

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

**March 20, 2012 – 7:00 P.M.**

The regular meeting of the Newton City Council was held on Tuesday, March 20, 2012 at 7:00 p.m. in the Council Chambers at City Hall.

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

**STAFF:** City Manager Todd Clark, City Attorney Larry Pitts, 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 Wayne Dellinger**

Council Member Wayne Dellinger led the Pledge of Allegiance.

**ITEM 3:      APPROVAL OF MINUTES FROM THE MARCH 6, 2012 REGULAR CITY COUNCIL MEETING**

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

That the Minutes of the March 6, 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 Mayor Pro Tem Bill Lutz, it was unanimously RESOLVED:

That Consent Agenda be – APPROVED

- A.      Consideration of Commission/Committee Membership Appointments 2012
- B.      Consideration of Appointment of Christine Bartleson as Alternate Board Member to the Western Piedmont Regional Transit Authority
- C.      Consideration of Arbor Day Proclamation

- D. Consideration of Child Abuse Prevention Month Proclamation
- E. Consideration of Amendment to the Budget Ordinance for the EECBG (Energy Efficient Lighting)

**Ordinance 2012-8**  
**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2011-2012 FOR THE CITY OF NEWTON**

WHEREAS, the City Council of the City of Newton has adopted a Budget Ordinance for fiscal year beginning July 1, 2011, and ending June 30, 2012, in accordance with the General Statutes of the State of North Carolina, and

WHEREAS, the EECBG (Energy Efficient Lighting) Project was funded by a \$53,303 grant from the State Energy Office of the North Carolina Department of Commerce, \$5,000 from an ElectriCities contribution and \$5,000 funded by the City for a total of \$63,303, and

WHEREAS, in December 2011, the ElectriCities Board of Directors approved a \$8,330 contribution to the City’s energy efficient lighting project in lieu of the \$5,000 originally budgeted. An amendment is necessary to reflect the change in the ElectriCities contribution from the original \$5,000 to the actual amount of \$8,330, and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

**Section 1 - Revenues**

General Fund

Transfer from Electric Fund	11.0000.3963	\$ 3,350
Fund Balance Appropriated	11.0000.3990	\$ (3,350)

Electric Fund

Miscellaneous Revenue	63.0000.3790	\$ 3,350
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**Section 2 - Appropriations**

Electric Fund

Transfer to General Fund	63.9100.9911	\$ 3,350
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Adopted this 20th day of March, 2012

(Ordinance 2012-8, is 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:      Special Presentation – Teen Leadership**

Mayor Stedman introduced the group of 13 total, 12 present students that made up this year's Teen Leadership Newton Program. She explained that 8 students were from Newton-Conover High School, and the other 5 were from the Health/Science High School.

The groups were divided in three according to topics, and each group made a presentation to City Council.

Mayor Stedman thanked the Teen Leadership Newton group and stated that City Council and Staff appreciated their time and effort.

**ITEM 7:      Public Hearings**

**A.      Text Amendment #2012-01 To Add Tattoo Parlors as a Permitted Use Within the B-4, General Business District**

Mayor Stedman opened the Public Hearing.

Max Sigler, Planner, stated that Morgan Little is requesting the approval of a Zoning Ordinance Text Amendment that would allow Tattoo Parlors within the B-4 zoning district.

Mr. Sigler stated that currently Tattoo Parlors are allowed only within the B-3, Central Business District, and that prior to 2011 Tattoo Parlors were not an allowed use within the City of Newton. Mr. Sigler explained that the proposed amendment would further expand the area where tattoo parlors are allowed to encompass the B-3 and B-4 districts.

Mr. Sigler stated that the purpose statements for the B-3 and B-4 districts currently read as follows:

**B-3, Central Business District-** intended to provide the core area of the city that preserve this area as a center for commercial, financial, professional, governmental, and cultural activities.

**B-4, General Business District-** intended to provide for a mixture of retail, service, transportation, storage and related activities which do not require a central location.

He stated that the main distinctions between the two are the more intense and diverse uses that are allowed within the B-4 district and the centralized location of the B-3 district.

Mr. Sigler stated that the text amendment to allow Tattoo Parlors in the B-4, General Business District, was recommended for approval 4 to 1 by the Newton Planning Commission.

Mayor Stedman stated that this is a Public Hearing, and asked if anyone would like to speak in favor of or against the proposed text amendment.

Morgan Little, of 1148 N Main Av, showed pictures of the building that she and her husband are working on that will be their new business should this text amendment be approved.

Mayor Stedman asked how long the Littles have been tattooing; Mr. Little replied that he had been in business for 16 years in Florida. Ms. Little stated that there would also be art displayed and for sale in the business.

Mayor Stedman asked about the parking, and Alex Fulbright, Assistant Planning Director stated that when the Certificate of Occupancy is issued the parking matter would have to be looked at.

Council Member Robert C. Abernethy, Jr. stated that a great improvement has already been made to the building, and that tattooing is not stereotyped like it has been in the past. Mayor Stedman agreed and stated that it is a regulated industry and is health protected.

Mayor Stedman closed the Public Hearing.

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Bill Lutz, and with a vote of five to one, with Council Member Mary Bess Lawing opposed, it was RESOLVED:

That Text Amendment #2012-01 To Add Tattoo Parlors as a Permitted  
Use Within the B-4, General Business District be – APPROVED.

**B. Rezoning #2012-01 To the N Rankin Av and E 20<sup>th</sup> St Intersection**

Mayor Stedman opened the Public Hearing.

Assistant Planning Director Alex Fulbright stated that the Newton Planning Commission has initiated a rezoning request for 21 parcels for a total of 10 acres located in the area adjacent to the North Rankin Avenue and East 20<sup>th</sup> Street intersection as result a of implementing elements of the Core Area Plan, adopted by City Council on February 15, 2011. He stated that the current zoning of subarea 1, 2, 4, 5, and 6 is B-1 Neighborhood Shopping District, and that the current zoning of subarea 3 is B-4 General Business District. Mr. Fulbright stated that the Planning Commission held a public information meeting on January 24, 2012 with the property owners within the affected area, and that based on the property owners' concerns and issues, a proposal was drafted and presented at a public hearing held on February 28, 2012.

Mr. Fulbright stated that the proposed request is consistent with the 2011 Core Area Plan, as the request is an implementation of the plan. The affected property currently is a neighborhood business district that is known in the Core Area Plan as the North Rankin Commercial District.

Mr. Fulbright stated that the current zoning of subarea 1, 2, 4, 5, and 6 is B-1 Neighborhood shopping district. Mr. Fulbright explained that the intent of the B-1 district is to provide for the sale of convenience goods and a limited number of personal services to the residents of the surrounding neighborhood. These districts shall normally be located at intervals along arterials or collector thoroughfares, and these regulations shall provide standards for development of such retail and service uses on either individual parcels or in small commercial centers which shall be designed to protect the integrity of the surrounding residential neighborhood.

Mr. Fulbright stated that the current zoning of subarea 3 is B-4 General Business District and that the intent of the B-4 district is to provide for a mixture of retail, service, transportation, storage and related activities which do not require a central location.

Mr. Fulbright stated that the proposed changes if enacted would change the zoning of subarea 1, 3, and 4 to R-9 Multifamily Residential. The intent of the R-9 district is to accommodate a variety of moderate intensity residential uses, including single-family, two-family and multiple family dwelling types, under conventional or planned development controls. R-9 districts shall be served with public water and sewer services. He stated the uses within these subareas are consistent with the intent of the R-9 district.

Mr. Fulbright stated the proposed zoning of subarea 2, 5, and 6 is B-4 General Business and that the existing uses within these subareas is consistent with the intent of the B-4 district.

Mr. Fulbright gave some examples of allowed uses in the B-1, B-4, and R-9 districts, and other related policies from the Core Area Plan. He also stated that there will be minimal impact on the surrounding transportation network and that the affected properties have water and sewer.

Mr. Fulbright stated that it is the Newton Planning Commission's recommendation that the Newton City Council approve the request as submitted as it was found to be in compliance with the intent and policies of the Core Area Plan adopted by the City Council in 2011.

Shirley Greene of 2024 N Thomas Av, wanted to know if the R-9 zoning would make it all the same in the area. Mr. Fulbright stated that it would.

Sue Rogers stated that she was glad this rezoning is coming before City Council, as she has had to turn down 40 renters for a building that she used to own that was the former Twin-City Grocery #2.

James Edmondson, of 1810 Hewitt Av, expressed his concern that the whole neighborhood would be made into apartments, and how worried he is about neighborhood safety.

Mike Northcutt asked if this rezoning would help change enforcement on property maintenance. Council Member Robert C. Abernethy, Jr. stated that he believed property maintenance in that area is being addressed. Mr. Fulbright stated that it was.

Mayor Stedman closed the Public Hearing.

Upon motion duly made by Council Member Wayne Dellinger, seconded by Council Member Bill Lutz, and with a vote of five to one, with Council Member Mary Bess Lawing opposed, it was RESOLVED:

That Rezoning #2012-01 To the N Rankin Av and E 20<sup>th</sup> St Intersection be – APPROVED.

**ITEM 8:      New Business**

**A.      Consideration of Resolution to Adopt Capital Improvement Plan  
Fiscal Years 2013-2017**

Finance Director Serina Hinson presented the proposed Capital Improvement Plan for the City of Newton to City Council. City Manager Todd Clark explained that the Capital Improvement Plan, if adopted by Council, would become part of the budget process and would be a planning tool to aid in that process.

Mayor Anne Stedman asked Mr. Clark to go over the changes to the Capital Improvement Plan for clarification before she asks for a vote.

Mr. Clark stated that the changes are as follows: Remove facilities consultation from the Water and Electric Funds and replace with \$40,000 to allow for the construction of a shed to house items that need to be stored inside; remove AMI (Automated Meter Infrastructure) from the Water and Electric Funds. Mr. Clark stated that Council would also like to remove a tanker and engine from the Fire Department, and replace with \$100,000 to allow for site selection, purchase, and fees associated with building a new Fire Station 1.

Council Member Robert C. Abernethy, Jr. stated that he wanted to clarify that by voting for the Capital Improvement Plan he was not voting for a tax increase.

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

That Resolution 2-2012 – To Adopt Capital Improvement Plan for Fiscal Years 2013-2017 – With Changes Stated by City Manager Todd Clark be – ADOPTED.

(Resolution 2-2012, is hereby referenced and on file in the office of the City Clerk)

**ITEM 9:      City Manager's Report**

- Introduced Chris Bartleson as the City's new Planning Director
- Fire Committee will meet on March 26<sup>th</sup> and then report to Council afterwards
- ElectriCities will be hosting regional meetings in April and May

- Council and Staff tours of Catawba Nuclear Station will be April 18<sup>th</sup> and 20<sup>th</sup>
- Water /Sewer projects –
  - Shannonbrook Phase 1
  - Hwy 70 complete and preparing to connect
  - S Brady Av
  - E St to K St
  - S Cline to S Main Av
  - Six other Water/Sewer projects not yet started but to be finished by June 30
- Burris Road Pump Station force main operating for three weeks – to be finished by May, but hoping for end of April
- Mayor Stedman, Council Member Wes Weaver and City Manager Todd Clark attended the NLC Annual Conference in Washington DC and met with Kay Hagan concerning things such as funding for a new Fire Station 1, Central High facility, unfunded mandates, and a request to preserve CDBG projects

**ITEM 10: Questions and Comments from Mayor and Council**

Council Member Tom Rowe thanked the City Staff for looking after the City’s many projects.

Mayor Stedman stated that the City Council meeting scheduled for April 3, 2012 would be cancelled, and that the next regularly scheduled meeting of the Newton City Council would be April 17, 2012.

**ITEM 11: Adjournment:**

There being no further business, the meeting was ADJOURNED.

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Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk

