

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

**May 19, 2015 – 7 p.m.**

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, May 19, 2015, at Newton City Hall.

**PRESENT:** Mayor Anne P. Stedman, Mayor Pro Tem Mary Bess Lawing and Council Members Wayne Dellinger, Wes Weaver, John Stiver, Robert C. Abernethy, Jr., and Tom Rowe

**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 John Stiver stated that he would like to give recognition to the Leader in Me Program, the Teen Leadership Program, and to the dedication of Kevin Campbell. He stated that although his life was short Mr. Campbell lived it to the fullest and he should be celebrated as a champion of education. Mr. Stiver then led the Pledge of Allegiance.

Mayor Stedman stated that Mr. Campbell was indeed larger than life and will be greatly missed.

Mayor Stedman also recognized Mr. Scott Dahl of Technibilt for his participation in Unity Day and for Technibilt's creation of Caroline's Cart. Mayor Stedman stated that Technibilt was the recipient of this year's Unity Day Award.

**ITEM 3: APPROVAL OF MINUTES**

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 5, 2015, 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 John Stiver, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Resolution to Write Off Uncollectible Accounts and Related Budget Ordinance
- D. Consideration of Lease Agreement with Don Weathers

## E. Consideration of Road Closure Request

- North Carolina Pink Heals 5K Run/Walk

Mayor Stedman also recognized the week of May 3-9, 2015 as Municipal Clerk's Week.

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

### **ITEM 5: Special Recognition of Officer Jason Briggs**

Mayor Stedman stated that City Council would like to recognize Newton Officer Jason Briggs, and present him with the Community Service Life-Saving Award

Police Chief Don Brown stated that Sgt. Jason Briggs and his family were on vacation in the Bahamas aboard a cruise ship. While enjoying the amenities on the cruise ship, Sgt. Briggs and his wife noticed a gentleman in distress having what appeared to be a cardiac event. Chief Brown stated that Sgt. Briggs and his wife immediately began life saving protocol by performing CPR until the ship's medical personnel could arrive. The victim, Barry Crabtree, was resuscitated and transported to a local hospital for stabilization before being brought back to the United States. Chief Brown stated that Mr. Crabtree is also present tonight.

Chief Brown stated that the response of Sgt. Briggs coupled with his wife's response have been credited for saving Mr. Crabtree's life and that Sgt. Briggs will receive a Life-Saving Pin to be worn on his uniform.

Mr. Crabtree expressed his gratitude to Sgt. Briggs and his wife.

### **ITEM 6: 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.

Mr. Paul Talbert of A Perfect Image Salon stated that he is unhappy with City Council's decision to close North College Ave on Thursday eight nights this summer. He stated that it would really hurt his business to have the road closed for eight Thursdays. Mr. Talbert stated that clients were unable to park in front of the shop and had to find parking away from the business. He also stated that Mr. Neal at Geppettos, and the people that own the State Cinema have a problem with the street closures. Mr. Talbert stated that he has been doing business in Newton for 23 years.

Mayor Stedman asked Mr. Talbert how late his business stays open. He stated that his hours are 9:00 a.m. to 8:00 p.m., and 9:00 a.m. to 5:00 p.m. on Friday. Mr. Talbert stated that he would like for Council to reconsider their decision.

Mayor Stedman asked if there was anyone else.

Mr. Scott Dahl of Technibilt stated that he would like to thank the city for the honor of being the 2015 recipient of the Unity Day Award. He stated that Technibilt was very honored to receive such an award and that Unity Day in and of itself was a very enjoyable celebration.

Mayor Stedman asked if there was anyone else that would like to speak.

Mr. Michael Waltrich of Carolina Vines stated that he would just like to add that they did not request eight Thursdays for the street closing. He stated that there are two Thursdays in July, two in August, and

two in September. He stated that he feels like the city has to support all businesses and that the decision benefits the whole community.

Council Member Tom Rowe asked if it would make a difference if the road closure was Friday instead of Thursday. Mr. Waltrich stated that it would because they are trying to bring people to town on week nights as well as weekends. He stated that there are already other activities on Friday.

**ITEM 7: Public Hearing**

A. Consideration of Text Amendment 2015-02; Amendments to Sign Requirements in the Highway Corridor Protection Districts

Mayor Stedman opened the Public Hearing.

Planning Director Randy Williams stated that this text amendment proposes to amend Sections 102-653 (1) f. Setbacks, 102-653 (3) c. Off-premises signs and 102-653 (3) d. Directional Signs within the Highway Corridor Protection District. He explained that a review of the existing requirement was requested by the City Staff to assist industrial facilities to enhance their visibility and accessibility.

Mr. Williams stated that currently, sign placement and area are restricted in the Highway Corridor Protection District to a forty (40) foot setback and a directional sign of two (2) square feet in area. This greatly limits the visibility for industrial facilities which are not located directly on the main road, specifically Southwest Boulevard (US321 Business South) in the U.S. Highway 321 South Corridor Protection District (SPI-2).

Mr. Williams stated the Highway Corridor Protection Districts were created in 1991 with the intent to 1) protect the character and views; 2) protect buildings and visual environment with substantial public interest; and 3) to augment standard zoning requirements for the accomplishment of special public purposes adopted in various plans (i.e. small area plans or transportation plans). He explained that within the City there are four (4) areas designated as Highway Corridor Protection Districts including the Highway 10 West Corridor (SPI-1), Highway 321 South Corridor (SPI-2), Highway 16 South Corridor (SPI-3), and Highway 10 East Corridor (SPI-4).

Mr. Williams stated the first request is to decrease the setback for signs from forty (40) feet from the edge of the right-of-way to fifteen (15) feet. Mr. Williams stated originally the setback was established to protect the corridors from development encroachment from the future widening of arterials within these districts. Since the adoption of this section, the need to widen these arterials has diminished, primarily due to the construction of US321 and the future widening of NC16. Mr. Williams explained that there is still a potential for that need and restricting substantial development should be retained. Mr. Williams said that upon review, there are instances with existing buildings where signage placed forty (40) feet from the road actually puts the sign further back than the building, and additionally, signage is not exceedingly substantial and can be easily moved, which is not the case of buildings and parking areas for example.

Mr. Williams stated the second request is for the US321 South Protection Corridor SPI-2 District only, and that this request will allow off-premise signs for industrial facilities which are located within a ½ mile of the arterial and include a directional sign for such to increase from two (2) square feet in area to thirty-six (36) square feet; or in the case of multiple industrial facilities, up to sixty (60) square feet in area and allow a name and/or logo of the facility. Mr. Williams stated off-premise signs are typically not permitted in any case except for religious or civic activities. Additionally, directional signage is very limited in area and the size is not sufficient to be read and no name or logo is permitted. Mr. Williams stated this request will permit off-premise and legible directional signs in an orderly and specific manner for only industrial facilities close to the arterial.

Mr. Williams stated the revision of these requirements will assist the City's existing and future industrial operations along and within close proximity to the major corridors with visibility, access and could provide an opportunity for recruitment. In both cases, staff does not feel that the revisions would have a negative impact on the public's interest or the intent of the existing requirements.

Mr. Williams stated that Planning Staff recommended that Planning Commission review these proposed amendments for consideration and approval. By unanimous vote, the Planning Commission recommends approval of the text amendments to City Council.

Council Member Dellinger stated that this is a good change.

Mr. Scott Dahl of Technibilt stated that this change would be very much appreciated. He stated that Technibilt planned a very nice, tasteful sign and that this would be very beneficial to them.

Mayor Stedman stated that she feels like this is taking a step in the right direction.

Council Member Robert C. Abernethy, Jr. stated that he was glad staff found a solution and brought this to City Council.

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

That Public Hearing be – CLOSED.

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

That Text Amendment 2015-02; Amendments to Sign Requirements in the Highway Corridor Protection Districts be – APPROVED.

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

**ITEM 8:        Old Business**

A.        Presentation of Strategic Plan

Mr. John Marshall from Western Piedmont Council of Governments presented the findings of the Strategic Plan Public Meetings to City Council.

City Manager Todd Clark stated that a Public Hearing concerning the proposed Strategic Plan will be held at the Newton City Council Meeting on June 2, 2015, at 7:00 p.m.

B.        Consideration of Hwy 16 Maintenance Agreement

Public Works and Utilities Director Dusty Wentz stated that at Council's direction, staff has moved forward with obtaining estimates for maintenance of the Hwy 16 corridor between Thornburg Dr. and Keisler Dr. He stated the estimates include mowing the right of way and spraying and weed eating around the guardrails. The estimates are for a single mowing, with the predication that mowing will be completed approximately once a month.

Mr. Wentz recommended that mowing will be completed June – October and March – June of next calendar year, for a total of 9 times.

Mr. Wentz stated that staff is requesting that council consider the estimates for mowing, and provide direction. If the costs are acceptable, staff requests the following:

- Council enter into the NCDOT contract for maintenance of the Hwy 16 corridor.
- Council confirm the frequency of the mowing.

Mr. Wentz stated that if council chooses to move forward, staff will continue to develop the bid and contract documents, release the maintenance for bid, and return with a recommendation of award.

Mr. Wentz did express concern that the contractors based their bids after looking at the site after it was mowed by NCDOT. Mr. Wentz explained that NCDOT only mowed the shoulders and not the entire width, which is required in the contract with NDOT. Mr. Clark stated that NCDOT is not holding their contractors to the same standards that they expect in the contract with the city.

Council Member John Stiver stated that the bidders are going to need clarification on what is expected.

Mayor Stedman asked if Mr. Wentz could make a phone call and accept the terms of the contract. Mr. Wentz stated that it would be better in writing. Mayor Stedman asked how long it would take to get bids, Mr. Wentz said it would take one to two weeks. Mayor Stedman directed Mr. Wentz to come back to City Council with those bids.

#### C. Consideration of 216 West 7<sup>th</sup> Street Bid

City Manager Todd Clark stated that City Council formally declared a parcel of land located at 261 West 7<sup>th</sup> Street in Newton as surplus property and as directed by the City Council, the City staff has advertised the property for sale.

Mr. Clark stated that Mr. Juan J. Jimenez submitted a bid on May 12, 2015 in the amount of \$10,000. In accordance with North Carolina General Statute §160A-269, “when an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer.”

Mr. Clark stated the Statute requires that the public notice include a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. He explained that if an upset bid is offered, the bidder must deposit (5%) of his increased bid with the City Clerk and the Clerk must re-advertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. Mr. Clark stated the Statute also provides that the Council may at any time reject any and all offers.

Mr. Clark stated that City staff recommends City Council consider the bid of \$10,000, and if accepted direct the staff to follow the procedures set forth in NCGS §160A-269.

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

That City Council Propose to Accept a Bid in the Amount of \$10,000 for Property Located at 216 West 7<sup>th</sup> Street and to Follow Procedures Set Forth in NCGS§160A-269 – Upset Bid Process

#### **ITEM 9:**      **New Business**

##### A. Consideration of Contract for Powell Bill Paving

Public Works and Utilities Director Dusty Wentz stated that resurfacing this year is focused on a single area in an attempt to maximize the amount of paving completed with funds available. S. Brady Ave

between East A and D Street and between Southwest Blvd and East I Street was selected. Mr. Wentz stated this road will be milled down to expose existing curb, patched as necessary, and repaved with 2" asphalt. The bid also included 1,000 square yards of gravel base replacement, to account for any base replacement that may be necessary.

Mr. Wentz stated that staff also received bids for resurfacing of I and J Streets as alternates. While unit prices were extremely competitive, funding was not available to complete these streets this year.

Mr. Wentz stated staff solicited bids from local contractors and initially received two bids. The City then rebid the work, with four contractors responding. The responses from the rebid are listed below:

1. J.T. Russell	\$191,825.00
2. Mid State	\$191,680.00
3. Maymead	\$190,293.20
4. Carolina Paving	No Bid

All three bids were complete and accurate.

Mr. Wentz recommended that Council consider awarding the bid for the Annual Overlay project to Maymead for \$190,293.20 along with a 10% contingency of \$19,029.32. Any utilization of contingency funds will be presented to council.

Council Member Wes Weaver asked why this was put out for bid twice. Mr. Wentz stated it was because only two bids were received. Council Member Weaver asked if it was likely that they would get in to the contingency. Mr. Wentz stated that it depends on whether or not the base is in worse shape than suspected. Mr. Weaver asked if Maymead is in Tennessee. Mr. Dennis Faulder stated that they have an office and a plant in Hickory. Mr. Weaver stated that he knew that Mid State is a local company.

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

That Contract for Powell Bill Paving – To Maymead in the Amount of \$190,293.20 be – APPROVED.

B. Consideration of Bids for West 1<sup>st</sup> Street Sewer Manhole Project

Assistant Public Works and Utilities Director Dennis Falder stated the sanitary sewer main along N. Ashe is a primary collection line for the west side of downtown. Mr. Falder explained that state regulations require that a manhole be placed at least every 425' along a gravity sewer main to facilitate maintenance and inspection. Mr. Falder stated the distance between manholes for the N. Ashe collection main is more than 600 feet between W. A street and W. 2<sup>nd</sup> Street. The work for this contract would provide for the excavation of the intersection down to the sewer line, installation of a dog house style manhole, and sheet, shoring, and bracing of existing utilities. Mr. Falder stated the sewer main is approximately 18 foot deep in this location.

Bids were opened on May 1, 2015 with three companies responding. The responsive bids received are listed below:

- Iron Mountain Construction \$61,670
- C. K. Contracting, Inc. \$156,300
- Hickory Sand Company \$89,750

Mr. Falder stated that staff recommends that Council consider awarding the bid for the Sewer Manhole insertion for \$61,670 with a contingency of \$6,167 (10%) be held in reserve.

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

That Contract for West 1<sup>st</sup> Street Sewer Manhole Project – To Iron Mountain Construction in the Amount of \$61,670 be – APPROVED.

C. Consideration of Revisions to the Animal Control Ordinance

Police Chief Don Brown stated that due to past events, staff and City Council recognized a need to review our current Animal Control Ordinance as it relates to wild, vicious or dangerous animals. He explained that based upon review of other municipal and county animal control ordinances, staff has incorporated changes into an updated Animal Control ordinance. Chief Brown stated the new ordinance will bring the city in line with current state statutes and surrounding agencies.

Council Member Wayne Dellinger asked if it is legal to give staff this authority. Chief Brown stated that it is permissible as written.

Council Member Wes Weaver stated that he thinks any dog should be put down if it attacks a child.

Mayor Stedman asked how many times there has been a serious problem in the city. Chief Brown stated that in his eight years as chief there have been a total of five problems. Mayor Stedman stated that the last one was tragic.

City Attorney John Cilley stated that each occurrence will be judged on a case by case basis based on evidence.

Council Member Robert C. Abernethy, Jr. stated that he would like to remove the \$5.00 dog ownership fee from the ordinance. Otherwise he agrees with the changes and thinks that it strengthens the current ordinance.

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

That the Proposed Animal Control Ordinance - Chapter 14 – Animals and Fowl: Article I - Section 14-1 Definitions and Section 14-12 Wild, vicious or dangerous animals – With Removal of the \$5.00 Dog Ownership Fee be – ADOPTED

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

**ITEM 10: City Manager's Report**

- May 21<sup>st</sup> Employee Appreciation for Public Works Week, Southside Park, 11:00 a.m. – 1:00 p.m.
- May 26<sup>th</sup> WPCOG Policy Board Meeting, Hudson, 6:00 p.m.
- May 28<sup>th</sup> Catawba County Safe Communities Initiative Call-In at Hickory City Council Chamber, Doors Locked at 5:45
- May 30<sup>th</sup> Rabies Clinic and Animal Chipping at Newton Police Department, 9:00 a.m. – 12:00 p.m.
- May 30<sup>th</sup> Self Defense Training for Women at Newton Rec Center, 9:00 a.m. – 3:00 p.m.
- May 31<sup>st</sup> Dedication and Ribbon Cutting New Fire Headquarters, 2:00 p.m. – 4:00 p.m.
- June 2<sup>nd</sup> Public Hearing/Consideration of Annual Budget
- June 2<sup>nd</sup> Public Hearing on Strategic Plan
- June 4<sup>th</sup> Danny Sigmon Retirement Celebration, Newton Rec (downstairs), 11:30 a.m. – 1:00 p.m.

- June 15<sup>th</sup> Streetscape Public Input Meeting at Fire Headquarters 7:00 p.m.  
\*August 4<sup>th</sup> Final Presentation to City Council
- June 16<sup>th</sup> City Council Workshop prior to regular City Council Meeting – Concerning the former Fire Headquarters, 6:00 p.m. – 7:00 p.m.
- June 19<sup>th</sup> Rob Powell Retirement Celebration, Gantt Room, 11:30 a.m. – 2:00 p.m.
- August 6-8 ElectriCities Annual Conference (50<sup>th</sup> Anniversary) at the Myrtle Beach Marriott Resort & Spa at Grande Dunes. Please let Amy know if you are interested.
- 8<sup>th</sup> Regiment Band
- Customer Excellence Project
- Hwy 10 Pump Station Project
- Dennis Faulder recently graduated with an Associate Degree in Business
- Dennis Murdock (WWTP) recently graduated with an Associate Degree in General Occupational Technology
- IT Director
- City Lake Dam
- Catawba County Justice Center Expansion

**ITEM 11:      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 12:      Adjournment**

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

That the Meeting be – ADJOURNED

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Anne P. Stedman, Mayor

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Amy S. Falowski, City Clerk

