

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

**April 7, 2015 – 7 p.m.**

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, April 7, 2015, at Newton City Hall.

**PRESENT:** Mayor Anne P. Stedman, Mayor Pro Tem Mary Bess Lawing, Tom Rowe, Wayne Dellinger, and Wes Weaver

**ABSENT:** Council Members Robert C. Abernethy, Jr., 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 welcomed everyone and called the meeting to order.

**ITEM 2:**        **OPENING Invocation and Pledge of Allegiance**

Council Member Wes Weaver led the Pledge of Allegiance.

**ITEM 3:**        **APPROVAL OF MINUTES**

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

That the Regular Minutes of the March 17, 2015, City Council meeting 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 the Consent Agenda be – APPROVED

- A. Sewer Adjustments
- B. Consideration of Appointment to Boards and Commissions – Appearance Commission and Human Relations Committee

Mayor Anne Stedman asked that the consideration of appointment to the Appearance Commission be removed at this time.

- C. Consideration of Street Closure – Newton Conover Rotary Car Show

D. Consideration of Final Change Order for Fire Station Headquarters Project

Mayor Stedman stated that she understood there were some questions concerning this change order and asked that these questions be addressed by Fire Chief Kevin Yoder.

Council Member Wayne Dellinger started with #10 on the change order; Gas piping. Chief Yoder explained that in the original plan it had been electrical and not gas. Mr. Dellinger asked about #13; Electrical changes/moving panel due to building inspection. Chief Yoder stated that this panel had to be moved due to a county code change. Mr. Dellinger asked if this would be the architect's responsibility. Chief Yoder stated that the electrical engineer said that it was correct, but that the county inspectors said that it was not. Mr. Dellinger asked about #14; Adding six 120 v 20 amp circuits and conduit for Kussmaul truck chargers and add fire alarm strobe to compressor/upper storage area. Chief Yoder stated that these were added so that each truck could be plugged in. Mr. Dellinger asked if this should have been the architect's responsibility as well. Chief Yoder stated that the architect did not know that these were being added. Mr. Dellinger asked about #18; NCDOT directed pipe replacement. Chief Yoder stated that the North Carolina Department of Transportation curb was bonded to the pipe, so when the curb was removed the pipe came out. Chief Yoder stated that city only had to pay for the labor and that the DOT paid for the pipe. Mr. Dellinger stated that #13 shouldn't be the city's responsibility. Chief Yoder stated that he debated with them, but the engineer said yes and Catawba County said no. City Manager Todd Clark stated that they got an opinion from another electrical engineer as well.

Mayor Stedman asked if there were any more questions. There were none.

E. Consideration of Change Order for Electric Distribution Improvements

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

**ITEM 5:**        **COMMENTS FROM THE PUBLIC: PEOPLE WHO WISH TO COMMENT ON NON-AGENDA ITEMS ARE ASKED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING.**

Mayor Anne P. Stedman asked if anyone present would like to make comment concerning non-agenda items. No one appeared.

**ITEM 6:**        **New Business**

A.        Consideration of Resolution for 5 year Capital Improvement Plan for Fiscal Years 2016-2020

Finance Director Serina Hinson presented the draft of the 5 year Capital Improvement Plan for Fiscal Years 2016-2020 to City Council. City Manager Todd Clark stated that this 5-year plan is based on financial forecast and assumptions, and that City Council is asked to consider adoption of the first year at this time.

Council Member Wayne Dellinger stated that he understood that City Council was supposed to come back and make suggestions about how to spend the money from the Sue Jones Estate. He stated that he has a real problem with the \$368,250 proposal on page 23 of the presentation for lighting of softball fields at Jacob Fork Park. Ms. Hinson stated that this is a proposal only. Mr. Clark stated that the money from the estate can only be used according to the will, and that the CIP is adopted as part of the budget. Mr.

Clark stated that any project would have to be voted on and approved again by City Council. Mr. Clark stated that staff would like ideas from City Council on how to spend the money.

City Attorney John Cilley reminded Council that a unanimous vote is needed to utilize the money from the estate, but that a simple majority is needed to decide which project(s) the money is used on.

Council Member Wayne Dellinger stated that four people have come to him and asked about a new gym facility. He stated that the city's gym is used frequently and we could use another one. Mayor Stedman stated that we don't need to worry about that in the CIP, that it is a planning document and that is a place holder, the council has to vote on what the money is actually used for. Finance Director Serina Hinson stated that it can be taken out of the Resolution if Council would prefer. Mr. Dellinger stated that would be good.

Council Member Tom Rowe asked if the estimate \$56,200 for resurfacing the Police complex was on the low side. Ms. Hinson stated that it is a good quote.

Mayor Pro Tem Mary Bess Lawing asked if resurfacing the drive at Southside Park will be coming up. Ms. Hinson stated that it is proposed for 2018, which will finish it up.

Council Member Tom Rowe stated that as in previous years, there are many things in the unfunded columns.

City Manager Todd Clark stated that Council can either take action now or later, as it is up to them to give staff direction. Mayor Stedman agreed that Council needs to direct staff.

Council Member Wayne Dellinger stated that he would be like to make a motion to adopt the CIP as presented with the exception of the proposed lighting and soccer field at Jacobs Fork Park. Council Member Tom Rowe seconded the motion.

Council Member Wes Weaver stated that he would like to put off the vote until the absent Council members (Council Member John Stiver and Council Member Robert C. Abernethy, Jr.) are present.

Mayor Stedman asked if there was any more discussion.

It was RESOLVED: with Mayor Pro Tem Mary Bess Lawing, and Council Members Wayne Dellinger, and Tom Rowe voting in favor of and Council Member Wes Weaver voting in opposition

That Year One of the Capital Improvement Plan - with the Exception of the Proposed Lighting and Soccer Field at Jacobs Fork Park be – ADOPTED.

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

**ITEM 7:      City Manager's Report**

- April 10<sup>th</sup> – Ribbon Cutting at ChiroCare, 2180 Northwest Blvd at noon
- April 21<sup>st</sup> Teen Leadership presentation to City Council
- April 23<sup>rd</sup> WPCOG Annual Meeting, Crowne Plaza, 6:30 p.m.
- April 24<sup>th</sup> The city will be celebrating Arbor Day by planting a tree at 10:00 a.m. at our new Fire Headquarters. City Council and members of the public are invited.

- April 26<sup>th</sup> – Community Band, Newton-Conover Auditorium 3:00 p.m.
- April 30<sup>th</sup> – WPCOG Mayors/Chairmen/Managers Meeting, Rock Barn at 6:00 p.m.
- May 3<sup>rd</sup> Unity Day Reception, Newton-Conover Auditorium, 2:00 p.m.-4:00 p.m.
- May 17<sup>th</sup> Unity Day, Newton-Conover Auditorium, 2:00 p.m. – 4:00 p.m.
- May 6<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> – Budget Workshops, Council Chamber at 5:15 p.m.

**\*\*\*dates for additional workshops if needed are May 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup>**

- May 7<sup>th</sup> ElectriCities Regional Meeting at Newton Expo 6:00-8:00 p.m.
- August 6-8 ElectriCities Annual Conference (50<sup>th</sup> Anniversary) , Myrtle Beach Marriott Resort & Spa at Grande Dunes – Please let Amy know if you are interested

### **Promotions and Accomplishments**

- **Todd Crutchfield has been promoted as the new Water/Sewer Maintenance Superintendent**
- **Anthony Cline obtained his Journeyman Level Certification and was promoted. This certification requires approximately 10,000 hours of training.**
- **Nicholas Hanek obtained his Powerline Level I Certification and is currently working on his Level II. This will require approximately 1,500 hours of training**
- **Chris Raper passed his Powerline Tech II. This certification requires 2,000 hours of hands on training and 144 hours of classes and testing. He had to work for 4 years to meet the training hours requirement. Chris has been in the electric department since 7-01-2013 (1.5 years). Chris completed the lineman career apprenticeship at Caldwell community college, which we can use for his working credit.**

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

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

#### **ITEM 9: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(3)**

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

That the City Council enter CLOSED SESSION per G.S. 143-318-11(a)(3)

Council Member Wes Weaver made the motion to go back into open session, which was seconded by Mayor Pro Tem Mary Bess Lawing. All Ayes.

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

That the Settlement Agreement entered into the 25<sup>th</sup> of March, 2015 by and among City of Newton (“Plaintiff”); and Mark Childers, Classic Home Renovation, Inc., and Swartz Painting, Inc. (“Defendants”) be – ACCEPTED.

**ITEM 10:     **Adjournment****

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

That the Meeting be – ADJOURNED

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Amy S. Falowski, City Clerk



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Anne P. Stedman, Mayor