

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
March 17, 2015 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, March 17, 2015, at Newton City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem Mary Bess Lawing, Tom Rowe, Wayne Dellinger, Robert C. Abernethy Jr., John Stiver, and 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. led the Invocation and 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 March 3, 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. Tax Releases

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 6: Public Hearing

A. Consideration of Text Amendment #2015-01 to Allow Antique Sales within the M-1 Zoning District

Planner Alex Fulbright stated that Text Amendment #2015-01 filed by Darbie Crouch, has proposed to allow Antique Shops within the M-1 Zoning District.

Mr. Fulbright stated that currently, Antique Shops are allowed as permitted uses in the B-2 Highway Business, B-3 Central Business, and B-4 General Business Districts; and as special uses in the R-20 Single Family Residential and R-20A Single Family and Manufactured Housing District. He explained the request will add Antique Shops as a permitted use within the M-1, General Manufacturing District. Mr. Fulbright stated as per the Zoning Ordinance the intent of the M-1 district is to provide a place for the location of manufacturing and other uses which would be incompatible with general business areas. It is intended to permit in these districts any use which is inherently obnoxious to urban areas because of noise, odors, smoke, light, dust or the use of dangerous material. Mr. Fulbright stated although the intent of the M-1 District is for manufacturing uses; the M-1 district does allow the sale of building supplies, heavy equipment, farm equipment & supplies, monuments, and gun & ammunition.

Mr. Fulbright stated the addition of Antique Shops in the M-1 districts could provide an opportunity for reuse of older industrial buildings that may not be suitable for modern manufacturing practices. The Core Area Plan, which was adopted in 2010 encouraged the reuse of older underutilized industrial buildings by amending the zoning to allow for compatible uses. Mr. Fulbright stated it should also be noted that prior to the adoption of our current zoning ordinance in 1991, retail uses were allowed in M-1 zoning districts.

Mr. Fulbright stated the Newton Planning Commission's recommends that the Newton City Council approve the request as submitted.

Mayor Stedman asked if there was anyone present that would like to speak in favor of or against the proposed zoning ordinance amendment.

Ms. Darbie Crouch, property owner, stated that the building has been empty for five years and that she thinks an antique store will be a great addition. Mayor Stedman stated that it certainly is a wonderful concept.

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

That Public Hearing be – CLOSED.

Mr. Fulbright stated that this would make a change to all M-1 zoning districts in the city.

Council Member Wes Weaver asked what considerations were given to other M-1 districts. Mr. Fulbright stated that he looked at Hickory and that they allow it and that Newton allowed it until 1991. Mayor Stedman asked if there are any safety concerns. Mr. Fulbright stated that there were not.

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

That Text Amendment #2015-01 to Allow Antique Sales within the M-1 Zoning District be – APPROVED.

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

ITEM 7: **New Business**

A. Presentation of Employee Pay and Classification Study

City Manager Todd Clark introduced Mr. David Hill of to present the Employee Pay and Classification Study.

Mr. Hill gave a presentation of the proposed Employee Pay and Classification Study which included statistics such as:

- 62% of employees in their current positions had been employed less than 5 years
- 35% of employees are less than 5% above minimum salary
- 78% earn less than market value
- If adopted the proposed pay and classification study would take \$160,000 to bring 55 employees to the minimum pay based on market value
- By doing so, it would further frustrate the problem of compression and would take another \$130,000 to reduce said compression

Council Member John Stiver asked if these things were implemented has a prediction been made of what the bell curve would then look like. Mr. Hill stated that not at this time. Council Member Robert Abernethy asked if this is what Mr. Hill is suggesting that City Council do, right. Mr. Hill replied yes. Mr. Stiver stated that to solve the problem then, the council would have to adopt the pay plan to bring needed employees to the new minimum; two, provide opportunities based on seniority to get those others away from the minimum; and three, have a cost of living increase for all others. Mr. Stiver asked what if there is no grade change. Mr. Hill stated that it would have to be decided about education, and service time.

Council Member Wayne Dellinger stated that City Council was elected to look out for the city's money and that the city needed to compare apples to apples.

Council Member Robert C. Abernethy, Jr. stated that for instance if someone worked for AVG, it would be hard for AVG to compete with wages paid by Apple. He stated that he meant no disrespect, but that there were too many variables to account for such as size of city and number of personnel based on population. Also, property values in different cities should be taken in to account. Mr. Clark stated that council is being asked to consider fair pay, not housing. Mr. Abernethy asked how do you arrive at what is fair and that it is hard to say the needs to be exactly are on par with Hickory, Catawba County or Statesville.

Mayor Stedman asked if moving away from pay grades would be a better way. Mr. Hill stated that it would be a start to move to a new schedule that is market based.

Council Member Wayne Dellinger asked if by doing option 2 it would take care of longer term employees. He stated that it is hard to talk about salaries in front of everyone and that 8 of 11 cities in the comparison are not the same size. Mr. Clark stated that we are losing people to those cities.

Council Member Abernethy asked if council could see an example of the bell curve after the recommended adjustments were made and that he would also like to know how the city is going to pay for the implementation. Mr. Hill said that he wouldn't be able to give a true bell curve because of employees with lack of experience. Mr. Dellinger stated that is what he is asking for. Mayor Stedman asked if it would exclude newer employees. Mr. Abernethy asked if he could tell them how many employees in comparable cities in same positions. Mr. Hill said that he could provide that.

City Manager Todd Clark stated that all the city's employees require certain degrees and certifications ranging from high school diploma, certifications, associate degree, bachelor degree, master's degree and up. All require a level of proficiency. Some of the issues that have been faced by Ferguson Police Department could be faced here and the city needs to reward dedicated employees. He stated that employees have come in for exit interviews truly sad to leave because they have been treated well, but that they have lives and need to better themselves.

Council Member Wayne Dellinger stated that it sounds like they have messed up as a board. He stated that we were in line during the past 6-8 years but that we can't compete with everybody. He stated that maybe there should be merit raises instead of cost of living raises, and that it hadn't dawned on him that the city wasn't giving merit. Mr. Dellinger said that he thought the city manager could give pay raises when warranted. Mr. Clark stated that under other management it was done that way and that it was done unfairly.

Mayor Pro Tem Mary Bess Lawing asked how many employees the city has lost since last March. Mr. Clark stated fifteen. Council Member Tom Rowe stated that the city has the lowest paid sergeants and that Chief Brown is underpaid. Council Member Abernethy agreed. Council Member Dellinger stated that some are underpaid, but not all. Council Member Abernethy asked if one employee could be done away with to make more money for someone else. Mr. Clark stated that then the work is redistributed and more work is put on that employee. Mr. Abernethy asked again how the city can pay to implement this recommendation.

Council Member John Stiver asked who determines which employees receive merit. Mr. Clark stated that the manager signs off on all personnel action. Mr. Stiver stated that the log jam is going to cost more once the bell curve is fixed. Council Member Dellinger stated that if we don't change the system it will be the same way. He said that he feels like more is owed to the older half than the newer. Mr. Clark stated that both are equally important and that it is owed to all. Council Member Tom Rowe agreed.

Council Member John Stiver stated that it needs to be fixed. Council Member Robert Abernethy stated that most employees are leaving for a promotion as well. Fire Chief Kevin Yoder stated that he has firemen leaving for lower positions and higher pay. Mr. Clark stated that most department heads have been here for a long time and they are disappointed that the workforce is not at least at market. They understand the minimum, but they want recognition.

Council Member Robert Abernethy asked how the city is going to pay for it. Mr. Clark stated that in the first stages of the budget he has determined that to stay revenue neutral there would have to have a .03 cent tax increase. Mayor Stedman stated that the property tax bill would not be higher if the city remains revenue neutral. Council Member Wayne Dellinger stated that's not necessarily true. He stated that some would go up and some would go down. He asked if the city would do option 1, 2 or 3. Mr. Clark stated

that something else could be done as well. He stated that he didn't think we are quite there yet, and that there are other options.

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

That City Council Instruct City Manager Todd Clark to come up with an alternate solution to the Employee Pay and Classification Study that is agreeable to all the Council.

B. Consideration of an Ordinance to Cause a Dwelling to be Demolished –
335 East D Street

Police Major Tim Hayes stated on January 22nd 2013, a case was opened by Code Enforcement Officer Jon Raines concerning a dilapidated residence at 335 East D St. Officer Raines investigated the case and found that Sarabina Icard Poston and her deceased husband Sammy Lee Poston owned the property. Major Hayes stated it took several months of trying to locate the owner who had addresses in Hickory and Statesville. He explained that Officer Raines attempted registered mail and phone messages in trying to make contact with the owner.

Major Hayes stated on November 8th 2013, Officer Raines made contact with the owner by driving to a possible address in Hickory. Ms. Poston said she and her late husband owned the property and she knew it was in bad condition. She was told about the minimal housing requirements and of the visible violations. Major Hayes stated Ms. Poston said that she just did not have the money to do anything with the dilapidated residence. Major Hayes stated she was given a copy of the minimal housing ordinance and asked to please read over it and understand the city enforcement.

Major Hayes stated that over the next several months Officer Raines worked with Ms. Poston on this property and another one that was also in violation at 309 East D St. Ms. Poston was able to finally get some relatives to fix up and move into 309 East D St and all those violations have been corrected. Ms. Poston told Officer Raines on several occasions that she was working on a plan for 335 East D St. Major Hayes stated that Officer Raines put Ms. Poston in touch with two separate individuals who had interest in the property but that Ms. Poston did not come to an agreement with either one. Ms. Poston tried to find someone to tear down the property but could not find anyone who would allow her to make payments. Major Hayes stated that Officer Raines warned Ms. Poston that he had given her enough time to resolve the violation and that he would have to start the minimal housing enforcement process. Ms. Poston understood and gave him permission to go on the property and do a minimal housing inspection.

Major Hayes stated on July 24th 2014, Officer Raines performed an inspection on the dilapidated residence and was not able to walk completely through the residence due to its condition. Major Hayes stated that Officer Raines found the residence to be in a very dilapidated condition and heavily overgrown. Major Hayes stated that Officer Raines sent Ms. Poston a copy of the inspection and a Failure to Meet Minimum Housing Standards letter by registered mail which she signed for on July 25th 2014.

Major Hayes stated that on September 17th, 2014, Officer Raines met with Ms. Poston in his office to discuss the property at which time she was given the Complaint & Notice of Hearing form and a hearing was scheduled for October 2nd 2014. Ms. Poston had not done anything to improve the property since Officer Raines made contact with her back in November of 2013.

Major Hayes stated on October 2nd 2014, a hearing was held and Ms. Poston was present. Officer Raines told Ms. Poston that due to the condition of the residence and the findings of the minimal housing

inspection he felt the structure was unsafe and needed to be demolished, she did not argue that fact and said she was still trying to find a contractor to work with her. She said that she just wanted the issue to be resolved. Major Hayes stated that Officer Raines advised her that she had until November 3rd, 2014 to either fix up the residence or have a plan in place to get it demolished. Ms. Poston was given the Notice of Finding of Fact and Order form at the hearing and was advised she could appeal the decision.

Major Hayes stated that Officer Raines put Ms. Poston in contact with the city demolition contractor Foothills Recycling and Demolition in hopes something could be resolved. Ms. Poston contacted the contractor and he visited the site. Foothills Recycling was not able to help Ms. Poston due to her wanting to try and set up a payment plan. Major Hayes stated to date Ms. Poston has not found a vendor who will do the demolition without payment on completion. Major Hayes stated Officer Raines has exhausted all alternatives and believes the residence is a health and safety issue and needs to be demolished.

Major Hayes stated this case has been continuing in violation of the City of Newton Minimum Housing Code since January, 2013 and as required by ordinance, if the property owner fails to follow an Order issued by the code enforcement officer for repair or demolition, the code enforcement officer shall submit an ordinance to council who may order the code enforcement officer to cause such action as previously ordered.

Major Hayes requested that the City Council approve an Ordinance authorizing the code enforcement officer to cause the demolition of the listed structure at 335 East D St pursuant to an Order issued October 2nd, 2014.

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

That Ordinance to Cause a Dwelling to be Demolished – 335 East D Street be –
APPROVED.

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

ITEM 8: City Manager's Report

- March 19th Teen Leadership – Trip to Raleigh
 - March 26th – Industry Tour of Sarstedt and small business and entrepreneurial tours of Two Pink Magnolias and Old Post Office Playhouse/Greenroom
 - March 19th, and 26th Public Input Sessions/Strategic Plan – 5:30-7:00 in the Gantt Room
 - **March 19th – Transportation**
 - **March 26th – Public Safety**
 - March 23rd Streetscape Input Meeting – 7-9 p.m. OPOP
 - May 7th ElectriCities Regional Meeting at Newton Expo 6:00-8:00 p.m.
 - Service Design Team focus group sessions
 - » Citizens meet 6-8 p.m. Tuesday, April 7
 - » Businesses meet 11:30 a.m.-1:30 p.m. Wednesday, April 8
 - » Nonprofits meet 3-5 p.m. Wednesday, April 8
- *This is for City Council's information only**

- **New Public Works and Utilities Assistant Director – Dennis Falder – 8 years with city**
- **Staff will bring the proposed Capital Improvement Plan to City Council for review at the April 7th meeting**
- **The search for an Information Systems Director is underway**
- **Update on the outcome of the ElectriCities Rate Committee Meeting**
- **Report on Disposition of Dangerous Dogs**

Utilities Projects Update - Todd

1. Street department is working on pricing for the sport championship signs. We are waiting on final word for the school superintendent prior to moving forward.
2. The bid documents for Powell bill are underway. As I mentioned, we are placing I and J streets on the bid docs as alternates. The vast majority of the paving this year will be along S. College between B Street and 321.
3. Work on the water loop between I and J continue. Approximately 1200' of water line and 3 hydrants have been installed. Wooten is onsite providing engineering services.
4. Hwy 10
 - a. The pump station continues to require near constant repairs. This week we had to pull one motor to be repaired and replace electrical components in the control panel. This was two separate outages.
 - b. A review of the electrical components is by Wooten is nearly complete.
 - c. Per the Contractor
 - i. March / April – Receive pumps accessories and control panel. Some materials have arrived on site.
 - ii. May – Receive pumps, install bypass connection and set up bypass, change out pumps, and restart replaced pump station. According to this schedule, we will need to continue to keep the pump station running for 6 more weeks. To date we have spent \$17,350 including crew time over time (204.25 hours).
 - iii. June – Finish site cleanup
5. AMI – meter survey is nearly complete. I expect infrastructure work to start in April. UMS is proceeding with New World for the billing integration.
6. Wooten is working on a contract to provide a very broad level estimate for the water and sewer system inside the city limits. I expect a contract proposal by the end of the month.
7. The dam spillway is undergoing repairs as required by the state. Wooten is providing engineering services.
8. Exploratory drilling at the dam is scheduled for March 26 and 27.
9. The compost and mulch give away is ongoing at the Boston Road facility. We are loading on Thursday, Friday and Saturday from 8 am to 5 pm. I expect that it will take 4 – 5 weeks for us to get all of the compost and mulch out of the facility. There is plenty of mulch and compost left.

ITEM 9: Questions and Comments from Mayor and Council

Mayor Anne P. Stedman asked if any City Council would like to make any comments. There were none.

ITEM 10: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(3)

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

That the City Council enter CLOSED SESSION per G.S. 143-318-11(a)(3)

Council Member Wes Weaver made the motion to go back into open session, which was seconded by Council Member John Stiver. All Ayes.

ITEM 11: Adjournment

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

That the Meeting be – ADJOURNED

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor