Breakfast has to meet are as follows:

Sec. 102-462. - General standards.

The following general standards shall be met by all applicants for approval at special uses:

(1) The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application.

(2) 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.

(3) The use will maintain or enhance the value of contiguous property, or that the use is a public necessity.

(4) The use is 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.

Sec. 102-468. - Standards applicable to individual special uses.

In addition to the general standards contained in section 102-462, the following specific standards for individual special uses shall be used in deciding upon applications for special uses:

(2) Bed and breakfast operation. The following specific standards shall be used in deciding an application for these uses:

a. All required off-street parking shall be located outside of required yards. In addition to parking for the operator, one additional parking space per bedroom shall be provided.

b. The operators shall be full-time residents of the premises.

c. Signs shall be limited to one nonilluminated sign of not more than six square feet.

d. The serving of meals to transients shall be limited to breakfast only.
e. A permit must be issued to the operator for occupancy as a bed and breakfast inn by the county health department.

Mr. Fulbright stated that Mr. Hayes’s application includes a site plan and documentation to describe how he intends on complying with the City’s ordinance.

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

Newspaper: published on August 22 & 29, 2018
Posted on-site: posted July 20, 2018
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. 18 letters were sent on August 23, 2018.

Mr. Fulbright stated that the Planning Commission found the request to be consistent with adopted land use plans and unanimously recommended approval to the City Council of this special permit as submitted.

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

That Public Hearing be – CLOSED

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

That the use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application

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

That 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.

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

That the use will maintain or enhance the value of contiguous property, or that the use is a public necessity.

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

That the use is 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.
ITEM 7: New Business

A. Consideration of Resolution Declaring Official Intent to Reimburse Expenditures for Distribution Automation

Public Works and Utilities Director Dusty Wentz stated that the approved FY 2018-2019 Budget includes $184,050 for the purchase of Distribution Automation equipment such as fiber materials, electronic reclosers and relay controls. Due to time constraints, staff is asking to move this project up due to the installation time on installing the fiber network and getting the communication protocols established. Mr. Wentz explained that by moving this forward, we will be able to use the fiber network to communicate with our generators faster and have a more stable environment for operation, and assist IT in some of their issues with cameras at the parks.

Mr. Wentz stated that staff recommends that City Council approve the attached resolution regarding the intent to reimburse expenditures related to purchase of Distribution Automation equipment.

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

That Resolution Declaring Official Intent to Reimburse Expenditures for Distribution Automation be – ADOPTED.

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

B. Consideration of Property Condemnation

Public Works and Utilities Director Dusty Wentz stated that staff has been working with the property owners of 740 Westside Dr. for approximately 12 months in an effort to obtain an easement to construct a storm water drainage ditch on the property. The property in question is unimproved. Currently, storm water runoff drains on top of a ditch cut by erosion directly on top of a sanitary sewer main located on the property line between 740 and 846 Westside Dr.

Mr. Wentz stated that the erosion on the sanitary sewer is in violation of the City’s Sewer Collection permit, which does not allow for exposed sanitary sewer except in very limited situations and that this location does not meet those exceptions. The condemnation will proceed as part of the City’s responsibility to health, safety and welfare.

Mr. Wentz stated that he, along with staff, the streets superintendent, and the City Attorney, have made multiple attempts to contact and discuss the easement with the property owners. So far all attempts and discussions have been unsuccessful.

Mr. Wentz explained that once the easement is filed, staff will complete the construction of the drainage ditch with minimal anticipated material costs and will also maintain the ditch as part of our normal operations.

Mr. Wentz stated that staff recommends council approve a motion “authorizing the institution of condemnation proceedings against Johnny Alan Hull to acquire an easement for a storm drainage ditch for protection of the adjacent gravity sewer main as shown on the exhibit attached to the easement agreement.”

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

That the institution of condemnation proceedings against Johnny Alan Hull to acquire an easement for a storm drainage ditch for protection of the adjacent gravity sewer main as shown on the exhibit attached to the easement agreement be – AUTHORIZED.
ITEM 8: City Manager’s Report

Meetings & Events
- September 5th, NCMPA1 Rate Committee Meeting
- Sept 19-21, NCLM – CityVision, Hickory Metro Convention Center
  September 20th – Host City
- September 25th – NCMPA1 Board of Commissioners Mtg
- Sept 26th, Water Treatment Plant Dinner and Tour with Energy United, 5:30 p.m. – 8:00 p.m.

Newton 101
- Session 1 - Sept. 13
- Session 2 - Sept. 20
- Session 3 - Sept. 27
- Session 4 - Oct. 4
- Session 5 - Oct. 11
- Session 6 - Oct. 18
- Session 7 - Oct. 25

Other Projects
- Reunion Week Information – Counts for the week
- West A Street Project – Finishing up design
- Lighting on Jacob Fork Ballfield to begin mid October
- Elevated Water tank
- Hwy 16, Buffalo Shoals Rd, Balls Creek Waterline Projects
- Recreation Department Report (hand out)
- Medical First Response Report

ITEM 9: Questions and Comments from Mayor and Council

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

Council Member Ed Sain gave a report on the Appearance Committee and the Recreation Commission.

Council Member Jody Dixon asked if staff would take a look at the golf cart ordinance, specifically concerning the permit for larger golf carts, and present something to council at the September 18 meeting.

ITEM 10: Closed Session – Per North Carolina General Statute 143-318.11(a)(6) and 143-318.11(a)(5)

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

That City Council enter CLOSED SESSION per General Statute 143-318.11(a)(6) and 143-318.11(a)(5)

Motion was then made by Council Member Jody Dixon, seconded by Mayor Pro Tem John Stiver to return to open session.

All ayes.
ITEM 11:  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. Stedman, Mayor

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Amy S. Falowski, City Clerk