

**Council Meeting  
Minutes  
March 4, 2024**

Present: Mayor Ellwanger, CP Spitler, CP Williamson, CP Bratton, Clerk Elisa Rowe, Attorney Joe Reitman (MPT Krieger was absent)  
Citizens: Approximately 22 citizens were present  
Guest: Attorney Doug Price-representing Ricky Syed

- I. **CALL TO ORDER:** Mayor Ellwanger called the meeting to order at 7pm
- II. **INVOCATION:**
- III. **PLEDGE OF ALLEGIANCE:** Lead by Mayor Ellwanger
- IV. **APPROVAL OF MINUTES:**  
**February 5<sup>th</sup> council meeting:** CP Spitler made a motion to approve the February 5<sup>th</sup> minutes.  
**Motion: CP Spitler**  
**Second: CP Bratton**  
**Approved: 4-0-0**
- V. **OLD BUSINESS:** None
- VI. **NEW BUSINESS:**
  - A. **Property at 4027 Hwy 142:** There has been an interest from Ricky Syed to purchase the building for a convenience store/gas station. A conditional use is required to proceed and must be presented before the Mayor & Council for approval/denial. The process of a conditional use requires filling the paperwork, advertisement in newspaper, signage on property, and a public hearing. Mr. Price (attorney) will present his clients intentions for the building use tonight: Mayor Ellwanger stated that everyone here needs to realize that there has not been any paperwork filed, that is has just been brought to the attention of the Town that there is an interested party in the old restaurant building and he has expressed that he would like to put in a convenience store there. Attorney Joe Reitman added to what the Mayor had stated that tonight is not a public hearing as there has been no paperwork filed, and as is stated on the agenda, the proper procedure has to occur first. Citizen Lance Lorenz stated that he talked to the potential buyer and he did state that he plans to put a convenience store there. Attorney Joe Reitman thanked Mr. Lorenz for that information.
  - A. **Statewide Mutual Aid and Assistance Agreement:** Every 4 years Newton County, as well as all municipalities, sign a Statewide Mutual Aid Agreement for GEMA. This is merely an agreement that states that we would like to receive assistance from the State as well as other jurisdictions, in time of need. It also states that we are willing to provide support as well. Pre-existing agreements for mutual aid assistance in emergencies help to ensure the timely provision of mutual aid assistance and reimbursement of costs incurred by those parties who render such assistance. This agreement also provides the framework to support mutual assistance in managing an emergency or disaster occurring within any

**political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, or other significant events or homeland security activities.** Mayor Ellwanger stated that this agreement between the Town of Newborn and the County was a life saver when the tornado came through Newborn in 2011. We received a lot of help from the County that we could not have gotten without this agreement. It is required to be signed every four (4) years. Mayor Ellwanger asked for a motion to sign the Statewide Mutual Aid and Assistance Agreement. CP Williamson made a motion to approve and sign.

**Motion: CP Williamson**

**Second: CP Bratton**

**Approved: 4-0-0**

**B. Invoice 850.12083 for Lambert, Reitman and Abney, LLC in the amount of \$725.00:** CP Bratton made a motion to approve the invoice for Lambert, Reitman & Abney in the amount of \$725.00

**Motion: CP Bratton**

**Second: CP Williamson**

**Approved: 4-0-0**

#### **VII. PUBLIC COMMENTS:**

**Ricky Bruce: (owner of Mansfield Marketplace)** Mr. Bruce stated that he understands when the Town attorney stated that if any attending citizen state their thoughts on the possibility of a convenience store being put in at the old restaurant before a public hearing is held that they could or could not influence the Mayor & Council. However, he would like to say something from a moral standpoint. He is a member of the community, and the people here are members of the community and we all want what would benefit and be good for the community. Mr. Bruce added that he built a gas station next to his store because the citizens in Mansfield asked for him to do it because the gas station in Mansfield was closed (and purchased by the owner of the gas station in Newborn) but nothing has been done to it. It sits empty. You need to look at the gas station in Newborn and what is sold there, what it looks like inside/out. There are issues currently with that store. Attorney Joe Reitman thanked Mr. Bruce for his thoughts and comments.

Attorney Joe Reitman stated to all citizens in attendance that if the paperwork is filed to proceed there will be a notice in the newspaper as well as a sign on the property so be aware of that. If the paperwork is filed in a timely manner, then it will be presented at the April council meeting and that is when there will be a public hearing where the public can state their thoughts on the proposed business.

Mayor Ellwanger asked the Clerk to contact our code enforcement officer to look at the Mock property, fertilizer building and the gas station and have letters sent out regarding as to what need to be taken care of at those properties.

#### **VIII. ADJOURNMENT:** Mayor Ellwanger adjourned the meeting at 7:45.

**Motion: CP Bratton**

**Second: CP Spitler**

**Approved: 4-0-0**