

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

October 21, 2014 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, October 21, 2014 at 7:00 p.m. at Newton City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem Mary Bess Lawing, Tom Rowe, Wayne Dellinger, Robert C. Abernethy, Jr., Wes Weaver, 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

Mayor Anne P. Stedman welcomed every one and called the meeting to order.

ITEM 2: OPENING – Council Member Robert C. Abernethy, Jr.

Council Member Robert C. Abernethy led the Invocation and the Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES FROM THE October 7, 2014 REGULAR CITY COUNCIL MEETING

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 October 7, 2014 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 Consent Agenda be – APPROVED

- A. Consideration of Budget Ordinance Amendment for Governors Crime Commission
- B. Consideration of Resolution Declaring Intent to Reimburse Expenditures for 800 MHz Radio Systems
- C. Consideration of Budget Amendment for the Repairs to the Startown Fire Station
- D. Consideration of an Amendment to the Contract Amount with Denver Construction for Fire Headquarters (Change Orders #7 and #8)

(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 anyone present would like to make any comments concerning non-agenda items. No one appeared.

ITEM 6: **New Business**

- A. Consideration of a Resolution Exempting the City of Newton from North Carolina General Statute 140234 (Public Officers or employees benefitting from public contracts; exceptions)

City Manager Todd Clark stated the City of Newton has volunteered to host the Western Piedmont Council of Governments' November 25, 2014 Policy Board meeting. Mr. Clark explained that the staff would like to use the Newton Expo that is presently owned and operated by Council Member Wayne Dellinger. Mr. Clark stated that in accordance with N.C.G.S. §14-234, no city council member who is involved in making or administering contracts on behalf of a city may derive a direct benefit from any contract entered into between him/her and the city unless the city meets specific exemption requirements as set forth in Subdivision (a)(1) of the statute. Mr. Clark explained that City Council would need to approve a resolution that exempts the City of Newton and enables the city to rent Council Member Dellinger's facility for the purpose of the WPCOG Policy Board Meeting on November 25, 2014. Mr. Clark recommended this action be taken.

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

That Council Member Wayne Dellinger be recused from voting on the matter of the City of Newton renting Council Member Dellinger's facility, the Newton Expo, for the purpose of the Mayors/Chairmen/Managers meeting on November 26, 2013

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

That Resolution Exempting the City of Newton from North Carolina General Statute 14-234 be – ADOPTED.

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

B. Report – Appearance Commission

Chairman of the Appearance Commission Collette Touchette gave a presentation which included an update to the Hwy 10/16 median, and the median at Smokey Little's and Main Street.

Ms. Touchette then gave a presentation called "Selling Your City is Like Selling Your House". In this presentation Ms. Touchette touched on curb appeal, and exterior character.

Ms. Touchette also talked about the appearance of Thornburg Drive. She stated that the Appearance Commission is recommending that the City of Newton maintain Thornburg Drive from Dale Earnhardt to Conover City limits. She explained the following to City Council:

- Subject section is comprised of approximately 3 miles
- Approximately 1 mile is within city of Newton
- People perceive the entire 3 miles as 'Newton' thus they perceive Newton 'doesn't care' about its 'Exterior Character'

- Area needs to be staged as there are many potential properties for new businesses and their vendors/customers along this section of road.
- Area needs to be staged as it is a Gateway to Newton; particularly 20th street. Hwy 16 is one of the only 3 roads in Catawba County that has increased in traffic (other than Macdonald Parkway and Lenoir Rhyne Blvd.)

Ms. Touchette stated that the Appearance Commission is proposing the following three stage approach:

- I. Newton carry out the yearly mowing and weeding of the medians and right-of-ways. DOT will reimburse for 4 mowings per year. *Immediately*
- II. Crape Myrtles are planted in the medians along the 3 mile stretch to match those in the Conover section. Try to get grants to help with the cost. *Within next 2 years*
- III. Sidewalks and streetlights are installed. Search for enhancement grants to help with the cost. *Within 2 – 5 years*

Mayor Pro Tem Mary Bess Lawing stated that this project is sorely needed. Council Member Robert Abernethy agreed, and asked how many times the state mows this area currently. Public Works and Utilities Director Wilce Martin stated that the state mows three times a year. City Manager Todd Clark stated that when he approached NCDOT concerning this matter (city mowing DOT right of way) he was told that the city would then be expected to mow all state roads. Ms. Touchette stated that Granite Falls has an agreement with DOT and they do not have to mow all state roads. Mr. Clark stated that he is waiting on a reply concerning the agreement. Council Member Robert Abernethy asked if the county could care for their section. Mr. Clark stated that the county's response is that they are not in the road maintenance business. Mr. Abernethy stated that at least mile is the city's responsibility. Mayor Stedman asked if the city needs permission to mow it. Mr. Clark stated that the state prefers and agreement be in place. Ms. Touchette stated that there is time to get some kind of agreement ready for next year. Mr. Clark stated that manpower and cost would have to factor in. Council Member Wes Weaver stated that it could be contracted. Council Member Wayne Dellinger stated that would still cost the city. Mr. Weaver stated that it wouldn't cost manpower.

C. Report – Parks and Recreation Director Sandra Waters Concerning the Pool

Parks and Recreation Director Sandra Waters provided City Council with general information concerning the pool as well as a brief history. Ms. Waters provided the following facts to City Council:

- 1) The city's pool is a 50'x100' concrete pool with a plaster cover.
- 2) Cannot drain pool – in a year's time or less it will crack/moisture will accumulate and get between plaster and concrete, causing it to deteriorate.
- 3) According to the State of North Carolina – if water is left in a pool it must be kept clean/clear year round due to deaths/accidents (must be able to see the bottom at all times) and/or a liability. If necessary must provide a cover for protection - \$10,000 - \$20,000.
- 4) Value of this pool **TODAY** (pool and equipment) \$500,000 if the same pool was built today according to pool builder.
- 5) To keep this pool and add an additional spray ground/splash pad - \$150,000 operating annually.
- 6) Cities are closing pools because of the cost to operate due to ADA Standards, personnel and amenities.
- 7) The #1 cause of children's death is drowning due to the fact they do not know how to swim.

- 8) Trend: Our pool builder has built (5) learn to swim pools in North Carolina this past year – (2) in other states – convention **for learning to swim pools** will be held in Charlotte this next year – **one of the new coming trends**. The shallow end of a public pool would be considered a learning pool – 3’ – 5’ of water (youth & adults).

Mayor Pro Tem Mary Bess Lawing asked why this is even being discussed. City Manager Todd Clark stated that City Council asked staff to bring this back to them in time for the pool to open for the next season. Parks and Recreation Director Sandra Waters stated that the Recreation Commission voted to leave the pool open in order for children to learn to swim.

Mayor Pro Tem Mary Bess Lawing asked if there is a kiddie pool, Ms. Waters stated that there is not. Council Member Wes Weaver asked if there is a shallow end. Ms. Waters stated that the pool starts and 3’ and gradually goes to 11’, with a rope at 5’.

Mayor Stedman stated that while attendance is down, it looks as if there are more individuals attending the pool. Carol stated that Community Schools would need to be contacted soon to see if they plan to use the pool for their summer program.

Council Member Robert Abernethy asked that Serina bring financial information to City Council so that they can see where the city is right now. He stated that he looks at the pool as a park.

Ms. Waters stated that splash grounds never break even either. Council Member John Stiver asked if most splash parks are near pools and if that helps attendance. Ms. Waters stated that it does help attendance.

Council Member Tom Rowe asked how many learned to swim this past year. Ms. Waters said 19.

Council Member John Stiver stated that the pool is an asset, and if closed the city will still be paying for it.

Mayor Pro Tem Mary Bess Lawing stated that she supports the pool, and that people need access for children to play and to learn to swim.

Mayor Stedman asked if the pool is ADA compliant. Ms. Waters stated that as of right now it is.

Council Member Dellinger stated that it seems we are spending \$75,000 and only taking in \$15,000.

Council Member Abernethy stated that the vote before was a split vote, and he thought that even the people that voted for it was concerned. Mayor Stedman asked Ms. Waters if a decision could be made in January. Ms. Waters stated that would give them enough time. Council Member Abernethy stated that as of right now the city should operate under the assumption that the pool will be open.

ITEM 7: City Manager’s Report

- **Wayfinding**

Mayor Pro Tem Mary Bess asked how many wayfinding signs there would be since the design change. City Manager Todd Clark stated that he would have to get the exact number. Mayor Pro Tem Lawing stated that she thinks the city should get as many as possible. Mr. Clark stated that all the money allotted for the project will be used to purchase the signs. Council Member Robert Abernethy stated that he thinks Ms. Lawing is trying to say that an amount of signs was agreed on, and then the logo changed the size of the signs, so less signs will be made. Mr. Clark stated that the city has authorization to move forward, and that he will keep City Council posted on the progress.

- **Economic Development Website for the City**

- **Downtown Streetscape Project**
- **Street Signage for Historic Districts**
- **Signage for Danner Industrial Park**
- **Signage for Newton Corporate Center**
- **NCDOT Hwy 16 Maintenance Agreement**
- **Electric Vehicle Charging Station**
- **Fire Station 1 Construction**
- **(Strategic Plan)**
- **B-1 Zoning Amendment Changes**

Mr. Clark stated that Council Member John Stiver has written a letter concerning the B-1 Zoning Amendment Changes that were discussed at the October 7th meeting. Mr. Clark stated that another Public Hearing would have to be advertised before it could be placed on the agenda and discussed again. Mr. Clark stated that Sean Hovis, Assistant City Manager/Planning Director would take the changes back to the Planning Commission for further review.

- **Tour of Technibilt, Wed. October 22nd at 3:30 (tomorrow)**
- November 3rd – January 16th Leaf Pick Up
- December 5th – Annual Employee Luncheon
- November 4th Ribbon Cutting for Dyson Travel, 22 West A Street
- November 15th 5K in Honor of Maggie Daniels
- Oct. 25th Spooktacular from 5 to 9 p.m.
- November 25th WPCOG Policy Board Meeting 6:00 p.m. at the Newton Expo
- Planning and Commercial Development Staffing

Mr. Clark stated that he has plans to move Rob to the position of Mainstreet Manager/Downtown Coordinator. He said the title is still being worked out by staff. Mr. Clark stated that then he (Mr. Clark) would be the liaison to the Business Advisory Committee after Mr. Powell's lateral transfer. He then explained that he would be able to hire a Planning Director with no budgetary impact. Mr. Clark stated that he feels strongly that the city needs a Planning Director. Council Member Tom Rowe stated that he feels like there will be an upswing in building and that someone is needed in that position.

Council Member Robert Abernethy mentioned that as far as the B-1 Zoning Amendment Changes go, he is concerned about reviewing what City Council turned away on October 7th. He stated that he thought Morganton didn't have a successful downtown by increasing restrictions in their code. Council Member Tom Rowe stated that other than the "lot line to lot line" proposition, he felt like everyone was for the changes. Council Member John Stiver stated that Mr. Dellinger was right and that four properties would be affected, so that needs to be revisited and defined. Mr. Dellinger stated that he felt like the changes are too restrictive. Mr. Stiver stated that he would like to see property values increase. Mr. Abernethy stated that it seemed like it went from "lets tell people to un-board windows" to telling people how to build their businesses. Council Member Wes Weaver stated that the proposed changes are way too restrictive. Mayor Stedman stated that Item D of the proposal needs to go back to planning so that City Council can discuss further. Mr. Abernethy stated that he thinks City Council should fully support Planning Commission, but that it is not Council's job to tell people what to do with their property. Council Member Wayne Dellinger stated that there can be too many restrictions. Mayor Stedman said to take it back to Planning Commission.

ITEM 8: Questions and Comments from Mayor and Council

Mayor Stedman asked the City Council if they had 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 Council Member Robert C. Abernethy, Jr., seconded by Council Member Wes Weaver, it was unanimously RESOLVED:

That City Council Move to Closed Session to Consult with the City Attorney per G.S. 143-318-11(a)(3)

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

That City Council Return to Open Session

ITEM 10: Adjournment

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member John Stiver the meeting was ADJOURNED.

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor