

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

**January 8, 2013 – 7:00 P.M.**

The regular meeting of the Newton City Council was held on Tuesday, January 8, 2013 at 7:00 p.m. in the Council Chambers at City Hall.

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

**STAFF:** City Manager Todd Clark, City Clerk Amy S. Falowski, City Department Heads, and members of the Management Team

**ITEM 1:      CALL TO ORDER – Mayor Anne P. Stedman**

Mayor Anne P. Stedman welcomed everyone and called the meeting to order.

**ITEM 2:      OPENING – Council Member Tom Rowe**

Council Member Tom Rowe provided the invocation and led the Pledge of Allegiance.

**ITEM 3:      APPROVAL OF MINUTES FROM THE December 11, 2012 REGULAR CITY COUNCIL MEETING**

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

That the Minutes of the December 11, 2012 Regular City Council Meeting be – APPROVED

**ITEM 4:      CONSIDERATION OF CONSENT AGENDA ITEMS**

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

That Consent Agenda be – APPROVED.

- A. Tax Releases – August, 2012
- B. Tax Releases – November, 2012
- C. Sewer Adjustments
- D. Resolution – Opposing Legislation that Provides for the Forced Taking of Municipal Water System

- E. Resolution – To Support funding of the Clean Water Management Trust Fund
- F. Consideration of Mayor Anne P. Stedman as the City’s Voting Delegate at the January 2013 NCLM Advocacy Conference
- G. Consideration of Rural Fire District Budget to be Submitted to County

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

**ITEM 5:      COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):**

Mayor Anne P. Stedman asked if there was anyone present that would like to make any comments concerning non-agenda items. No one appeared.

**ITEM 6:      New Business**

- A. Consideration of the use of principle funds from the Estate of Lillian Sewell Jones

City Manager Todd Clark stated that principle funds from the Estate of Lillian Sewell Jones were left to the City of Newton Recreation Department to establish a fund to be called “The Frank and Sue Jones Recreation Fund.” He explained that the net investment income from this fund shall be used in the general support of the recreation program of the City of Newton. Mr. Clark stated that these funds could only be used under the following conditions:

- (1) Capital costs in a new facility (a new park or a new expansion to an existing park). Principle may not be used for maintenance or repair.
- (2) The use of principle funds must be approved by the UNANIMOUS vote of the governing body of the City of Newton taken on TWO separate occasions spaced at least two years and three months apart.

Mr. Clark stated that this vote would be just the first action to put the funds in to motion in case of a future project, but does not limit them to a specific project. Council Member Mary Bess Lawing stated that basically this vote would just be to accept the funds. Council Member Wayne Dellinger stated that he did not have the same interpretation. Council Member Wes Weaver agreed that this was not very clear. Mr. Clark explained that this vote is just to approve the spending of the funds, not a vote for a specific project. Mr. Clark offered to table the matter and have an attorney explain the procedure for clarification. Mayor Stedman asked what if the Council voted and it was unanimous, Council Member Mary Bess Lawing stated that the Council

should then go ahead and vote to accept the funds, and that it would be better to go ahead and take the first step.

Council Member Robert C. Abernethy, Jr. stated that the gift was very kind, but would like to make sure that the funds were being used as intended. Mayor Stedman stated that she feels like this is the first step in using the funds as intended.

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, it was unanimously RESOLVED:

That Consideration of the use of principle funds from the Estate of Lillian Sewell Jones be – APPROVED

- A. Consideration of Award of Bid for McDaniels Mobile Home Park Waterline Project, 18<sup>th</sup> Street Waterline Project, and A.C. Little Drive Culvert Project

Wilce Martin, Director of Public Works and Utilities stated that as part of the FY 2012-13 Budget City Council approved the replacement of a culvert on A.C. Little Drive, waterlines in McDaniels Mobile Home Park and a waterline on 18<sup>th</sup> Street.

Mr. Martin explained that all three projects were bid together to obtain better unit prices, and that the bids were sent out to 13 bidders and 10 responses were returned at the bid opening on December 11, 2012. The bids are as follows:

1. Neil Grading, Hickory, NC	\$328,313.00
2. Hickory Sand, Hickory, NC	\$495,855.00
3. Bullseye Construction, Pineville, NC	No bid
4. Bell Construction, Statesville, NC	\$369,069.00
5. Ledbetter Grading, Inc, Shelby, NC	No bid
6. Iron Mountain Construction, Mountain City, TN	\$349,201.90
7. Country Boy Landscaping, Statesville, NC	\$338,720.00
8. Bryant's Land Development, Burnsville, NC	No bid
9. Advanced Development Concepts, Indian Trail, NC	\$305,772.00
10. CK Contracting, Kings Mountain, NC	\$258,540.00

Mr. Martin stated that The Wooten Company Engineering has reviewed the bid proposals and are recommending that the lowest qualified bidder is CK Contracting.

Mr. Martin also recommended that Council award the bid for the construction of the AC Little Culvert, McDaniel's MHP water line and the 18<sup>th</sup> Street water line replacement projects to CK Contracting for \$258,540.

Mr. Clarence Loackaby, of The Wooten Company explained the bidding process to City Council.

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

That bid for McDaniels Mobile Home Park Waterline Project, 18<sup>th</sup> Street Waterline Project, and A.C. Little Drive Culvert Project be AWARDED to CK Contracting for \$258,540

B. Consideration of Contract for Legal Services

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

That Consideration of Contract for Legal Services be Discussed in Closed Session

**ITEM 7: City Manager's Report**

- Business Advisory Committee Meeting – Wednesday, January 16<sup>th</sup> 3:00 p.m. – Council Chambers
- Business Advisory Committee Meeting/Annual Business Owners Meeting – Thursday, February 7<sup>th</sup> 6:30 p.m. – Newton-Conover Auditorium
- Cleaning, patching and painting of City Hall by Certapro Painters - Finished
- Ribbon Cutting at Martha's Bargain Thrift Store and Consignment – 2704 N. Main Ave Thursday, January 10<sup>th</sup> at 11:00 a.m.
- 2013 Advocacy Goals Conference – Raleigh - Thursday, January 24<sup>th</sup>
  
- Upcoming Legal Matters (Staff will need Assistance)
  - Letter to LGC
  - Internet Sweepstakes
  - Bank Closings
  - Public Works General and Capital Projects
  - A Street Sidewalk
  - Alley behind Callahan's
  - Appearance Commission Bi-laws
  - Festival and Events Re-organization
  - Economic Development/Scott Millar/Acquiring Grant from ElectriCities to pay for Site Certifications
  - Assistant City Manager
  - Annual Workshop

The projects that we have completed and that are in progress are as follows:

1. Electric
  - a. McKay Road line extension to Smyre Farm Road completed. December 2012 for 2011-12 fiscal year budget.

- b. Reconductoring from Jacob Fork Substation to Startown Road completed December 2012 for 2011-12 fiscal year budget.
  - c. 4 kv conversion to 24kv for the Northwest side substation at 12<sup>th</sup> Street, transformer replacements and lines completed December 2012 for 2011-12 fiscal year budget..
  - d. N. Main 4kv conversion to 24kv bids back by end of March 2013.
2. Water and Sewer
- a. Shannonbrook Phase I completed 2011-12.
  - b. Hwy 70 water line completed 2011-12.
  - c. Snow Creek Phase I completed 2011-12.
  - d. Snow Creek Phases II waiting for State approval of low interest loan for fiscal year 2012-13.
  - e. Shannonbrook Phase II bid opening January 15, 2013 at 11 am for fiscal year 2012-13.
  - f. 18<sup>th</sup> to 15<sup>th</sup> west sewer line replacement bid opening on January 29, 2013 for fiscal year 2012-13
  - g. Award of bid January 8, 2013 at 7 pm by Council for Wooten projects; McDaniel's MHP water, 18<sup>th</sup> St. water, and AC Little culvert.
3. WTP
- a. Pump station pump replacement project bid opening January 10, 2013 at 2 pm.
4. WWTP
- a. Portion of WWT Plant road paved today, January 8, 2013.
  - b. Grit chain replacement done fiscal year 2011-12.
  - c. Lime feeder waiting on parts fiscal year 2012-13.
  - d. Thickener waiting on parts fiscal year 2012-13.

**ITEM 8: Questions and Comments from Mayor and Council**

Mayor Stedman asked if there were any questions or comments from City Council. There were none.

Council Member Wayne Dellinger stated that the WPCOG Annual Meeting was to be held on January 22<sup>nd</sup>, which is also the date of the City's second January Council Meeting.

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

That the January 22, 2013 Scheduled Meeting of the Newton City Council be – CANCELLED.

**CLOSED SESSION - Consideration of Contract for Legal Services – G.S. 143-318.11  
(A)(6)**

Upon motion duly made by Robert C. Abernethy, Jr., seconded by Council Member Wes Weaver, it was unanimously RESOLVED: that City Council enter CLOSED SESSION per G.S. 143-318.11(A) (6).

The Mayor, Council, City Manager and City Clerk met in the Council Chambers for the consideration of a contract for future legal services for the City of Newton upon the sudden passing of City Attorney Larry Pitts.

It was the consensus of the Board to offer the contract to John Cilley in the amount of \$2,000 monthly retainer fee, and \$150 per hour, and to give the Mayor and City Manager authority to negotiate the contract.

Upon motion duly made by Robert C. Abernethy, Jr., seconded by Council Member Tom Rowe, it was unanimously RESOLVED: That the Closed Session be - ADJOURNED and the Regular Meeting be RECONVENED.

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

That John Cilley be NOMINATED as City Attorney for the City of Newton, and that the Mayor and City Manager be AUTHORIZED to Negotiate the Contract for Services.

**ITEM 9:      Adjournment**

There being no further business, the meeting – ADJOURNED.

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Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk

