

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

June 16, 2015 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, June 2, 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 Robert C. Abernethy, Jr. gave the Invocation and 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 June 2, 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 Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

- A. Proclamation – July is Recreation and Parks Month
- B. Tax Releases
- C. Sewer Adjustments
- D. Consideration of Capital Budget Ordinance to Close Electric Capital Projects
- E. Consideration to Retire and Declare as Surplus Police Canine “Pluto”

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

ITEM 5: Presentation of Public Appreciation Award to Newton Firefighters

Fire Chief Kevin Yoder stated that Battalion Randy Walker, Captain Eddie Chapman, and Firefighters Brandon Drum and Kevin McMahan responded to convulsions at Western Steer and possible cardiac arrest. Upon arrival CPR was being administered to Mrs. Debbie Manasco by family members. Mrs. Manasco survived largely due to the ability of this crew to provide CPR and defibrillation. Chief Yoder thanked the members of the crew and stated that the Manasco family was present and would like to thank them as well.

Mrs. Manasco and her family thanked the crew and presented them with a plaque to express their gratitude for helping to save her life.

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. No one appeared.

ITEM 7: Old Business

- A. Consideration to Accept Governor's Crime Commission Grant for CAD to CAD Installation

Police Chief Donnie Brown approximately five years ago discussions were held between Newton Police, Hickory Police and Catawba County concerning the need for better information sharing capabilities between agencies. Chief Brown stated it was determined that these needs could be met by purchasing and installing CAD 2 CAD (Computer Aided Dispatch) software at each agency. CAD 2 CAD software would allow each agency to relay dispatch information in real-time to other agencies and also serve as a backup resource in the event an agency had an interruption in service.

Chief Brown stated that Hickory Police Department and Catawba County both agree they would pursue this project independently. Newton Police received a quote from our current computer system vendor for the required software which totaled \$9,680.00. This would complete our portion of the project.

Chief Brown stated that in October of 2014, the Governor's Crime Commission released applications for the FY 2015-2016 grant period and that one of the options for grant funding was in the form of a block grant with a value up to \$15,000.00 with no matching funds required.

Chief Brown stated that in January of 2015, the application for this grant was submitted to the Governor's Crime Commission and that April 1st 2015, the Newton Police Department received notification that the grant application had been selected to proceed to the next phase of submission with additional information requested.

Chief Brown stated the additional information was supplied to the Governor's Crime Commission and on May 29th 2015, the Newton Police Department received notification that the block grant application for the CAD 2 CAD project had been selected to receive a grant award in the amount of \$9,860.00.

Council Member Robert Abernethy asked if this covers our part and if Hickory and Catawba County will pay for their part. Chief Brown stated that he thinks Hickory and Catawba County are working on their end.

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

That the Governor's Crime Commission Grant for CAD to CAD Installation be –
ACCEPTED.

B. Consideration to Accept Offer to Purchase Property Located at 216 W 7th
St

City Manager Todd Clark stated that City Council has formally declared a parcel of land located at 261 West 7th Street in Newton as surplus property and that 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 explained that additionally, 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. 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 as per City Council action on May 19th, City Staff began the procedures set forth in NCGS §160A-269 for the upset bid process and that no other offers were made during the 10 day upset bid period.

Mr. Clark stated that staff recommends City Council formally accept the bid of \$10,000 to purchase the parcel located at 216 7th W St. (PIN #373012961001) from Juan Jimenez.

Mayor Pro Tem Mary Bess Lawing asked if anyone knows what Mr. Jimenez plans to do with the property. Mr. Clark stated that he did not know.

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

That Offer to Purchase Property Located at 216 W 7th St by Juan Jimenez in the amount of \$10,000 be – ACCEPTED.

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

C. Consideration to Accept Governor's Crime Commission Grant for Body
Worn Camera

Chief Don Brown stated on January 6, 2015, the City Council gave approval for the Newton Police Department to apply for a Governor's Crime Commission grant seeking funds for wearable body cameras for patrol officers. He explained the funding cap for this Criminal Justice Improvement grant is \$60,000 with a required match of 25%.

Chief Brown stated that in January of 2015, the application for this grant was submitted to the Governor's Crime Commission and that on April 1st 2015, the Newton Police Department received notification that

the grant application had been selected to proceed to the next phase of submission with additional information requested which was supplied to the Governor's Crime Commission. Chief Brown stated that on May 29th 2015, the Newton Police Department received notification that our grant application for the wearable camera project had been selected to receive a grant award.

Chief Brown stated the total amount of the grant is \$73,674 with the Governor's Crime Commission portion of the grant being \$55,255.50 and the city portion being a 25% match which would be \$18,418.50. Chief Brown recommended approval of the grant award from the North Carolina Governor's Crime Commission. Because the grant proceeds will not be awarded until August 2015 a budget amendment will be necessary at that time.

Council Member John Stiver asked what the time line would be for implementation. Chief Brown stated that he hasn't chosen the exact system yet, but that it should be around September.

Mayor Pro Tem Mary Bess Lawing stated that she thinks the cameras are a good idea because they protect everyone.

Council Member Robert C. Abernethy, Jr. stated that he feels like it is overstepping everyone's privacy.

Upon motion duly made by Council Member John Stiver, seconded by Council Member Tom Rowe, with Mayor Pro Tem Mary Bess Lawing, Council Members John Stiver, Wes Weaver, Wayne Dellinger and Tom Rowe voting in favor of, and Council Member Robert C. Abernethy, Jr. voting against, it was RESOLVED:

That Governor's Crime Commission Grant for Body Worn Cameras be – ACCEPTED.

ITEM 8: **New Business**

A. Consideration of Emergency Replacement of South Caldwell Culvert and Resolution Declaring Official Intent to Reimburse Expenditures

Public Works and Utilities Director Dusty Wentz stated the existing 7.5' x14' "D-shaped" corrugated metal culvert on S. Caldwell Ave. is at very high risk of failure. Mr. Wentz stated the concrete sidewalk sections used as backfill are becoming unstable, with several sections cracking or shifting. The culvert itself has corroded in the bottom, and the top of the culvert is starting to show signs of structural failure. Mr. Wentz stated the existing culvert needs to be replaced with an 8' x10' double barrel concrete culvert.

Mr. Wentz explained that the replacement of this culvert was first bid in the spring of 2013 but that the contract was not awarded due to lack of funding. The culvert has continued to deteriorate since then and, in his opinion, and the opinion of the streets and storm water superintendent, has become a significant public safety risk.

Mr. Wentz stated that fortunately the plans, specifications and permits obtained from Wooten Engineering in 2013 are still valid and that Wooten will be onsite during construction to ensure correct installation and adherence to environmental regulations.

Mr. Wentz stated that City Council is being asked to consider a "Resolution of Intent to Reimburse" that will allow the staff to move forward with the project immediately and that the City will then reimburse the project expenses with borrowed funds later in FY 2016.

Mr. Wentz stated that bids were received Monday, June 15th with Dellinger, Inc of Monroe being the apparent low bidder with a base bid of \$377,677.

Mr. Wentz recommended that council approve the resolution and also award the construction contract for the replacement of the S. Caldwell culvert to the lowest responsible and responsive bid per state statute.

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

That the Resolution Declaring Official Intent to Reimburse Expenditures be –
ADOPTED.

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

That the Bid be AWARDED to the Apparent Low Bidder – Dellinger, Inc., in the amount of \$377,677.

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

John Marshall from the Western Piedmont Council of Government asked if his presentation, 8C, on the agenda could be moved ahead of 8B. Mayor Stedman agreed.

C. Presentation Regarding Grant Opportunities – John Marshall and Sherry Long

John Marshall talked to City Council about local grants that will be available in the upcoming year. Mr. Marshall then introduced Sherry Long who explained more about these grants.

Sherry Long, Western Piedmont Council of Governments gave a brief presentation to City Council concerning the grant funding that will be available in 2015-2016. Some of these grants include Community Development Block Grant; New Building Demolition Program, and; NC Department of Environment and Natural Resources.

Mayor Pro Tem Mary Bess Lawing stated that hopefully the city will be able to take advantage of some of these grants.

B. Consideration of Locally Administered Projects Program Sidewalk Grant Application

Planning Director Randy Williams stated that the Locally Administered Projects Program (LAPP) was adopted by the Greater Hickory Metropolitan Planning Organization (GHMPO) to be used by the GHMPO to prioritize and program all projects in the region that use federal funding. He explained this process involves a once-a-year call for all local highway, transit, bicycle and pedestrian projects, and will result in an annual program of projects added to the GHMPO's Metropolitan Transportation Improvement Program (MTIP).

Mr. Williams stated as a Transportation Management Area (TMA), the GHMPO will receive a direct allocation of approximately \$2,700,000 in Surface Transportation Program Direct Attributable (STP-DA) and \$200,000 in Transportation Alternatives Program (TAP) funding annually. These funds are distributed to local jurisdictions by application for grant funds to be used for transportation related activities and require a minimum 20% cash match.

Mr. Williams stated that during the transportation session of the Strategic Plan public workshops held in March, the attendees were asked to review the sidewalk map for the City and to make suggestions for locations where sidewalks were needed, but not available. There were three sidewalk locations noted by all of the breakout groups where sidewalks were lacking, these included South Brady (between D and I

streets); Radio Station Road (between Northwest Blvd. and Shannonbrook); and Northwest Blvd / 15th Street (between North Deal Ave. and West 20th Street). Mr. Williams stated these are considered the top priority sidewalk projects in the City.

Mr. Williams stated that during this same time, staff had been discussing general grant opportunities available to the City and learned the GHMPO was getting ready to issue a call for projects using Local Administered Projects Program funds. At this point staff determined to explore one of the three identified sidewalk projects identified at the Strategic Plan workshops for the potential grant.

Mr. Williams stated that staff reviewed the three locations based on cost benefit, safety issues and potential use. The project which ranked the highest is the Northwest Blvd. / 15th Street location due to its connection to Newton Conover High School, Plaza Latina and the proposed Wal-Mart Neighborhood Market. He explained that contributing to the ranking were the high traffic counts on Northwest Blvd and the NCHS traffic on 15th Street. Mr. Williams stated that planning staff outlined the potential project and with the Public Works staff, determined the required improvements necessary and a cost estimate for the project.

Mr. Williams stated the project consists of the planning, design, engineering, and administration to construct 2,200 linear feet of five foot (5') wide sidewalk along the northside of West 15th Street from Deal Ave. to Northwest Blvd., then turning north along the eastside of Northwest Blvd to West 20th Street, then turning west and crossing Northwest Blvd and running along the southside of West 20th Street to its terminus. He explained the overall project cost estimate is \$275,000 and that the grant fund request to be submitted is \$220,000 with a City required 20% match of \$55,000. Mr. Williams explained a budget amendment for the city's match will be required if the grant is approved.

Council Member Tom Rowe asked if this was on the north or south of 20th Street. Mr. Williams said it would be north. Mr. Rowe said that would be a good place for it.

Council Member Robert Abernethy asked if the city would qualify for a CMAC grant. Mr. Marshall said that would be a possibility. Mr. Williams stated that it is an option, but that timing is very important.

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

That the Locally Administered Projects Program Sidewalk Grant Application be –
APPROVED.

ITEM 9: City Manager's Report

- June 19th Rob Powell Retirement Celebration, Gantt Room, 11:30 a.m. – 2:00 p.m.
- June 23rd Catawba County Emergency Services Public Officials Conference at Catawba County Government Center 11:00 a.m. – 2:00 p.m.
- June 24th – Ribbon Cutting at Dapper Daisy at 11:30 a.m.
- June 25th – WPCOG Mayors/Chairmen/Mgrs Meeting at Cedar Rock Country Club 6:00 p.m.
- August 6-8 ElectriCities Annual Conference (50th Anniversary) at the Myrtle Beach Marriott Resort & Spa at Grande Dunes. Please let Amy know if you are interested.
- Service Excellence Project - Information Sessions involving City Council will be schedule with manager involving individual Council Members in July

ITEM 10: Questions and Comments from Mayor and Council

Council Member Wayne Dellinger stated that last year the Mayor and Council promised to take away one cent, and the City Manager said in the newspaper that the Council would reduce taxes by that much. Mr. Dellinger stated that the city budgeted Fund Balance in the past that wasn't spent. He stated that the city

has more than what the State requires in General Fund. Council Member Tom Rowe stated that money should be left alone for emergencies and unexpected things.

Council Member Wayne Dellinger made a motion to reduce taxes by one cent, seconded by Council Member Wes Weaver.

City Attorney John Cilley stated that the budget has already been adopted this fiscal year.

Council Member Robert C. Abernethy, Jr. stated that a promise was made and should be kept.

City Manager Todd Clark stated that budget changes are made year to year, and the pay and class study is the biggest change in this budget. He stated that he or staff never wants to make tax increase recommendations. He stated that this budget reflects the city's need to meet service delivery obligations and to adequately pay staff. Council Member Tom Rowe stated that this just brings staff to a reasonable level of pay, not higher.

Council Member Robert C. Abernethy, Jr. stated that he didn't appreciate the projection that those on council that voted against it doesn't want to compensate staff. He stated that he disagrees with the tax increase. He stated that he agreed with 97% to 99% of the budget. Council Member Tom Rowe stated that Mr. Abernethy didn't vote for it. Mayor Pro Tem Mary Bess Lawing stated that passing the budget cannot be undone. Council Member Wes Weaver stated that he liked a lot of things about the budget.

Mayor Stedman stated that there is a motion and a second on the floor to reduce taxes by one cent, made by Council Member Wayne Dellinger seconded by Council Member Wes Weaver

With Council Members Wayne Dellinger, Wes Weaver and Robert C. Abernethy, Jr. voting in favor of, and Mayor Pro Tem Mary Bess Lawing, Tom Rowe and John Stiver voting against, Mayor Anne P. Stedman broke the tie by voting against the motion to reduce taxes by one cent.

ITEM 11: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(6)

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

That the City Council enter CLOSED SESSION per G.S. 143-318-11(a)(6)

Council Member John Stiver made the motion to go back into open session, which was seconded by Council Member Wes Weaver. All Ayes.

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

That the City Manager of the City of Newton be Authorized to Settle the Claim with Denver Construction and Stan Winstead in the amount not to exceed \$30,000.

ITEM 12: Adjournment

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

That the Meeting be – ADJOURNED

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor