MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

November 21, 2017 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, November 21, 2017 at Newton City Hall.

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

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 Wes Weaver provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the October 17, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Council Member Robert C. Abernethy, Jr. asked if Item 4A – Tax Refunds, could be moved off the consent agenda in order for him to recuse himself.

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

That Item 4A – Tax Refunds be moved off the Consent Agenda

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

That the Consent Agenda be – APPROVED

A. Tax Refunds – Moved

B. Sewer Adjustments

(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 4A: Tax Refunds

Council Member Robert C. Abernethy, Jr. asked to be recused from Item 4A - Tax Refunds.

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

That Council Member Robert C. Abernethy, Jr. be RECUSED from Vote Concerning Tax Refunds

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

That Tax Refunds be – APPROVED.

ITEM 6: Presentations

A. Presentation of Electric Safety Award

Mark Todd from ElectriCities, presented the City of Newton Electric Department with the Electric Safety Award. Public Works and Utilities Director recognized and thanked Doug Wesson, Electric Utilities Supervisor for another year of outstanding work. Mayor Stedman and Council Member Wes Weaver thanked the department for an outstanding job.

B. Presentation from the Catawba County Historical Association – Dr. Amber Albert

Dr. Amber Albert, Director of the Catawba County Historical Association gave a presentation along with Richard Eller showing what the Historical Association of Catawba County has been involved with recently.

C. Presentation from the Public Art Commission

Lisë Swensson and Alan Jackson gave a presentation of current happenings involving the Public Art Commission.

ITEM 7: Public Hearings

A. Consideration of TKC CCXLIX, LLC (Room & Board) Petition for Non-Contiguous Annexation

Mayor Stedman opened the Public Hearing.

Planner Alex Fulbright stated that the Keith Corporation (TKC CCXLIX, LLC.) has filed a petition seeking a non-contiguous annexation to the City. They are seeking to annex property located at 1971 Stover Ct which is on the south side of NC 10 Hwy West just west of Stover Ct. Mr. Fulbright stated the proposed site consists of a 41.91 acre tract based on the survey submitted and identified as Catawba County Pin # 3619-03-20-5632. It is owned by TKC CCXLIX, LLC. and is the location of the Room and Board distribution center which is currently under construction. Mr. Fulbright stated the effective date of the annexation will be January 1st, 2018, which is different than the date requested on the application but the applicant is aware of the change and is in agreement with the new date.

Mr. Fulbright stated this annexation is outside the City’s extraterritorial planning jurisdiction; because of this the City will need to establish zoning on the annexed parcel after completing the annexation. The Planning Commission is recommending that the zoning district to be established in the annexed area
should be similar to the existing county zoning in the area, which is 321-Economic Development District-Industrial (321-ED(I)) Zoning Classification.

Mr. Fulbright requested that City Council adopt the Annexation Ordinance for TKC CCXLIX, LLC (Room & Board).

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

That Public Hearing be – CLOSED

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

That Annexation Ordinance for TKC CCXLIX, LLC (Room & Board) be – ADOPTED.

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

B. Consideration of Establishing Zoning for TKC CCXLIX, LLC (Room & Board)

Mayor Stedman opened the Public Hearing

Planner Alex Fulbright stated that the request will establish City zoning on property that is pending annexation. The property is located at 1971 Stover Ct which is on the south side of NC 10 Hwy West just west of Stover Ct. The site consists of a 41.91 acre tract based on the survey submitted and identified as Catawba County Pin # 3619-03-20-5632. It is owned by TKC CCXLIX, LLC. Mr. Fulbright stated the proposed zoning will be 321-Economic Development District-Industrial (321-ED(I)) Zoning Classification.

Mr. Fulbright stated the area requested to be rezoned is currently 321-Economic Development District-Industrial (321-ED(I)). This Zoning Classification has been established since 1996, when the US 321 Corridor Plan was adopted by the Catawba County Board of Commissioners. The plan was recently updated in 2011 and represents formal policy statements by Catawba County concerning land use and land development within the Corridor. Mr. Fulbright explained that the 321-Economic Development District (321-ED) is designed to implement these policy statements and achieve the desired goals for the 321 Corridor.

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<th>Current Land Use and Zoning</th>
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<tr>
<td>Zoning</td>
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<td>Newton Zoning 321-ED(I)</td>
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<td>County Zoning 321-ED(I)</td>
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<tr>
<td>West</td>
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<td>County Zoning 321-ED(I)</td>
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Mr. Fulbright stated the subject site is not impacted by any planned transportation improvements. The City has no adopted plans that address the site; however, the City was an active participant in the process that created the US 321 Corridor Plan as well as the update of the Plan in 2011. The plan supports the proposal, which is reflective of the existing County zoning. Mr. Fulbright stated that city water, sewer, and electric are available to the site.
Mr. Fulbright stated that the Planning Commission unanimously recommends to the City Council approval of this request.

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

That Public Hearing be – CLOSED

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

That Establishing Zoning for TKC CCXLIX, LLC (Room & Board) be – APPROVED.

C. Consideration of Street Renaming Request – Lawyers Lane to Iris Lane

Mayor Stedman opened the Public Hearing

Planner Alex Fulbright stated that in the agenda packet council will find letters from Newton Vision Center and Abingdon Housing Services requesting that Lawyers Lane be renamed to Iris Lane. Mr. Fulbright stated that Section 86-14 of Newton City Code specifies the process for changing an existing street name. The request indicates support of more than 51% of the property owners along Lawyers Lane as required by code.

Mr. Fulbright stated that the Planning Commission recommends that Council approve the street naming request which changes the name of Lawyers Lane to Iris Lane.

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

That Public Hearing be – CLOSED

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

That Street Renaming Request – Lawyers Lane to Iris Lane be – APPROVED.

ITEM 8: Old Business

A. Consideration of Carolina West Lease Agreement

Assistant City Manager Sean Hovis stated that the City of Newton was contacted by Carolina West and asked to enter into a lease agreement for space on the city’s water tank located at 201 West 4th Street. Carolina West conducted a structural analysis of the tank which shows the tank is capable of withstanding additional equipment. Mr. Hovis stated that Carolina West is offering to pay the City of Newton $2000.00 a month with a 5 year initial term and 2 automatic renewals for a total of 15 years (180 months). Under the terms of the lease agreement, Carolina West is obligated to a minimum 10 year term. Mr. Hovis explained that Carolina West has also offered a second alternative which is to lease space at a rate of $2,250 a month with the right to install 3 more radios at a future date.
Mr. Hovis stated that this was originally brought to City Council on October 3rd, 2017 at which time more information was requested by members of City Council.

Mr. Hovis stated that staff requests that City Council consider the alternative lease proposals submitted by Carolina West and authorize the City Manager to enter into the lease agreement as approved in form by the City Attorney.

Council Member Wes Weaver asked what the other providers are paying. Mr. Hovis said that AT&T is paying $3,400, and that T-Mobile will be paying below $2,000 upon renewal. Mr. Abernethy stated that presently T-Mobile is paying $4,000. Mr. Weaver stated that he doesn’t feel the city can do this contract. He said that the concern should be about the amount of space and he can’t imagine that they would take up less space. Mr. Abernethy stated that he is torn, but that the letter answered some concerns. He said that the city should be careful of setting a precedent. Mr. Weaver agreed and said maybe the matter should be tabled.

Council Member Jody Dixon made a motion to accept the $2,250 offer, seconded by Mayor Pro Tem John Stiver.

Mr. Abernethy stated that he feels like that would be a mistake adding 3 more radios at a future date. Mr. Weaver said that he would like to see staff create a formula to be consistent with each company. Council Member Jerry Hodge stated that he could support the $2,000 offer. City Attorney John Cilley stated that council can vote on the existing motion or amend.

Mayor Pro Tem John Stiver made a motion to amend the current motion to accept the $2,500 offer, seconded by Council Member Tom Rowe. Mayor Pro Tem John Stiver, and Council Members Jody Dixon, Tom Rowe, Jerry Hodge and Robert C. Abernethy, Jr. voted in favor of and Council Member Wes Weaver voted against the motion to amend the current motion to accept the $2,500 offer from Carolina West.

Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Tom Rowe, with Mayor Pro Tem John Stiver, and Council Members Jody Dixon, Tom Rowe, and Jerry Hodge voting in favor of and Council Members Wes Weaver and Robert C. Abernethy, Jr. voting against, it was RESOVED:

That the Lease Proposals Submitted by Carolina West in the amount of $2,000 be – APPROVED; and that the City Manager be Authorized to Enter into the Lease Agreement as Approved in Form by the City Attorney.

ITEM 9: New Business

A. Consideration of Budget Ordinance Amendment and Award of Contract for Replacement of Industrial Drive Gravity Sewer Line

Public Works and Utilities Director Dusty Wentz stated that the week of October 2, 2017, staff discovered an exposed 20” ridge PVC sewer pipe in an active ditch near Industrial Drive. The pipe was exposed by means of natural erosion and heavy rain fall.

Mr. Wentz stated the City of Newton sewer collection permit, which is issued by the North Carolina Department of Water Resources, requires that all exposed sewer pipe be ductile iron. This type of PVC pipe is very brittle, making it impossible to put rock or compact dirt on top of it. Furthermore, the City is currently in violation of the sewer collection permit.
Mr. Wentz explained that staff investigated the possibility of replacing a short section and discovered that the PVC ridge pipe is no longer made. The only viable option is to replace 220 feet of 20” ridge PVC sewer pipe with 220 feet of 20” ductile iron from manhole to manhole.

Mr. Wentz stated that on November 6th, 2017, staff released the project for bidding. Three qualified bids were received. The bid results are as follows:

- Dellinger, Inc. $81,350.00
- Hickory Sand Co., Inc $68,560.00
- Wesson Septic Tank Service, Inc $59,280.00

Staff recommends adding a 10% construction contingency to this quote, in the amount of $5,928.00 for a total project cost of $65,208.

Mr. Wentz stated that staff recommends that City Council entertain separate motions to approved the attached Budget Ordinance Amendment for the Industrial Dr. Sewer Replacement, and to award the contract to Wesson Septic Tank Service, Inc. in the amount of $59,280.00

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

> That Contract to Wesson Septic Tank Service in the amount of $59,290.00 be – AWARDED.

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

> That Budget Amendment for the Industrial Drive Sewer Replacement be – ADOPTED.

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

B. Consideration of Homeland Security Domestic Preparedness Grant Ordinance

Police Chief Don Brown stated that in the spring of 2016, law enforcement agencies within Catawba County met to discuss ways to provide security and safety for law enforcement personnel and citizens during events that may require crowd control. During this conversation, it was determined that additional equipment would be needed within Catawba County to prepare for such events. Chief Brown stated that a decision was then made within the Newton Police Department, to seek funding from Homeland Security for crowd control equipment.

Chief Brown stated that each year, the state of North Carolina receives funding from Homeland Security to be used to develop and expand regional prevention, preparedness, response and recovery capabilities for all hazards both man-made and natural. Funding is managed by the North Carolina Department of Public Safety Emergency Management, which is the dispersing agency for Homeland Security funds. The funds are dispersed to (9) Domestic Preparedness Regions across the state. Chief Brown stated that Catawba County is part of the Domestic Preparedness Region 7 (DPR 7) which consists of the following ten counties: Catawba, Cleveland, Lincoln, Gaston, Iredell, Mecklenburg, Rowan, Cabarrus, Stanly and Union.

Chief Brown stated that in October of 2016, the Newton Police Department attended the annual DPR 7 meeting in Charlotte to present a request for funding to the DPR 7 Law Enforcement Subcommittee. The request included funding for an enclosed utility trailer with office and storage space, (30) sets of crowd control equipment and a utility vehicle (UTV) to transport personnel and equipment. The request received a favorable review from the Subcommittee and was forwarded to the Core Committee Board of Directors for DPR 7 and was then approved by the Core Committee and presented to the North Carolina
Chief Brown stated that in September 2016, the Newton Police Department received a Sub Award Notification from the North Carolina Department of Public Safety Emergency Management, funding the entire project as requested at a cost totaling $65,301.00. This is a reimbursement grant with no matching funds required.

Chief Brown requested that council consider a motion to adopt the attached budget ordinance to recognize grant revenues and authorize the expenditure appropriation in the police department operating budget.

Upon motion duly made by Council Member Wes Weaver, seconded by Mayor Pro tem John Stiver, it was unanimously RESOLVED:

That Budget Ordinance to Recognize Grant Revenues and Authorize the Expenditure Appropriation in the Police Department Operating Budget be – ADOPTED.

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

ITEM 10: City Manager’s Report

Meetings & Events

- November 25th - Small Business Saturday in Downtown Newton 10:00 a.m. – 4:00 p.m.
- November 26th – Light up the Town in Downtown Newton 5:00 p.m. – 8:00 p.m.
- December 1st – Employee Appreciation Luncheon
- December 1st – One Source Auto Group Ribbon Cutting 2:00 p.m.
- January 11th and 12th – Essentials of Municipal Government including Ethics Training

ITEM 11: Questions and Comments from Mayor and Council

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

Council Member Jody Dixon explained the activities going on with the Newton-Conover Auditorium and the Depot Authority. He also stated that the Branding and Marketing Committee has been busy and will be moving forward hopefully soon.

ITEM 12: 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

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Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk