

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL

June 19, 2012 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, June 5, 2012 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 Attorney Larry Pitts, City Clerk Amy S. Falowski, 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 – Mayor Pro Tem Bill Lutz**

Mayor Pro Tem Bill Lutz provided the invocation and led the Pledge of Allegiance.

ITEM 3: **APPROVAL OF MINUTES FROM THE June 5, 2012 REGULAR CITY COUNCIL MEETING**

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

That the Minutes of the June 5, 2012 Regular City Council Meeting be – APPROVED with the following change:

Move the discussion after the motion on Item 8 A – Consideration of Fiscal Year 2012-2013 Budget.

ITEM 4: **CONSIDERATION OF CONSENT AGENDA ITEMS**

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

That Consent Agenda be – APPROVED

- A. Sewer Adjustments
- B. Tax Releases – May 2012

- C. Consideration of Resolution to Approve the Catawba County Solid Waste Management Plan 2012 Update

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 non-agenda items. No one appeared.

ITEM 6: **OLD BUSINESS**

- A. Consideration of Fiscal Year 2012-2013 Budget

Mayor Anne Stedman stated that City Attorney Larry Pitts would like to make a clarification concerning the vote on the Fiscal Year 2012-2013 Budget from the June 5, 2012 meeting. Mr. Pitts stated that North Carolina General Statute 160A-75, which is a statute that governs cities, stated that an ordinance requires an affirmative vote equal to or greater than two-thirds of all the actual membership of the council in order to pass. Mr. Pitts went on to explain that Kara Millonzi, from the School of Government, e-mailed the city that there are special rules that apply to the adoption of the budget ordinance and these rules are in G.S. 159-17. That statute specifies that a budget ordinance is adopted only by a majority of governing board members who are present at the meeting and voting, as long as a quorum is present. None of the other rules governing the adoption of ordinances apply. Mr. Pitts stated that according to Ms. Millonzi, the voting rules of 159-17 supersede 160A-75, and therefore the budget was passed by majority vote, 3-2, on June 5, 2012. Mr. Pitts stated that this information did not come to light until late this afternoon.

Council Member Wayne Dellinger stated that he doesn't make it habit to miss meetings, but he was out of town for the June 5th meeting and that he feels like somebody changed the workshop schedule that stated the budget would be voted on at the June 19th meeting. He stated that everyone should go by the rules.

Mayor Stedman stated that the June 5 agenda included an item for adoption of the budget. The Mayor then stated that the vote stands 3-2 in favor of the Fiscal Year 2012-2013 Budget, and that Ordinance #2012-19 is APPROVED.

(Ordinance 2012-19 is hereby referenced and on file in the office of the City Clerk)

ITEM 7: **NEW BUSINESS**

- A. Consideration of Assistance to Firefighters Grant – 800 MHz Radios

Kevin Yoder, Fire Chief, stated that the City of Newton Fire Department along with fourteen other Fire Departments, five Rescue Squads, and Catawba County applied for and was awarded a

regional grant under the Assistance to Firefighters Grant program, for funding to purchase communications equipment. Chief Yoder stated that the City of Newton Fire Department received approximately 29 portable radios on the grant and that those radios have been placed in service.

Chief Yoder explained that the equipment that was awarded to the Newton Fire Department on the regional grant was approximately one-third of the total equipment needed to completely change over to the new FCC compliant 800 Mhz radio system. Chief Yoder stated that the Assistance to Firefighters Grant application period has opened for 2012 and closes on July 6, 2012, and that the Fire Department would like authorization from Council to apply for a local grant to fund the remaining two-thirds of the equipment necessary to comply with the new FCC guidelines effective 2017. Chief Yoder stated that this local grant will fund approximately 12 portable radios, 3 base radios, 16 mobile radios, and 1 mobile repeater, and other necessary equipment for the operation of the radio system.

Chief Yoder stated that a budget amendment is not necessary at this time as this grant may not be awarded for several months, and could be included in the FY 2013-2014 budget.

The following information was presented to Council:

City of Newton Fire Department

Assistance to Firefighter Grant Request - 2012

16-Motorola XTL 2500 Mobile Radio (1 for each apparatus and 1 for each staff vehicle)

12-Motorola XTS 2500 Portable Radio (portable for each seated position in all apparatus and 1 for each staff vehicle, in combination with current units)

3-Motorola XTL 2500 Base Radio Unit (1 for each Fire Station)

1-Motorola Vehicle Mobile Repeater (to be installed on Car-6 to assist in repeater capabilities on incidents)

1-Motorola Multi Unit Conditioning Charger (to be installed on Car-6 in order to charge multiple portable radios)

****Total project request-\$140,105.00**

****Federal Share 90%-\$126,094.50**

****10% match required by City of Newton-\$14,010.50**

Chief Yoder requested that the City Council authorize the Fire Department to apply for the 2012 Assistance to Firefighters Grant for funding of mobile and portable radios and equipment.

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

That Consideration of Application for Assistance to Firefighters Grant – 800 MHz Radios be – APPROVED.

Mayor Stedman asked if the City can apply again if the grant is not awarded this time. Chief Yoder answered yes. Council Member Abernethy asked if \$7,000 more is added because of the Rural Fire District and Chief Yoder answered yes.

B. Consideration of Termination of Contract with eCycleSecure

Wilce Martin, Director of Public Works and Utilities, stated that as of July 1, 2011 a State landfill ban of electronics went into effect and that after that date all computers, cell phones, iPods, and televisions were longer accepted at landfills in the state. Mr. Martin explained that as a result, the citizens of Catawba County have been able to take their electronics and televisions to the Catawba County Landfill. Mr. Martin stated that additionally, the City entered into an agreement with eCycleSecure on March 15, 2011 to provide a container and pickup service of electronics at no charge to the city and that this is the same company that is providing the pickup service for Catawba County.

Mr. Martin stated that the City received a notice from eCycleSecure stating they will no longer take the City's e-waste for free and in the future will charge for their services. Mr. Martin stated that City Attorney Larry Pitts has advised staff that the City can terminate the contract since eCycleSecure is now proposing to charge for the pick-ups.

Mr. Martin stated that the City staff has made a concerted effort to locate another company that is willing to take the e-waste at no charge, but all efforts have failed. Under the given circumstances, the staff contacted Catawba County to notify them that we may not be able to continue accepting e-waste and the County agreed to continue accepting e-waste.

Mr. Martin recommended that the City terminate the existing contract with eCycleSecure and direct all citizens to deliver their e-waste to Catawba County as permitted under the terms and conditions specified by the County. He said that citizens could be notified with a press release and a reverse 911 message.

Council Member Robert C. Abernethy, Jr. asked how long the original contract was. Mr. Martin answered that the contract is up for renewal every year.

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

That Contract with eCycleSecure be – TERMINATED.

ITEM 8: City Manager's Report

- VisionAire Jets Full Scale Mockup – Tuesday, June 19th or Wed., June 20th at 3:00 p.m., 5:00 p.m., or 6:30 p.m.
- Fire Station 3 Remodeling
- East 26th Street

Public Works and Utilities Director Wilce Martin stated that there were two (2) alternatives for dealing with East 26th Street. He explained that one was to remove the base and asphalt from the last 326 feet for an estimated cost of \$8,815; or widen the last 326 feet to 16 feet, to make it eligible for Powell Bill Funds, and re-pave for an estimated cost of \$11,786.

Council Member Mary Bess Lawing stated that the lower end is washed out and asked if it was re-paved would it wash out again in the event of torrential rain. Mr. Martin said that it would be paved and that there would not be gravel underneath like there is now, so that it should not wash out again.

Council Member Tom Rowe asked if the road could be paved from College Ave to the end of the road at 16 feet, would it then be Powell Bill eligible. Mr. Martin stated that they were looking into that too. Mr. Rowe stated that even if the money comes from Fund Balance something has to be done.

City Manager Todd Clark asked if Council would like Staff to bring a proposal for East 26th Street to the next meeting. Mayor Stedman stated that yes, the Council would like to have something to consider at the July 10th meeting.

- Air Quality Conference – June 15, 2012, L-R University
- ElectriCities Regular Quarterly Board Meeting - Tuesday, June 12, 2012, 10:00 a.m.
- ElectriCities Video Project - Monday, June 11, 2012 – Mayor Stedman, Randy Isenhower, and Dale Mull

City Manager Todd Clark asked Public Works and Utilities Director Wilce Martin to update Council on on-going projects.

Mr. Martin reported on the following:

1. Shannonbrook:
 - All pipe has been installed.
 - Pressure testing has passed. Awaiting results from the coliform test.
 - Adjusting fire hydrant heights has been completed.

- An additional box will be added at the intersection of Shannonbrook and Claridge. The homeowner has installed CMP and covered his ditch. The project calls RCP, and a box is the only way to join them. Estimated increase in project cost is \$2,275.
- The main line has been certified by the State. Tying over services is expected to commence immediately.

2. Water and Sewer Rehabilitation Projects –

- Sewer line installed on W. C street. Manhole at the intersection of C St. underway.
- PROJECT A - "B" STREET (Caldwell Ave to Davis Ave): Install Approx. 385' of 8" D.I.P. Water Line. Pavement patching and restoration is all that is left to be done.
- PROJECT B - DAVIS AVE (B St to Ervin Ave): Install Approx. 950' of 8" D.I.P. Water Line. Pavement patching and restoration is all that is left to be done.
- PROJECT C - S. EVRIN AVE (Saunders to E St): Install Approx. 2,050' of 8" D.I.P. Water Line. Pressure testing and bacteria testing are being done.
- D, E, F – Lines installed, restoration complete. Pavement Patching was completed 5/10/2012 pending the final walk through.
- PROJECT D - BOUNDARY STREET (NW Blvd to 421 Boundary St): Install Approx. 650' of 8" D.I.P. Water Line
- PROJECT E - S. BRADY AVE (4th St to D St): Install Approx. 2,200' of 8" D.I.P. Water Line.
- PROJECT F - S. BRADY AVE (N St to K St): Install Approx. 1,300' of 6" D.I.P. Water Line. Project is complete
- PROJECT G – Complete. PROJECT G – S. COLLEGE AVE (E Herman Ave, College Ave to Brady Ave): Install Approx. 350' of 10 D.I.P. Water Line. S. COLLEGE AVE (I St to K St): Install Approx. 1,330' of 6" D.I.P. Water Line.
- PROJECT H - SNOW CREEK OUTFALL (Phase I): Install Approx. 225' of 8" and 2,500' of 12" SDR21 Sewer Line; Caldwell St. has been cut, and clearing of the easement has begun. Three manholes and 300' foot of line has been installed. The proposed alignment had to be modified due to the discovery of blue granite rock. The City is working with Mike Honeycutt Surveying for Larry Pitts to procure an easement from Mr. Coulter on S. Caldwell.
- I – S. Cline to S. Main to D St. sewer project relining project of approx. 1,935' of Existing Sewer Line is complete.
- J – N. Frye Ave from 13th St. to 15th St. Install Approx. 1,350' of 8" SDR21 Sewer Line. Contractor is mobilizing to this location next week. Materials have been delivered.
- X – N. COLLEGE AVE (N College Ave Bridge): Install Approx. 300' of 6" D.I.P. Contractor is mobilizing to this location next week.

3. Burris Road Pump Station and Force Main

- We are closing out this project by completing the closeout check list as required by NCDENR.

4. Electric:

Contractor returned the signed contracts, but purchasing and the attorney want some changes in the wording on the contractor's insurance.

5. Pump stations:
The evaluation has been completed and staff is reviewing the report.
6. Water and sewer rate study:
Staff has reviewed the draft report with McGill and is waiting for the corrections to be made and a draft returned.
City Manager Todd Clark asked if Council would like to have the Water/Sewer Rate Study Workshop on July 10, 2012 at 6:00 p.m. Mayor Stedman asked City Council and it was decided that the workshop would be on July 10, 2012 at 6:00 p.m.
7. Water Treatment Plant
Pump installation at the WTP pumping station engineering and construction contracts are signed and work is proceeding.
8. Powell Bill annual paving project: we are waiting for the contractor's insurance certificate. Work should begin next week.
9. Repairs to the compost facility and the lake entrance road have begun. Paving should start next week.

ITEM 9: Questions and Comments from Mayor and Council

Council Member Mary Bess Lawing stated that everyone should go by the pool to see the crowds; she's been by a few times and there has been a good crowd each time. Parks and Recreation Director Sandra Waters said that the average number of people at the pool daily is around forty-eight.

ITEM 10: Adjournment:

There being no further business, upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., the meeting was RECESSED.

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

