

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

October 20, 2015 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, October 20, 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., Wayne Dellinger, John Stiver and Tom Rowe

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

Council Member Wayne Dellinger 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 Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That the Regular Minutes of the October 6, 2015, City Council meeting be –
APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Consideration for the Use of Contingency Funds for Equipment and Items
Associated with the New Fire Tanker/Pumper

(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.

Reverend Tutt from AME Zion in Conover stated that he would like to follow up on conversations that he has had with the city concerning his requests from the last meeting two weeks ago. He wanted to thank the city for meeting with him and say that he was sorry for bringing discussion for something decided 125

years ago. He stated that he would like to have continuing conversations about the requests. Mayor Stedman thanked him.

ITEM 6: **New Business**

A. Consideration of Contract for Brady Avenue Culvert Replacement and Related Budget Ordinance Amendment

Public Works and Utilities Director Dusty Wentz stated that in August 2015 City Council was informed of a failing culvert near the intersection of Brady Ave and Herman St. He stated that Council authorized a budget amendment ordinance in the amount of \$32,500 (\$27,500 with a \$5,000 contingency) and approved a contract with CK Contracting to address the culvert. That contract was based on the replacement of the following structures:

- 100' of 12" Reinforced Concrete Pipe
- 1 D.O.T. approved 27" x 36" catch basin hood and grate
- 1 2' x 2' x 3' prefab reinforced concrete catch basin
- 16 tons ABC Stone
- 2 yds. 4000 psi. concrete
- 3 tons asphalt
- Restoration of yard (seeding and strawing)

Mr. Wentz stated the contractor mobilized to the site and began excavation and that it was immediately apparent that the storm water system did not connect as assumed by the City and quoted by the contractor. After exploratory excavation, the City re-assessed the scope of work and the contractor backfilled and left the site. Mr. Wentz stated that it should be noted that the structural issue causing the sink hole has not been properly addressed, and the sink hole will resurface in the very near future, depending on rain.

A more accurate scope was developed by the City, and is below:

- Replacement of 5'x6'x2.5' Concrete Junction Box, dispose of existing
- Replace 18" Terra Cotta Pipe with Reinforced Concrete Pipe, 3 - 10' Deep, Dispose of existing
- Replace 5'x5'x10' Concrete Junction Box, dispose of existing
- Replace 24" Terra Cotta Pipe with Reinforced Concrete Pipe, 6 - 10' Deep, dispose of existing
- Replace 12" Terra Cotta Pipe with Reinforced Concrete Pipe, 2 - 10', Dispose of existing
- Pavement Patching for all Utility Cuts, Appox 350 SF
- Restoration of yard (seeding and strawing)

Mr. Wentz stated that upon request, the contractor provided a change order to comply with the increased scope of work, but informed the City that their work schedule was full and that bidding would likely result in a better price and faster project completion. Mr. Wentz noted that CK Contracting did not charge the city for mobilization, patching, or exploratory excavation.

The City received bids for the expanded scope of work, as follows:

BIDDER	BID AMOUNT
CK Contracting Inc.	\$47,500.00
Carolina Paving	No Bid
Iron Mountain Construction Co., Inc.	\$43,000.00

Mr. Wentz stated that the low bid from Iron Mountain Construction Co., Inc. is a \$15,500 increase over the original bid of \$27,500 from CK Contracting.

Mr. Wentz recommended that Council

- Award a contract to Iron Mountain Construction Co., Inc for replacement of the existing storm water system at the intersection of Herman St. and Brady Ave. for the estimated cost of \$48,000 (\$43,000 with a \$5,000 contingency).
- Approve the attached budget ordinance amendment for \$15,500 (the difference between \$32,500 and \$48,000).

Council Member Wayne Dellinger asked if the city waits could \$10-15,000 be saved. Mr. Wentz stated that the sink hole will come back.

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

That the contract to Iron Mountain Construction Co., Inc for replacement of the existing storm water system at the intersection of Herman St. and Brady Ave. for the estimated cost of \$48,000 (\$43,000 with a \$5,000 contingency) be – AWARDED

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

That the budget ordinance amendment for \$15,500 (the difference between \$32,500 and \$48,000) be – ADOPTED

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

B. Consideration of Resolution to Apply for the NCDOT Pedestrian Plan Grant

Planning Director Randy Williams stated The NCDOT Pedestrian Plan Grant Initiative is a matching grant program that encourages municipalities to develop comprehensive pedestrian plans and is sponsored by the Division of Bicycle and Pedestrian Transportation. Mr. Williams stated this program has been in place since 2004 and is eligible for municipalities under 25,000 in population.

Mr. Williams explained this plan will assist the City to address not only the infrastructure needs but also to develop project priorities; review local policies and guidelines; and identify opportunities for the implementation and education and safety programs. NCDOT will assist in choosing a pre-qualified consultant to author the plan and require citizen outreach meetings and a steering committee to oversee the plan development.

Mr. Williams stated that in June 2015 the City adopted a community driven Strategic Growth Plan which set in place the projects and needs for the city for the next 10 to 20 years. Part of the Strategic Plan included an identification of sidewalk needs throughout the city as represented by the citizens and staff. Mr. Williams stated many needs were identified to connect areas where there were noncontiguous sections of sidewalks, underserved areas, and gaps in the existing pedestrian network. Mr. Williams stated additionally areas without sidewalks along major roads and connecting to schools and parks were identified. Throughout August and September of 2015, The Wooten Company completed a city-wide assessment of the existing sidewalks and the conditions and estimated a dollar amount required to repair and replace deficiencies within the network.

Mr. Williams stated that with limited resources and a long list of needs for sidewalk repairs and extensions, the NCDOT Pedestrian Plan will assist the City with prioritization, a review of the detailed needs assessment, and determine the best interconnection to bicycle and transit options within Newton.

The city has applied for STP-DA grant funds through the Locally Administered Projects Program by NCDOT and Greater Hickory MPO to install a sidewalk connecting Newton Conover High School and 2 shopping areas along US 321 Business totaling over \$500,000.

Mr. Williams stated The Pedestrian Plan will also be used as background data for an upcoming comprehensive plan update and identified small area plans. The implementation recommendations of this plan will also be used as we begin to update the development standards for the City.

Mr. Williams explained the grant funds are distributed to local jurisdictions by application for grant funds and require a minimum 30% cash match based on the City's population. Based on NCDOT's formula for cities between 10,000 and 50,000 in population, the estimated consultant cost for the plan is \$35,000 to \$60,000. Therefore, staff's estimate for the plan is \$40,000 based on Newton's population; NCDOT's portion would be \$28,000 (70%), with Newton share being \$12,000 (30%).

Mr. Williams and the Planning Staff request the City Council to endorse the project and authorize submission of the grant application to NCDOT for funding.

City Manager Todd Clark explained that the plan is \$40,000 based on population and that NCDOT's portion would be 70% and the city's would be 30% - \$12,000.

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

That Resolution to Apply for the NCDOT Pedestrian Plan Grant be – ADOPTED.

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

ITEM 7: City Manager's Report

- Thursday, October 22nd 6:30 p.m. Graduation for Newton 101 at Abernethy Laurels
- Thursday, October 22nd 5:30-7:00 p.m. Reception for Dr. Amber M. Clawson, Executive Director, Historical Association of Catawba County
- Saturday, October 24th 5-8:00 p.m. Spooktacular
- Saturday, October 24th 1:00 p.m. Ribbon Cutting Tilawa Jewelry, Plaza Latina
- Friday and Saturday, October 23rd and 24th, Curb Appeal Newton Style – Shannon Brook
- Sunday, October 25th 2:00 p.m. Ribbon Cutting at Jenkins Funeral Home for Completion of their new Celebration Center
- Friday, November 6th 11:00 a.m. 5th Annual Chili Cook Off at Fire Headquarters
- Leaf pick up begins the first week in November

Projects

1. AMI – Approximately 1,500 water meters have been installed. Installation of electric meters is scheduled to begin this week.
2. S. Caldwell Culvert – Box culvert has been installed and the excavation backfilled. Road is anticipated to open this week

ITEM 8: Questions and Comments from Mayor and Council

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

Council Member Wayne Dellinger stated that he would like to have a discussion about the minutes of June 17, 2014, and he handed out a copy of same. Mayor Stedman stated that those minutes had already been approved and that the council would not be taking that up for discussion at this meeting. As more discussion ensued, Mayor Stedman called Council Member Dellinger out of order.

A motion was made by Council Member John Stiver, seconded by Mayor Pro Tem Mary Bess Lawing, to ADJOURN the meeting. Council Members John Stiver, Tom Rowe and Mayor Pro Tem Mary Bess Lawing voted in favor of, and Council Members Wes Weaver, Wayne Dellinger and Robert C. Abernethy voted against the meeting being ADJOURNED. Mayor Stedman broke the tie by voting to ADJOURN the meeting.

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor