

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

October 4, 2016 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, September 20, 2016 at Newton City Hall.

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

ABSENT: Council Member Wes Weaver

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. Mr. Hodge commended everyone that was involved in a successful Folk Art Festival. He stated that it took collaboration, cooperation, and communication to make this event successful. He thanked the city employees, the DNDA, the vendors and the merchants for all of their cooperation.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the September 20, 2016 City Council meeting be –
APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Budget Ordinance Amendment – ElectriCities Smart Communities Grant
- D. Consideration of a Proposed Easement at 201 North Main Avenue
- E. Presentation of the Annual Electric Safety Award

David Young, Supervisor of Safety and Training at ElectriCities presented the Safety Award for “No Lost Work Day Cases” for 2015 to Doug Wesson and thanked him and told him what a pleasure it is to work with the City of Newton.

(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.

Mr. James Cannon of 1120 Shannonbrook stated that he was having a problem with pigs in the back of his neighbor's property. He stated that there are free range chickens and nothing has been done. He stated that in August 2015 he went to Chief Brown and told him that he wouldn't want these animals in his back yard. He asked that the City Attorney and City Manager go over and take care of it when then Animal Control Officer said that the city couldn't afford a lawsuit and that he would do what he could. Then Mr. Miller left the city's employment. He stated that there is an odor and that the owners were supposed to take care of the odor. He stated that he was told nothing could be done because they had the right amount of acreage per the ordinance. Mr. Cannon asked if the city could direct the staff to prevent the Schmuckers from increasing the size of the pen/stable. He asked if Council would reconsider this and take some action.

Mayor Stedman thanked Mr. Cannon and said that the city will contact Mr. Schmucker the property owner.

Council Member Robert Abernethy, Jr. asked Mr. Cannon if he and the neighbor had tried to work this problem out on their own. Mr. Cannon stated that he had reached out to Mr. Schmucker many times before. Mr. Abernethy stated that he wanted to make sure that they had tried to come to a resolution on their own. Mr. Cannon stated that they had been friends with the Schmuckers for 1 or 2 years prior to this, and now the Schmuckers have installed an ugly fence as well.

Mayor Stedman asked if there was anyone else that would like to speak.

Becca Bleich of Eastern Catawba County Christian Ministries gave an update on the fall events happening at ECCCM. She mentioned, among other things, the Transportation Program which helps people that need car repairs and auto insurance. She also talked about the Hunger Walk that is Sunday, October 16th in Downtown Newton starting at 1:00 p.m.

ITEM 6: **New Business**

- A. Consideration of Resolution Authorizing the Rural Economic Development Division Building Reuse Program – Newton Urgent Care Building Reuse Application

Planning Director Randy Williams stated that Newton Urgent Care proposes to utilize a vacant building located at former Dollar General site located at 1358 S NC 16 Business Hwy Newton for a new urgent care medical office. In an effort to renovate the property, Newton Urgent Care is seeking the assistance of the City of Newton to access grant funding through the State of North Carolina Department of Commerce, Building Reuse Grant program.

Mr. Williams stated in order to access these funds, the applicant must be a unit of local government located in either a Tier I or Tier II economically distressed County. Mr. Williams explained the proposed project must be a priority industry with a business classification of manufacturing, warehousing, wholesale trade, courier services, central administrative offices, electronic mail order services, computer

systems design, software publishers, software reproducing, medical or data processing services. Newton Urgent Care meets the industry test and the City of Newton is located within a Tier II economically distressed county.

Mr. Williams stated the applicant must also demonstrate that new jobs are being created and the amount of the grant award is tied to the number of jobs created. He said that Newton Urgent Care is committed to the creation of 7 new full time jobs at or above the average weekly wage required by the grant.

Mr. Williams stated that The City of Newton will be required to provide a minimum 5% match for an estimated \$70,000 grant request, if approved for a grant.

Mr. Williams stated that the suggested action is for City Council to adopt the resolution authorizing the City Manager to execute and file an application of behalf of the City of Newton with the NC Department of Commerce Rural Economic Development Division for a Building Reuse Grant and furnishing any further information to the State of North Carolina as outlined in the Resolution.

Council Member Robert C. Abernethy, Jr. stated that this fills a need, that the emergency room is a poor option and that it will serve rural areas as well. He stated it is the city's job to ensure the health and safety of all people, not just the citizens of Newton.

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

That Resolution Authorizing the Rural Economic Development Division Building Reuse Program – Newton Urgent Care Building Reuse Application be – ADOPTED.

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

A. Consideration of AT&T Lease Extension

Assistant City Manager Sean Hovis stated The City of Newton entered into a Lease Agreement with AT&T to lease space on the city's water tank located at 201 West 4th Street on December 14, 2010 which is set to expire December 13, 2020. Mr. Hovis said that AT&T is requesting to renew the lease now because if they have to move sites it can take up to 3 years to get new leases and move equipment. Also the current rates for leases are not sustainable due to current competition in the industry. Mr. Hovis stated the current lease amount is \$3,583.33 per month and AT&T is requesting the per month amount be reduced to \$3300.00. AT&T is offering a 10% escalation rate every 5 years, and is requesting to renew the lease agreement for up to 15 years. Each initial lease is for 5 years with up to two renewals with the City of Newton being guaranteed 10 years.

Mr. Hovis asked that City Council consider a motion to accept the terms of the amendment and direct the city manager to enter in to a contract approved as to form by the city attorney.

Council Member Jerry Hodge wondered if this rate is established if it will affect other renter's fees in the future. Mayor Pro Tem John Stiver stated that something is better than nothing. Mr. Abernethy asked how many cell towers are up now. Mr. Hovis and Public Works Director Dusty Wentz said they would have to check.

Council Member Robert C. Abernethy, Jr. stated that maintenance and painting of the water tower is a big expense and he would like to see this revenue segregated for the maintenance of the water tank. Council Member Abernethy stated that he would make the motion with this stipulation. Mayor Pro Tem John Stiver seconded the motion, and it was unanimously RESOLVED:

That the AT&T Lease be – Extended and that all revenue made from the rental be segregated for maintenance of the water tank.

B. Consideration of Ordinance Amendment to Sections 93 and 99 of the Newton Code of Ordinances

1. Amending Ordinance 93.22, Section 1

Major Tim Hayes stated that in August of 2014 Discovery High School moved to 301 West 18th Street, site of the former Thornton Elementary School, to create Discovery High School at the Thornton Educational Center. This move was needed to accommodate the steady growth of Discovery High School. With the growth of Discovery, parking needs of staff and students have not been met. Major Hayes said that since the Discovery campus was originally an elementary school there is little room for staff parking and the driving student population and that many staff and students must park in places not normally used for parking or walk extended distances to reach the campus.

Major Hayes stated that in May of 1993 the Board of Alderman of the City of Newton passed ordinance #93.22 Section #1, restricting traffic flow on West 18th Street. The traffic flow restrictions created a “One-Way” traffic flow west to east on school days between the hours of 7:30 - 8:30 am in the morning and from 2:30 - 3:30 in the afternoon. He explained that Ordinance #93.22 Section #2 was also enacted to prohibit parking on the south side of West 18th Street between N. Ashe Ave and N. Stewart Ave between the hours of 8:00 am and 4:00 pm.

Major Hayes stated after careful evaluation and review with staff of Discovery High School and Newton-Conover City Schools administration, it is the recommendation of the Newton Police Department to change ordinance #93.22 Section #1 to reflect a time of 7:00 - 8:00 am in the morning and from 2:00 - 3:00 in the afternoon.

It is also recommended that Ordinance #93.22 Section #2 be changed to reflect the time of 7:30 am and 3:30 pm.

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

That Ordinance #93.22 Section #1 to reflect a time of 7:00 - 8:00 in the morning and from 2:00 - 3:00 in the afternoon be – ADOPTED.

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

That Ordinance #93.22 Section #2 be changed to reflect the time of 7:30 am and 3:30 p.m. be – ADOPTED.

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

2. Amending Ordinance 99.36, Section 1

Major Hayes stated that for the same reasons mentioned before, staff is asking Council to look at Ordinance 99.36, Section 1. He explained that in April of 1999 the Board of Alderman of the City of Newton passed ordinance #99.36 Section #1 restricting parking on North Ashe Avenue between West 15th Street and West 18th Street. The parking restrictions created a “No Parking Zone” on both sides of N. Ashe Ave that applies to school days between the hours of 7:00 am and 4:00 pm.

Major Hayes stated that after careful evaluation and review with staff of Discovery High School and Newton-Conover City Schools administration, it is the recommendation of the Newton Police Department

to change ordinance #99.36 Section #1 allowing for unrestricted parking on the east side of N. Ashe Ave between the entrance to Newton-Conover High School and West 18th Street. This change will allow staff and students to take advantage of the 37 marked parking spaces on the east side of N. Ashe Ave.

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

That Ordinance #99.36 Section #1 to allow for unrestricted parking on the east side of N. Ashe Ave between the entrance to Newton-Conover High School and West 18th Street be
- ADOPTED

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

ITEM 7: **Old Business**

A. Consideration of Stop Signs on 6th Street

City Manager Todd Clark stated that the Newton City Council voted on April 19, 2016 to erect stop signs on West 6th Street at the intersections of North Spring Avenue and North Cline Avenue. The decision to erect the signs was in response to neighborhood concerns for safety due to the volume and speed of motorists traveling the street.

Mr. Clark stated that members of City Council have since received feedback from citizens. In order to review the public feedback and overall effectiveness of the signs, city staff has been asked to place this matter on the September 30th agenda for discussion.

Council Member Tom Rowe stated that between Frye and Spring you barley get started before you have to stop again.

Council Member Tom Rowe made a motion that the stop sign at the intersection of Frye and 6th be removed. Mayor Pro Tem John Stiver seconded the motion.

Council Member Robert C. Abernethy stated that he would like to discuss the matter more.

Mayor Stedman stated that the signs could be more equally spaced. Council Member Jerry Hodge asked if there was anyone from 6th Street present, and if they should have input to speak. City Attorney John Cilley stated that a Public Hearing is not required. Council Member Robert Abernethy stated that it is not so pressing that the matter can't wait so that others can be involved. He stated that he would have thought the sign at N. Spring would be the one to be removed. Council Member Rowe said it is good to have a stop sign there because of sight distance. Planning Director Randy Williams stated that it would be good to have a broader conversation with citizen involvement. Mr. Hodge agreed that it would be good if they could become part of the decision.

Mayor Stedman asked if it would be okay to postpone until the next meeting so that more citizens could be there. Mr. Rowe said that would be fine and withdrew his motion. Mayor Stedman asked staff to include this item on the October 18th agenda.

ITEM 8: **City Manager's Report**

Meetings & Events

- October 12-19th – Streetscape Project Demonstration
- October 19th – BAC Business Appreciation Night, 5:30 p.m.

- October 23-25th NCLM Annual Conference, Raleigh
- October 26th – North Carolina Municipal Power Agency Number 1 Board of Commissioners Meeting
- WWTP
- Pedestrian Plan Project Survey - There is a link on the city's website about the plan and has a link to a survey

ITEM 9: Questions and Comments from Mayor and Council

Mayor Anne P. Stedman asked if any Council Members would like to make any comments.

Council Member Robert C. Abernethy, Jr. gave a report on the Appearance Commission which included:

- Yard of the Week recipients
- Appearance Commissions Booth during Reunion Week
- The fact that the commission is one member short and looking for a new appointment

Council Member Jerry Hodge gave reports on the Western Piedmont Council of Governments Policy Board and the Western Piedmont Transportation Advisory Committee.

He explained that the Policy Board works on administrative grants, they work with HUD housing and assisting with mortgage payments to name a few. He stated that they are a tremendous resource. Mr. Hodge stated how fortunate the COG is to have Anthony Starr and also the city's non-elected member to the board Mary Bess Lawing.

Mr. Hodge stated that the Transportation Advisory Committee currently has two projects in the area:

- 4 lane, 8.2 miles on Hwy 16
- Widening of Hwy 150, Sherrills Ford

Council Member Abernethy asked if there were completion dates. Mr. Hodge said late 2019 for the Hwy 16 project.

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

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

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

Council Member Jody Dixon 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 Robert C. Abernethy, Jr., seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:

That the Meeting be – ADJORNED

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor