1. Call to Order – Mayor Anne P. Stedman
2. Opening – Council Member Tom Rowe
3. Approval of Minutes from the December 4, 2018 Regular Meeting
4. Consideration of Consent Agenda Items
   A. Tax Releases
   B. Sewer Adjustments
   C. Consideration to Recognize Funds from ElectriCities for System Betterment Program
   D. Consideration of Appointments to Boards and/or Committees
5. Comments from the Public: (IF YOU WOULD LIKE TO MAKE A PUBLIC COMMENT
   ON NON-AGENDA ITEMS PLEASE SIGN IN WITH THE CITY CLERK PRIOR TO
   THE MEETING):
6. Presentation
   A. Western Piedmont Council of Governments – Transportation Patterns
7. Public Hearing
   A. Consideration of Rezoning Application as Filed by Babamov Enterprises NC,LLC
8. Old Business
   A. Consideration of Staff Recommendation for Splash Pad
   B. Consideration to Eliminate Traffic Signals on Ashe Ave and Brady Ave
9. New Business
   A. Consideration to Amend the City of Newton Water Shortage Response Plan and Call for
      Public Hearing, February 19, 2019
   B. Consideration of Budget Ordinance Amendment for Legal Services and Lease of Office
      Space
10. City Manager’s Report
11. Questions and Comments From Mayor and Council
    A. Reports from Appointed Representatives on Outside Boards – Council Member Anne
       Wepner
12. Adjournment
The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, December 4, 2018 at Newton City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem John Stiver and Council Members Anne Wepner, Jody Dixon, Tom Rowe and Ed Sain

ABSENT: Council Member Jerry Hodge

STAFF: City Manager Todd Clark, City Clerk Amy S. Falowski, 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 Jody Dixon provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Jody Dixon, it was unanimously RESOLVED:

That the Regular Minutes of the November 6, 2018 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Upon motion duly made by Council Member Ed Sain, seconded by Council Member Anne Wepner, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Consideration of Amendment to Audit Contract to extend Date from October 31, 2018

C. Consideration of Budget Amendment to Recognize Revenue and Authorize Expenditure for Capital Purchase – Police Vehicle

D. Consideration of the 2019 Regular City Meeting Schedule, Workshop Schedules

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

ITEM 5: 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.

Michael Waltuch stated that the trucks from Renwood Mills that are parked on the street awaiting entry to the mill pose a very dangerous problem on North Brady. He asked if there is some way to ask the trucks
to not be so close to the intersection, as they block the view. He stated that he wasn’t sure what the solution is, but would like to try to find one. He stated that there would be more problems when the streetscape phase of North College starts. Mayor Stedman stated that staff is working with the mill to find a solution.

**ITEM 6: Presentation**

A. Economic Development Awards

Jennifer Stiver presented the 2018 Economic Development “Bright Future” Awards to the following:
- Twin City Insurance – Under 100 employees award
- Corning – Over 100 employees award
- Luke Walling – Individual award

**ITEM 7: New Business**

A. Consideration to Eliminate Traffic Signals on Ashe Ave and Brady Ave

City Manager Todd Clark stated that Council member Jerry Hodge recently asked if there is value in the elimination of traffic signals at the intersections of A Street and Ashe Avenue, 1st Street and Ashe Avenue, and A Street and Brady Avenue.

Mr. Clark stated that traffic signals are used for a variety of reasons, but they are primarily intended to regulate the flow of traffic in generally high volume areas. Based on the observed number of accidents and the traffic flow and volume, staff believes traffic can be moderated just as easily with the use of stop signs as opposed to traffic signals. Additionally, the removal of the signals represents a financial benefit to the city through cost savings related to electrical expenses. Finally, the city regularly receives complaints from motorists concerning wait times at these intersections. Mr. Clark stated that elimination of the signals will satisfy these motorists, as wait times at stop signs will be less than at traffic lights based on the current traffic flow and volume.

Mr. Clark stated that the signals under consideration are operated by the City of Newton and therefore may be eliminated without the consultation or approval of NCDOT.

Mr. Clark stated that the recommended action is for City Council to discuss the elimination of traffic signals at the intersections of A Street and Ashe Avenue, 1st Street and Ashe Avenue, and A Street and Brady Avenue.Upon motion duly made by Council Member Ed Sain, seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:

Mayor Stedman opened the matter for discussion. Council Member Jody Hodge stated that he has concerns. Mayor Pro Tem John Stiver stated that he would like to receive some more information on the matter at a later meeting. Council Member Ed Sain stated that he is not a fan of 4 way stops on A Street.

Mayor Stedman stated that she would like to see this item reviewed and placed on a future agenda.

**ITEM 8: City Manager’s Report**

**Meetings & Events**

- Dec 7th – Annual Employee Appreciation Luncheon, 11:30 a.m. – Rec Center
- Feb 5-8 – City Council/Staff Workshop 2:00 p.m. – 6:00 p.m.
- Feb 20-22 – ElectriCities Connections Summit – Raleigh, NC
Other Projects

- Leaf Collection ends January 18th
- Streetscape Update
- Police Chief Recruitment Process
- Gateway Entry Signs
- Signage at Central Rec Center (see photos)
- Splash Pad

ITEM 9: Questions and Comments from Mayor and Council

Mayor Stedman asked if there were any questions or comments from City Council.

Council Member Anne Wepner gave a report on the Newton-Conover Auditorium.

ITEM 10: Closed Session - Per North Carolina General Statutes 143-318.11(a)(3), 143-318.11(a)(6)

Upon motion duly made by Council Member Ed Sain, seconded by Mayor Pro Tem John Stiver, it was unanimously RESOLVED:

That City Council enter CLOSED SESSION per General Statutes 143-318.11(a)(3), and 143-318.11(a)(6)

Motion was then made by Council Member Jody Dixon to return to open session, seconded by Council Member Ed Sain. All Ayes.

Upon motion duly made by Council Member Ed Sain, seconded by Council Member Anne Wepner, it was unanimously RESOLVED:

That Employment Contract to Hire Full Time City Attorney, and to Hire a Full Time Paralegal be – APPROVED.

Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Anne Wepner, it was unanimously RESOLVED:

That a Lease Agreement Between the City of Newton and Ray G. Corne, for Property Located at 217 North Main Ave., Newton be - APPROVED.

ITEM 11: Adjournment

Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Ed Sain, it was unanimously RESOLVED:

That the Meeting be – ADJOURNED

_________________________________
Anne P. Stedman, Mayor

_________________________________
Amy S. Falowski, City Clerk
CITY OF NEWTON  
Inter-office Correspondence

TO:  E. Todd Clark, City Manager  
DATE:  December 14, 2018

RE:  Tax Releases – November 2018

FROM:  Vickie Thomas,  Finance Director

The following tax releases have been received from the Catawba County Tax Collector. The reason for each release is annotated beside the name.

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Tax Release Number</th>
<th>Name</th>
<th>Reason</th>
<th>Amount of Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>45</td>
<td>Allen, Joseph M.</td>
<td>Value change customer rebilled</td>
<td>$5.94</td>
</tr>
<tr>
<td>2018</td>
<td>46</td>
<td>Carolina Tractor &amp; Equipment Co.</td>
<td>Property not located in county</td>
<td>$388.16</td>
</tr>
<tr>
<td>2018</td>
<td>47</td>
<td>Carolina Tractor &amp; Equipment Co.</td>
<td>Property not located in county</td>
<td>$345.19</td>
</tr>
<tr>
<td>2018</td>
<td>48</td>
<td>Carolina Tractor &amp; Equipment Co.</td>
<td>Property not located in county</td>
<td>$288.52</td>
</tr>
<tr>
<td>2018</td>
<td>49</td>
<td>Carolina Tractor &amp; Equipment Co.</td>
<td>Property not located in county</td>
<td>$239.70</td>
</tr>
<tr>
<td>2018</td>
<td>50</td>
<td>Carolina Tractor &amp; Equipment Co.</td>
<td>Property not located in county</td>
<td>$197.75</td>
</tr>
<tr>
<td>2018</td>
<td>51</td>
<td>McClelland, Gary W.</td>
<td>Small underpayment</td>
<td>$.05</td>
</tr>
<tr>
<td>2018</td>
<td>52</td>
<td>Taylor, Margaret E.</td>
<td>Small underpayment</td>
<td>$.14</td>
</tr>
<tr>
<td>2018</td>
<td>54</td>
<td>US Bank National Association</td>
<td>Value change customer rebilled</td>
<td>$522.58</td>
</tr>
</tbody>
</table>

Should you have any questions or need clarification, please notify. Releases are submitted as required by NCGS § 105-381(b).
THE FOLLOWING SEWER ADJUSTMENT IS RECOMMENDED FOR APPROVAL. THE ADJUSTMENT IS RECOMMENDED AS A RESULT OF A WATER LEAK AT THE SERVICE ADDRESS OR A POOL FILL UP.

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Name</th>
<th>Service Address</th>
<th>Adjustment Period</th>
<th>Amount of Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>44000230-005</td>
<td>Jerry Howell</td>
<td>1233 Hogan Ct</td>
<td>Nov 18</td>
<td>$120.44</td>
</tr>
<tr>
<td>2000030-001</td>
<td>Jo McGlown</td>
<td>326 S Forney Ave</td>
<td>Aug-Oct 18</td>
<td>$47.74</td>
</tr>
<tr>
<td>59001060-004</td>
<td>Teresa Stamey</td>
<td>307 N Caldwell Ave</td>
<td>Aug-Oct 18</td>
<td>$76.60</td>
</tr>
<tr>
<td>18020425-002</td>
<td>Room and Board</td>
<td>1971 Stover Ct</td>
<td>Nov 18</td>
<td>$1,709.64</td>
</tr>
</tbody>
</table>

Backup documentation to support each adjustment is on file in the Finance Department. Should you have questions or require further clarification, please notify.
DATE: January 2, 2019

TO: E. Todd Clark, City Manager

FROM: Doug Wesson

CONSIDERATION OF: Recognize Funds from Electricities for System Betterment Program.

Background:

Electricities have budgeted funds for NCMPA1 Participants in the amount up to $5,000 for System Betterment Projects such as: Distribution Improvements, Distribution Audit, Smart Grid, Load Management, Cyber Security, Rates, Cost of Service, Billing, Energy Efficiency and others.

Staff had submitted the application form on November 26th 2018 for a Rate Study based on the Cost of Service Study Ed Tucker completed. On December 14th 2018, City was awarded $5,000 for this project. The only criterion is the funds have to be spent in calendar year of 2019 and on the project described in the reimbursement form.

Action Suggested:

City staff recommends recognizing funds from Electricities to the 2018-2019 Electric Fund Revenues and amending the 2018-2019 Electric Budget Operation Expenditures under Engineering to appropriate $5,000.
ORDINANCE # 2019-1

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2018-2019 FOR THE CITY OF NEWTON

WHEREAS, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2018, and ending June 30, 2019, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, the City of Newton City Council desires to accept the System Betterment Grant from ElectriCities in the amount of $5,000. The grant is targeted to assist planning and/or implementing programs that will enhance the operations of the City’s electric system; and,

WHEREAS, the City plans on utilizing the grant for an electric system rate study; and,

WHEREAS, the City of Newton City Council desires to recognize the grant funds and the related expenditure for the electric system rate study; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, NORTH CAROLINA, THAT:

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

Electric Fund Revenues
   Special Project Cont/Other Grants  63-0000.3845   $ 5,000

Electric Fund Appropriations
   Professional Services-Engineering  63-7201.4940   $ 5,000

Adopted this 8th day of January 2019

__________________________________________
Anne P. Stedman, Mayor

__________________________
Amy S. Falowski, City Clerk
DATE: January 3, 2019

TO: City Council

FROM: Anne P. Stedman, Mayor

CONSIDERATION OF: Appointments

Members of City Council, I would like to recommend the following appointments:

Tree Board – Ken Simmons
April Wallace – Newton-Conover Auditorium
Philip Toelkes – Appearance Commission
Board and/or Committee Application

City of Newton
PO Box 550
Newton, NC 28658
828-695-4300

Name. Ken Simmons

Mailing Address 515 W. 10th St.

Home Address Newton, N.C. 28658

Work Phone# Home# 828-464-4974 Cell# 828-388-7125

Resident of the city Yes/No Number of Years 50

Business owner in the city Yes/No Number of Years

1. Why are you interested in serving on the TREE Board/Committee?
   I taught life sciences in school and am well aware of the importance of trees and vegetation to our environment.

2. What is your professional and educational background?
   I was a teacher in the NC school system before retirement.

3. Do you have special skills, experience or background which would assist you in working on this Board/Committee?
   I taught life science in the seventh grade, which included plants.

4. How did you hear about this Board/Committee vacancy?
   Mary Yoder asked me to serve.

Signature Ken Simmons Date 11-28-18

Thank you for your interest in the City of Newton and specifically your interest in being considered for a city board or committee. You along with other applicants will be considered for any current vacancies. Upon submittal to the city this application and the information provided herein will be kept on file with the city and be considered public information.
December 4, 2018

Mr. Todd Clark, City Manager  
City of Newton  
P.O. Box 550  
Newton, NC 28658

Dear Mr. Clark,

The Newton-Conover Auditorium has a board of directors vacancy from Frances Hollar whose term has ended as a City of Newton appointee. We request the approval of April Wallace to serve as a city appointment for a 3-year term. April resides on 6th Street in Newton.

Thank you for your consideration.

Sincerely,

Jill Towery  
Executive Director
Just found this in my junk mail. Not sure whether you got it.

Alex Frick
Public Information Officer
City of Newton
O. 828.695.4266
M. 828.409.7408

-----Original Message-----
From: pio@newtonnc.gov [mailto:pio@newtonnc.gov]
Sent: Monday, November 19, 2018 12:11 PM
To: Falowski,Amy
Cc: Frick,Alex
Subject: Board/Committee application

Name = Philip Toelkes
Address = 618 S Brady Ave
City_Town = Newton
Stat_Prov = NC
Zip_Postal_Code = 28658
Phone = 828.310.9534

Which board or committee? = Appearance Commission Why are you interested? = Being involved in local government. Attended the Nov. meeting and would enjoy working with this group.
Professional/educational background = I am a retired Court Administrator with the State of NC. I have graduate and post graduate degrees in criminal justice.
Special skills, experience and background = Have served on, and run many committees during my tenure with the State. I am interested in architecture and landscaping.
How did you hear about vacancy? = David put an invitation on the Nextdoor Neighbor app.
Client IP = 47.134.224.92
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: January 2, 2019

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Rezoning #2018-02 as filed by Babamov Enterprises NC, LLC

Approved for Council Consideration

Request:

A rezoning request has been filed by Babamov Enterprises NC, LLC. The request is to rezone a portion of property located at 2306 N Main Ave from R-9 Multi-Family Residential to M-1 General Manufacturing so that the entire site is zoned M-1. The subject site consists of a 1.41 acre tract identified as Catawba County Pin 3741-17-12-0274. The purpose of the request is to have the entire site zoned M-1 so that the western portion of the site and the building is not restricted by the R-9 zoning.

Background:

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>Subject(s)</th>
<th>ZONING</th>
<th>LANDUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M-1 General Manufacturing</td>
<td>Warehouse and vehicle repair</td>
</tr>
<tr>
<td></td>
<td>R-9 Multifamily Residential</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>R-9 Multifamily Residential</td>
<td>Single family residential</td>
</tr>
<tr>
<td>South</td>
<td>R-9 Multifamily Residential</td>
<td>Single family and multifamily residential</td>
</tr>
<tr>
<td></td>
<td>B-4 General Business</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
<td>Catawba County Schools parking lot and single family residential</td>
</tr>
<tr>
<td>West</td>
<td>R-9 Multifamily Residential</td>
<td>Single family residential</td>
</tr>
</tbody>
</table>

Zoning History:

The area requested to be rezoned is currently zoned R-9. According to the current, 1982, and 1966 Zoning Map the area has been zoned R-9. The portions of the property that is currently zoned M-1 General Manufacturing was zoned that way on both the 1966 and 1982 zoning map.
Transportation:

The site has frontage on both East 23rd Street and N. Main Ave. East 23rd Street is considered a neighborhood street. Traffic on East 23rd is minimal (no traffic counts are available). North Main is also known as NC Hwy 16 and is a major arterial for the city. Traffic counts along N. Main in this area are around 8,400 (2017 DOT count) vehicles per day. It is not anticipated that the rezoning request would have a significant impact on existing or future traffic patterns.

Utilities:

City water and sewer are available.

Consistency and Conclusion:

The 2010 Core Area Plan Future Land Use Map shows the area being zoned residential. The request is inconsistent with the current land use plan for the area but would be consistent with the existing land use of the area and it would not adversely impact the adjoining residential area.

Public Notice:

Public notice for this rezoning case has been performed as follows:

Newspaper: published on December 27, 2018 and January 3, 2019.
Posted on-site: posted November 15, 2018
Mailed notices: sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 20 letters were sent on December 28, 2018.

Comment:

The building on the western portion of the site was built in the mid-80’s as an accessory building to the main building on the site and was built across the zoning district lines at that time. There was no zoning request that predated the construction nor were there any zoning request post construction that could be found. The structure was permitted as was required at the time. It appears that the approval of structure’s location across the zoning line was granted in error. As a result, the structure is currently not in compliance with the zoning ordinance. This request, if granted will rectify the issue.

Recommendation:

The Planning Commission unanimously recommends to the City Council approval of this rezoning request. The request is inconsistent with the 2010 Core Area Plan, but the request is consistent with existing use of the property and would not adversely impact nor hamper the development of the adjoining residential areas.
Rezoning #2018-02
Babamov Enterprises NC, LLC
2306 N Main Ave

Legend
- subject site
- Multifamily Residential (R-9)
- General Manufacturing (M-1)
- Rail Road
- General Business (B-4)
- Parcels

Date: 11/16/2018
CITY OF NEWTON, NC
APPLICATION FOR AMENDMENT TO THE OFFICIAL ZONING ATLAS

Application # 2018-02

TO THE PLANNING COMMISSION AND CITY COUNCIL OF THE CITY OF NEWTON, NC:

1, the undersigned, do hereby make application and petition to change the Zoning Atlas of the City of Newton as hereinafter requested.

1. The property for which this Zoning Atlas Amendment is requested is shown as Atlas Sheet _______ Block _______ Parcel _______ PIN 3741 17 12 0274. (If more than one parcel is involved, attach a list of all other properties, the nature of the proposed amendment, and a legal description for each).

2. The present zoning classification of the property for amendment is _______ R-9 _______.

3. The proposed zoning classification of this property is _______ M-1 _______.

4. Property owner(s): Name: Bakamov Enterprises N.C.
   Address: 2306 North Main Avenue
   Phone: (614) 374-3233 (H)(W)

5. As required by Article 13 of the Zoning Ordinance, I have attached the following material related to the proposed amendment herein referenced above:

_____ A fully dimensional survey map at a scale of not less than 100 feet nor more than 20 feet to the inch showing all land, structures and uses covered by this proposed amendment.

_____ A legal description of each parcel proposed for amendment.

_____ A description of the changed or changing conditions, if any, in the jurisdiction of the City of Newton, which makes the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

_____ A description of how the proposed amendment will carry out the purpose and intent of the adopted Land Development Plan.

The above and attached information is true and accurate to the best of my knowledge.

Signature *

[Signature]

Date of Filing

11/1/18

- If the applicant is different from property owner, a signed statement by the owner giving permission to rezone their property or properties should be submitted. In the case where more than one property owner is involved, all property owners must submit a written statement giving permission to rezone their properties.
In Regards to change of zoning:

We are trying to correct the zoning on this parcel, as it's showing in two different ones. We would like to have the property zoned all M-1, so there's no future issues in utilizing the building.

Ashley Babamov/Owner
Account Manager

FRSTeam by Sun Cleaners
3739 Old Columbus Rd
Carroll, OH 43112
P: 740.756.4749  M: 614.374.3255

http://www.frsteam.com/
DATE: January 4, 2019

TO: Mayor and City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Consideration of Staff Recommendation for Splash Pad

Approved for Council Consideration

Background:

City Council has considered the utilization of proceeds from the Jones estate on several occasions. According to Lillian Sewell Jones’ will, there must be two unanimous votes by two seated City Councils that are at least 2 years and 3 months apart. The first unanimous vote occurred January 8, 2013, at the regularly scheduled council meeting, and the second unanimous vote occurred January 9, 2018.

During the January 23, 2018, Council/Staff Workshop, City Council discussed projects on which to spend the proceeds. The three projects agreed upon were an amphitheater, splash pad, and ballfield lighting at Jacob Fork Park.

The ballfield lighting at Jacob Fork Park was completed in November 2018 with a project cost of $404,000. The amphitheater is part of the Phase I Downtown Revitalization project and has an estimated cost of $200,000. The remaining balance of Mrs. Jones estate is approximately $953,000, which is available for completing the splash pad project.

At the August 2018 City Council Workshop, City Council directed staff to complete an assessment of the area surrounding the pool at the Recreation Center as a potential location for the splash pad.

Staff met with a vendor that had been retained by neighboring Catawba County municipalities for similar projects and had a reputation as being a leader in this industry. Over the course of the next two months, the staff worked with this vendor. Unfortunately, staff determined that the vendor could not reliably produce renderings for the project and was not responsive to questions asked by staff. Staff also learned the vendor had not satisfactorily completed their construction projects as specified in contracts with two other local governments in Catawba County. Consequently, staff decided to evaluate the services of other vendors. Staff has worked diligently with the Parks and Recreation Commission since November to assess the site and evaluate other vendors.

Through discussions with City Council and input from members of the Recreation Commission, staff selected a specific design and accessories that stood out and was different from what nearby locations currently had.

The pricing breakdown is as follows:

- Splash pad installation (including permits, engineered drawings) $465,354.40
- Site amenities package (includes benches, trash receptacles, etc.) $58,357.45
- ADA accessible sidewalk from back parking lot $13,850.00
- 10% Contingency $53,756.00

$591,317.85
**Recommendation:**

City Staff has worked in cooperation with the Parks and Recreation Commission to develop a site specific recommendation as presented herein. The staff respectfully asks City Council to consider these recommendations.
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: January 2, 2019

TO: E. Todd Clark, City Manager

FROM: Timothy W. Hayes, Interim Chief of Police

CONSIDERATION OF: Elimination of Traffic Signals

Approved for Council Consideration

Background:

On December 4th 2018, Council was presented with information regarding the elimination of traffic signals at the intersections of ‘A’ Street and Ashe Avenue, 1st Street and Ashe Avenue, and ‘A’ Street and Brady Avenue. Traffic signals at all three intersections are all owned by the City of Newton.

Based on the observed number of accidents and the traffic flow and volume, staff believes traffic can be moderated just as easily with the use of stop signs as opposed to traffic signals. Additionally, the removal of the signals represents a financial benefit to the city through cost savings related to electrical expenses. Finally, the city regularly receives complaints from motorists concerning wait times at these intersections. Elimination of the signals will satisfy motorist, as wait times at stop signs will be less than at traffic lights based on the current traffic flow and volume.

Council had a brief discussion concerning the removal of the listed traffic signals and replacing them with stop signs. Council requested more time to review the proposal before they advise staff how to proceed.

Staff has conducted a safety review at all three intersections. At the intersection of ‘A’ Street and Ashe Avenue, buildings are located on each corner of the intersection radius which creates limited sight distance. There is also a building located on the northeast corner of 1st Street and Ashe Avenue and the northeast corner Brady Avenue and ‘A’ Street near the intersection radius at both locations.

Requested Action:

It is the recommendation of staff that if the traffic signals are removed, all three intersections be made all-way stop due to limited sight distance.
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: December 31, 2018

TO: Todd Clark, City Manager

FROM: Dusty Wentz, PWU Director

CONSIDERATION OF: Amending the City of Newton Water Shortage Response Plan.

Approved for Council Consideration

Background:

On August 21, 2007 City Council adopted a Water Shortage Response Plan (WSRP). Since then this plan has been amended four times. The initial adoption, in the fall of 2018, the North Carolina Department of Environmental Quality (NCDEQ) reviewed our Water Shortage Response Plan and wanted changes. Having a Water Shortage Response Plan is a requirement from the North Carolina Department of Quality.

City staff made changes as shown in red in the attachment which NCDEQ approved. When there are significant changes that will require the plan to be revised the Council must set a date to hold a public hearing. Upon completion of the public hearing, the City Council may adopt the revisions.

Action Suggested:

It is recommended that Council set a public hearing for February 19, 2019 to receive public comment.
CITY OF NEWTON WATER SHORTAGE RESPONSE PLAN (WSRP)
NEWTON (PWSID: 01-18-015)

Adopted by Newton City Council on August 21, 2007
Amended on October 16, 2007
Amended on May 6, 2008
Amended on August 5, 2008
Amended on February 16, 2010

I. AUTHORITY

When the thresholds established in Section IV of this plan are reached the City Manager, or an agent designated by
the City Manager, shall recommend that the Mayor declare a water shortage and institute the provisions of this
plan. In the absence of the Mayor the Mayor Pro Tem shall have the authority to declare a water shortage. The City
Manager may implement the plan.

II. NOTIFICATION

Upon the declaration of a water shortage by the Mayor, a press release will be forwarded to the following media
outlets: The Observer News Enterprise (828-464-0221), The Hickory Daily Record (828-322-4510), The
Charlotte Observer – Catawba Valley section (828-324-0055), WNCC 1230 AM Radio (828-466-2551),
WBTV Channel 3 News (704-374-3698), WSOC Channel 9 News (704-335-4871); and WCNC Channel 36
News (704-329-3636).

III. CITY OF NEWTON YEAR ROUND WATER USE POLICY

<table>
<thead>
<tr>
<th>Year Round Water Use Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City of Newton City Council encourages all municipally supplied water users to use water efficiently at all times.</td>
</tr>
<tr>
<td>The City of Newton’s Utility Director will monitor regional water resource conditions through the North Carolina Drought Monitor. (<a href="http://www.ncwater.org/drought/">http://www.ncwater.org/drought/</a>) When the Drought Monitor indicates impending drought conditions the Utility Director will increase monitoring of water demand and the available supply of water. The findings will be reported to the City Manager. In the event of a declaration of a water shortage by the Mayor, the Utility Director will submit a weekly report on water supply conditions to the Mayor and City Manager.</td>
</tr>
</tbody>
</table>

All municipalities or water companies purchasing water from the City of Newton’s water system will, at a minimum, adopt and enforce water use reduction measures contained in this plan as a condition of water sales. Where minimum (take or pay) requirements are specified in a water sales agreement these threshold minimum use requirements will be suspended during the duration of water shortage declarations.

<table>
<thead>
<tr>
<th>Public education and outreach consists of the following activities:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Mailings to Major Users</td>
</tr>
<tr>
<td>Bill Stuffers to All Customers</td>
</tr>
<tr>
<td>Radio (public service announcements)</td>
</tr>
</tbody>
</table>
IV. CITY OF NEWTON WATER USE CLASSIFICATION

To aid implementation of this plan the following classes of water use have been established.

**CLASS I: ESSENTIAL POTABLE WATER USES FOR NEWTON**

<table>
<thead>
<tr>
<th>Domestic</th>
<th>Water to sustain human and domestic pet life; minimum standards of hygiene and sanitation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patient Care</td>
<td>Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.</td>
</tr>
<tr>
<td>Public Use</td>
<td>Firefighting and approved flushing of sewers and hydrants to ensure public health and safety.</td>
</tr>
</tbody>
</table>

**CLASS II: SOCIALLY/ECONOMICALLY IMPORTANT POTABLE WATER USES FOR NEWTON**

<table>
<thead>
<tr>
<th>Domestic</th>
<th>Minimal use for kitchen, bathroom and laundry; Minimal watering of vegetable gardens and trees to preserve them.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Use</td>
<td>Filling and operation of public swimming pools, which serve more than 25 residents.</td>
</tr>
<tr>
<td>Commercial</td>
<td>Commercial vehicle washes and laundromats; restaurants and hotels, irrigation of golf course greens, watering by commercial nurseries at a minimum level to maintain stock, minimum amount required to maintain essential cooling operations.</td>
</tr>
<tr>
<td>Agricultural</td>
<td>Minimum amount required to maintain crops, livestock, and associated activities.</td>
</tr>
<tr>
<td>Industrial</td>
<td>Minimum use necessary to operate production facilities and maintain jobs, minimum amount required to maintain essential cooling operations.</td>
</tr>
<tr>
<td>Institutional</td>
<td>Efficient use by schools, churches, and government facilities.</td>
</tr>
</tbody>
</table>

**CLASS III: NON-ESSENTIAL POTABLE WATER USES FOR NEWTON**

| All | Ornamental uses (fountains, reflecting pools, artificial waterfalls, etc.); Residential lawn irrigation; Non-commercial washing of motor vehicles; Washdown of impervious surfaces; Filling and operation of recreational swimming pools serving less than 25 residents. |
| Public Use | Gardens, lawns, parks, golf courses (except greens), playing fields and recreational areas. |
| Commercial | Serving water in restaurants except by request. |

V. LEVELS OF DROUGHT RESPONSE AND TRIGGERS

When the following water supply thresholds (TRIGGERS) are reached, the Mayor shall initiate the following PHASE reduction measures as outlined under the corresponding RESPONSE heading.

It should be noted that the City of Newton obtains it’s water supply from the Jacob’s Fork River and not the Catawba River. Therefore, the City of Newton does not use the C-W Drought Management Advisory Group LIP, but the responses and triggers described in this plan.
PHASE I: VOLUNTARY WATER USE REDUCTION FOR NEWTON

<table>
<thead>
<tr>
<th>TRIGGERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A reduction in the flow of the Jacobs Fork River at the raw water intake to 15 million gallons per day (MGD) for a period of seven (7) consecutive days;</td>
</tr>
<tr>
<td>Or greater than 75% of the river flow is being used for 7 consecutive days;</td>
</tr>
<tr>
<td>Or any combinations of the above conditions for 7 consecutive days.</td>
</tr>
<tr>
<td>The Mayor may declare the Phase I reductions prior to the 7th day of the conditions above if it is determined to be necessary.</td>
</tr>
</tbody>
</table>

PHASE I: VOLUNTARY WATER USE REDUCTION FOR NEWTON

<table>
<thead>
<tr>
<th>RESPONSE (Begin Distribution of Water Use Reduction Education Materials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Mayor shall declare a Water Shortage Advisory;</td>
</tr>
<tr>
<td>Begin public notification as previously outlined and distribute water conservation tips;</td>
</tr>
<tr>
<td>Request Voluntary Conservation for all users of the Newton water system as outlined in distributed information;</td>
</tr>
<tr>
<td>Request all irrigation systems be limited to two days per week between 6pm - 8am;</td>
</tr>
<tr>
<td>Request citizens to stop all non-commercial car washing;</td>
</tr>
<tr>
<td>Request all non-commercial pressure washing and washdown of impervious surfaces be reduced or eliminated;</td>
</tr>
<tr>
<td>Request Class III non-essential uses be reduced or eliminated;</td>
</tr>
<tr>
<td>Request restaurants serve water only by request;</td>
</tr>
<tr>
<td>Commercial and Industrial water users are required to prepare a 25% Water Use Reduction Plan to be submitted within 30-days of water shortage advisory declaration.</td>
</tr>
<tr>
<td>Mayor may authorize additional water use restrictions or bans to be enforced 10 days after public notification.</td>
</tr>
</tbody>
</table>

PHASE II: MANDATORY WATER USE REDUCTION MEASURES FOR NEWTON

<table>
<thead>
<tr>
<th>TRIGGERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A reduction in the flow of the Jacobs Fork River at the raw water intake to 8 million gallons per day (MGD) for a period of seven (7) consecutive days;</td>
</tr>
<tr>
<td>Or greater than 80% of the river flow is being used for 7 consecutive days;</td>
</tr>
<tr>
<td>Or any combinations of the above conditions for 7 consecutive days;</td>
</tr>
<tr>
<td>Or failure of Phase I measures to result in a reduction of potable water-use demand;</td>
</tr>
<tr>
<td>The Mayor may declare the Phase II reductions prior to the 7th day of the conditions above if it is determined to be necessary.</td>
</tr>
</tbody>
</table>
RESPONSE

The Mayor shall declare a Water Shortage Alert;
All voluntary measures become mandatory in addition to the following measures:
Enforce a system-wide 25% water use reduction goal (including industrial and commercial plans);
Notify water use customers by any or all methods as previously outlined;
Limit all landscape irrigation to one day per week using drip irrigation or hand held nozzle;
Limit residential outdoor watering to spray nozzle or drip irrigation only;
Ban all non-commercial car washing;
All vehicle sales dealerships limited to wash vehicle only upon buying or sale of vehicle;
Ban all non-commercial pressure washing and washdown of impervious surfaces;
Restaurants allowed to serve water only upon request;
Ban the filling of newly constructed or recently drained pools unless to prevent damage;
Public recreational areas are limited to watering on Monday between the hours of 6pm-8am;
Institutional automatic toilet flushing systems will operate only during business hours;
All non-public hydrant use permits evaluated and approved only for health & safety reasons;
Ban ornamental uses;
Develop water rationing plan;
Develop daily household consumption restrictions;
Mayor may authorize additional water use restrictions or bans to be enforced 10 days after public notification.

PHASE III: EMERGENCY WATER USE REDUCTION MEASURES FOR NEWTON

TRIGGERS
A reduction in the flow of the Jacobs Fork River at the raw water intake to 6 million gallons per day (MGD) for a period of seven (7) consecutive days;
Or greater than 90% of the river flow is being used for 7 consecutive days;
Or any combinations of the above conditions for 7 consecutive days.
Or failure of Phase II measures to result in a 25% reduction of potable water-use demand.
The Mayor may declare the Phase III reductions prior to the 7th day of the conditions above if it is determined to be necessary.

RESPONSE
The Mayor shall declare a Water Shortage Emergency;
In addition to the above measures the following measures will also be imposed:
Notify water use customers by any or all methods as previously outlined;
Ban all Class III non-essential use except as follows:
Ban all landscape irrigation (including golf course greens, school grounds, residential lawns);
Ban vehicle washing by vehicle sales dealerships;
Ban all non-public hydrant use;
Implement daily household consumption restrictions;
Ban topping off pools;
Request additional conservation from Class 1 (essential) users as may be possible;
Consider enacting advanced restriction pricing and/or surcharge with fines for overuse;
Limit garden irrigation to two days per week between 6pm to 8am by hand or drip irrigation only;
Ban all recreational use.
Mayor may authorize additional water use restrictions or bans to be enforced 10 days after public notification.
PHASE IV: CRISIS WATER USE REDUCTION MEASURES FOR NEWTON

TRIGGERS
A reduction in the flow of the Jacobs Fork River at the raw water intake to 3 million gallons per day (MGD) for a period of two (2) consecutive days;
Or 100% or more of the river flow is used on any day;
Or the city is unable to meet minimum pressure requirements in the water distribution system;
The Mayor may declare the Phase IV reductions prior to the 2nd day of the conditions above if it is determined to be necessary

RESPONSE
The Mayor shall declare a Water Shortage Crisis;
In addition to the above measures the following measures will also be imposed:
Notify water use customers by any or all methods as previously outlined;
Ban all garden irrigation
Flow to wholesale water customers will be reduced or eliminated as needed to meet demand;
Require additional conservation from Class 1 (essential) users as may be possible;
Reevaluate and consider additional advanced restriction pricing with fines for overuse;
Implement water rationing plan;
Implement daily household consumption restrictions.
All industrial and other large users required to follow Large Water User Restriction Guidelines set by the City.
Mayor may authorize additional water use restrictions or bans to be enforced 10 days after public notification.

VI: ENFORCEMENT

The provisions of the water shortage response plan will be enforced by The City of Newton Utility Department and Police Personnel. Violators may be reported to the City’s Dedicated Water Conservation Hotline. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>Phase I: VOLUNTARY</th>
<th>Phase II: MANDATORY</th>
<th>Phase III: EMERGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRST</td>
<td>Notice of Violation (NOV)</td>
<td>NOV and warning</td>
<td>$50 Fine</td>
</tr>
<tr>
<td>SECOND</td>
<td>NOV</td>
<td>$50 Fine</td>
<td>$100 Fine</td>
</tr>
<tr>
<td>THIRD</td>
<td>NOV</td>
<td>$100 Fine</td>
<td>$250 Fine</td>
</tr>
<tr>
<td>FOURTH</td>
<td>NOV</td>
<td>$250 Fine</td>
<td>$350 Fine</td>
</tr>
<tr>
<td>MORE THAN FOUR</td>
<td>NOV</td>
<td>Water Service Disconnection + Associated Reconnect Fees</td>
<td>Water Service Disconnection + Associated Reconnect Fees</td>
</tr>
<tr>
<td>OFFENSES</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Phase IV enforcement penalties will be double the Phase III penalties.
VII. RETURN TO NORMAL OPERATIONS IN NEWTON

Phase conservation measures and restrictions will expire incrementally when the Mayor, after consultation with the City manager and Utility Director, finds that the water supply has returned to normal.

VIII. PUBLIC COMMENT

Any proposed amendment to the City of Newton’s Water Shortage Response Plan shall be presented to the City Council to set a date for a Public Hearing and received comments over a 30-day period prior to the public hearing. During this comment period staff will contact all of those residents of Newton who comment on the plan and resolve any issues with the plan. Once this period is concluded staff will present the recommended plan to the Council for adoption.

IX. VARIANCE PROTOCOLS

When water restrictions are declared by the Mayor or Mayor Pro-Tem the City will receive variance requests and decide on a case by case basis whether to grant these requests. Staff will review these requests and make a recommendation to the City Manager.

No variances will be approved.

X. EFFECTIVENESS

City staff will monitor water production records and water consumption records on a monthly basis to determine the effectiveness of the water restrictions have resulted in a water savings.

Water savings will be determined by date from water meter consumption totals. This data will then be evaluated against previous year’s seasonal data along with expected water usage to determine if water savings are being obtained.

XI. PLAN REVISIONS

The City of Newton Public Works Director will review the plan on a yearly basis to determine if any revisions need to be made due to changing circumstances. When staff determines there are significant changes that will require the plan to be revised they will recommend a revision to the City Manager. The City Manager will then present these revisions to the Council to set a date to hold a public hearing to adopt the proposed revisions after the 30 day public comment period.
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: January 3, 2019

TO: Mayor Anne Stedman and Newton City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Consideration of Budget Amendments for Legal Services and Lease of Office Space

Approved for Council Consideration

Background:

The City Council has determined that a need exists for full time legal services. As a result, the Council has offered a contract for full time employment to the current City Attorney. Additionally, the Council has authorized the employment of a paralegal to assist the City Attorney in meeting the needs of the City. A budget amendment is required to appropriate funds for salary, benefits, associated training and travel for each of these positions.

The City Council has also recognized the need to provide work space accommodations for each of these positions. At the direction of the Council, I have evaluated various options and recommend leasing office space for a term of six (6) months, with an option to extend an additional six (6) months, at 217 North Main Avenue in Newton. It is important to note that the City Attorney has no ownership interest in the property and will derive no income through the lease agreement. His office however is, presently located within the office building jointly owned by Gary Corne and Bob Grant.

The lease amount is $1500 per month plus a proportionate share of utility expenses. A budget amendment is necessary to cover these expenses for the remainder of the fiscal year.

Action Suggested:

The recommended action is for City Council to approve the proposed lease as outlined in the attached lease agreement.

The staff also recommends a separate action to approve the proposed budget amendment for expenses related to the employment of the City Attorney and Paralegal, as well as expenses related to the lease of property located at 217 North Main Avenue, Newton.
ORDINANCE 2019-2
AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR
FISCAL YEAR 2018-2019 FOR THE CITY OF NEWTON

WHEREAS, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2018, and ending June 30, 2019, in accordance with the General Statutes of the State of North Carolina, and

WHEREAS, the City desires to appropriate funds to pay salary, benefits and office space costs related to the addition of a City Attorney and Paralegal to staff;

WHEREAS, The City Council desires to approve utilization of fund balance and to approve the related appropriation for the costs related to these two positions; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, NORTH CAROLINA, THAT:

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

<table>
<thead>
<tr>
<th>General Fund Revenues</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance Appropriation</td>
<td>11-0000.3400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Fund Appropriations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages – Regular</td>
<td>11-4120.4210</td>
</tr>
<tr>
<td>FICA</td>
<td>11-4120.4810</td>
</tr>
<tr>
<td>Medicare</td>
<td>11-4120.4815</td>
</tr>
<tr>
<td>Retirement Contribution</td>
<td>11-4120.4820</td>
</tr>
<tr>
<td>Group Insurance Contribution</td>
<td>11-4120.4830</td>
</tr>
<tr>
<td>Worker’s Comp Contribution</td>
<td>11-4120.4860</td>
</tr>
<tr>
<td>Meeting and Travel</td>
<td>11-4120.6110</td>
</tr>
<tr>
<td>Telephone Service</td>
<td>11-4120.6200</td>
</tr>
<tr>
<td>Insurance</td>
<td>11-4120.7500</td>
</tr>
<tr>
<td>Dues and Subscriptions</td>
<td>11-4120.7910</td>
</tr>
<tr>
<td>Rent of Other Facilities</td>
<td>11-4120.7190</td>
</tr>
<tr>
<td>Electric</td>
<td>11-4120.6300</td>
</tr>
<tr>
<td>Water</td>
<td>11-4120.6340</td>
</tr>
<tr>
<td>Sewer</td>
<td>11-4120.6345</td>
</tr>
<tr>
<td>Professional Services – Legal</td>
<td>11-4120.4920</td>
</tr>
</tbody>
</table>

Adopted this 8th day of January 2019.

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk