

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

February 19, 2013 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, February 19, 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 Attorney John Cilley, 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 – Mayor Pro Tem Bill Lutz**

Mayor Pro Tem Bill Lutz provided the invocation and led the Pledge of Allegiance.

ITEM 3: **APPROVAL OF MINUTES FROM THE February 5, 2013 REGULAR CITY COUNCIL MEETING**

City Attorney John Cilley stated that a correction needed to be made to the minutes. Mr. Cilley stated that the meeting on February 5, 2013 was actually RECESSED not ADJOURNED, and that the minutes should be corrected to reflect that change.

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

That the Minutes of the February 5, 2013 Regular City Council Meeting be – APPROVED with corrections.

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. Consideration of Appointments
- B. Consideration to Accept Annual Water and Wastewater Systems Reports

(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: Public Hearing

A. Consideration of Rezoning Application #2013-01 as filed by

Mayor Stedman opened the Public Hearing.

Assistant Planning Director Alex Fulbright stated that staff received an application from Gateway Management for an Amendment to the Official Zoning Atlas. He stated that the request is for a 7.91 acre parcel, currently zoned Single Family Residential (SFR), to be rezoned to PD-H to allow for the construction of 48 single story, elderly apartments on the site.

Mr. Fulbright stated that the site is currently undeveloped and is surrounded by a range of land uses. The list of existing land uses directly adjacent to this tract are as follows:

- Single Family Residential
- Vacant (Zoned Single Family Residential)
- General Business
- Multi-Family Planned Development Housing

Mr. Fulbright explained that excluding the adjacent uses above, the following uses can be found within ¼ mile of the subject tract:

- Single Family Residential (“Stick Built”)
- Single Family Residential (Manufactured)
- Vacant (Zoned SFR)
- General Business
- Multi-Family Planned Development Housing

Mr. Fulbright explained that the most recent Land Use Plan for the subject site is the 1988 *Land Development Plan*, which indicates the future land use for the tract to be Commercial. He stated The Plan Map, Goals, and Policy Statements only indicate general land uses and recommendations, not specific uses, intensities, or development guidelines and that the following Plan policy related to this proposal reads:

- **Residential Land**
 1. Encourage the construction of affordable housing to attract new residents and potential employees to Newton.

Mr. Fulbright stated that the applicant has indicated that this *is* an affordable housing project, as it is projected to receive NC State and/or Federal Housing Credits and will be subject to rental guidelines, including income limitations, as specified by the respective housing agency.

Mr. Fulbright explained that in 2004, an application was submitted within proximity of the subject tract to amend a previously approved Planned Development; now known as Bradbury Apartments, and that in 2010, an application was submitted by Gateway Management to rezone the site to Planned Development Housing. The site plan was similar to the proposed site plan currently under consideration. Mr. Fulbright stated that a public hearing was scheduled and advertised as required for the March, 2010 Planning Commission Meeting; however, the applicant withdrew the application prior to the meeting. No action was taken on the application.

Mr. Fulbright stated that in addition, the submitted *Schematic Site Plan* has been reviewed and has been found to meet design criteria set forth in the ordinance. Minimum Land Area, Maximum Allowed Intensity, Site Planning, and Buffer & Screening shown on the proposed plan all align with the requirements established by **Section 102-505** of the *Zoning Ordinance*, concerning Planned Development Housing Districts.

Mr. Fulbright said that should Council approve this Rezoning application, a more thorough review of plan documents will be conducted by all City departments and County Building Services prior to releasing Zoning or Building permit approvals.

Mr. Fulbright explained that all driveway access to the development will be from AC Little Dr. AC Little Dr. is a City maintained street and therefore will not require review from NCDOT. As stated in the Zoning Analysis section, the Fire Code will require the applicant to widen the road to 20'. Also, 5' sidewalks are proposed on both sides of the street. Upon completion of the development, the applicant will offer right-of-way improvements to the City for acceptance and dedication.

Mr. Fulbright stated that based on the information submitted by the applicant, the *Schematic Site Plan*, and review and analysis detailed in this memo, the Planning Commission recommends to the City Council approval of the rezoning with the following conditions of approval:

1. Widen AC Little Dr. to 20' and offer roadway improvements and additional right-of-way for acceptance and dedication by the City.
2. Install fire hydrants as required by the Newton Fire Department.

Mayor Stedman asked if there was anyone present that would like to comment on the Rezoning Application.

Council Member Wes Weaver asked if there would be improvements made to the road. Mr. Fulbright stated that they would be widened. Mayor Pro Tem Bill Lutz asked about sidewalks and Mr. Fulbright stated they would be built also. Council Member Tom Rowe asked why the City is not requiring the developer to include curb and guttering. Mr. Fulbright stated that AC Little Road does not have existing curb and guttering. Mr. Rowe stated that he likes the project, but would like to see curb and guttering included. Mr. Fulbright stated that it would take grating and that they road would have to be leveled down, and that it would be very expensive. Public Works and Utilities Director Wilce Martin stated that they would also have to move the drainage

ditch. Council Member Mary Bess Lawing stated that she would like to avoid the City having to go back later and do it the correct way. Ms. Lawing asked about water issues on the property. Mr. Fulbright stated that there would be storm water basins on the property on either side of the road that would drain into the ditch line at the creek and wouldn't run onto other property.

Mayor Stedman asked if there would be a 10' landscape buffer and what would it consist of. Mr. Fulbright stated that it would be Evergreens along the road.

Council Member Robert Abernethy asked if there are two different zones. Mr. Fulbright stated that the North East side is zoned R-20 and the South West side is zoned R-20A. Mr. Abernethy asked if that is currently residential. Mr. Fulbright stated that it is.

Council Member Wes Weaver asked if this would be senior residences. Mr. Fulbright stated that it would be age 55+. Council Member Mary Bess Lawing asked if the funds from the State and Federal Government would manage the property. Mr. Fulbright stated that it is based on tax credits, the same as Bradberry which has been maintained at high standards.

Mayor Stedman asked if this would be serviced by Duke Energy. Mr. Fulbright stated that it would. Council Member Wayne Dellinger stated that he thought the City has power across the street.

Council Member Mary Bess Lawing asked how many apartment complexes are in Newton. Mr. Fulbright wasn't sure of the exact number, but did say that the owner/occupancy is 2/3rds which is on par with Claremont, Conover, Long View and Valdese.

Council Member Tom Rowe asked if the buildings would be brick. Mr. Fulbright stated they would be brick and vinyl.

Mr. Thomas Ward, President of Gateway Management, explained to Council that the company receives special tax credits and that the units are designed for the elderly and are affordable to people living on social security. He stated that the zoning has to be in place before the project can be considered for funding by the Federal Government.

Council Member Mary Bess Lawing asked what would happen if the property was rezoned, and the Federal Government declined the project. Mr. Ward suggested putting an 18 month limit, and then the zoning would revert back.

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

That Public Hearing be – CLOSED.

Council Member Wes Weaver made the motion that the area be rezoned as recommended by the Planning Commission with the 18 months retraction period. Mayor Pro Tem Bill Lutz seconded the motion and it was unanimously RESOLVED:

That Rezoning Application #2013-01be – APPROVED.

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

ORDINANCE 2013-8
AMENDING OFFICIAL ZONING ATLAS
(Gateway Management – Foxwood Village Apartments)

WHEREAS, the City of Newton City Council, at a scheduled public hearing on February 19, 2013 reviewed a request from Gateway Management for rezoning of property from an R-20, Single Family Residential District and R-20A, Single Family Residential and Manufactured Housing District to a PD-H, Planned Development- Housing District; and

WHEREAS, the public hearing was duly held as scheduled, advertised, and posted; and

WHEREAS, the City of Newton Planning Commission and the City of Newton City Council found the request to be consistent with the current land use plan for the area:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF NEWTON CITY COUNCIL:

Section 1: The property is located on AC Little Dr., at the intersection of Old Conover Startown Rd. and hereby rezoned to PD-H. The property is also described as follows:

BEGINNING at the iron stake, the Paul Towery corner, in the line of A. C. Little and Roy Caldwell, running N 26° 32' W 967.3 feet to the center of Conover-St. Paul's Church Road; then N 38° 38' E 357.33 feet to an iron stake, Mrs. Elsie P. Bollinger's Corner; thence S 30° 41' E 1275.6 feet to an iron stake in Southern Glove's Corner in Elsie P. Bollinger's Line; thence S 60° 20' E 170 feet to the center of Southern Glove's road; then s 56° 47' E 370.48 feet to an iron stake, corner of Southern Glove and Roy Caldwell; then N 5° 01' E 129.2 feet to Paul Towery's corner; thence N 57° 07' E 297.3 feet to the center of Southern Glove Road; thence with the Southern Glove Road N 30° 40' E 133.8 feet Paul Towery's Corner; thence S 55° 23' W 201.2 feet to the **BEGINNING**.

The above property is also known as Catawba County Parcel Identification Number 3731-16-73-7817.

Section 2: The Zoning Atlas and records of the City are hereby amended to show the foregoing changes and amendments.

Section 3: This ordinance shall become effective from and after its adoption.

Adopted this 19th day of February, 2013

ITEM 7: **New Business**

- A. Consideration of Resolution to Proceed on Behalf of the City by Filing an Application Regarding the Financing of the Remaining Infrastructure to The North Carolina Local government Commission (LGC)

Finance Director Serina Hinson stated that the City of Newton wishes to finance the acquisition of infrastructure which was approved by City Council as part of the City's Fiscal Year 2012-2013 budget. Ms. Hinson stated that the estimated cost of the infrastructure is \$1,414,975 (\$764,975 from the Water/Wastewater Fund and \$650,000 from the Electric Fund).

Ms. Hinson stated that the Finance Department will be soliciting quotes from various financial institutions to borrow the funds, and will provide a recommendation to City Council on awarding the financing on March 5, 2013. The Local Government Commission will consider the City's application for financing at the April 2, 2013 Board Meeting.

Ms. Hinson recommended that City Council adopt the attached 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.

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

That Resolution to Proceed on Behalf of the City by Filing an Application Regarding the Financing of the Remaining Infrastructure to The North Carolina Local government Commission (LGC) be – ADOPTED.

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

B. Consideration of the Award of Bids for the Shannonbrook Phase Waterline Replacement Project

Director of Public Works and Utilities Wilce Martin stated that the Shannonbrook Subdivision water lines were initially installed with a thin walled pipe which has caused many breaks over the years. Mr. Martin stated that the City began replacement of those lines in the fiscal year 2011-2012 by completing Phase I of the subdivision lines. In fiscal year 2012-13 the approved CIP has funded Phase II of this project.

Mr. Martin stated that a request for quotes was sent out to four companies and advertised in the local paper. On January 15 two bidders responded with the following bids.

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|---|--------------|
| 1. Neil Grading, Hickory, NC | \$188,565.00 |
| 2. Hickory Sand, Hickory, NC | \$294,207.00 |
| 3. Iron Mountain Construction Company, TN | No bid |

Mr. Martin explained that the original budget for this project was \$392,000, with the low bid of \$188,565 and other project related costs including project design, engineering, project management and contingency the revised total cost is \$240,565.

Mr. Martin stated that McGill Engineering has reviewed the bid proposals and in their attached letter is recommending that the lowest qualified bidder is Neil Grading.

Mr. Martin recommended that Council consider awarding the bid for the construction of the Shannonbrook water line replacement projects to Neil Grading for \$188,000, contingent on the City obtaining funding through LGC approval and successful bank bids.

Council Member Wes Weaver asked why Iron Mountain Construction Co. did not place a bid. Mr. Martin stated that he was unsure, but that the “no bid” response counted. Finance Director Serina Hinson stated that the city tries to obtain three bids.

Council Member Wayne Dellinger asked why there was a discrepancy in the bid and the revised total cost. Mr. Martin stated that there were costs for contingency, engineering design, and surveying that are not shown. Council Member Wayne Dellinger stated that it would be good if these figures are shown and itemized in the future. City Manager Todd Clark stated that staff would include these numbers for Council.

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

That Bids for the Shannonbrook Phase II Waterline Replacement Project be – APPROVED, and that bid for the construction of the Shannonbrook water line replacement projects be awarded to Neil Grading for \$188,000, contingent on the City obtaining funding through LGC approval and successful bank bids

C. Consideration of the Award of Bids for the Replacement of the 18th Street To 15th Street Sewer Line Project

Director of Public Works and Utilities Wilce Martin stated that the City maintains a 12” sewer line located between 15th and 18th Streets behind the High School and extends to the north side of North West Blvd. He stated that this line is about 40+ years old and is experiencing some cracking and has manholes that are up to 28’ deep which are beginning to loose bricks as well as cracking. He stated that this line carries a major amount of raw wastewater flow.

Mr. Martin stated that this project was approved by Council in the 2012-13 CIP budget in February 2012.

Mr. Martin stated that a request for quotes was sent out to 10 companies and advertised in the local paper. On January 29, 2013 eight bidders responded with the following bids:

1. Advanced Development Concepts, Charlotte, NC	\$540,000.00
2. Hickory Sand, Hickory, NC	\$489,565.00
3. Iron Mountain Construction Company, TN	\$440,833.00
4. Bell Construction, Statesville, NC	\$403,969.50
5. Dellinger, Inc	\$379,330.00
6. Monroe Roadways Contractors, Inc, Monroe, NC	\$392,186.88
7. P.F. Plumbing Contractors, Inc	\$534,130.00
8. Steppe Construction, Inc.	No bid

Mr. Martin explained that the original budget for this project was \$525,000, with the low bid of \$379,330 and other project related costs including project design, engineering, project management and contingency the revised total cost is \$491,230.

McGill Engineering has reviewed the bid proposals and is recommending that the bid go to the lowest qualified bidder Dellinger, Inc.

Mr. Martin recommended that Council consider awarding the bid for the construction to Dellinger, Inc for \$379,330 contingent on the City obtaining funding through LGC approval and successful bank bids.

Mr. Martin stated that they would re-run the lines so that they don't go under building.

Council Member Robert Abernethy asked where Dellinger, Inc. is based. Mr. Martin stated they were located in Monroe. City Manager Todd Clark stated, for the record, that the company was of no relation to City Council Member Wayne Dellinger.

Council Member Wayne Dellinger stated that cost wise, the extra cost is more than the last project. Mr. Martin stated that it was due to the manholes and that they would have to boar underneath Hwy. 321. Mr. Dellinger stated that should be listed. Mr. Martin stated that this project is also larger than the other project.

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

That Bids for the Replacement of the 18th to 15th Street Sewer Line Project be – APPROVED, and that bid for the construction be awarded to Dellinger, Inc. for \$379,330, contingent on the City obtaining funding through LGC approval and successful bank bids

ITEM 8: City Manager's Report

- Business Advisory Committee Meeting – Wednesday, February 20th at 3:00 p.m. – Council Chamber
- Human Relations Council Meeting – Wednesday, February 20th at 5:30 p.m. – City Hall
- DNDA Annual Planning Meeting – Thursday, February 21st at 3:00 p.m. – Abernethy Laurels
- Teen Leadership begins this Thursday, Presentations to Council will take place at the March 19th City Council Meeting
- Catawba County Chamber of Commerce Annual Membership Luncheon – February 27th at 11:30 a.m. – Hickory Metro Convention Center
- **CIP Workshop – Tuesday, March 5th at 6:00 p.m. Council Chamber**
- Electricities Spring Rate Committee Meeting – March 6th
- Annual Chili Cookoff – March 8th at 11:30 a.m. – Fire Station 2
- Easter Egg Hunt at Southside Park – Sunday, March 24th
- AC Little Drive is closed to install two 16” water shutoff valves for the culvert replacement project scheduled to begin next month. Depending on the weather, the street may remain closed until Friday or Monday

- Catawba County Communities will be filming at Thornton and South Newton elementary schools on Friday to highlight the partnership between the Newton Police Dept. and Newton-Conover City Schools. The segment will air in March on Charter Communications' Government Channel (Channel 3)

ITEM 9: Questions and Comments from Mayor and Council

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

ITEM 10: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(5)

Mayor Stedman stated that there would be no Closed Session at this meeting.

ITEM 9: Adjournment

There being no further business, the meeting – RECESSED until 6:00 p.m., Tuesday, March 5, 2013 for the Capital Improvement Plan Workshop.

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

