

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

September 15, 2015 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, September 15, 2015, at Newton City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem Mary Bess Lawing and Council Members Wes Weaver, Robert C. Abernethy, Jr., and Tom Rowe

ABSENT: Council Members Wayne Dellinger and John Stiver

STAFF: City Manager Todd Clark, City Clerk Amy S. Falowski, Assistant City Manager Sean Hovis, 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

Mayor Pro Tem Mary Bess Lawing gave the Invocation and led the Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

Upon motion duly made by Mayor Pro Tem Mary Bess Lawing, seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That the Regular Minutes of the August 4, 2015, City Council meeting be –
APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Upon motion duly made by Mayor Pro Tem Mary Bess Lawing, seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Capital Project Budget Ordinance to Close Capital Project – Fire Headquarters
- D. Consideration of Budget Ordinance Amendment for Fire Headquarters
- E. Consideration of Change Order for Modifications to Fire Tanker Contract and Use of Contingency
- F. Consideration of Firefighter Relief Fund – Board of Trustees Report

- G. Consideration to Designate Mayor Pro Tem Mary Bess Lawing as Voting Delegate, and Todd Clark as the Alternate Voting Delegate at the NCLM Annual Conference October 10-13, 2015

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

ITEM 5: Special Presentation – ElectriCities Safety Award

David R. Young, Supervisor, Safety & Training of ElectriCities presented the City of Newton’s Electric Department with the Safety Award for 2014.

Mayor Stedman thanked Mr. Young for the presentation and recognized the Electric Department on this accomplishment and their hard work.

Council Member Tom Rowe stated that he could not say enough good things about the city’s employees and thanked them for the great job that they do.

ITEM 6: 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.

Collette Touchette, Chairperson for the Appearance Committee reminded everyone about the upcoming Litter Sweep scheduled for September 26th at 10:00 a.m., and challenged 60 citizens of Newton to volunteer. Ms. Touchette stated that lunch would be served to volunteers.

Mr. John Eller from Unifour Veterans Helping Veterans spoke about the work that his organization does for veterans and asked City Council to adopt a resolution to make Newton a “Purple Heart City”. Mayor Stedman stated that staff would contact his organization to make sure that this resolution is on a future council agenda.

ITEM 7: Public Hearing

- A. Consideration of Rezoning Application #2015-01 Filed by Amshan Properties, LLC for Property located at 126 East 22nd Street

City Planner Alex Fulbright stated that Shannon Woodlief, on behalf of Amshan Properties, LLC, is requesting that the property located at 126 East 22nd Street, containing 0.76 acres be rezoned from an existing M-1 General Manufacturing District to B-4 General Business District. Mr. Fulbright stated the proposed rezoning, if approved, would permit commercial uses, specifically a beauty salon. The subject site is also known as Catawba County Pin # 3741-17-11-6840 and is physically located at the northeast quadrant of the intersection of East 22nd Street and Anderson Avenue and the Norfolk Southern Rail Road, and is owned by Amshan Properties, LLC.

Mr. Fulbright stated the surrounding zoning and land use is as follows:

	ZONING	LANDUSE
Subject	M-1 General Manufacturing	Electric contractor office and Vacant building
North	M-1 General Manufacturing	Warehouse and offices
South	M-1 General Manufacturing B-4 General Business	Vacant building and childcare center
East	M-1 General Manufacturing	Warehousing and distribution
West	B-4 General Business	Vacant retail buildings

Mr. Fulbright stated there have been no changes to the zoning designation of the subject site since 1953; however, there have been changes to the uses permitted within the M-1 General Manufacturing. Mr. Fulbright explained when the zoning ordinance was written in 1953, the districts were cumulative districts based on intensity of use. Residential districts allowed residential uses; commercial districts allowed residential and commercial uses; and industrial districts allowed residential, commercial and industrial uses. Mr. Fulbright stated as the city’s zoning ordinances was revised over the years, most non-manufacturing/industrial uses are no longer permitted uses within the M-1 General Manufacturing district.

Mr. Fulbright stated there have been two rezoning cases on property that is within close vicinity of the subject site. They are as follows:

Rezoning Case 1997-06, as filed by Henry Lee McCombs to rezone property located within the northwest quadrant of the intersection of East 22nd Street and Anderson Avenue from a M-1 General Manufacturing District to a B-4 General Business District. The request was approved as submitted.

Rezoning Case 2004-01, as filed by Shawn Corpening and Willard Black to rezone property located on East 22nd Street just south of the intersection of East 22nd Street and Anderson Avenue from a M-1 General Manufacturing District to a B-4 General Business District. The request was approved as submitted.

Mr. Fulbright stated the site has frontage on both East 22nd Street and Anderson Avenue, which are both classified as neighborhood streets and that there are no planned improvements to either street. Mr. Fulbright stated city water, sewer, and electric are provided to the subject site.

Mr. Fulbright stated the proposed request **is consistent** with the 2011 Core Area Plan’s Future Land Use and that the plan shows the area as a mixed use area consisting of residential, commercial, and industrial uses.

Mr. Fulbright stated it is the Newton Planning Commission’s recommendation that the Newton City Council approve the request as submitted as it was found to be in compliance with the intent and policies the Core Area Plan adopted by the City Council in 2011.

Mayor Stedman asked if there was anyone present that would like to speak in favor of or against the proposed rezoning. No one appeared.

Upon motion duly made by Mayor Pro Tem Mary Bess Lawing, seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That Public Hearing - Consideration of Rezoning Application #2015-01 Filed by Amshan Properties, LLC for Property located at 126 East 22nd Street be – CLOSED.

City Attorney John Cilley reminded Council that two-thirds of the actual membership of the city council must vote to approve in order for the ordinance to pass.

Upon motion duly made by Council Member Tom Rowe, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That Rezoning Application #2015-01 Filed by Amshan Properties, LLC for Property located at 126 East 22nd Street be – APPROVED.

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

ITEM 8: **New Business**

A. Presentation on Costs Associated with Water and Sewer Infrastructure Projects

Public Works and Utilities Director Dusty Wentz stated the city's water distribution and sewer collection systems do not service all properties inside of City corporate limits. Mr. Wentz stated that per council's direction, staff has developed preliminary extension plans and engineer estimates for extension of these systems to accommodate all properties inside the corporate limits (not currently served). No engineer plans or specifications have been developed at this time. The exact route of the mains will be finalized as plans are developed.

Mr. Wentz stated that Estimates include all construction, engineering, permitting, easement negotiation / purchase, surveying, mapping, legal fees and a 10% contingency. Each area is estimated as stand-alone projects, meaning no economies of scale are factored into these estimates.

Mr. Wentz stated extension of the water system includes installation of 32,850 feet (6.22 miles) of water mains between two and six inches. The cost to install all of the water main extensions is \$2,690,600 in 2015 dollars. Complete extension of the water system would provide service to 224 parcels at a cost of \$12,012 per parcel.

Mr. Wentz stated that extension of the sewer system includes installation of 139,770 feet (26.47 miles) of 8 inch gravity mains, 3,100 feet (0.587 miles) of pressurized force main, 2 pump stations, and one pump stations upgrade. The cost to install of sewer extensions is \$22,273,600. Complete extension of the sewer system would provide service to 1,209 parcels at a cost of \$18,423.16 per parcel.

Mr. Wentz stated that the combined cost to extend both the water and sewer system to all properties is \$25,234,200.

Mayor Stedman asked about the prioritization and if this can be based on population density. Council Member Wes Weaver asked if staff has taken in to consideration connection fees to offset these costs. Mr. Wentz stated that this report was just done for purposes of providing City Council of the costs.

Mayor Pro Tem Mary Bess Lawing stated that there are areas in the city that need to be addressed. Council Member Abernethy stated that this gives council an idea of what lies ahead no matter what action is taken or what the plan is. He asked if there are grants available for infrastructure. Mr. Wentz stated that there are not as many grants as there were previously.

City Manager Todd Clark stated that staff would prepare a map book of this information for Council.

B. Presentation on Costs Associated with Street and Sidewalk Rehabilitation

Public Works and Utilities Director Dusty Wentz stated that funding for street paving has been reduced in recent years. Based on funding received the State (Powell Bill) and the most recent bid contract, the repaving schedule for all city streets will take 114 years, depending on the required rehabilitation. He explained that the average service life for an asphalt street is 40 to 50 years.

Mr. Wentz stated that sidewalks are in poor condition in many locations and that this assessment includes inspection with several different factors considered, and provides an overall weighted average rating. The rating lends more weight to factors that are American with Disabilities Act (ADA) requirements. City forces have been unsuccessful at scheduling sidewalk repair and replacement, as other issues take priority. Mr. Wentz stated that this assessment includes an estimate to contract sidewalk repair and replacement.

Mr. Wentz stated that per council's instruction, staff has obtained condition assessments and engineer estimates for all city maintained streets and sidewalks.

Mr. Wentz stated the estimates for streets and sidewalks only indicates current market prices for construction, and does not include any engineering assistance with bid preparation or construction observation, bid, permits, easement acquisition or legal fees, or any contingency. For streets, the estimate does include construction cost for replacement of storm water structures underneath the street. For sidewalks, the estimate does include upgrades (such as ramps or an increase in width to five feet).

Mr. Wentz explained that replacement of curb and gutter is not included in any estimate.

Mr. Wentz stated the street condition assessments are predicated on five factors, as follows:

1. Cracking
2. Patching and Potholes
3. Surface Deformation (Rutting and Shoving)
4. Surface Defects (Raveling and Bleeding)
5. Miscellaneous distresses (Water Bleeding, etc)

Mr. Wentz stated that each street is assigned a condition assessment grade calculated from the weighted factors, ranging from 0 to 3, 0 being the best and 3 being the best. The ratings are intended to be interrupted as follows:

- 0 – 1: Reassess in five years. There is little or moderate surface damage, low risk for failure.
- 1 – 2: Moderate surface damage, evidence of structural failure. Some risk for short term failure was found.
- 2 – 3: High surface damage, observed structural failure. Street is currently in failure and is or will develop impediments (sink holes, missing asphalt) in the immediate future.

Mr. Wentz stated that each street also has a recommendation for method of rehabilitation or replacement and a corresponding cost estimate. He explained the following costs are determined from the estimated repair for each street, based on the street condition:

0 – 1 (Best condition):	\$42,500	70 Street Segments
1 – 2 (Moderate condition):	\$9,278,232	282 Street Segments
2 – 3 (Worse condition):	\$2,451,971	9 Street Segments

Mr. Wentz stated that addressing all of the streets is estimated to cost **\$11,772,703 for all 361 street segments.**

Sidewalks are also rate in the engineering assessment, and a cost estimated provided. Sidewalk segments were not recommended for rehabilitation or repair. Replacement of existing sidewalk is of similar cost to rehabilitation in the majority of cases.

Mr. Wentz stated that similar to the streets, assessments of the sidewalks are predicated on slightly different factors, as follows:

1. Vertical Gaps
2. Horizontal Gaps
3. Spalling

4. Obstructions (shrubs, trees, etc)
5. Cracking
6. Cross Slope
7. Ponding

Mr. Wentz explained that each factor is then weighted, with ADA requirements weighted higher and other factors weighted lower. Each sidewalk is assigned a condition assessment grade calculated from the weighted factors, ranging from 0 to 2, 2 being the worst and 0 being the best. He stated the ratings are intended to be interrupted as follows:

- 0 – 1: Little to moderate failure. Some surface issues are present, but sidewalk is passable and safe to use per ADA requirements.
- 1 – 2: Moderate to severe failure. Sidewalks do not meet current ADA safety guidelines, and / or show signs of structural failure.

Mr. Wentz explained that each street also has a recommendation for method of rehabilitation or replacement and a corresponding cost estimate. The following costs are determined from the estimated repair for each street:

0 – 1 (Better condition):	\$438,765	56 sidewalk segments
1 – 2 (Worst condition):	\$1,819,480	74 sidewalk segments

Mr. Wentz stated addressing all of the sidewalks is estimated to cost **\$2,258,245 for all 130 segments.**

Council Member Tom Rowe stated that the city is not saving money by not paving when it should, that it is actually costing more money. City Manager Todd Clark stated that an assessment has not been done to this degree including the knowledge and true cost. Mr. Abernethy stated that there just needs to be a way to pay for it. Mr. Rowe stated that is why he thinks that with a bond that would leave it up to the citizens to decide how to pay for it. Mr. Abernethy stated that along with taxes, everything is going up in cost including groceries, fuel, etc. and at the same time wages are lower.

C. Consideration to Repeal the Leased Parking Lot Status at the Orange Parking Lot, also known as the old A&P Parking Lot

Planning Director Randy Williams stated that Newton City Council took action on March 18, 2009 to establish 15 leased parking spaces in the “Orange Parking” lot. These spaces are located directly adjacent to the AT&T office building and each space individually abuts the property line on the north side. Mr. Williams stated the remaining parking spaces in the Orange lot were not designated by City Council as leased spaces and are currently available for anyone’s use. Mr. Williams explained that at this time, there are no spaces being leased in the Orange Lot.

Mr. Williams stated that in consideration of the County’s decision to resume court operations at the 1924 Courthouse in October of this year, the City staff is making plans to inform the public of the various options available for parking in and around the downtown. As part of that effort, the staff has considered the condition, location and present use of the Orange lot. Mr. Williams stated that although the lot is located several blocks away from Courthouse Square, the staff feels all of the spaces should be available to the public for use on a daily basis without any being reserved.

Mayor Stedman stated that this is the first step in being pro active as far as parking is concerned. She said this is a good problem to have and that this is a step in the right direction.

City Manager Todd Clark stated that there are spaces leased in the blue, red, green and yellow lots. Mayor Stedman stated that these were local business owners.

Upon motion duly made by Council Member Wes Weaver, seconded by Mayor Pro Tem Mary Bess Lawing, it was unanimously RESOLVED:

That The Leased Parking Lot Status at the Orange Parking Lot, also known as the old A&P Parking Lot be – REPEALED.

ITEM 9: City Manager’s Report

- September 24th – Event with Energy United, Taylorsville, Troutman at Water Treatment Plant 6:00 p.m. – 8:00 p.m.
- Newton 101 Began September 10th and will run every Thursday for the next seven weeks, ending October 22nd
- NCLM Annual Conference – October 10-13, 2015 in Winston Salem.
 - **Mayor Stedman, Mayor Pro Tem Lawing, Council Member Stiver and City Manager Todd Clark will be attending**
- **Presentation of National Guard Recognition**
 1. Introduction of Main Street Program Coordinator – Shannon Johnson
 2. Executive Director Catawba County Historical Association – Amber Clawson

Projects

3. AMI
4. RFQ for Parks and Recreation Master Plan
5. Annual Financial Audit Underway
6. The river is currently averaging around 22 MGD. We continue to monitor closely.
7. We are working with two different concrete contractors regarding replacement of failed concrete sections on 19th St., 18th Street, and N. Main.

ITEM 10: Questions and Comments from Mayor and Council

There were none.

ITEM 11: Adjournment

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That the Meeting be – ADJOURNED

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

