

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
January 21, 2014 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, January 21, 2013 at 7:00 p.m. in the Council Chambers at City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem Mary Bess Lawing, Tom Rowe, Wayne Dellinger, Robert C. Abernethy, Jr., Wes Weaver, and John Stiver

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 – Mayor Pro Tem Mary Bess Lawing**

Mayor Pro Tem Mary Bess Lawing provided the invocation and led the Pledge of Allegiance.

ITEM 3: **APPROVAL OF MINUTES FROM THE January 7, 2014 REGULAR CITY COUNCIL MEETING**

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 January 7, 2014 City Council Meeting be –
APPROVED

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

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

That Consent Agenda be – APPROVED.

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Budget Ordinance Amendment to Recognize Insurance Reimbursement for Totaled Vehicle
- D. Consideration of Budget Ordinance Amendment to Recognize Contribution for Spay/Neuter Clinic
- E. Consideration of Rural Fire District Budget to be Submitted to County
- F. Consideration of Ordinance to Perform Background Checks

(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.

Mayor Stedman recognized Boy Scout Troop 398 and stated that they were present at this meeting in order to earn their Citizenship Badge.

ITEM 6: **Public Hearing**

- A. Consideration of Special Use Permit 2014-02 as Filed by Sunlight Partners, LLC.

Mayor Stedman recessed the Council Meeting and called to order a Public Hearing as scheduled to receive public input on Special Use Permit #2014-02 – as filed by Sunlight Partners, LLC.

Alex Fulbright, Assistant Planning Director, reviewed the requirements for the quasi-judicial process (evidentiary hearing) the Council must follow for considering Special Use Permits. He stated that all persons wanting to make a statement, either for or against the Special Use Permit, must be sworn. Mr. Fulbright, Nathan Murdock of Sunlight Partners, LLC; Attorney for Sunlight Partners, LLC Mike Fox; David Massey, NC Real Estate Appraiser; Tommy Cleveland; and Darrin Huffman, property owner were sworn in at that time.

Mr. Fulbright stated that an application was filed by Sunlight Partners, LLC for a Special Use Permit to allow them to locate a Solar Farm on 45.8 acres on St. James Church Road. Mr. Fulbright explained the property is located on the east side of St. James Church Road, approximately 600 feet south of East D Street (NC Highways 10 & 16), also known as Catawba County PIN 3649-06-49-4007. The property owners are Jenaleigh Beatty and Darrin Huffman.

Mr. Fulbright stated the property is zoned R-20 Single Family Residential and R-9 Multi-Family residential, with a majority being R-20. He stated the entire property is subject to the City's Zoning Ordinance though only a small portion of the 45.8 acres is within the City Limits. The City Limit boundary coincides with the boundary of the R-9 zoning district on the property, with the portion zoned R-9 within the City and the portion zoned R-20 within the City's Extraterritorial Jurisdiction.

Mr. Fulbright explained that a solar farm is classified as a "public service facility," which is defined as follows:

Public service facilities means the use of land, buildings, or structures by a public utility, railroad, or governmental agency, including water treatment plants, sewage treatment plants, telephone exchanges, resource recovery facilities, and other similar public service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Mr. Fulbright stated that the public service facility is a special use within the R-20 and R-9 zoning districts. He explained that a Special Use is a use that would not be appropriate generally without special study throughout the zoning district, but when controlled by the number or size of location or relationship

to the neighborhood would promote the public health, safety, and welfare. Mr. Fulbright stated that for this special use permit, the City Council would have to make four findings and they are as follows:

- 1) The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application.
- 2) The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of articles IV, V, and VI of this chapter, unless greater or different regulations are contained in the individual standards for that special use.
- 3) The use will maintain or enhance the value of contiguous property, or that the use is a public necessity.
- 4) The use is in compliance with the general plans for the physical development of the city as embodied in these regulations. The board of adjustment or the council, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents models, plans and the like to support the application for approval of a special use.

Mr. Fulbright stated The Planning Commission recommends to the City Council approval of this special permit as presented with the condition that the facility be screened from view from any street and adjoining property.

Mr. Mike Fox, Attorney for Sunlight Partners, LLC briefly went through the site plan for the proposed Special Use Permit which would allow them to locate a solar farm on 45.8 acres on St. James Church Road. Mr. Fox stated that he would like to answer any questions that City Council may have.

Council Member Robert C. Abernethy, Jr. asked what the life cycle of the solar panels would be. Mr. Nathan Murdock, of Sunlight Partners, LLC stated that the panels have a thirty year warranty. Mr. Abernethy asked how much energy the panels would produce and if the company would be selling the energy to Duke Energy, and if screening the property from view would be a problem. Mr. Fulbright explained that the property is in the city's ETJ and that the screening was recommended by the Planning Commission. Mr. Murdock stated that the company would be happy to put in the screening. Mr. Abernethy asked if the panels would fill in the entire 45 acres. Mr. Murdock stated that the plan was true to scale, but that it could shrink just a little. Mr. Abernethy asked how many employees would be located at this facility. Mr. Murdock stated that there would be no employees on site after the initial installation, but maintenance employees would be there periodically.

Mayor Stedman asked if there would be fencing to keep people out. Mr. Murdock stated that there would be, and that it would be internal to the tree screening. Mr. Murdock stated that the grass would not be allowed to reach the panels as it would interfere with the performance of the panels.

Mayor Stedman asked how the panels would be removed at the end of the contract. Mr. Murdock stated that the company would remove and recycle all panels and equipment from the site.

Mayor Pro Tem Mary Bess Lawing asked how tall the solar panels are. Mr. Murdock stated that they are anywhere from 10' to 12' tall.

Council Member Robert C. Abernethy asked if the finished project would look like Apple in Maiden. Mr. Murdock stated that it will be smaller and follow the topography of the land. Mr. Murdock stated that Sunlight Partners, LLC does not like to change the topography for fear of changing the natural drainage. He stated that the panels at the Apple site move and that these would not.

Council Member Tom Rowe asked if the buffer would surround the entire project. Mr. Fulbright stated that the buffer had to perform to City of Newton standards so that it would grow to 6' in 2 years. Mr. Fulbright also stated that the nuisance provision of the city could also be enforced if the Council desired. City Attorney John Cilley stated that each finding needs to be voted on separately by City Council.

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

That Public Hearing be – CLOSED.

Mayor Stedman asked for a motion and second on the general standards that shall be met by the applicants for approval for a Special Use Permit for the proposed solar farm.

1. It is the Council's conclusion that the proposed solar farm will promote the public health, safety and general welfare.

A motion was made by Council Member Wes Weaver, seconded by Council Member Tom Rowe, and unanimously adopted to approve Sec. 102-462. General Standards (1);

2. It is the Council's conclusion that the proposed solar farm which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of articles IV, V, and VI of this chapter, unless greater or different regulations are contained in the individual standards for that special use.

A motion was made by Wes Weaver, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve Sec. 102-462. General Standards (2);

3. It is the Council's conclusion that the proposed solar farm will maintain or enhance the value of contiguous property, or that the use is a public necessity.

A motion was made by Council Member Wes Weaver, seconded by Council Member Tom Rowe, and unanimously adopted to approve Sec. 102-462. General Standards (3);

4. It is the Council's conclusion that the proposed solar farm is in compliance with the general plans for the physical development of the city as embodied in these regulations.

A motion was made by Council Member Wes Weaver, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve Sec 102-462. General Standards (4).

Mayor Stedman asked City Council if they would like to add any conditions to the ordinance.

Council Member Dellinger stated that the landscaped screen of 6' within 2 years is good, but he sees no need in subjecting the site to the nuisance provision. He stated that if the grass reaches the panels they won't work.

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

That Special Use Permit Application #2014-02 – Filed by Sunlight Partners, LLC for a Solar Farm - With the condition that the facility be screened from view from any street and adjoining property with trees that reach 6' within 2 years time be - APPROVED

ITEM 7: Old Business

A. Consideration of Ordinance to Amendment to the Code of Ordinances – Yard Sales

Assistant City Manager Sean Hovis stated on October 15, 2013, Collette Touchette, Chairperson for the City of Newton Appearance Commission, presented a proposed ordinance for yard sales. During the presentation City Council had some concerns related to the proposed ordinance's permit requirements, fees, fines, and restrictions on goods being sold. Mr. Hovis stated that City Council asked that city staff look at the proposed ordinance to try and address City Council's concerns. Mr. Hovis stated that at the January 7, 2014 meeting, Newton City Council asked staff to bring a proposed ordinance back to them at the next meeting with changes as discussed during the City Council meeting. Mr. Hovis stated the following is the proposed ordinance staff is presenting to Newton City Council for consideration.

Section 1:

Chapter 66, "OFFENSES AND MISCELLANEOUS PROVISIONS" of the City Code of the City of Newton shall be amended by deleting the existing section Sec. 66-14. entitled "Yard sales." and replacing it with a new Sec. 66-14. entitled "Yard sales" to read as follows:

Sec. 66-14. Yard sales.

- (a) For the purpose of this section yard sale means an occasional sale at which surplus and primarily used household goods and/or clothing are sold. Such sales can also be referred to as as garage sale, attic sale, porch sale, and other similar terms.
- (b) It shall be unlawful for any person to conduct or permit to be conducted on his or her land in the city more than four (4) yard sales during the period of one (1) calendar year. Each yard sale is limited to one (1) thirty-six hour period.
- (c) No yard sales shall be held on Sunday.
- (d) All apparatus, racks, shelves, tables, signs or other materials related to the sale shall be removed the same day as the sale.

Mr. Hovis recommended that City Council adopt the proposed ordinance as drafted by staff, and stated that Chief Brown was available to answer any question concerning the questions Council had about commercial property.

Chief Brown stated that due to enforceability issues, staff is not recommending that there be no yard sales on commercial property. Chief Brown stated that there is no way for officers to enforce this as they have no authority to act without the property owner being present.

Mayor Stedman stated this ordinance has been discussed and sent back to staff two times now.

Council Member Wes Weaver asked Chief Brown if there have been any recent incidents where the city has enforced the current yard sale ordinance. Chief Brown stated that he was not aware of any incidents.

Council Member Robert C. Abernethy asked how many yard sales are allowed in the current code. Mr. Hovis stated that three per year are allowed at this time. Mr. Abernethy stated that he understands both

sides of the argument, and that some take it to the extreme and become a nuisance to their neighbors, but he doesn't feel like everyone should be punished because of that.

Mayor Stedman stated that she has received some calls stating that the ordinance is too restrictive; Council Member Wes Weaver stated that he had too.

Council Member Abernethy stated that he agrees with the 36 hour limit. Mayor Stedman stated that she didn't think the proposed ordinance is restrictive in any way.

Council Member John Stiver stated that he feels like this mostly concerns the appearance of the yard sale sites. Council Member Abernethy agreed and stated that people should be allowed to have at least five per year. Council Member Wayne Dellinger stated that everyone should just clean up after 36 hours, Council Member Weaver agreed.

Council Member Tom Rowe stated that no one has ever complained before.

City Attorney John Cilley stated that the ordinance would need a majority vote to pass.

Upon motion duly made by Council Member Tom Rowe, seconded by Council Member Mary Bess Lawing, with Council Members John Stiver, Tom Rowe and Mayor Pro Tem Mary Bess Lawing voting in favor of, and Council Members Wes Weaver, Wayne Dellinger, and Robert C. Abernethy, Jr. voting against, the tie was broken by Mayor Stedman who voted in favor of the proposed Yard Sale Ordinance it was RESOLVED:

That Vote to Amend the Code of Ordinances – Yard Sales - Due to Lack of a
2/3rds Majority – FAILED.

City Attorney John Cilley stated that the Ordinance would need to be voted on again at the next City Council Meeting, and that it could be adopted by a simple majority at that time.

ITEM 8: **New Business**

A. Consideration of Bid Award and Capital Project Ordinance Amendment for
New Fire Headquarters

City Manager Todd Clark introduced Architect Stan Winstead.

Mr. Winstead summarized the bid process including our recommendations for awarding the contract for the new Headquarters Fire Station.

Mr. Winstead stated that the Contract Documents including Construction Drawings and Specifications were prepared and distributed to (16) Sixteen General Contractors, and that the plans and specifications were distributed from October 15, 2013 to as late as November 1, 2013. Mr. Winstead explained the bid date was set for November 21, 2013, and that during the bid process three addendums were distributed to all GC's and any other plan holders. He stated that then a pre-bid conference was held on November 12, 2013 at 10:00 am. Attendance was recommended but not required. Mr. Winstead stated the conference was to allow contractors to familiarize themselves with the site with the Architect present to answer any questions. He said the pre-bid conference was well attended.

Mr. Winstead stated on November 21, 2013 at 3:00 pm, bids were received in the Council Chambers at the City of Newton and that nine of the sixteen General Contractors submitted bids at that time.

The bids were systematically opened beginning at 3:00 pm. Mr. Winstead stated that Denver Construction Company was the apparent lowest bidder with a base bid of \$2,727,433.00. The two alternates were as follows: Alternate No. 1 (Sign Project at Corner) was \$11,874.00 and Alternate No. 2 (Intersection Improvements) was \$35,000. Mr. Winstead stated that Denver Construction Company met all bidding requirements, was extremely cooperative in the post bid negotiations and is a competent and reputable local contractor. Mr. Winstead recommended that the City contract with Denver Construction Company in the building of the new Headquarters Fire Station.

Mayor Stedman thanked Stan for all his hard work on the project so far.

Council Member Robert C. Abernethy, Jr. asked Mr. Winstead if he is sure the building will fit on the property. Mr. Winstead stated that it has been drawn to scale, it will fit, and that he thinks it will look awesome.

Council Member Abernethy stated that he is not familiar with Denver Construction and wanted to know if Mr. Winstead feels comfortable with them. Mr. Winstead stated that he does.

Upon motion duly made by Council Member Wayne Dellinger, seconded by Council Member Tom Rowe, with Mayor Pro Tem Mary Bess Lawing and Council Members John Stiver, Wes Weaver, Tom Rowe and Wayne Dellinger voting in favor of, and Council Member Robert C. Abernethy, Jr. voting against, it was RESOLVED:

That Capital Project Amendment – New Fire Headquarters be – ADOPTED.

Upon motion duly made by Council Member Tom Rowe, seconded by Mayor Pro Tem Mary Bess Lawing, with Mayor Pro Tem Mary Bess Lawing and Council Members John Stiver, Wes Weaver, Tom Rowe and Wayne Dellinger voting in favor of, and Council Member Robert C. Abernethy, Jr. voting against, it was RESOLVED:

That Award of Bid for New Fire Headquarters to – Denver Construction Company be APPROVED.

Council Member Abernethy stated that the City is in need of a new Fire Headquarters.

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

B. Consideration of Bid of Awards to be Included in Finance Borrowing

1) Ladder Truck Refurbishment

City Manager Todd Clark stated that City Council appropriated funds for the refurbishment of the Fire Department platform ladder truck. He stated that the work to be done will either replace or repair major components on the ladder truck including hydraulic equipment, hydraulic lines, communications equipment, electrical equipment, and lighting equipment. These repairs will also include upgrades and repairs to the ladder boom, cab interior, compartments, switches, steps, running boards and a new surface coat.

Mr. Clark stated the City requested bids from repair facilities for the ladder refurbishment and received responses from four bidders. He explained that three of the responses were “No Bid” letters. The only bid was submitted by Anchor-Richey Emergency Vehicle Services Inc. located in Taylorsville, North

Carolina. The bid amount is \$283,064.00. Mr. Clark stated the refurbishment of the ladder truck will take approximately 180 business days to complete.

Council Member Wes Weaver asked why there was only one bid submitted. Chief Yoder responded that several of the bidders indicated that they did not have the resources to make the repairs/replacements required.

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

That Bid of Awards for Ladder Truck Refurbishment to Anchor-Richey Emergency Vehicle Services, Inc. in the amount of \$283,064.05 be – APPROVED.

2) Shannonbrook Phase III Water Rehabilitation Project

City Manager Todd Clark stated that a request for bids for the Shannonbrook Phase III Water Rehabilitation Project was sent to 6 bidders and 5 bidders responded on November 22, 2013. The bid result is listed below:

1. Hickory Sand, Hickory, NC	\$ 469,605.00
2. Dellinger, Inc., Monroe, NC	\$ 372,887.00
3. CK Contracting, Inc, Kings Mountain, NC	\$ 325,940.00
4. Iron Mountain Construction Co., Mountain City, TN	\$ 352,661.40
5. Max Presswood Water and Sewer Co., Lenoir, NC	No response
6. Neil Grading & Construction Co., Hickory, NC	\$ 356,650.00

Mr. Clark stated that McGill Associates has reviewed the bids and found that CK Contracting is the lowest qualified bidder and recommended that Council consider awarding the bid for the Shannonbrook Phase III Water Line Replacement Project to CK Contracting, Inc of Kings Mountain, NC for \$325,940.

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

That Bid of Awards for Shannonbrook Phase III Water Rehabilitation Project to CK Contracting, Inc of Kings Mountain, NC in the amount of \$325,940 be – APPROVED.

3) Building for Materials and Equipment

Mr. Clark stated that a metal storage building has been needed for the storage of electric transformers, wire rolls, cross arms, and other electrical equipment which is currently stored outside at the Public Works Facility. Mr. Clark explained this equipment is very expensive and is damaged by constant exposure to the weather. Mr. Clark stated that City Council included \$200,000 for the construction of a building in the 2013-14 Capital Improvement Program (CIP) Budget.

Mr. Clark stated that a request for bids was sent out to 5 bidders on October 30, 2013 with only one bid response received on November 11, 2013. The bids were sent to the companies below:

1. David E. Looper & Company, Hickory, NC

2. Building Systems of Catawba County, Hickory, NC
3. G.L. Wilson Building Company, Statesville, NC
4. Denver Construction Company, Denver, NC
5. Bowman Construction and Design, Newton, NC

Mr. Clark stated the City Purchasing Agent, Ed Epley called all of the bidders listed above and notified them that he would be rebidding the project with an opening date of November 25, 2013. Two bids were received on November 25, 2013 as listed below:

Description Company	G.L. Wilson	Denver Construction
1. Materials and labor to erect building	\$ 86,737	\$ 91,120
2. Materials and labor for gutters and downspouts.	\$ 1,109	\$ 1,572
3. Materials and labor for rear wall	\$ 4,654	\$ 1,510
4. Materials and labor for rear and side Wall.	\$ 6,671	\$ 3,376
5. Site grading	\$ 8,388	\$ 11,521
6. Concrete slab	\$ 37,515	\$ 29,927
7. Asphalt apron	<u>\$ 67,331</u>	<u>\$ 3,200</u>
Total	\$212,405	\$142,226

Mr. Clark stated that after review by staff it was determined that Denver Construction Company was the lowest qualified bidder for this project and recommended that Council consider awarding the bid for the construction of the Metal Storage Building to Denver Construction Company for \$142,226.00.

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

That Bid of Awards for Building for Materials and Equipment to Denver Construction Company in the amount of \$142,226 be – APPROVED.

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

C. Consideration of Monetary Compensation for City Council in Lieu of Health Insurance

City Manager Todd Clark stated that Councilman Weaver has requested that City Council give consideration to providing members of Council who are not enrolled on the City's health plan a monetary stipend of equal value. Mr. Clark stated that at present, each Council member is given the option of receiving the same level of health insurance as provided to City employees. The monthly premium for each enrolled member of Council is paid in full by the City. Mr. Clark stated that dependents of each may also be enrolled but the full expense is borne by the respective Councilman.

Mr. Clark stated the current annual premium for Council members and employees enrolled on the City's health plan is \$6,577.60 per participant. Council members who are not enrolled on the insurance plan are not presently compensated the value of this premium.

Mr. Clark stated that members of City Council receive a monthly stipend of \$100 per month for Council members and \$200 per month for the Mayor and that the City deducts taxable wages from the monthly stipend in accordance with IRS requirements.

Mayor Stedman asked Council if they would like to consider this request.

Council Member Wes Weaver stated that it is not instead of, and that he thinks Council Members should have an option. He stated that in his situation it makes no sense to go on to the city plan due to him having young children and a pre-existing condition. He stated health insurance is compensation and wouldn't cost the city more. Mr. Weaver stated that he takes time away from his business to do city business. He stated that he is not wealthy, or destitute, but would like to have the compensation other Council Members enjoy

Mayor Anne Stedman stated that Council Members do work for the city and are entitled to compensation. She stated that Council has been provided with what other area councils receive for comparison.

Council Member Robert C. Abernethy, Jr. stated that he doesn't take compensation at all, and asked if he were to take the health insurance would it be taxable. Finance Director Serina Hinson stated that the compensation is taxable but the insurance benefit is not.

Mayor Pro Tem Mary Bess Lawing stated that when she first ran for City Council she didn't even realize they were compensated in any way. She stated that she just wanted to perform her civic duty.

City Manager Todd Clark stated that the compensation from city to city varies greatly.

Council Member John Stiver stated that Council is just basically part time personnel receiving a full time benefit, and if full time personnel ask for the same compensation we could lose people from the plan which could drive up the premiums.

Council Member Weaver stated that he understood, but that Council Members are not regular employees.

Council Member Stiver stated that members of City Council are just part time employees.

Council Member Weaver stated that City Council gets a stipend that is provided as a form of compensation and that he thinks they should be able to receive the health insurance benefit as cash.

Mayor Pro Tem Mary Bess Lawing stated that this has come up two other times, but has never been considered. Council Member Weaver asked if that makes it right. Mayor Pro Tem Lawing stated that she thinks it is a benefit they are lucky to have. Council Member Weaver stated that it is clearly compensation.

Council Member Abernethy stated that people love the city and that you want a high level of talent on the council, but only four people ran in the last election. He stated that Mayor Pro Tem Bill Lutz did it to give back and that he does it for the same reason. Mr. Abernethy stated that maybe some of the younger generation out there should know about the compensation as an incentive to run for office.

Council Member Weaver stated that the compensation is purely ceremonial and that the true compensation is the health insurance.

Mayor Stedman asked if anyone else has anything to add.

Council Member Rowe asked if employees would be able to ask for the same compensation. Council Member Stiver stated that if Council gets it, then he thinks employees may have the right to ask for the same thing.

Council Member Weaver stated he didn't want to suggest raising their compensation because he didn't want to cost the city more money; he just wanted an "and/or" for the insurance, or money in place of.

Council Member Wes Weaver made a motion to offer City Council Members monetary compensation in lieu of health insurance.

Mayor Stedman asked for a second. No second was made, therefore;

Motion to offer City Council Members Monetary Compensation in Lieu of Health Insurance – FAILED.

Council Member Wayne Dellinger stated that this Council can't vote to give itself a raise. City Attorney John Cilley stated that compensation is City Council's exclusive prerogative, and Council can make adjustments to their pay.

ITEM 9: City Manager's Report

- WPCOG Annual Meeting, January 28, 2014
- Human Relations Committee Meeting February 13th, at 5:30 p.m.
- NLC Meeting in DC Sunday, March 9th- Wednesday, March 12th
- Groundbreaking for Construction of Fire Department Headquarters, February 14th at 2:00 p.m.
- Breakfast with the Stars, February 14th 7:30 a.m. – 8:30 a.m. at Western Steer
- Council/Staff Workshop, February 17th, 18th and 19th
- Calendar of upcoming retirement celebrations

January 31	11:30 a.m.	Gantt Room City Hall	Carolyn Deal
February 27	11:30 a.m.	Gantt Room City Hall	Marlene Carr

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 Robert C. Abernethy, Jr., it was unanimously RESOLVED: that the City Council enters CLOSED SESSION per G.S. 143-318-11(a)(3).

City Council discussed two matters brought before them by City Attorney John Cilley. The two matters were whether or not to;

- 1) Settle in to an agreement with Brenda Lattz d/b/a Real Deal in the amount of \$15,000 to resolve certain issues alleged in a lawsuit filed by Brenda Lattz d/b/a Real Deal against the City of Newton, and;
- 2) Adopt Ordinance 2014-9 to amend revenues and expenditures for fiscal year 2013-2014 for the City of Newton.

City Attorney Cilley stated that this is a good settlement.

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member John Stiver, it was unanimously RESOLVED: that the City Council return to REGULAR SESSION.

Mayor Stedman asked if there was any more discussion concerning the agreement between the City of Newton and Brenda Lattz d/b/a Real Deal in the amount of \$15,000 to resolve certain issues alleged in a lawsuit filed by Brenda Lattz d/b/a Real Deal against the City of Newton.

City Attorney John Cilley stated that there would need to be a vote taken on each matter; 1) the settlement, and; 2) the adoption of the ordinance.

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

That the Settlement Agreement between Brenda Lattz d/b/a Real Deal in the amount of \$15,000 to Resolve Certain Issues Alleged in a Lawsuit Filed by Brenda Lattz d/b/a Real Deal against the City of Newton be – ACCEPTED.

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

That Ordinance 2014-9 – To Amend Revenues and Expenditures for Fiscal Year 2013-2014 in the Amount of \$15,000 to Resolve Certain Issues Alleged in a Lawsuit Filed by Brenda Lattz d/b/a Real Deal against the City of Newton be – ADOPTED.

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

ITEM 12: Adjournment

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

That the Meeting be – ADJOURNED

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

