

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

October 1, 2013 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, October 1, 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, Wayne Dellinger and Wes Weaver

ABSENT: Council Member Robert C. Abernethy, Jr.

STAFF: City Manager Todd Clark, City Clerk Amy S. Falowski, Assistant City Manager Sean Hovis, City Attorney John Cilley, Public Information Officer Julie Chang, City Department Heads and members of the management team

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

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

ITEM 2: OPENING – Council Member Mary Bess Lawing

Council Member Mary Bess Lawing introduced Pastor Paul Fitzpatrick of Holy Cross Lutheran Church who provided the invocation. Council Member Lawing led the Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES FROM THE September 3, 2013 REGULAR CITY COUNCIL MEETING

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

That the Regular Minutes of the September 3, 2013 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 Tom Rowe, it was unanimously RESOLVED:

That Consent Agenda be – APPROVED.

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Proclamation – Fire Prevention Week – October 6-12, 2013
- D. Consideration of Resolution Proclaiming October 6-12, 2013 as Public Power Week
- E. Consideration of Budget Ordinance Amendment – Target Grant

- F. Consideration of Budget Amendment Recognizing Grant Proceeds and Obligating Matching Funds
- G. Consideration to Designate Council Member Mary Bess Lawing as Voting Delegate, Member Wayne Dellinger as the Alternate Voting Delegate at the NCLM Annual Conference October 13-15, 2013
- H. Consideration to Change the Date of December 3, 2013 City Council Meeting to December 10, 2013

(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 anyone present would like to make any comments concerning non-agenda items. No one appeared.

ITEM 6: **Public Hearing**

- A. Rezoning Application #2013-04 – Randy and Betty Wallace

Mayor Stedman opened the Public Hearing.

Assistant Planning Director Alex Fulbright stated this property is located within the City of Newton and that the applicant is seeking to rezone 0.9 acres located at 2435 N Main Avenue. Mr. Fulbright explained the proposed change is from an existing M-1 General Manufacturing Zoning Classification to B-4 General Business Zoning Classification. Mr. Fulbright stated the property owner is Randy and Betty Wallace.

Mr. Fulbright stated the proposed request is consistent with the 2011 Core Area Plan’s Future Land Use. He explained the plan shows the area as a mixed use area consisting of residential and commercial uses.

Surrounding Zoning and Land Use:

	Zoning	Landuse
Subject	M-1 General Manufacturing	Icon Embroidery
North	M-1 General Manufacturing & B-4 General Business	Vacant commercial and industrial building
South	M-1 General Manufacturing & B-4 General Business	Single family residential and self-storage
East	M-1 General Manufacturing & B-4 General Business	Single Family residential, Funeral home, and Catawba County Schools
West	M-1 General Manufacturing	North Newton Elementary

Zoning History:

1982 Subject Site zoned General Manufacturing.

1966 Subject Site zoned Exclusive Manufacturing.

1965 Subject Site was annexed into the City.

Mr. Fulbright stated that the Newton Planning Commission recommended 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.

Mayor Stedman asked if there was anyone present that would like to comment. No one appeared.

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

That Public Hearing – Rezoning Application #2013-04 be – CLOSED.

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

That Rezoning Application #2013-04 – Randy and Betty Wallace be - APPROVED

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

ITEM 7: Old Business

A. Consideration of Amendment to the City of Newton code of Ordinances
Peddlers Permit

Police Chief Don Brown stated at the September 3rd 2013 meeting of City Council, he presented the current Peddler's Permit ordinance to members of Council. Chief Brown stated that background information from several surrounding cities was also presented relating to their procedures for approving and issuing Peddler's Permit. Chief Brown stated that after the presentation, Council was asked for comments and suggestions for updating the current rules and permitting process for Peddler's.

Chief Brown stated that based upon guidance and recommendations from Council, staff has incorporated the requested changes into an updated Peddler's ordinance. Chief Brown stated the rate scale for Peddler's under the new ordinance reflects one price of \$50.00 per person per annum. There is a requirement that anyone receiving a Peddler's permit must display their issued permit so that it is visible to the public. Chief Brown stated that additional changes have been made to bring the Peddler's Permit Ordinance more in-line with North Carolina General Statute. Chief Brown explained that he would be bringing another ordinance for Council adoption concerning the background checks that would be done through the DCI system, which is the system that the police department uses for criminal background checks.

Chief Brown recommended approval of the changes made to Chapter 22 – Business Regulations: Article II – Peddling.

Council Member Wes Weaver asked if non-profits would be exempt. Chief Brown stated that according to North Carolina General Statute non-profits would be exempt from the ordinance.

Council Member Tom Rowe asked if the city would have \$20 or more in the process. Chief Brown stated that the cost to the city would be relatively low.

Council Member Tom Rowe made a motion that everything in the proposed ordinance remain the same except for the permit fee which he recommended be changed from \$50 to \$100. Mayor Stedman asked for a second. Motion failed due to lack of a second.

Upon motion duly made by Council Member Wayne Dellinger, seconded by Council Member Wes Weaver, with Council Member Tom Rowe voting in opposition to, it was RESOLVED:

That Amendment to the City of Newton Code of Ordinances - Peddlers Permit be APPROVED as presented.

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

ITEM 8: **New Business**

A. Report – DNDA

Melinda Travis, DNDA Chairperson, gave a quarterly report to City Council. Ms. Travis presented a PowerPoint presentation and explained how successful the Adopt-A-Pot program has been so far.

Council Member Mary Bess Lawing stated that she had been contacted by business owners that are interested in purchasing pots. She asked if they could just buy them. Ms. Travis stated that they can, or that they can contact her and she will help them.

Council Members Wes Weaver and Tom Rowe stated that they were doing a great job, and that the pots look really nice.

B. Quarterly Report – Code Enforcement

Captain Tim Hayes presented a PowerPoint presentation of all the code enforcement cases to date since the city hired the Code Enforcement Officer John Raines. Captain Hayes stated that there had been 983 code enforcement calls since October, 2012.

Captain Hayes stated that there have been 279 reports and out of those 217 of these were closed cases, 59 are still active, and 3 have been abated by the city.

Council Member Dellinger stated that it looks like it is taking 2-6 months from complaint to finish and asked if that was accurate. Captain Hayes stated that was about right, he explained that Officer Raines tries to work with everyone for a positive outcome.

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

- October 13th (Cat. Co. Historical Museum) 1-3
- NCLM Conference, Oct 13-15 – Hickory
- \$100,000 Grant from ElectriCities
- Newton-Conover Championship Signs
- Sue Jones Estate
- Site Certification
- Plaque at Newton Depot

Projects Update

Construction Phase

Water

1. Shannonbrook WL Replacement – Replacement of 2800 LF of existing PVC water line with 8” Ductile Iron. Contractor will be completing all service reconnections and system tie ins the week of 9/23, and a walkthrough is tentatively scheduled for the week of 9/30.
2. McDaniel’s Circle WL Replacement – Replacement of 960 LF existing PVC water line with 8” Ductile Iron. This project is in the warranty period.
3. East 18th St. WL Replacement – Replacement of 1100 LF of existing PVC water line with 8” Ductile Iron. This project is in the warranty period.

Sewer

1. High school Sewer Replacement – Replacement of 3,160 LF of existing clay gravity line with 8, 10 and 12” DIP. The walkthrough on this project has been completed, the punchlist has been delivered to the contractor. Warranty period is expected to start by the beginning of Oct.
2. Southfork Sewer Extension – Installation of 560 LF of 8” PVC gravity main. This project is in the Warranty period.

Stormwater

1. AC Little Culvert Replacement – Replacement of existing 72” RCP with precast concrete box culvert. This project is in the warranty phase.
2. EMERGENCY – Restoration of storm sewer under E. 5th Street – Replacement of 100 LF of 72” storm culvert with 72” RCP. Contractor has completed removal of existing stone box culvert and boiler pipe. Installation of culvert anticipated by first week of October.
3. EMERGENCY – Restoration of storm culvert under Woodson Ct. – Materials have been ordered by contractor. Construction anticipated to begin by the middle of October.

WTP

1. Pump Upgrade – Increasing pumping capacity through installation of higher capacity pump. Vault has been installed, re-piping and valving is complete. Waiting on delivery of pump from manufacture.

Engineering Phase

1. Shannonbrook Phase 3 WL Replacement – Replacement of approximately 2900 LF of existing PVC water line with 8” DIP. Permitting application and plans have been sent to state agencies. Bidding is anticipated to be completed by Nov. 30.
2. S. Caldwell Culvert – Survey has been completed and design is underway and on schedule. Bidding may be delayed depending on general fund financial health after flooding repairs.
3. Snow Creek Sewer Line Replacement – All permits and loan requirements have been fulfilled, bid opening is scheduled for Oct 23.
4. EMERGENCY – Settlemyer Bridge Road Sewer Outfall Repair – Relocation of 300 LF of existing sewer main due to stream washout – NCDOT has completed repairs which repaired areas that we thought would have to be repaired by the City. We expect the costs to be about \$10,000 instead of \$325,000 due to NCDOT’s repairs.
5. WTP Clear Well site determination and elevated water tank site determination, geological stability, capacity and operation issues are underway.

Flooding Emergency Projects

1. W. 7th Street Sewer Main replacement – The aerial crossing has been restored by PWU.
2. Radio Station Rd. Water main replacement – Neill Grading is the low bid, and the replacement is underway now. Expected completion by 9/23/2013.
3. East 5th St. Culvert – Dellinger Contracting Inc is the low bid, waiting on council approval.
4. Woodson Dr. Culvert – Dellinger Contracting Inc is the low bid, waiting on council approval.
5. Settlemeyer Bridge Road Sewer Line Replacement – Wooten has been contacted to assess the damage, discuss possible remediation with DWQ and NCDOT, and determine what permits need to be applied for and what the scope of work will be.

Police Chief Don Brown presented Pastor Paul FitzPatrick with his certification as a Law Enforcement Chaplain which was issued by the International Conference of Police Chaplains.

Assistant City Manager Sean Hovis stated that FEMA has denied the flood claim that the city filed with the other agencies in the county. Mr. Hovis explained that the claim was combined originally with other flood events that occurred earlier in July. Mr. Hovis stated that the city along with Hickory and other jurisdictions have filed an appeal and that this is an ongoing process. Mayor Stedman stated that this is very disappointing news.

ITEM 10: Questions and Comments from Mayor and Council

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

ITEM 11: 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 Mary Bess Lawing, it was unanimously RESOLVED: to go to CLOSED SESSION.

The Council, Mayor, City Attorney, City Clerk and City Manager met in the Council Chambers for the purpose of discussion of several legal matters. No action was taken

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Tom Rowe, it was unanimously RESOLVED: to leave CLOSED SESSION and return to OPEN SESSION.

ITEM 12: Adjournment

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

That the Meeting be – ADJOURNED

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

