

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

**April 2, 2013 – 7:00 P.M.**

The regular meeting of the Newton City Council was held on Tuesday, April 2, 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, Robert C. Abernethy, Jr., and Wes Weaver

**ABSENT:** Council Member Wayne Dellinger

**STAFF:** City Manager Todd Clark, City Clerk Amy S. Falowski, 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 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 March 19, 2013 REGULAR CITY COUNCIL MEETING**

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

That the Regular Minutes of the March 19, 2013 Regular 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 – February, 2013
- B. Consideration of Commission/Committee Membership Appointments – Business Advisory Committee – Donnie Setzer
- C. Proclamation – National Public Safety Telecommunications Week April 14-20, 2013
- D. Proclamation – Lyme Disease Awareness Month – May, 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 there was anyone present that would like to make any comments concerning agenda and non-agenda items. No one appeared.

**ITEM 6:**        **New Business**

A. Consideration of Agreement with Catawba County – Disposal Agreement, Republic Services

City Manager Todd Clark stated that recently Catawba County contacted the City Managers of certain Cities within Catawba County and requested that they enter into an agreement to bring all household and commercial waste they collect within their municipal limits, with no guarantee on the amount of tonnage, to the Catawba County landfill for an initial period of 5 years ending on June 30, 2018. Mr. Clark stated that the Agreement automatically renews for one additional five (5) year term unless either party notifies the other party in writing sixty (60) days prior to the expiration of the initial term that it does not want to renew the Agreement. Mr. Clark explained that this agreement specifically does not include recyclable materials collected separately either by City or by a contractor on behalf of the City.

Mr. Clark stated that the City Attorney and City staff have reviewed the attached agreement and have no concerns with the agreement, and recommended that the City Council authorize the Mayor to enter into the agreement with Catawba County.

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

That Agreement with Catawba County – Disposal Agreement - Republic Services be – APPROVED and that the Mayor be AUTHORIZED to enter into the agreement.

B. Consideration of Resolution in Support of the Preservation of Tax-Exempt Financing

City Manager Todd Clark stated that Congress and the White House are targeting tax-exempt municipal bonds as part of their tax reform proposal. Mr. Clark explained that tax-exempt bonds are the primary financing mechanism for State and local governments.

Mr. Clark stated that three-quarters of all public infrastructure projects in the U.S. are by state and local governments with tax-exempt bonds being the primary financing tool to satisfy these infrastructure needs. The municipal tax exemption has been vital as State and local governments continue to recover from the economic downturn, and that if the tax exemption is eliminated or reduced, State and local governments will pay more to finance projects.

Mr. Clark stated that the City of Newton relies on tax-exempt borrowings to finance the City's capital needs, and that the elimination of tax-exempt financings would increase the cost of interest on much needed infrastructure. Mr. Clark recommended that City Council adopt the attached Resolution in Support of the Preservation of Tax-Exempt Financing.

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

That Resolution 8-2013 in Support of the Preservation of Tax-Exempt Financing be –  
ADOPTED.

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

C. Consideration to Accept Grant in the Amount of \$10,000 from ElectriCities to Assist with Site Certification

City Manager Todd Clark introduced Scott Millar, President of the Catawba County Economic Development Corporation.

Mr. Millar stated that The Catawba County Economic Development Corporation has recommended that the City of Newton pursue a “Certified Site” designation for the Newton Corporate Center located on NC Highway 10 West. Mr. Millar stated that the Certified Site Program was developed in 2001 by the North Carolina Department of Commerce to provide a statewide inventory of industrial sites that have undergone a rigorous prequalification process to ensure they are “shovel ready” for immediate development.

City Manager Todd Clark stated that in consideration of the EDC recommendation, the City contacted ElectriCities of North Carolina to seek any available grants to help defray the cost of necessary studies required to complete the application for certification. Mr. Clark stated that the City has been awarded a grant in the amount of \$10,000 from ElectriCities. He explained that since having received notification of the grant award earlier this calendar year, the staff met with ElectriCities to review the scope of the project. He stated that the city learned from ElectriCities that project costs typically do not exceed \$30,000. However, in consideration of the data already collected on the Newton Corporate Center, the anticipated cost is realistically around \$15,000.

Mr. Millar explained that some of the work that would be performed leading to site certification includes the following:

- A Phase I Environmental Audit
- A Topographical Analysis
- Acquisition of Aerial Photography
- Assessment of Public Utilities including Water, Sewer, Gas and Electric Supply
- A Geotechnical Study
- An Archaeological Review
- An Evaluation of Watersheds and Wetlands
- An Evaluation of Endangered Species
- Completion of Engineered Site Development Plans
- Completion of a Detailed Analysis of Development Cost, and
- Review of Information on Site Pricing

Mr. Millar explained that a North Carolina Certified Site reduces the risks associated with development by providing detailed information about the site including price and availability, utilities, access, environmental concerns and potential development costs. Mr. Millar stated that City Council should also take into consideration when taking action on this matter that sites may have to periodically be recertified in order to ensure accurate and reliable data.

City Manager Todd Clark stated that in consideration of the preferred status that a North Carolina Certified Site receives over other sites that have not been certified, staff would recommend that Council formally accept the grant award of \$10,000 from ElectriCities of North Carolina for the purpose of getting the Newton Corporate Center certified and adopt the budget ordinance appropriating \$20,000 from (General Fund) fund balance to satisfy the potential cost of the project.

Council Member Tom Rowe asked how big the site is; Mr. Millar stated that it is approximately 68 acres in total.

Council Member Robert C. Abernethy, Jr. asked if there have been any successful sites the development of the program in 2001; Mr. Millar stated that this would be the first official project certified by the state, but that there have been successful projects in Conover, Claremont, and the Apple development.

Council Member Mary Bess Lawing stated that this is wonderful, and will have more people looking to locate in Newton.

City Manager Todd Clark stated that any unspent funds would go back in to fund balance.

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

That Grant in the Amount of \$10,000 from ElectriCities to Assist with Site Certification be ACCEPTED, and That Ordinance – Appropriation of \$20,000 from General Fund be ADOPTED.

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

**ITEM 8: City Manager's Report**

- Unity Day is scheduled for Saturday, May 18<sup>th</sup> (Unity Day will be combined with the city-wide yard sale in the morning and entertainment in the evening).
- Registration is open for ElectriCities Annual Conference at the Grove Park Inn in Asheville, August 1-3
- ElectriCities Regional Meetings – April 4, Shelby – April 23, Concord – May 2, Statesville
- Teen Leadership Newton will be featured on Catawba Communities in April. Airs on Tuesdays and Thursdays at 8 p.m. on Charter Channel 3.

**Projects:**

1. A.C. Little culvert replacement of an old corrugated metal culvert with a new concrete box culvert is not started yet.
2. McDaniel's MHP replacement of a old 3" water line with a 6" Ductile Iron water line is under way.
3. 18<sup>th</sup> St. installation of a new 6" water line from N. College Ave. to 16<sup>th</sup> St and then N. on 16<sup>th</sup> to Rankin. This project has been installed and reconnections to the new line will be done.

4. The 2012-13 street overlay project will have bids open on April 4, 2013. Those overlay improvements are as follows:

The project is for an overlay and other work to various City Streets as described below:

- a. Gravel Repair and 2" Asphalt Paving on East 2<sup>nd</sup> St. from N. Davis Ave to N. Ervin Ave.
  - b. Mill and Remove 2" of asphalt and place 1 ½" of asphalt on Clover Ln. from Robin Rd. to the cul-de-sac.
  - c. Mill and Remove 4" of asphalt and place 1 ½" N. College St. from East 30<sup>th</sup> to East 18<sup>th</sup>.
  - d. Mill and Remove 2" of asphalt and place 1 ½" Touchstone Cir. From Chandy St. to House # 2726 (Alternate 1).
  - e. Mill and Remove 4" of asphalt and place 1 ½" S. Brady Ave. from East A. St to East 2<sup>nd</sup> St. (Alternate 2).
  - f. Overlay 2" Asphalt on West Lake Dr. from Woodson Dr. to West 7<sup>th</sup> St. (Alternate 3).
  - g. Overlay 1 ½" Asphalt on E. 18<sup>th</sup> St. from N. College St. to E. 16<sup>th</sup> St. (Alternate 4).
  - h. Overlay 1 ½" Asphalt on W. 2<sup>nd</sup> St. from N. Ashe Ave. to N. Main St. (Alternate 5).
  - i. A bid for 1,000 SY of unspecified 4" base gravel repair to be utilized as necessary. This item will only be utilized due to unforeseeable conditions (Alternate 6).
5. The Shannonbrook Phase II water line replacement project has bids back, was awarded on condition that the borrowing is completed. The borrowing should be complete about April 15, 2013 and then the project will be constructed.
  6. The 18<sup>th</sup> to 15<sup>th</sup> Street sewer line replacement project has bids back, was awarded on condition that the borrowing is completed. The borrowing should be complete about April 15, 2013 and then the project will be constructed.
  7. The 4kv electric conversion project has bids back, and will be recommended for award at the April 16, 2013 Council meeting. The borrowing should be complete about April 15, 2013 and then the project will be constructed.
  8. The Water Treatment Plant pump replacement project contracts signed and given to the Engineer to proceed with construction.
  9. The new street signs are being installed beginning with the downtown area as required by the Federal Highway Administration (FHA). In addition new regulatory signs, ie. Stop signs, speed limit signs, etc are being installed per FHA regulations.

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

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

**ITEM 9: Closed Session to Consult with Attorney – G.S. 143-318-11(a)(5)**

Mayor Stedman stated that there would be no Closed Session at this meeting.

**ITEM 10: Adjournment**

There being no further business, the meeting – ADJOURNED

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Amy S. Falowski, City Clerk



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Anne P. Stedman, Mayor