

**MINUTES**  
**REGULAR MEETING OF THE NEWTON CITY COUNCIL**  
**September 4, 2012 – 7:00 P.M.**

The regular meeting of the Newton City Council was held on Tuesday, September 4, 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 Mary Bess Lawing, Tom Rowe, Robert C. Abernethy, Jr., Wayne Dellinger and Wes Weaver

**STAFF:** City Manager Todd Clark, City Clerk Amy S. Falowski, City Department Heads, and members of the Management Team

**ABSENT:** City Attorney Larry Pitts

**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 Wes Weaver**

Council Member Wes Weaver provided the invocation and led the Pledge of Allegiance.

**ITEM 3:      APPROVAL OF MINUTES FROM THE August 7, 2012 REGULAR CITY COUNCIL MEETING**

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

That the Minutes of the August 7, 2012 Regular City Council Meeting be –  
APPROVED

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

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

That Consent Agenda be – APPROVED

- A.      Proclamation – Always Remember 9-11 Day
- B.      Tax Releases – July 2012
- C.      Sewer Adjustments

- D. Report of Fire Conditions – Certificate of Eligibility
- E. Consideration of Public Fee Structure for ArtFest, Sept. 22, 2012

(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 there was anyone present that would like to make any comments concerning non-agenda items.

Collette Touchette of 1088 S. Brady Ave., stated that she has been approached by several people that were curious as to why the City did not offer recycling during large events such as Soldiers Reunion. Ms. Touchette stated that as of October 2009 North Carolina General Statutes stated that cities must offer recycling of aluminum cans and plastic to all citizens. She stated that the state has not been heavy handed in enforcement. Ms. Touchette stated that the city must obtain a waiver if recycling is not offered, and she wanted to know if the city of Newton had obtained such waiver.

Mayor Anne Stedman stated that it was mentioned in the local newspaper about the trash left behind on the ground after Reunion Day, and she thanked Ms. Touchette for her concern.

City Manager Todd Clark stated that the city meets the requirements set forth in the statute, and that the added sorting that staff has to do if recycling containers are placed out complicates an already very long day for the staff because recycling is not disposed of properly. Ms. Touchette stated that the city needs to set an example.

Council Member Wayne Dellinger stated that the event coordinators nor the city staff have any control over where trash is thrown. Council Member Robert Abernethy stated that we do not require residents to recycle. Mr. Abernethy stated that there used to be recycling receptacles at ball games, but they were used incorrectly. Council Member Wes Weaver stated that recycling receptacles were used at MayFest, but trash was deposited into the bins as well.

Ms. Touchette stated that it will be a learning curve, but that the North Carolina General Statute addresses it so the city must abide. Mr. Clark stated that the city is in compliance.

Council Member Wayne Dellinger stated that Soldiers Reunion was several nights, and that there was hardly any trash as compared to years past.

Council Members Lawing and Weaver agreed that it would be good to offer the recycling containers, but that it would be a learning curve.

**ITEM 6:      New Business**

- A.      Presentation of the Area Wide Optimization Program Award from The North Carolina Division of Water Resources Public Water Supply Section to the City of Newton Water Treatment Plant

Public Works and Utilities Director Wilce Martin stated that the City of Newton Water Treatment Plant received the Area Wide Optimization Program (AWOP) Award for 2011. He explained that this award is supported by the NC Division of Environment and Natural Resources and Region 4 of the United States Environmental Protection Agency and that the goal of the AWOP program is to reduce the potential for bacteria in the water supply by meeting exceptional treatment criteria and producing water that meets a higher standard.

Mr. Martin stated that of the 32 water plants covered by the Mooresville Regional Office only the City of Gastonia, the City of Lincolnton and the City of Newton achieved the higher standard goals of the AWOP program. He stated that it is estimated that there are less than 100 water treatment plants throughout the country that will meet this standard.

Mr. Martin congratulated the employees of the Water Treatment Plant for receiving this award, stating that it demonstrates the experience and the professional skill that the City of Newton Water Treatment Plant staff exhibit in the operation of the City plant.

Mr. Mark Hahn of the NCDENR Regional Office confirmed the level of competence of the City's plant and the operating staff. Mr. Hahn also explained that the standards allow for a plant to be out of compliance for a minimum total of eighteen days, but that the City of Newton Water Treatment Plant did not have a single non-compliant day. Mr. Hahn presented the award to Mr. Martin and two of his staff members, Eddie Copeland, and Tim Abernethy.

Mayor Stedman thanked Mr. Martin and his staff for a job well done.

- B.      Presentation from Kenyon Kelly Concerning Catawba Valley Heritage Alliance Bike Trail at Jacob Fork Park

Kenyon Kelly, Executive Member at Large of the Catawba Valley Heritage Alliance, presented an update on the Jacob Fork Park Master Plan and Mountain Bike Trail. He stated that thanks to funding from three sources, in the amount of \$5,000 each, the trail will become reality. Mr. Kelly stated that the sources are; the State of North Carolina, Lightning Cycles, and Catawba Valley Heritage Alliance. He stated that he is delighted to see this public/private partnership, and that the project should begin immediately and be completed within 2 months with an additional 2-3 weeks of volunteer labor to finish up.

Mayor Stedman thanked Mr. Kelly and stated that she is glad that the project is moving forward.

- C.      Consideration of a Resolution Exempting the City of Newton from North Carolina General Statute 14-234 (Public Officers or employees benefiting from public contracts; exceptions)

Council Member Wayne Dellinger recused himself from New Business Item 6C.

City Manager Todd Clark explained that the City of Newton has been asked to host a Public Records Workshop on September 26, 2012. City Staff would like to use the Newton Expo which is owned and operated by Council Member Wayne Dellinger. In accordance with North Carolina General Statute 14-234, however, no city council member who is involved in making or administering contracts on behalf of a city may derive a direct benefit from any contract entered into between him/her and the city unless the city meets specific exemption requirements as set forth in Subdivision (a)(1) of this statute. Mr. Clark stated that this Resolution would exempt and enable the City of Newton to rent Council Member Dellinger's facility for the purpose of the Public Records Workshop in September. Mr. Clark recommended approval of this Resolution.

Upon motion duly made by Mayor Pro Tem Bill Lutz, seconded by Council Member Wes Weaver, it was unanimously RESOLVED:

That Resolution 9-2012 - Exempting the City of Newton from North Carolina General Statute 14-234 be – ADOPTED.

(Resolution is hereby referenced and on file in the office of the City Clerk)

D. Consideration of Resolution Declaring Official Intent to Reimburse Expenditures

City Manager Todd Clark stated that as part of the City's Fiscal Year 2012-13 budget, Council approved various infrastructure projects (Streets, Water/Wastewater and Electric). Mr. Clark stated that in an effort to begin engineering on these projects, the City will need to incur costs prior to the issuance of debt from funds currently available with the intent to reimburse those funds once the proceeds from borrowing (financing) are available at a later date.

Mr. Clark explained that staff, at the direction of Council, has submitted applications for two of the projects noted below, Snow Creek Outfall Phase II – V and the Shannonbrook Phase II and III, for State Revolving Fund Loans (SRF) at 0% interest.

The following are the estimated engineering costs for each of the respective projects:

**Streets:**

A.C. Little Culvert \$25,000

**Water:**

Water Extension – Hwy 16 to Buffalo Shoals \$90,900

East 18<sup>th</sup> from Davis to East 17<sup>th</sup> \$12,100

McDaniel's Circle \$12,300

Shannonbrook Phase II/III (SRF Loan) \$43,400

**Wastewater:**

Rear of High School from 18<sup>th</sup> St. to 15<sup>th</sup> St. \$45,000

Snow Creek Phase II – V (SRF Loan) \$134,500

**Electric:**

Feeder Circuit – 336 ACSR Line Ext.-Startown/Radio Station Rd. \$18,100  
4KV Conversion – North side substation and North Eastern  
Section of Newton

Mr. Clark recommended that City Council adopt Resolution 10-2012.

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

That Consideration of Resolution 10-2012 Declaring Official Intent to Reimburse Expenditures be – ADOPTED.

(Resolution is hereby referenced and on file in the office of the City Clerk)

**ITEM 7: City Manager’s Report**

- NCLM Annual Conference, Oct. 21-23
- Newton 101 Begins Sept. 13<sup>th</sup>, 6:30-9:00 p.m. – 7 Thursdays
- Station 3 Open House, Oct. 7<sup>th</sup>, 3:00 p.m.
- Depot Groundbreaking Sept. 5<sup>th</sup>, 5:30 p.m. – Outdoor Pavilion
- Public Power Week, Oct. 7-13,
- Shakespeare in the Park – Jacob Fork Park
- Six more picnic tables for Jacob Fork Park from the Boy Scouts

City Manager Todd Clark announced that Public Information Officer Gary Herman would be leaving the City and would be employed by Alexander County. Mr. Clark thanked Mr. Herman for all his hard work and wished him luck at his new job. Mayor Stedman also thanked Mr. Herman on behalf of herself and Council for everything that he has done for the City of Newton.

**ITEM 8: Questions and Comments from Mayor and Council**

Mayor Stedman asked if there were any questions or comments from City Council. There were none.

**ITEM 9: Adjournment**

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., the meeting was ADJOURNED.

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Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk

