

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

November 10, 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 Robert C. Abernethy, Jr., Wayne Dellinger, John Stiver and Tom Rowe

ABSENT: Council Member Wes Weaver

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 Robert C. Abernethy, Jr. 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 Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That the Regular Minutes of the October 20, 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. Sewer Adjustments
- B. Consideration of AMI Change Orders #1 and #2
- C. Consideration of Budget Ordinance Amendment to Recognize Contribution for Appearance Commission Sponsorship

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

ITEM 5: Presentation of Meritorious Service Amendment to Recognize Contribution for Appearance Commission Sponsorship

Luann Bryan, Recreation Resource Service Consultant with NC Division of Parks & Recreation, presented the Meritorious Service Award to Carol Stiles, Assistant Director at the Newton Recreation Department.

ITEM 6: **New Business**

A. Presentation of the Audit

Marcie Spivey of Martin-Starnes & Associates presented the City Council with the 2014 Audited Financial Statement. Ms. Spivey stated that the financial statements of the City of Newton present fairly, in all material respects, the respective financial position which results in an unqualified opinion. Ms. Spivey stated that this opinion basically means the auditors feel the City followed all accounting rules appropriately and that the financial statements are an accurate reflection of the financial position of the City with no material misstatements.

Ms. Spivey stated that the Finance Staff was very cooperative, and that her staff was very appreciative of this.

City Manager Todd Clark thanked Ms. Spivey and also Serina Hinson, Finance Director, and her staff for the great job that they do for the City, and stated that the audit is available to the public on the City's website.

B. Consideration of

A) Resolution to Proceed on Behalf of the City by Filing an Application Regarding the Financing of Equipment and Infrastructure to the North Carolina Local Government Commission (LGC)

B) Resolution Calling for a Public Hearing

Finance Director Serina Hinson stated that the City of Newton wishes to finance the acquisition of certain equipment and infrastructure improvements which were approved by City Council as part of the City's Fiscal Year 2015-2016 budget. The estimated cost of the equipment and infrastructure is \$1,164,650 (\$655,650 from the General Fund and \$509,000 from the Electric Fund).

Ms. Hinson stated the finance department will be soliciting quotes from various financial institutions to borrow the funds. We will provide a recommendation to City Council on awarding the financing on December 1, 2015. We will also call for a public hearing on this same date.

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

That Resolution Authorizing the City Manager and Finance Director to act on behalf of the City and to authorize the filing of an application with the North Carolina Local Government Commission be – ADOPTED.

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

That Resolution Calling for a Public Hearing on December 8, 2015 be – ADOPTED.

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

C. Consideration of Paving Contract for W 20th Street Extension

Public Works and Utilities Director Dusty Wentz stated that on October 30th, 2015 the contractor for the Walmart building alerted Public Works and Utilities that heavy construction activities had been completed and all heavy construction equipment would be removed from the site in three weeks. The contractor inquired if the road would be resurfaced prior to the grand opening of the new store in January.

Mr. Wentz stated that the city advertised the project for bids on November 3rd, 2015 and received bids on November 6th. The work includes removal of existing asphalt, installation of 4" of ABC stone on top of existing sub base, installation of a 2" intermediate course and a 1.5" surface course. Mr. Wentz stated that removal and replacement of the curb and gutter is included as an alternate, and that three contractors responded, as listed below:

Carolina Paving	No Bid
Maymead Inc	No Bid
MidState Paving	\$85,987

Contingency (10%, \$7,817) and curb and gutter are included in the bid.

Mr. Wentz stated this work must be completed by December 15, 2015 as stated in the contract. Asphalt plants do not open with any regularity after that date due to the average high temperature. Midstate has confirmed a December 15th completion date.

Mr. Wentz requests that council approve the attached budget ordinance amendment in the amount of \$85,987 (\$78,170 and 10% contingency of \$7,817) and award the contract for paving of the W. 20th Street extension to Midstate Paving, Inc in the amount of \$78,170.

Council Member Robert C. Abernethy, Jr. asked to be recused from the vote.

Upon motion duly made by Council Member John Stiver, seconded by Council Member Wayne Dellinger, it was unanimously RESOLVED:

That Council Member Robert C. Abernethy, Jr. be – RECUSED

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

That Paving Contract for W 20th Street Extension, to Midstate Paving, Inc. in the amount of \$78,170 be - APPROVED

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

ITEM 7: City Manager's Report

- Business Advisory Committee Lunch and Downtown Property Tour – Tomorrow, November 11th, 11:30 a.m.-1:30 p.m.
- Leaf pick has begun and will end on January 15th
- Cemetery Clean up – November 9-13th
- Toys for Tots donation locations are at Newton Police Department and Newton Fire Department
- Small Business Saturday – November 28th
- Light Up the Town – November 29th

- Senior Citizens Holiday Luncheon – December 8th, 11:30 a.m. – 1:00 p.m. downstairs at the Recreation Center

ITEM 8: 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. Mayor Stedman stated that there would be a one minute time limit for each comment, and that each person must state their name for the record. Mayor Stedman stated that City Council received letters concerning the Soldiers Reunion Parade and that she has since explained that the City does not organize or put on this parade and that there is no action that can be taken by the City Council concerning this matter.

Council Member Wayne Dellinger began by saying that he has resigned from the Merchants Committee that organizes the Soldiers Reunion Parade, but hopes that something can be worked out. Mayor Stedman stated that she would hate for Newton to lose the parade.

Citizens that spoke in support of or opposition to the parade tradition of including the confederate flag in honor of Confederate Soldiers are as follows:

Lt. Commander Mark Nixon
 Elgine McGallard, Valdese
 Capt. Tim Willis, Lincolnton
 Danny Bolick, Claremont
 John Eller
 Janet Nance Cuthbertson
 Tom Bollinger, Catawba
 Frances Enscoe, Newton
 Jason Geiger
 Lloyd Griffith, Hickory
 Lisa Rudisill, Charlotte
 Art Leaming
 John Hovis
 Levi Helton, Alexander County
 Renee Mull
 Millie Baker, Conover
 Chuck Blalock
 Yerby Ray, Newton
 Scott Hamby, Valdese
 Derrick Hartshorn, Conover
 Jeff Lominac
 Peggy Travis, Conover
 John Sigmon
 Steve Garay
 Debbie Huss
 Adam Gates
 Reverend Tutt, AME Zion, Conover

Mayor Stedman stated that there is passion on both sides, and that again, she doesn't want to see the parade go away.

Council Member Robert C. Abernethy stated that he would like to quote the famous philosopher Voltaire; "I disapprove of what you say, but I will defend to the death your right to say it". Mr. Abernethy stated that he took an oath on the bible to abide by the Constitution, and that the Bill of Rights says that his opinion has no right in this meeting.

Council Member Wayne Dellinger stated that he has done the parade for 40 years and he enjoys it. He stated that there have been no complaints until last year. He said that he received a call from a lady that said she heard a chant in the parade where people were using the "n" word. He told the lady that the only chant he heard used the term "yankee". Mr. Dellinger stated that when he received the call he went straight to Jerry McCombs, head of the local chapter of the NAACP, to let him know about the call. Mr. Dellinger stated that he hopes that something can be worked out and that he feels like he is backed in to a corner and that one side will be mad no matter what he does. He stated that he is still willing to work with Reverend Tutt.

Mayor Stedman stated that she hopes the talks continue. Soldiers Parade is about Vets of all Wars.

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.

A motion was made by Council Member John Stiver, seconded by Mayor Pro Tem Mary Bess Lawing, to ADJOURN the meeting. With no objections, the meeting was ADJOURNED.

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor