

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

May 20, 2014 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, May 20, 2014 at 7:00 p.m. at the 1924 Courthouse.

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, 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 John Stiver**

Council Member John Stiver led the opening prayer and Pledge of Allegiance.

ITEM 3: **APPROVAL OF MINUTES FROM THE May 6, 2014 REGULAR CITY COUNCIL MEETING AND THE SPECIAL MEETING OF APRIL 7, 2014**

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 May 6, 2014 City Council Meeting and the Special Meeting of April 7, 2014 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 Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of appointment of E. Todd Clark to the Western Piedmont Regional Transit Authority, and Sean A. Hovis as Alternate, for a Two Year Term Expiring June 20, 2015
- D. Consideration of Capital Project Ordinance Amendment – New Fire Headquarters

(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.

Jerry Hodge stated that he would like City Council, going forward, to consider what the return on investment is on funds designated for special appropriations. Mr. Hodge also stated that he would like to know the criteria City Council uses for funding special appropriations.

Mr. Hodge stated that he would like to see the DNDA strengthened and to become more organized. He stated that in order to do things for the downtown, the DNDA would like to have an appropriation of \$5,000 from the city.

Mayor Stedman thanked Mr. Hodge for his comments and asked if there was anyone else who would like to come forward.

Sylvia Ray stated that she would like to make a few remarks on the design for the new city logo. Mrs. Ray stated that there were some very attractive designs that have been presented, and that the logo with the apple jumped out at her. She stated that she understood the apple may be a reference to Sir Isaac Newton. Mrs. Ray stated that the City of Newton was not named after the British scientist, but for Minister Nathaniel Wilson's son, Newton Wilson. Mrs. Ray stated that the story can be found in the book "She is Not Yet Finished" a story about the history of Newton by Gary R. Freeze.

ITEM 6: **Public Hearing**

- A. Consideration of Text Amendment #2014-01 Filed by LaMoe, LLC Proposing to Allow Dance Schools Within the M-1 Zoning District

Mayor Stedman opened the Public Hearing.

Planner Alex Fulbright stated that LaMoe, LLC seeks to amend the zoning ordinance to allow Dance Schools and Studios as a permitted use within the M-1 General Manufacturing zoning district. Mr. Fulbright stated that the application was submitted by LaMoe, LLC., and the Newton Planning Commission considered the application at its April 22, 2014 meeting.

Mr. Fulbright stated currently, Dance Schools and Studios are allowed as permitted uses in the B-1 Neighborhood Business, B-2 Highway Business, B-3 Central Business, and B-4 General Business districts. Mr. Fulbright stated LaMoe's request will add Dance Schools and Studios as a 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 manufacturing and other uses that are incompatible with general business areas. Mr. Fulbright explained the district is intended for any use which is inherently obnoxious to urban areas because of noise, odors, smoke, light, dust or the use of dangerous material. Despite the intention, the M-1 district does allow for churches, child care centers, and parks, which could be considered similar to dance schools and studios.

Mr. Fulbright stated the addition of Dance Schools and Studios in M-1 districts would provide an opportunity for reuse of older industrial buildings that may not be suitable for modern manufacturing practices.

Mr. Fulbright stated it is the Newton Planning Commission's recommendation the Newton City Council approves the request as submitted by LaMoe, LLC.

Mayor Stedman asked if there was anyone present that would like to speak in favor of or against the proposed Text Amendment. No one appeared.

Mayor Pro Tem Mary Bess Lawing asked how many tenants were currently in the building. Mr. Fulbright stated that Moretz Marketing was located in the building.

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

That Public Hearing be – CLOSED.

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

That Text Amendment #2014-01 Filed by LaMoe, LLC Proposing to Allow Dance Schools 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: **Old Business**

A. Consideration of City of Newton Logo

Mayor Stedman stated that at the March 18, 2014 Council Meeting she asked that logo designs be submitted to City Council at the first May meeting.

Presentations were made at the May 6, 2014 meeting by Mayor Pro Tem Mary Bess Lawing, Council Member Robert C. Abernethy, Jr., and BAC Member Josh Cummings. Council Member Robert Abernethy pointed out that he did not design the logo that he presented; it was designed by Studio 2210.

Mayor Stedman stated that a designer was hired, Buzz Bizzell, and it was suggested that the city use the Newton apple logo. She stated that his argument is it doesn't have to be historical, and that the logo is looking to the future and would call to attention science, technology and innovation. Mayor Stedman also stated that she asked for a font for wayfinding, and maybe that could be considered and a brand could be considered at a later date.

Council Member Wes Weaver stated that he was aware of the apple logo as far as Isaac Newton went, but not the part about the technology. Mayor Stedman stated that she thought Mr. Cumming's presentation alluded to technology and to the earth.

Council Member Dellinger asked if there was going to be a charge for the logo. Tim Elliot stated that the logo that he created 25 years ago was \$2,500, and that he would charge less than that this time if his design was picked. Josh Cummings stated that he would charge whatever Tim was charging so that it wasn't about the cost. Council Member Abernethy stated that he didn't think Studio 2210 would charge more than \$1,000.

Council Member John Stiver asked if they would be voting on the complete logo or just the font, because he was under the impression that it was the font that was not liked from the beginning.

Mayor Pro Tem Mary Bess Lawing stated that the logo by Tim Elliot features the Court square and that everything radiates out from there, and that this city is the seat of Catawba County.

Council Member Dellinger asked if this is just going to be for signage. Council Member Stiver stated that he believes that it is. Mayor Pro Tem Mary Bess Lawing stated that if that is the case, she thinks they were given the wrong direction. Mayor Stedman stated that she wants a font, and Council Member

Abernethy agreed and said he was comfortable with that. Council Member Dellinger said he was comfortable just choosing a font for the signs and stopping there. Council Member Weaver agreed.

Mayor Pro Tem Mary Bess Lawing made a motion to choose Logo #5, designed by Tim Elliot. Motion failed for lack of a second.

Council Member Wayne Dellinger asked what is wrong with logo #2.

Council Member Wes Weaver stated that he liked all three logos, but that he would like to go with #3, but with the slogan “The Heart of Catawba County”. Mayor Stedman asked if he would like to make a motion.

Council Member Wes Weaver made a motion to approve Logo #3, designed by Josh Cummings, but with the slogan “The Heart of Catawba County”. Council Member Tom Rowe seconded the motion.

Mayor Pro Tem Mary Bess Lawing stated that Maiden will appreciate the apple logo.

With Council Members Wes Weaver, Tom Rowe, and Wayne Dellinger voting in favor of, and Council Members Robert C. Abernethy, Jr., John Stiver, and Mayor Pro Tem Mary Bess Lawing voting in opposition to, Mayor Stedman broke the tie by voting no, therefore the motion did not carry.

Council Member Robert C. Abernethy, Jr. made a motion to approve #4, designed by Studio 2210, without a tagline.

Council Member Wayne Dellinger stated that he could agree to that. Council Member Robert C. Abernethy, Jr. stated the tagline could be anything. He then rescinded his motion and said the Council needs to agree on a slogan.

Mayor Pro Tem Mary Bess Lawing stated that she didn’t feel like these were the instructions that were initially given.

Council Member Wes Weaver made a motion to approve Logo #3, designed by Josh Cummings, but with the no slogan. Council Member Tom Rowe seconded the motion.

With Council Members Wes Weaver, Tom Rowe, and Wayne Dellinger voting in favor of, and Council Members Robert C. Abernethy, Jr., John Stiver, and Mayor Pro Tem Mary Bess Lawing voting in opposition to, Mayor Stedman broke the tie by voting yes, therefore the motion carries.

ITEM 8: **New Business**

A. Consideration of Amendment to City of Newton Code of Ordinances – Sidewalk Encroachments

Assistant City Manager Sean Hovis stated the current City Ordinance regarding encroachments on sidewalks does not take into account requirements by the North Carolina State Building Code for accessibility purposes. Mr. Hovis explained that as it is written now, the City Ordinance could render a building inaccessible therefore it could not be opened as a business.

Mr. Hovis stated that Chapter 86, “Streets, Sidewalks, Excavations, and Driveways” of the City Code of the City of Newton as amended will read:

Sec. 86-5 Encroachments on streets and sidewalks.

(a) Generally. No person shall encroach upon a public right-of-way, street, or sidewalk of the city by erecting any window, stoop, chimney, portion of a building, any downspout, steam pipe, air conditioning unit, wall, fence, or any other obstruction over the sidewalks

or street less than eight feet above the sidewalk. This section shall not apply to awnings, fences allowed by this article, mailboxes as listed below in Section 86-5 (b), and shall not prohibit any person from making alterations to buildings consistent with North Carolina building code for the purpose of meeting ADA compliance.

Mr. Hovis stated that staff recommends that Newton City Council adopt the proposed ordinance as drafted by staff.

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

That Amendment to City of Newton Code of Ordinances – Sidewalk Encroachments be – ADOPTED.

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

B. Consideration of Award of Bid for the Annual Powell Bill Overlay Paving Project

Public Works and Utilities Directed Wilce Martin stated that staff has solicited three quotes from local contractors and received two bids for the Annual Powell Bill Overlay Paving Project. Mr. Martin stated the City received a no bid from JT Russell and an incomplete bid of \$257,257.00 from Carolina Paving due to incorrect bidding on quantities for gravel. Mr. Martin stated that Midstate Contractors' bid was also incomplete with no bid on gravel quantities. This project was rebid in an attempt to gain two complete bids with responses listed below:

1. J.T. Russell	No bid
2. Carolina Paving	No bid
3. Mid State Contractors	\$233,071.00

Mr. Martin explained the bid from Mid-State Contractors includes a base bid of \$202,610.00, plus \$10,200 for 1500 square yards of additional gravel if needed and \$20,261 for contingency. Staff has attached a map showing the areas to be paved in this project.

Mr. Martin recommended that Council consider awarding the bid for the Annual Overlay project to Midstate Contractors for \$233,071.00.

Council Member Robert C. Abernethy, Jr. asked if he could recuse himself from the vote.

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

That City Member Robert C. Abernethy, Jr. be RECUSED from the Vote Concerning the Consideration of Award of Bid for the Annual Powell Bill Overlay Paving Project

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

That Bid for the Annual Powell Bill Overlay Paving Project be AWARDED to Midstate Contractors for \$233,071.00

ITEM 9: City Manager's Report

- Rob Powell – Commercial Development Report – City Manager Todd Clark asked Mr. Powell if he could bring his report to Council back to the June 3rd meeting.
- May 21st – Ribbon Cutting, Xposed Salon – 20 West A Street at 2:00 p.m.
- May 27th – WPCOG Policy Board Meeting at the Foothills Higher Education Center, Room 148 in Morganton at 6:00 p.m.
- June 2nd – Boards, Commissions and Committees Appreciation and Networking Meeting, Newton Recreation Center (lower level) 5:30 p.m.-7:30 p.m.
- June 5th – Renwood Mills will be having Southern Biscuit Day from 7:00 a.m. until 12:00 p.m. Renwood Mills will also be looking for the most original biscuit recipe for the Fourth Annual Southern Biscuit Day Bake-off
- June 14 – The Newton Swimming Pool opens. The pool is open Monday to Saturday from 1 p.m. to 6 p.m. and also Thursday evenings from 6 to 8 p.m.
- June 14 – Take a Kid Fishing Day at Herman's Fish Lake from 9 a.m. to noon. A free event for children 3-17 years old.
- Movies in the Park starts on June 20 at Southside Park. The Festival and Events Committee is presenting Space Jam on June 20 and will also show The Lego Movie, Frozen and Despicable Me 2 on subsequent Fridays.

ITEM 10: Questions and Comments from Mayor and Council

Mayor Anne P. Stedman asked if any Council Members would like to make any comments.

ITEM 11: Adjournment

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Tom Rowe, the meeting was ADJOURNED.

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

