AGENDA
CITY OF NEWTON

January 23, 2018
AGENDA  
CITY OF NEWTON  
NEWTON CITY COUNCIL - REGULAR MEETING  
January 23, 2018  
7:00 p.m. 

<table>
<thead>
<tr>
<th>Page</th>
<th>1. Call to Order – Mayor Anne P. Stedman</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Opening – Council Member Jody Dixon</td>
</tr>
<tr>
<td>3.</td>
<td>Approval of Minutes from the January 9, 2018 Regular Meeting</td>
</tr>
<tr>
<td>4.</td>
<td>Consideration of Consent Agenda Items</td>
</tr>
<tr>
<td></td>
<td>A. Tax Releases</td>
</tr>
<tr>
<td></td>
<td>B. Consideration of Capital Project Ordinance for Streetscape Project</td>
</tr>
<tr>
<td></td>
<td>C. Consideration to Recognize Revenue from the United Arts Council of Catawba County</td>
</tr>
<tr>
<td>5.</td>
<td>Comments from the Public: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE ASKED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):</td>
</tr>
<tr>
<td>6.</td>
<td>Presentation</td>
</tr>
<tr>
<td></td>
<td>A. Pedestrian Counts for Downtown – December 2017</td>
</tr>
<tr>
<td>7.</td>
<td>Old Business</td>
</tr>
<tr>
<td></td>
<td>A. Consideration of Resolutions Related to Debt Financing</td>
</tr>
<tr>
<td></td>
<td>1. Approval to Proceed with Project and to Submit LGC Application</td>
</tr>
<tr>
<td></td>
<td>2. Calling for Public Hearing</td>
</tr>
<tr>
<td>8.</td>
<td>City Manager’s Report</td>
</tr>
<tr>
<td>9.</td>
<td>Questions and Comments From Mayor and Council</td>
</tr>
<tr>
<td></td>
<td>A. Reports from Appointed Representatives on Outside Boards – Mayor Pro Tem John Stiver</td>
</tr>
<tr>
<td>10.</td>
<td>Adjournment</td>
</tr>
</tbody>
</table>

PERSONS WANTING TO SPEAK ON AN AGENDA ITEM MUST SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING. PERSONS WANTING TO BE PLACED ON THE AGENDA FOR THE NEXT MEETING MUST CONTACT THE CITY MANAGER AT LEAST SEVEN WORKING DAYS BEFORE THE MEETING.

The City of Newton does not discriminate on the basis of disability in the provision of its services as charged by the City Council of the City of Newton. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact Sean Hovis, ADA Coordinator, at least 48 hours prior to the scheduled meeting.
MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
January 9, 2018 – 7 p.m.
The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, January 9, 2018 at Newton City Hall.

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

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 Tom Rowe provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES
Upon motion duly made by Council Member Jerry Hodge, seconded by Council Member Anne Wepner, it was unanimously RESOLVED:

That the Regular Minutes of the December 5, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS
Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Ed Sain, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

A. Tax Releases
B. Sewer Adjustments
C. Consideration of City Council Member Committee Appointments
D. Consideration of Board/Committee Membership Appointments
E. Consideration of Request to Surplus Police K-9
F. Consideration to Ratify Resolution 2-17 – Certificate of Appreciation

(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. No one appeared.
ITEM 6: Presentation

A. Presentation of Resolution – Certificate of Achievement to Newton-Conover High School Men’s Soccer team, 2A State Champions

Mayor Stedman presented a Resolution – Certificate of Achievement to Newton-Conover High School Men’s Soccer team, 2A State Champions.

B. Presentation Recognizing Discovery High School Intern – Jalen Johnson

Mayor Stedman presented Discovery High School Intern Jalen Johnson with a plaque in appreciation of all the help and time that he has given the city during his internship.

C. Presentation from the Downtown Newton Development Association – Folk Art Festival

Downtown Newton Development Association Coordinator Shannon Johnson gave a presentation concerning the association and the recent success of the Folk Art Festival.

ITEM 7: Public Hearings

A. Consideration of Rezoning – Rezoning Application #2017-06 filed by Moore Investments, LLC

Mayor Stedman opened the Public Hearing.

Planning Assistant Alex Fulbright stated that Moore Investments, with permission from the property owner is seeking to rezone the properties located in the southeast quadrant of the intersection of NC Highway 16 and Norfolk Southern Rail Road from an EM-1 Exclusive Manufacturing District to a M-1 General Manufacturing District. The property requested to be rezoned is 7.55 acres and is owned by Appalachian Land Management, LLC. Mr. Fulbright stated the site is located within the City’s extraterritorial jurisdiction and is outside of the City of Newton’s city limits.

Background:
Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>ZONING</th>
<th>LANDUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>EM-1 Exclusive Manufacturing</td>
</tr>
<tr>
<td>North</td>
<td>EM-1 Exclusive Manufacturing</td>
</tr>
<tr>
<td>South</td>
<td>EM-1 Exclusive Manufacturing</td>
</tr>
<tr>
<td>East</td>
<td>Conover M-1 General Manufacturing</td>
</tr>
<tr>
<td>West</td>
<td>EM-1 Exclusive Manufacturing</td>
</tr>
</tbody>
</table>

Mr. Fulbright stated the area under consideration has been zoned EM-1 Exclusive Manufacturing since the adoption when the City’s Extraterritorial Jurisdiction was expanded in 1980. There have not been any zoning map amendments for the subject site.

Mr. Fulbright stated the proposed request is consistent with the 2005 Eastside Area Plan’s Future Land Use. The plan shows the area as industrial but it does not differentiate between M-1 and EM-1.

Mr. Fulbright stated The Planning Commission’s unanimous recommendation was that the request be sent to the Newton City Council for approval as requested.
Mayor Stedman asked if anyone wanted to speak. No one appeared.

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

That Public Hearing be CLOSED.

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

That Rezoning Application #2017-06 filed by Moore Investments, LLC be – APPROVED.

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

ITEM 8: Old Business

A. Consideration of Sue Jones Estate

City Manager Todd Clark stated the City Council has contemplated the utilization of proceeds from the Jones’ estate on several occasions. According to the Lillian Sewell Jones will, there must be two unanimous votes by two seated City Council’s that are at least 2 years and 3 months apart. Mr. Clark stated that the first unanimous vote occurred on January 08, 2013 at the regularly scheduled council meeting.

Mr. Clark stated that attached to this Request for Council Action is a copy of a document produced by the City’s Finance Director that includes the total amount of contributions to the City from the estate, the interest earned and the amount of interest that has been spent.

Mr. Clark asked that City Council consider the expenditure of principal funds allocated to the City by Ms. Jones’ estate. This vote is not for a specific project. He explained that projects will be presented to City Council at the January 2018 Workshop.

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

That the Expenditure of Principal Funds Allocated to the City by Ms. Jones’ Estate be – APPROVED.

ITEM 9: New Business

A. Consideration of Grant Award to Newton-Conover School System

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

That Consideration of Grant Award to Newton-Conover School System be – APPROVED.

B. Consideration of 2018 Street Paving Projects
City Manager Todd Clark stated that the City maintains 76.26 miles of streets. Approximately 75.62 mile of those streets are paved.

In 2015, the City contracted with McGill and Associates to perform a pavement and sidewalk assessment of all city streets and sidewalks. This assessment included a recommendation of which streets to pave first based on surface conditions. It also included an estimated cost to resurface the street and repair or replace the associated storm water and drainage structures. Since then, selection of streets to be repaved has been based on that assessment. Paving has only been budgeted for funds received from the State through Powell Bill allocation in past years. Typically, the City budgets approximately $180,000 each year (five year average) for repaving. At this level of funding, all city streets will be repaved every 115 years at current paving costs.

This fiscal year, council elected to budget an additional $500,000 from the general fund for pavement resurfacing in addition to $163,000 in Powell Bill funds, resulting in a total budget of $643,000 and a larger resurfacing project. If all selected streets are repaved, and funding levels remain constant, all city streets will be repaved every 68.8 years at current repaving costs. All ten selected streets total 1.1 miles of paving.

Mr. Clark stated that staff has selected ten (10) city streets for repaving in fiscal year 2018.

The streets are:
- N. Forney Ave.
- S. Cedar Ave from E. G to the end
- E. 14th St
- E. 18th St. from N. College to E. 16th
- E. 1st From N. College to N. Brady
- E. F St., Overlook Dr.
- W. 17th St.
- Chelsea Lane
- Counselor Dr. (please note that E. 1st St from N. Main to N. College will be resurfaced during the streetscape project and was removed from this year’s paving list.)

*W. 17th St., Chelsea Lane and Counselor Dr. will be listed as alternates, and included in the project if bids are favorable.

Mr. Clark stated that staff requests that Council consider the submitted streets for the fiscal year 2018 resurfacing project, and provide comment and / or approval of the selection prior to moving forward with the bidding process.

Upon motion duly made by Council Member Tom Rowe, seconded by Mayor Pro Tem Jon Stiver, it was unanimously RESOLVED:

That Consideration of 2018 Street Paving Projects be – APPROVED.

Council Member Anne Wepner asked if council could come back in the annual workshop and look at the policy for determining street paving and try to come up with a better way. Council agreed to do so.

C. Consideration of Rural Fire District Budget

City Manager Todd Clark stated that the City of Newton Fire Department provides fire services to approximately 25 square miles of rural area adjacent to the City of Newton corporate limits. This area is referred to as the Newton Rural Service District. The services within the Newton Rural Service District are provided through a contract with Catawba County funded through a Service District Tax. The current
Service District Tax rate is 9 cents per $100 valuation. The city is proposing an increase in the Service District Tax Rate of 3 cents per $100 of property valuation. This increase will generate approximately $150,000.00 of additional revenue. This increase will primarily fund personnel costs. The City of Newton recently received a FEMA personnel grant with a cost share in each of the three years of the grant. This increase is necessary to fund the local portion of the grant.

Mr. Clark explained that the Emergency Services office of Catawba County has requested that the Rural Budgets be submitted by the respective Fire Departments prior to January 15, 2018, and that the Budget and associated Rural Service District Tax Increase will be reviewed by the County Manager and Board of Commissioners during the annual budget process.

Mr. Clark asked that City Council review and approve the Rural Service District budget and rate increase to be submitted to Catawba County Emergency Services for FY 2018-2019.

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

That Consideration of Rural Fire District Budget be – APPROVED

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

D. Consideration of Annual Electric tree Trimming Contract

City Manager Todd Clark stated that staff requested bids for Tree Trimming services throughout its entire electric distribution system. Staff sent and received the following bids:

1. Asplundh Tree Expert $109,531.13
2. Wolf Tree, Inc. $660,162.49
3. Lewis Tree No Bid
4. Davey No Bid
5. Brent Mackey Tree Service No Bid

Mr. Clark stated that staff is recommending Council award the bid to Asplundh Tree Expert, LLC in the amount of $109,531.13 for fiscal year 17-18. Please note that City Council appropriated $125,000 for Fiscal Year 17-18.

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

That Consideration of Annual Electric tree Trimming Contract be – APPROVED

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

E. Consideration of Fye Dr Water Project and S Cedar Ave to Forney Ave Sewer Rehabilitation

1. Consideration of Resolution of Intent to Reimburse
2. Consideration of Award

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

That Intent to Reimburse be – APPROVED
Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Anne Wepner, it was unanimously RESOLVED:

That Award of Bid for replacement of approximately 900 feet of 8 inch sanitary sewer on South Cedar to South Forney Ave to Iron Mountain Construction be – APPROVED.

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

That Award of Bid to Extend Water Main to Un-Served Area of Fye Drive- to M&M Construction be – APPROVED

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

ITEM 10: City Manager’s Report

Meetings & Events

- January 10th – Reception for John Marshall, Western Piedmont Council of Governments 4:00 p.m.-5:00 p.m.
- January 11th and 12th – Essentials of Municipal Government including Ethics Training
- January 12th – Last day for Leaf Pickup
- January 22nd – 25th Annual Council/Staff Workshop at Fire Headquarters
- January 23rd – NCMPA1 Board of Commissioners Meeting
- February 8th Tentative date for Municipal Summit with Catawba County

Other Items

- Trash Routes
- Great Blue Electric Utility Customer Satisfaction Survey – Calls starting March 1st
- CIP/Peer Review
- Departmental Reports
- Update on weather related damage

ITEM 11: Questions and Comments from Mayor and Council

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

Mayor Stedman gave an on the DNDA and the Public Art Commission.

ITEM 12: 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
TO:   E. Todd Clark, City Manager     DATE: January 18, 2018

RE:   Tax Releases – December 2017

FROM: Serina T. Hinson, 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>2017</td>
<td>48</td>
<td>Benfield, Michael J</td>
<td>Property sold in previous taxing period</td>
<td>$5.94</td>
</tr>
<tr>
<td>2017</td>
<td>49</td>
<td>Canipe, Robert C</td>
<td>Property sold in previous taxing period</td>
<td>$13.18</td>
</tr>
<tr>
<td>2017</td>
<td>50</td>
<td>Cooke, Chris B</td>
<td>Situs correction (Rebilled)</td>
<td>$29.03</td>
</tr>
<tr>
<td>2017</td>
<td>51</td>
<td>Crutchfield Jackie</td>
<td>Situs correction (Rebilled)</td>
<td>$2.97</td>
</tr>
<tr>
<td>2017</td>
<td>52</td>
<td>Elliott Design</td>
<td>Situs correction (Rebilled)</td>
<td>$5.58</td>
</tr>
<tr>
<td>2017</td>
<td>53</td>
<td>Fox, Jeffrey W</td>
<td>Situs Error</td>
<td>$22.33</td>
</tr>
<tr>
<td>2017</td>
<td>54</td>
<td>Gargis, James O</td>
<td>Small underpayment</td>
<td>$0.01</td>
</tr>
<tr>
<td>2017</td>
<td>55</td>
<td>Hair Et Cetera</td>
<td>Situs correction (Rebilled)</td>
<td>$3.13</td>
</tr>
<tr>
<td>2016</td>
<td>56</td>
<td>Lowe, Bruce L</td>
<td>Small underpayment</td>
<td>$0.01</td>
</tr>
<tr>
<td>2017</td>
<td>57</td>
<td>Meza, Juvencio</td>
<td>Small underpayment</td>
<td>$0.01</td>
</tr>
<tr>
<td>2017</td>
<td>58</td>
<td>Newton Optometric Center PLLC</td>
<td>Situs correction (Rebilled)</td>
<td>$1,116.61</td>
</tr>
<tr>
<td>2017</td>
<td>59</td>
<td>Setzer, Ricky D</td>
<td>Situs correction (Rebilled)</td>
<td>$1.98</td>
</tr>
<tr>
<td>2017</td>
<td>60</td>
<td>United Glove</td>
<td>Taxpayer submitted revised asset listing</td>
<td>$1,675.37</td>
</tr>
<tr>
<td>2017</td>
<td>61</td>
<td>Wentz, Debra B CPA</td>
<td>Situs correction (Rebilled)</td>
<td>$25.85</td>
</tr>
</tbody>
</table>

Should you have any questions or need clarification, please notify. Releases are submitted as required by NCGS § 105-381(b).
DATE: January 19, 2018

TO: Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Budget Ordinance to establish Capital Project Funds and to Amend Revenues and Expenditures for Fiscal Year 2017-2018

Background:

The City of Newton periodically establishes capital project ordinances for endeavors that involve infrastructure/construction activities. In most cases, the duration of an infrastructure/construction project will extend from one fiscal year into another. Consequently, the adoption of a capital project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding on a fiscal year basis.

The Downtown Streetscape Project was approved and appropriated within the operating budget as part of the Fiscal Year 2017-2018 Budget in the amount of $2,470,150 which has been identified as a capital project. It has been the City’s practice to move those budgeted funds from the respective operating budget into a Capital Project Fund after the annual budget has been adopted.

The original budget for the Streetscape Project was $2,470,150 which included 25% market inflation, 10% contingency, and 6% engineering/administrative costs. The capital project budget includes an additional $1,796,350 increase in Phase I of the project for a total capital project of $4,266,500. The City has seen on occasion an increase in construction and labor costs of 30-50% on some of our projects.

Action Suggested:

Motion to approve the attached Budget Ordinance to establish and increase Capital Project Funds for the Downtown Streetscape Project approved and appropriated within the respective operating budget and to amend the related revenues and expenditures for FY 2017-2018.
ORDINANCE # 2018-02

AN ORDINANCE TO ESTABLISH CAPITAL PROJECT FUND(S) AND TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2017-2018 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, 2017, and ending June 30, 2018, in accordance with the General Statutes of the State of North Carolina; and,

WHEREAS, the City of Newton periodically establishes capital project ordinances for endeavors that involve infrastructure/construction activities in which the duration of the project will extend from one fiscal year into another; and,

WHEREAS, the City has identified the Downtown Streetscape Project, Phase I, which was approved and appropriated within the operating budget as part of the Fiscal Year 2017-2018 Budget. $2,204,814 was originally approved for Phase I which included a market inflation increase of 25%, 10% contingency, and 6% engineering/administrative costs. Phase I of the project has increased to $4,266,500 and is to be financed with a $225,000 state grant and the remainder $4,041,500 from proceeds from borrowing (financing); and,

WHEREAS, the City Council desires to establish a Capital Project Fund for the Downtown Streetscape Project, Phase I, as it relates to storm drainage, streets/sidewalks, amphitheater, water and sewer lines, and electric distribution; and,

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

THE FOLLOWING SOURCE OF REVENUES AND APPROPRIATIONS ARE HEREBY APPROVED.

### General Fund

<table>
<thead>
<tr>
<th>Revenues</th>
<th>11-0000.3900</th>
<th>$(1,286,650)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from Borrowing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appropriations</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Outlay – Storm Drainage</td>
<td>11-4252.8941</td>
<td>$ (81,450)</td>
</tr>
<tr>
<td>Capital Outlay – Roads/Pavement</td>
<td>11-4252.8910</td>
<td>$ (939,950)</td>
</tr>
<tr>
<td>Capital Outlay – Building/Bldg Improve.</td>
<td>11-6122.8800</td>
<td>$ (265,250)</td>
</tr>
</tbody>
</table>

### General Capital Project Fund

<table>
<thead>
<tr>
<th>Revenues</th>
<th>30-4252.3900</th>
<th>$2,257,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from Borrowing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proceeds from Borrowing</td>
<td>30-6122.3900</td>
<td>$ 198,000</td>
</tr>
</tbody>
</table>

11
<table>
<thead>
<tr>
<th>Appropriations</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Culvert Replacement Projects</td>
<td>30-4252.5982</td>
<td>$127,550</td>
</tr>
<tr>
<td>Street and Sidewalk Construction</td>
<td>30-4252.5987</td>
<td>$2,354,450</td>
</tr>
<tr>
<td>Parks and Amphitheaters</td>
<td>30-6122.5942</td>
<td>$198,000</td>
</tr>
</tbody>
</table>

### Water/Wastewater Fund

**Revenues**

- Proceeds from Borrowing 61-0000.3900 $(559,400)

**Appropriations**

- Capital Outlay – Sewer Lines 61-7100.8942 $(280,950)
- Capital Outlay – Water Lines 61-7100.8951 $(278,450)

### Water/Wastewater Capital Project Fund

**Revenues**

- Proceeds from Borrowing 47-7100.3900 $976,300

**Appropriations**

- Water Rehabilitation Projects 47-7100.5992 $529,700
- Sewer Rehabilitation Projects 47-7100.5994 $446,600

### Electric Fund

**Revenues**

- Proceeds from Borrowing 63-0000.3900 $(624,100)

**Appropriations**

- Capital Outlay – Distribution 63-7201.8960 $(624,100)

### Electric Capital Project Fund

**Revenues**

- Proceeds from Borrowing 38-7201.3900 $610,200

**Appropriations**

- Downtown Streetscape 38-7201.5943 $610,200
Adopted this 23rd day of January, 2018.

Attest: 

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: January 19, 2018

TO: Mayor Anne Stedman and Newton City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Budget Amendment Recognizing a Grant Award from the Catawba County United Arts Council

Background:

The Catawba County United Arts Council has awarded the City of Newton Public Arts Commission a “Projects Pool” grant for $3500. The proceeds from the grant must be used for the installation of public art as described in the grant application filed by the Newton Public Art Commission.

At this time, the proceeds from the grant need to be officially recognized as revenue and subsequently appropriated in the FY 2018 budget. The money from the grant may then be legally expensed for additional installation(s) of public art within the city.

Action Suggested:

The recommendation is for City Council to adopt the attached budget ordinance amendment recognizing the grant proceeds and appropriating the funds in the FY 2018 budget.
ORDINANCE # 2018-03

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2017-2018 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, 2017, and ending June 30, 2018, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, the City Council desires to recognize a Projects Pool Grant from the United Arts Council of Catawba County in the amount of $3,500 for the Newton Public Art Commission The primary consideration for the Projects Pool Grant is for art related to a public art project; and,

WHEREAS, the Newton Public Arts Commission will utilize the funds for an additional sculpture(s); and,

WHEREAS, the City Council desires to recognize the grant funds and to authorize the related expenditure appropriation within the Municipal Facilities Operating Budget.

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.

General Fund Revenues
   Special Project Contribution/Other Grant  11-0000.3845  $3,500

General Fund Appropriations
   Horticulture/Landscaping  11-4260.5360  $3,500

Adopted this 23rd day of January, 2018.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk
DATE: January 19, 2018

TO: E. Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Resolution making certain findings and determinations regarding the financing of infrastructure improvements and the filing of an application with the North Carolina Local Government Commission related thereto, and resolution calling for public hearing on installment financing agreement for infrastructure improvements.

The City of Newton wishes to finance the acquisition of certain infrastructure improvements, more specifically the Downtown Streetscape Project, Phase; S. Cedar Ave to Forney Sewer Rehabilitation Project; and Fye Drive Water Extension Project.

The estimated cost of the infrastructure improvements by fund is $4,266,500 ($2,680,000 – General Fund, $976,300 – Water/Wastewater Fund, and $610,200 – Electric Fund) or by project is as follows:

- Phase I of the Downtown Streetscape Project is $3,880,000
- S. Cedar Ave to Forney Sewer Rehabilitation Project is $214,750
- Fye Dr. Water Extension Project is $171,750

The Finance Department will be soliciting quotes from various financial institutions to borrow $4,041,500 as the City has received a $225,000 grant from the State for the Downtown Streetscape Project. We will provide a recommendation to City Council on awarding the financing on March 6, 2018. We will also call for a public hearing on this same date.

ACTION(S) SUGGESTED:
1) Adopt the attached resolution authorizing the City Manager and Finance Director to act on behalf of the City and to authorize the filing of an application with the North Carolina Local Government Commission, and
2) Adopt the attached resolution calling for a public hearing on March 6, 2018.
Resolution 4-2018

The City Council of the City of Newton, North Carolina met in a regular meeting in the City Council Chambers at the City Hall in Newton, North Carolina, the regular place of meeting, at 7:00 p.m. on January 23, 2018.

Present: ________________________________________________________________

Absent: ________________________________________________________________

Also present: ____________________________________________________________

* * * * * *

__________________________________introduced the following resolution the
Title of which was read and copies of which had been distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF CERTAIN INFRASTRUCTURE IMPROVEMENTS PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT

BE IT RESOLVED by the City Council of the City of Newton, North Carolina (the “City”) as follows:

Section 1. The City Council does hereby find and determine as follows:

(a) There exists in the City a desire to finance certain infrastructure improvements (the “Project”) as approved in the City’s Fiscal Year 2017-2018 budget.

(b) After due consideration, the City has determined to enter into an installment financing agreement (the “Agreement”) in an aggregate principal amount not to exceed $4,041,500 to finance the costs of the Project.
(c) The City will enter into the Agreement with the lending institution having the most favorable interest rates and terms acceptable to the City (the “Bank”), pursuant to which Agreement said Bank will advance to the City amounts sufficient to pay the costs of the Project, and the City will repay the advancement in installments, with interest (the “Installment Payments”).

(d) In order to secure its obligations under the Agreement, the City will execute and deliver a deed of trust or security agreement granting a lien on, or security interest in, all or a portion of the Project.

(e) It is in the best interest of the City to enter into the Agreement and related security documents in that such transaction will result in providing financing for the Project in an efficient and cost effective manner.

(f) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue for such purpose.

(g) It has been determined by the City Council that the cost of the financing through an installment financing agreement is reasonable comparable to the costs of issuing general obligation bonds or other available methods of financing and is acceptable to the City Council.

(h) Counsel to the City will render an opinion to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(i) The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

(j) No increases in taxes are anticipated in order to pay the Installment Payments under the Agreement.
Section 2. The City Council hereby authorizes and approves the filing of an application with the North Carolina Local Government Commission for approval of the agreement and requests such Commission to approve the agreement and the proposed financing in connection therewith. The City Council further authorizes the City Manager and/or Finance Director of the City of Newton to act on behalf of the City in filing the application, executing the proposed financing contract and other actions not inconsistent with this resolution.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member ________________, seconded by Council Member ________________, the foregoing resolution was adopted by the following vote:

Ayes: __________________________________________________________

Noes: __________________________________________________________

* * * * * * *

I, Amy S. Falowski, City Clerk of the City of Newton, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of the City of Newton, North Carolina, at a regular meeting held on January 23, 2018, as it relates in any way to the passage of resolutions relating to an installment financing agreement for certain infrastructure improvements and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that a schedule of the regular meetings of said City Council, stating that the regular meetings of said City Council are held on the first and third Tuesday of each month, except July, August, and December which are held on the first or second
Tuesday of the respective month, at 7:00 p.m. in the City Council Chambers at the City Hall in Newton, North Carolina, has been on file with me for at least seven calendar days prior to said meeting, all in accordance with Section 143-318.12 of the General Statutes of North Carolina.

WITNESS my hand and corporate seal of said City this 23rd day of January, 2018.

(Seal)

_________________________   _________________________
Amy S. Falowski, City Clerk     Anne P. Stedman, Mayor
Resolution 5-2018

The City Council of the City of Newton, North Carolina met in a regular meeting in the City Council Chambers at the City Hall in Newton, North Carolina, the regular place of meeting, at 7:00 p.m. on January 23, 2018.

Present:________________________________________________________

Absent:________________________________________________________

Also present:___________________________________________________

* * * * * *

__________________________________introduced the following resolution the
Title of which was read and copies of which had been distributed to each Council Member:

RESOLUTION CALLING A PUBLIC HEARING IN CONNECTION
WITH AN INSTALLMENT FINANCING AGREEMENT FOR
FINANCING CERTAIN INFRASTRUCTURE IMPROVEMENTS

WHEREAS, the City of Newton, North Carolina (the “City”) is considering entering into
an installment financing agreement pursuant to Section 160A-20 of the General Statutes of North Carolina in a principal amount not to exceed $4,041,500 for the purpose of providing funds, together with any other available funds, to pay the costs of certain infrastructure improvements (the “Project”); and

WHEREAS, in accordance with Section 160A-20(g) of the General Statutes of North Carolina, the City is required to hold a public hearing on such installment financing agreement;
NOW THEREFORE, BE IT RESOLVED that the City Council of the City hereby fixes
7:00 p.m. on March 6, 2018 in the City Council Chambers at the City Hall in Newton, North
Carolina, as the hour, day and place for the public hearing on such installment financing
agreement and hereby directs the City Clerk of the City to publish notice of such public hearing
once in the Observer News Enterprise not later than the 10th day before said date.

Upon motion of Council Member _____________, seconded by Council Member
_________________, the foregoing resolution was adopted by the following vote:

Ayes:__________________________________________________________

__________________________________________________________

Noes:__________________________________________________________

__________________________________________________________

* * * * * *

I, Amy S. Falowski, City Clerk of the City of Newton, North Carolina, DO HEREBY
CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of
said City, at a regular meeting held on January 23, 2018, as it relates in any way to the passage of
resolutions relating to an installment financing agreement for certain infrastructure improvements
and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that a schedule of the regular meetings of said City
Council, stating that the regular meetings of said City Council are held on the first and third
Tuesday of each month, except July, August, and December which are held once within the
respective month on either the first or second Tuesday, at 7:00 p.m. in the City Council
Chambers at the City Hall in Newton, North Carolina, has been on file with me for at least seven
calendar days prior to said meeting, all in accordance with Section 143-318.12 of the General Statutes of North Carolina.

Witness my hand and official seal of said City this January 23, 2018.

(Seal)

_________________________   _________________________
Amy S. Falowski, City Clerk     Anne P. Stedman, Mayor