

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

May 7, 2013 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, May 7, 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., Wayne Dellinger and Wes Weaver

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 Mary Bess Lawing

Council Member Mary Bess Lawing introduced Pastor Paul Fitzpatrick, who provided the invocation, and led the Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES FROM THE April 16, 2013 REGULAR CITY COUNCIL MEETING

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

That the Regular Minutes of the April 16, 2013 Regular City Council Meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That Consent Agenda be – APPROVED.

- A. Tax Releases – March 2013
- B. Sewer Adjustments
- C. Consideration of Ordinance to Amend Revenues and Expenditures – Dale Earnhardt Contribution
- D. Consideration of Ordinance to Amend Revenues and Expenditures for Get Alarmed Grant
- E. Consideration of Proclamation – National Police Week – May 12-18, 2013
- F. Consideration of Proclamation – National Public Works Week – May 19-25, 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.

Reverend Paul Fitzpatrick stated that already in 2013, 41 police officers have been killed in the line of duty in the United States. He stated that in honor of National Police Week May 12-18, 2013 he would like to present the City Council with ribbons that can be flown on their vehicles in remembrance of these fallen police officers and also to remind everyone of the job that officers do to protect them. Mayor Anne Stedman thanked Reverend Fitzpatrick and all Law Enforcement Officers.

ITEM 6: **Public Hearing**

Mayor Stedman opened the Public Hearing.

Assistant Planning Director Alex Fulbright stated that the City received a letter from Technibilt requesting East P Street be renamed Technibilt Drive. Mr. Fulbright stated that Section 86-14 of Newton City Code specifies the process for changing an existing street name. He explained that the City Council may change the name of an existing street upon receipt of a petition representing at least 51% of the frontage of the street. Mr. Fulbright stated that The Planning Commission and City Council each are required to hold a public hearing and that notices were sent to all the property owners fronting on East P Street for both public hearings.

Mr. Fulbright stated that the request is signed by a representative of Technibilt and MJS Supply Company LLC, which indicates support of 84.1% of the lineal footage of East P Street. Mr. Fulbright stated that the Planning Commission held a public hearing on April 23, 2013, at which time a representative of Technibilt spoke in favor of the request; no one else spoke for or against the request.

Mr. Fulbright explained that the request indicates that renaming the street would facilitate visitors, vendors, and customers trying to locate the site. He explained that one factor cited for confusion is that East P Street is similar to a nearby street with the name East P Street Extension. Both of these streets are locations for the proposed southern section of the Newton-Conover Loop. Mr. Fulbright stated that this project is not currently funded by the State of North Carolina, and it is not expected that the project would be built within the next 15 years.

Mr. Fulbright stated that the Planning Commission recommends that Council approve the street naming request which changes the name of East P Street to Technibilt Drive, and that the Council consider changing the street name of East P Street Extension to East P Street. He stated that of the 14 properties that front on East P Street Extension there are only 3 active addresses. These include: Word of Life Church, Word of Life Daycare, and ZF Lemforder (Flowers Bakery and Lee Industry are addressed on Fisher Court, and General Dynamics is addressed on Prodelin Drive.)

Council Member Wayne Dellinger stated that if the proposed southern section of the Newton-Conover Loop is ever opened, he wants the Council to look at the street name again based on the whole street.

Kim Abernethy, Human Resource Director of Technibilt, stated that many customers and vendors have trouble finding their facility because of the confusion with East P Street Extension. She stated that it even

is confused when using a GPS. Ms. Abernethy stated that Technibilt plans to be in Newton for a very long time and is even expanding at this time.

Mayor Stedman stated that she understands the confusion, and asked if anyone else would like to speak.

John Sigmon stated that he is in the process of purchasing the Peacock Inn, which is located on the corner of East P Street, and that he is not a believer in naming streets after businesses. He stated that Southside Drive may be a more appropriate name. He stated that he did not receive notification of the Public Hearings in time to attend the Planning Board meeting. He stated that if entered into a GPS device correctly, people should have no trouble finding the facility.

Mayor Stedman stated that she understands that sometimes GPS takes people to the wrong end of that road (East P Street Extension). Mayor Stedman also stated that staff uses tax records to obtain addresses to notify property owners of Public Hearings. Mr. Smith stated that he is the executor of the estate. Mayor stated that Mr. Shrier, owner of the Peacock Inn property, had been notified.

Mr. Sigmon stated that he just doesn't want the street to be named after a business, because sometimes facilities go out of business, and then the street name is left.

Nathan Huret, Catawba County Economic Development Corporation, thanked Mr. Sigmon for his comments, and also wanted to take this time to praise Technibilt for being such a leader in the community. He stated that he wished there were more companies creating, retaining, and investing efficient technology in the community.

Council Member Tom Rowe asked how many people Technibilt employs. Ms. Sigmon confirmed that there were around 365 positions at Technibilt.

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 stated that Council needs to consider the request to change the street name of East P Street to Technibilt Drive.

Council Member Wes Weaver stated that he wonders should it be called Technibilt Drive or maybe change the P Street Extension to Industrial Drive or Industrial Way. He stated that possibly the Extension could be dropped if East P Street is renamed.

Council Member Tom Rowe made a motion to change the name of East P Street to Technibilt Drive, and change East P Street Extension to East P Street per Planning Board recommendation. Mayor Pro Tem Bill Lutz seconded the motion.

Mayor Stedman asked if there was any more discussion.

Council Member Robert C. Abernethy, Jr. stated that there are a lot of roads named after Carolina Mills, however he would like to make it easier for businesses to do business in Newton. He stated that he would also consider recommendations of something other than Technibilt Drive.

Mayor Pro Tem Bill Lutz stated that he toured the facility with City Council and stated that it is a problem if vendors have to drive around all day trying to find the business.

Council Member Wayne Dellinger asked Ms. Abernethy if the street was named Southside Drive if she thought that would help with Technibilt's current problem. Ms. Abernethy stated that it would help, but that she also wanted to let City Council know that Technibilt has long term plans in Newton, and may purchase the land where the Peacock Inn is located. She stated that Technibilt wants to be a large part of the community for many years and would like to be recognized. Council Member Abernethy asked Ms. Abernethy if she thinks there will be a company name change with all the expansion expected. Ms. Abernethy stated that there would not be a name change.

Council Member Dellinger stated that he has a problem naming streets after companies because you never know if the company is going to be bought out. Council Member Abernethy stated that it could be changed again in that case.

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

That East P Street be Changed to Technibilt Drive, and that Planning Commission Investigate the Process of East P Street Extension being changed to East P Street.

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

ITEM 7: **New Business**

- A. Consideration of Resolution Exempting the New Fire Headquarters' (Station 1) Architectural Services – From the Provisions of North Carolina General Statute 143-64.32

Assistant City Manager Sean Hovis stated that the City Council voted on April 16, 2013 to proceed with the construction of a Central Fire Station (Station 1). As part of the project, the City will be required to complete necessary architectural plans for the station. Mr. Hovis explained that the City already procured the services of an architect in FY 2000-2001 and a preliminary design was completed. He stated that because an architect was selected when the project was initially contemplated and the fact that a preliminary design is complete, the City Council should consider adopting a resolution exempting the City from NCGS 143-64.31 which requires entities to seek out qualified architectural services. Mr. Hovis explained that in accordance with NCGS 143-64.32, a unit of local government may, in writing, exempt particular projects in the sole discretion of the local government "stating the reasons therefor and the circumstances attendant thereto."

Mr. Hovis explained that in fiscal year 2000-2001, the City sought Qualifications for Architectural Services for the construction of a Central Fire Department building. On August 17, 2000 qualifications were received from the following Architectural Firms:

- 1) Reinhardt and Beal, Newton, NC
- 2) Stewart, Cooper and Newell, Gastonia, NC
- 3) Associated Environmental Consultants, Raleigh, NC
- 4) Winstead Architecture, Newton, NC

Mr. Hovis stated than on December 12, 2000 a contract was executed with Winstead Architecture for Architectural services on the Central Fire Department project. He explained that since the execution of the contract in 2000, the preliminary design phase has been completed and the architect compensated for his work. The architectural fees for the remainder of the project are anticipated to be \$115,600.

Mr. Hovis stated that the City staff recommends City Council adopt the attached Resolution exempting the City of Newton from NCGS 143-64.31 based on the fact that the City solicited a Request for Qualifications for this specific Project during FY 2000-2001; the City selected Winstead Architecture to complete the initial design on the project; Winstead Architecture completed the initial design; and the fact that Winstead Architecture has completed acceptable work for the City of Newton for other projects.

Council Member Wes Weaver asked if this is only for this project. Mr. Hovis stated that yes, it is only for this project.

Council Member Robert C. Abernethy, Jr. asked if this was the lowest qualified bidder. City Manager Todd Clark stated that this statute deals with architectural and engineering. He stated that the city should go out for RFQ's and that Statute 143-64.32 says that the city can exempt itself for good reason. Mr. Abernethy clarified that he meant were they the lowest bidder in 2000-2001. Mr. Clark stated the award was based on qualified bidders. Mr. Abernethy stated that he feels like the City has already entered in to an agreement and that the City should honor it.

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

That Resolution Exempting the New Fire Headquarters' (Station 1) Architectural Services – From the Provisions of North Carolina General Statute 143-64.32 be – ADOPTED.

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

B. Consideration of Ordinance to Establish Capital Project for a New Fire Department

Finance Director Serina Hinson stated that the City of Newton periodically establishes project ordinances for endeavors that involve construction activities or grant funds. In most cases, the duration of a project will extend from one fiscal year into another. She explained that the adoption of a project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding on a fiscal year basis.

Ms. Hinson recommended that City Council approve a project fund for the New Fire Headquarters (Station #1) which was approved by Council as part of the Capital Improvement Plan for Fiscal Years 2014-2018. She stated that the purchase of land (4 parcels) which was approved by Council at the April 16, 2013 Council Meeting as the new site for the Fire Headquarters will also be included within this project fund.

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

That Ordinance to Establish Capital Project for a New Fire Department be ADOPTED.

ORDINANCE #2013-15

AN ORDINANCE TO ESTABLISH A CAPITAL PROJECT FOR THE NEW FIRE HEADQUARTERS

WHEREAS, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2012, and ending June 30, 2013, in accordance with the General Statutes of the State of North Carolina, and

WHEREAS, the City Council of the City of Newton approved the construction of a new Fire Headquarters (Station #1) as part of the Capital Improvement Plan Fiscal Years 2014-2018. City Council also approved the purchase of land (four parcels) as the new site for the Fire Headquarters at the April 16, 2013 City Council Meeting, and

WHEREAS, the City Council desires to fund this project, including land purchase, with borrowed funds in the amount of \$3,050,000 and to authorize the related expenditure appropriation within the New Fire Headquarters Capital Project to fund the purchase of land and the construction of the new Fire Headquarters.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, NORTH CAROLINA, THAT:

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

Section 1

General Capital Project Fund Revenues

Proceeds from Borrowing	30.4340.3900	\$3,050,000
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Section 2

General Capital Project Fund Appropriations

New Fire Headquarters	30.4340.5951	\$3,050,000
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Adopted this 7th day of May, 2013

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

C. Consideration of the Award of Bids – 24KV Conversion

Public Works and Utilities Director Wilce Martin stated that this project is the last project in the 4kv conversion to 24kv system for the City's electrical system. He explained that due to the 4kv system being more than 60 years old it was necessary to convert it to the 24kv system to prevent major failures within the City electrical system (see attachment 1).

Mr. Martin stated that on March 20, 2013 bids for the construction of this project were opened and on April 16, 2013 the City Council awarded the bid for construction labor to Williams Electric. He stated that the materials for this project were bid separately in an effort to realize additional savings.

Mr. Martin stated that on March 7, 2013 bids were opened for the materials. In total, the city had 5 companies bid on a comprehensive list of materials. He explained that in some cases, not all of the bidders quoted pricing on specific materials specified in the formal bid process followed by the City as required by North Carolina law. Mr. Martin stated that the company that did provide the most comprehensive and competitive pricing was HD Supply from Orlando Florida who bid \$146,632.72. He stated that as a normal and customary procedure, Southeastern Engineering reviewed the bids and recommends that City Council award a bid in the amount of \$146,632.72 to HD Supply. This is

consistent with City Policy that requires all bids exceeding \$90,000 to undergo the review and approval of City Council.

Mr. Martin stated that it is important that City Council be aware that some materials will be purchased from other vendors for specific equipment cheaper than that quoted by HD Supply. City Council is not required to award bids to those vendors since the equipment does not exceed the \$90,000 threshold.

Mr. Martin stated that the total cost for the materials is \$196,263.43 and the bids for the construction labor that were approved by the Council at the April 16, 2013 Council meeting were \$266,479.35. He stated that this brings the total project cost to \$606,810, representing a savings of \$43,190 from the adopted project budget of \$650,000.

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

That Council Award a Bid for Materials to HD Supply for \$146,632.72.

D. Consideration of Lease Agreement between City of Newton and Newton American Legion Post 16

Assistant City Manager Sean Hovis stated that the Fitness Trail located at Westside Jaycee Park currently crosses over onto the adjacent American Legion property. Mr. Hovis explained that the previous ten year lease expired on February 03, 2013 and was for the sum of \$10 per year. He explained that the only difference in the current proposed lease and the previous lease is an increase from \$10 a year to \$100 a year.

Mr. Hovis stated that staff looked at the possibility and cost of moving the Fitness Trail so it would only be located on City of Newton property. He explained the cost of moving the trail is approximately \$1,200 for materials, plus there would be additional costs of clearing the current trail material and reseeding the area on the American Legion property. Although the cost is fairly inexpensive, there are other factors related to moving the trail. Mr. Hovis stated that one issue that could affect moving the trail is that it would require part of the trail to cross over the end zone of the football/soccer field, and that another issue could be the clearance of the trail between the bleachers and a light pole on the visitor's side of the field. Moving the trail would put those utilizing it in close proximity to ball players in the end zone during ball games, and it would also move them closer to the field where they could be in danger of foul balls during other games as well as having to navigate through any patrons there to watch the ballgames.

Mr. Hovis recommend that City Council approve the lease agreement between the City of Newton and the Newton American Legion.

Council Member Robert C. Abernethy stated that was quite an increase in rent.

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

That Lease Agreement between City of Newton and Newton American Legion Post 16 be
– APPROVED.

E. Presentation of Fiscal Year 2013-2014 Budget

City Manager Todd Clark reviewed his message to the Council on the Fiscal Year 2013-2014 Budget.

Mayor Stedman reviewed the Budget Work Session schedule which includes the following dates: May 14 and May 16, 2013. If necessary, Work Sessions are also scheduled for May 21, May 22, and May 23. All sessions will begin at 5:15 p.m. Mayor Stedman thanked staff for their hard work and for presenting such a conservative budget.

Mayor Stedman also recognized students from Bandy's High School Civics class.

ITEM 8: City Manager's Report

- The first Budget Workshop will be next week on Tuesday, May 14 at 5:15 p.m. in the Council Chamber. There will also be a Budget Workshop on Thursday, May 16 at 5:15 p.m. in the Council Chamber
- May 17th is Employee Fitness Day at Southside Park at Noon, City Council Members are encouraged to attend; sandwiches will be provided
- Unity Day is scheduled for Saturday, May 18th (Unity Day will be combined with the City-Wide Yard Sale from 7:00 a.m. – 11:00 a.m., Unity Day will begin at 11:00 a.m. – 5:00 p.m. and Newton Nights will begin at 5:00 p.m.- 9:00 p.m. with entertainment by the band Baby Black).
 - We aren't sponsoring it, but some downtown merchants are also hosting a food, art and wine crawl. It runs from 6 to 9 p.m. and begins at The Studio at 106 East B Street.
- Registration is open for ElectriCities Annual Conference at the Grove Park Inn in Asheville, August 1-3
- DNDA and Appearance Commission are working to purchase flower pots for the downtown and the existing flower planters will be removed after Unity Day

Council Member Wayne Dellinger asked if the merchants would be caring for the new flower pots. Mr. Clark stated that they would, and Mr. Dellinger expressed concern and stated that it needs to be decided who will be caring for the pots/flowers.

- Demolition Work – 15th Street to 18th Street Sewer Project
- Hurley House – Fire Training, May 20th, 1:00 p.m.
- Report of damage from heavy rains
- Report on Wayfinding – Rob Powell

Rob Powell, Economic Coordinator, stated that the City has entered in to a contract with Bizzel Design for Branding and then Wayfinding.

- Fire Grant – Kevin Yoder

Kevin Yoder, Fire Chief stated that the City has been awarded a grant from the state which will allow the Fire Department to purchase equipment for 800 MHz radios. Consideration to accept the grant will be on the next City Council agenda.

- Ribbon cutting Semper Fi Car Wash, Friday, May 10th
- Reception for David Stegall, May 17th, 2013 - 3-5 p.m.

ITEM 9: Questions and Comments from Mayor and Council

Mayor Stedman asked if there were any questions or comments from the City Council.

Council Member Tom Rowe stated that he would like to discuss peddlers and how they are permitted in the City limits. He stated that he gets at least 3-4 peddlers in his neighborhood per year selling anything from Bibles to windows. He has also had a report of peddlers that trimmed trees for some elderly neighbors and price gouge them for the work. He asked that staff look in to the way the City permits peddlers as he feels like it may be too easy for someone to come to this town and take advantage of citizens.

ITEM 10: Adjournment

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

That the meeting be – RECESSED until May 14, at 5:15 p.m.

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

