AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING
February 21, 2017
7:00 p.m.

1. Call to Order – Mayor Anne P. Stedman

2. Opening – Mayor Pro Tem John Stiver

3. Approval of Minutes from the February 7, 2017, Regular Meeting

4. Consideration of Consent Agenda Items
   A. Sewer Adjustments
   B. Consideration of Budget Ordinance Amendment to Recognize Revenues and Expenditures for Precious Metals Permits
   C. Consideration of Budget Ordinance Amendment to Recognize Revenues and Expenditures for Golf Cart Permits
   D. Consideration of the Annual Reports for the Wastewater System

5. 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):

6. Public Hearing
   B. Consideration of Plan Amendment to Create Driveway from Old St. Paul’s Church Road – Fex Ex
   C. Consideration of Special Use Permit to Allow a Wedding and Events Center – Scott Coley, 747 W C Street

7. New Business
   A. Consideration of Budget Amendment for WWTP Influent Pump

8. City Manager’s Report

9. Questions and Comments From Mayor and Council
   A. Reports from Appointed Representatives on Outside Boards – Council Member Jerry Hodge

10. Closed Session – Per North Carolina General Statutes 143-318.11(a)(5) and 143-318.11(a)(6)

11. Adjournment

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 Teresa Laffon, ADA Coordinator, at least 48 hours prior to the scheduled meeting.
MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
February 7, 2017 – 7 p.m.
The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, February 7, 2017 at Newton City Hall.

PRESENT:  Mayor Anne P. Stedman, Mayor Pro Tem John Stiver, and Council Members Tom Rowe, Jerry Hodge, Wes Weaver, Robert C. Abernethy, Jr., and Jody Dixon

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 Council Member Jody Dixon, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That the Regular Minutes of the January 10, 2017 City Council meeting be – APPROVED

ITEM 4:  CONSIDERATION OF CONSENT AGENDA ITEMS
Council Member Jerry Hodge asked that Item 4C be moved to New Business.

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

That Item 4C be MOVED to New Business

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

That the Consent Agenda be – APPROVED

A.  Tax Releases
B.  Sewer Adjustments
C.  Consideration of Application for SAFER Grant – Moved to New Business
D.  Consideration of Amendment to AT&T Lease at Water Tank
E.  Consideration of Street Closure – April 29th, Newton Conover Rotary Car Show

(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: New Business

Item 4C. Consideration of Application for SAFER Grant

Fire Chief Kevin Yoder stated that the Fire Department would like to apply to the Federal Government through the SAFER Grant for funding for additional personnel for firefighting purposes. Chief Yoder stated that the department has applied for the grant almost every year since its inception. Chief Yoder explained that previously this grant was a five year grant with a local match each of the first four years with the local unit committing to 100% of the funding in the fifth and final year, but was then modified to a two year grant with 100% funding in each of the two years with no obligation by the recipient following the two year period. Presently this grant has been modified to a three year grant with the local unit committing to a match each year in the amount of 25% in year 1, 25% in year 2 and 65% in year three. Chief Yoder stated that during the grant period the local unit can have no reduction in full-time staffing in the fire department without forfeiting part or the entire grant.

Chief Yoder said that if council chooses to submit an application for funding for firefighting personnel, the recommendation of the staff is that the request be for six additional full-time personnel. He justification for this funding request is to comply with NFPA (National Fire Protection Association) minimum guidelines for the Fire Department. Chief Yoder explained that the Fire Department does not currently meet minimum staffing levels required by the National Fire Protection Association.

Chief Yoder stated that staff anticipates funding the local match and funding of the positions following the grant period through reductions in part-time staff, reserve staff and an increase in the Rural Fire District Tax rate.

Council Member Jerry Hodge stated that this would then have no impact on the city budget. Chief Yoder stated that it would not and that the difference would be made up with an increase in the county rural fire tax. Mr. Hodge asked what the city would need to do to help get the grant. Chief Yoder said that the fire department is doing everything that it can, and that they have been successful in getting AFG grants. He explained that this grant looks at minimum compliance with the National Fire Protection Association among other things.

Council Member Wes Weaver asked what is the criteria used for staffing and the number of firefighters. Chief Yoder explained that it has to do with the number of firefighters on each truck, which the minimum is four, and the number of firefighters on scene, the minimum is fifteen, both according to NFPA regulations. Mr. Weaver asked how the number of fire trucks per the department is determined. Chief Yoder explained that the number of vehicles depends on the Insurance Commission. City Manager Todd Clark stated that NFPA is strongly suggested because if you don’t meet then you are open to litigation, but that the city is in compliance with OSHA. Council Member Rowe stated that you can’t fight a fire at night with six people. Chief Yoder said that the department empties all three stations for structure fires at night. Mr. Weaver asked what determines size of Fire Department. Chief Yoder said that the Department of Insurance determines the size.

Council Member Jerry Hodge asked if we have to do all six on the grant. Chief Yoder said yes. Mr. Hodge asked if anyone has been awarded in the last five years. Chief Yoder said Hickory and Conover have. Mr. Hodge asked if city council could consider this in the budget workshops as well, concerning staffing and such to meet needs of the city growing. Mayor Stedman said that they could.

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

That Consideration of Application for SAFER Grant be – APPROVED.
A. Consideration of Radio Station Road Aerial Construction Contract

Public Works and Utilities Director Dusty Wentz stated that in January of 2017, staff discovered that the existing gravity sewer aerial crossing near the intersection of Radio Station Road and Shannonbrook Drive (the intersection at the bottom of the hill) was leaking. Inspection by staff determined that the footings in the creek bank had failed, placing excess stress on the encasement pipe and the gravity sewer main inside of the encasement. Mr. Wentz stated that field repairs were made to the crossing in order to structurally stabilize the crossing and stop the leak, however, these repairs are short term solutions and constitutes an emergency requiring a total replacement of the line.

Mr. Wentz stated that this crossing is at least 35 years old, and provides gravity sewer service to Shannonbrook development as well as some other properties around that area.

Mr. Wentz explained that given the technical complexity of the replacement, and the lack of direct experience on staff, an engineering consultant was contracted to provide a permanent solution and direct the work of a construction contractor. The consultant also ensured that the construction work and the replacement met current State requirements.

Mr. Wentz stated that due to the emergency nature of this situation, Hickory Sand Construction Company was contacted to provide a quote, which they did in the amount of $89,000. However, scheduling between their existing contracts and the delivery time for the materials needed could not be reconciled.

Mr. Wentz said that the engineer recommended contacting Wesson Septic Tank Service for a quote and a schedule to begin work. Wesson Septic provided a quote of $81,030 (attached) to complete all work, and stated that they could begin replacement as soon as materials arrived, which would be between three and five weeks. To date, the replacement project has only incurred the cost of the engineering consultant, in the amount of $14,700. Staff recommends adding a 10% construction contingency to this quote, in the amount of $8,103. This results in a total project cost of $103,833.

Mr. Wentz recommended that City Council entertain separate motions for the attached Budget Ordinance Amendment for the Radio Station Road Aerial Replacement project.

Council Member Robert Abernethy asked if “aerial lines” meant that they were above ground. Mr. Wentz said yes. Mr. Abernethy asked if the reason for two bids instead of three was because it is an emergency. City Manager Todd Clark stated that under normal circumstances the city would try to get at least three bids.

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

That Radio Station Road Aerial Construction Contract and the Budget Ordinance be – APPROVED.

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

B. Consideration of Amendment to Animal Control Ordinance

Police Chief Don Brown stated that the city of Newton does not have an adequate ordinance to address issues related to maintaining livestock within the city limits. As a result, some situations have arisen where the questionable placement of pastures, fencing and the keeping of livestock have created complaints from citizens that could have otherwise been resolved by a more clear and concise code. Chief Brown stated that the draft ordinance presented tonight has been gleaned from North Carolina statute and surrounding municipality ordinances.
Chief Brown stated that based upon a request from Council, staff has developed an ordinance that pertains to livestock, pastures and fencing, and that this ordinance is based upon current North Carolina statute and also surrounding municipality’s code of ordinances. Chief Brown explained that this ordinance is being presented as a draft for review and seeking any additional guidance and recommendations from Council.

Council Member Robert Abernethy asked if the current ordinance is not getting the job done. City Manager Todd Clark stated that the current ordinance was adopted in 1972 and should be reviewed. Chief Brown stated some areas need clarification.

Council Member Tom Rowe asked what the ordinance says about hogs and pigs. Chief Brown stated that the ordinance changes recommend that no swine be allowed in the city. Council Member Wes Weaver asked if that is currently in the ordinance. Chief Brown said that it is not. Council Member Abernethy stated that some people have potbellied pigs as pets.

Council Member John Stiver stated that according to the draft, he isn’t sure that anyone is in compliance with the proposed draft at this time.

Council Member Wes Weaver stated that there is no way he will support the proposed draft. He stated that he had a previous complaint concerning a dog lot and cruelty to the animals and the smell associated and that a dog ended up harming a boy. He stated that the city shouldn’t penalize farmers and that this proposed draft is too restrictive.

Council Member Robert Abernethy asked if current situations would be grandfathered. City Attorney John Cilley stated that usually existing is grandfathered. Council Member Abernethy stated that in that case he didn’t think the current situation would even be fixed. Mr. Rowe stated that it will keep more pigs from coming on the property. Mr. Abernethy stated that puts him more in line with Council Member Weaver’s thinking, and that these people are in compliance so the changes may not affect them. City Attorney Cilley stated that more pigs could not come in to the property.

Mayor Stedman stated that council needed more time to study this further and asked staff to be able to provide more information at a later date. Mr. Abernethy asked for a hard copy of the ordinance.

C. Consideration of Amendment to Schedule of Fees and Charges – Downtown Events

City Manager Todd Clark stated the City of Newton periodically allows special events in the core business district which require the closure of both City and State maintained streets. The City is also asked to provide municipal support services for some of these events. Mr. Clark explained that when a person or organization seeks approval for a special event permit, an application must be filed in accordance with City Code 61-1(d). While city staff is responsible for reviewing the application, the final authority to grant each individual special use permit rests with City Council.

Mr. Clark stated that when an applicant seeks to close state maintained streets, the NC Department of Transportation requires an application from the event organizer which then must be reviewed and approved. The City also requires evidence that approval has been obtained from NCDOT before granting permission to hold the event. Mr. Clark stated that in consultation with NCDOT, city staff has agreed to act on behalf of all applicants to secure the necessary authorization for each event, which has provided NCDOT with a single point of contact with the City who is familiar with the permit process, thereby eliminating any delay or cause for confusion from the applicant.

Mr. Clark explained that although NCDOT does not require an application fee, city staff spends time
preparing and filing the application on behalf of the event organizer with the state. In consideration of the
time required to prepare the application and communication with NCDOT personnel, a $25 fee for each
event was proposed in the 2016-17 fiscal year budget. After a review of the budget with City Council the
fee was included in the final adopted budget. Mr. Clark stated that city staff also considered the costs that
are incurred by the City when these events are held, but chose not to recommend any type of fee structure
to recover those expenses.

Council Member Jerry Hodge stated that he is in favor of repealing the fee. Council Member Wes
Weaver agreed. Mr. Hodge stated that at this stage he thinks that no fee would be appropriate. Mr.
Abernethy agreed and asked how security is reviewed. Assistant City Manager Sean Hovis said that the
police department reviews each request, and then organizes with the businesses that then pay the officers
off duty rates.

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

That the Application Fee, in Accordance with City Code 61-1(d) (Special Event Permit)
be – REPEALED.

D. Consideration of Designated Parking for Birch and Zander’s (Red) Lots

City Manager Todd Clark stated that the City Council purchased two parking lots in the core business
district in 2016 for the purpose of gaining municipal control over the future use of the property and
ensuring the availability of parking. Mr. Clark explained that due to a recent increase in the need for
parking, the Council is asked to consider options moving forward designating parking as leased, free,
hourly parking or hourly parking with a fee.

Mr. Clark stated that the “Red Parking Lot” located at the corner of Main Avenue and 2nd Street was
already leased by the City from the Newton Merchants Association at the time of its purchase. At the
present time, the city has 26 parking spaces in this lot and has leases in place for 21 of the spaces. Three
of the spaces are currently being held open until pavement repairs are made following the recent
installation of a sewer lateral to a nearby business. The other two spaces are handicap spaces that are only
available to individuals that have handicap tag/plates and need to lease a space. Mr. Clark stated that
parking spaces in the Red lot are available for $15 a month and we are currently receiving $315 a month
in revenue. Mr. Clark said Council should know that revenue fluctuates based on the number of leases.
Mr. Clark stated that staff also reports that the city just began leases with Catawba Valley Community
College, so prior to that there were just 10 spaces being leased. In addition, H&W Drug has 5 spaces
leased, Jeremy Petty has 1, the Corner Table has 2, and 3 are leased to individuals.

Mr. Clark stated the second parking lot is located at the corner of College Avenue and B Street. It was
previously owned by a private individual who leased spaces as needed to local merchants. The City
Council decided to make much needed improvements to this lot after its purchase and we now call it the
“Birch Parking Lot”. Mr. Clark said the improvements that were made included milling old asphalt,
installing fresh asphalt pavement, construction of curb and gutter, and installation of new landscaping.
The 26 parking spaces in the lot are not presently leased or reserved and the public may park free of
charge. Mr. Clark asked City Council to consider designating parking as free, leased or available for a fee
through the installation of parking meters.

Council Member Wes Weaver stated that he thought when the city purchased the lots they were to be
made free parking as there was a parking problem down town. Mr. Clark stated that he understood the
purchases were for municipal control and for public parking. Council Member Abernethy stated that Mr. Clark is correct, but with the streetscape project there have been concerns about the loss of about 13 parking spots and the need for many more. He was thinking this could ensure enough spaces. Mayor Stedman agreed that parking is at a premium, at lunch time. Mayor Pro Tem John Stiver agreed, and stated that it has to be a give and take with parking for employees as well. Mr. Weaver asked about the old A&P lot. He asked if that could possibly be designated parking for employees.

Council Member Jerry Hodge stated that he researched parking at the lots and that there are 6 lots with a total of 183 spaces. He said there are 26 at the Birch lot – free all day, 20 at the Blue lot, 26 at the Zanders lot, 19 at the Green lot, 5 at the Yellow lot, and 87 at the Orange lot. He said that they are all within 2 streets of College and Main and does not include on street parking. He stated that all spaces are available after 6 p.m. Council Member Robert Abernethy stated that the 87 spaces at the A&P lot are not as convenient for the lunch crowd if you only have one hour. Council Member John Stiver stated that CVCC has a majority of parking spaces. Mr. Abernethy stated that he doesn’t think the city should charge CVCC and the Corner Table. Council Member Jody Dixon stated that CVCC students arrive in the mornings at 6:00 a.m.

Council Member Jody Dixon made a motion to make the designated parking for Birch and Zander’s (Red) Lots free. Council Member Jerry Hodge seconded the motion. It was unanimously RESOLVED:

That the Birch and Zander’s (Red) Lots be Designated as Free Parking

Council Member Tom Rowe asked how long H&W Drug has leased their spaces. Mr. Stiver said that he thinks it’s been a long time. Mr. Rowe asked if we need to give current lease holders notice. Mr. Stiver stated that 30 days notice is standard. Council Member Robert Abernethy stated that if this doesn’t work, City Council can fix or change it.

E. Consideration of Public Arts Program and Committee

City Manager Todd Clark stated that the Business Advisory Committee made several recommendations to City Council in the fall of 2016 that includes the creation of a Public Art Program in Newton. Mr. Clark stated that in making this recommendation, the BAC recognized the positive impact a program could have in further developing Newton as a community that fosters a sense of creativity and supports the cultural arts. The foundation for cultural arts in our community is already present as evidenced through performing arts programs provided through the Old Post Office Playhouse and Newton-Conover Auditorium. Mr. Clark said that the City Council’s decision to support the Foothills Folk Art Festival in 2016 as a signature event makes a strong statement that Newton is a destination for artists and visitors. The creation of a Public Art Program will complement these investments while continuing to strengthen our relationship with the Hickory Museum of Art and the Catawba County United Arts Council.

Mr. Clark explained that in researching Public Art Programs in North Carolina, he found at least sixteen other cities have established Public Art Programs that are coordinated either through the leadership of a Public Arts Commission or Appearance Commission. He provided City Council with information about some of these.

Mr. Clark asked City Council to consider the creation of a Public Art Program led by a collective group of individuals, each having experience and knowledge of cultural arts programs, working collaboratively as the City of Newton Public Arts Commission.

Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:
That the Creation of Public Arts Program and Committee be - APPROVED

ITEM 7:  
City Manager’s Report
Meetings & Events

Meetings & Events

- February 9, 2017 – Senior Citizens Sweetheart Dance, 7 p.m. at the Recreation Center
- February 10, 2017 – “Breakfast with the Stars”, 7:30 a.m. at Western Steer
- February 15, 2017 – Chamber of Commerce Annual Shareholders and Investors Meeting
- February 21, 2017 – Fat Bax Café Ribbon Cutting, 3:00 p.m., 415 West A Street
- Cancellation of the February 21, 2017 NCMPA1 Board of Commissioners Meeting
- March 12th- 15th – NLC Conference, Washington, DC
- March 29, 2017 – Town Hall Day, Raleigh, NC

Projects

- Building Reuse Grant Application filed for “Newton Urgent Care” facility to be located at 1358 Hwy 16 South
- Westside Drive Sewer Project
- Danner Industrial Park Signage has been approved by NCDOT and sign should be installed by end of February
- Newton Corporate Center sign easement has been sent to the Keith Corporation and sign will be ordered once easement has been executed

ITEM 8:  
Questions and Comments from Mayor and Council

Council Member Robert Abernethy gave a brief summary of things going on with the Appearance Commission. He mentioned the cleaned median in front of the fire station. He also mentioned that appreciation luncheon that the Commission gave for electric crew, recreation crew and code enforcement.

ITEM 10: Closed Session – per North Carolina General Statutes 143-318.11(a)(4), 143-318.11(a)(5) and 143-318.11(a)(6)

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

That City Council enter CLOSED SESSION per General Statutes 143-318.11(a)(4), 143-318.11(a)(5) and 143-318.11(a)(6)

Upon return to open session, Councilman Jody Dixon made the motion to authorize the City Manager to enter into negotiations with the record owner of the tract of land located at 222 North Main Avenue in Newton in an amount not to exceed the tax value of $25,400.00 with the specific understanding that all negotiations would be terminated with the record owner if the property could not be acquired for no more than $25,400.00. The motion was seconded by Mayor Pro Tem John Stiver.

During discussion of the motion, Councilman Dixon and Councilman Stiver stated that the need for additional parking in the area was significant with the recent opening of a new restaurant in the same block as the Weathers lot and the subject property is in poor condition with the need for repairs. Purchase and renovation of the subject property could add significant additional parking spaces that are needed as well as to improve the appearance of the property. Councilman Dixon also noted that part of the property could be used as a pocket park as well. Councilman Jerry Hodge stated that the purchase of the subject...
property would also give the City site control of the property so that it could be developed in a fashion that the City would like to see.

Councilman Robert Abernethy stated that if the area really needed additional parking, a business person who operates a business in the area could purchase the subject property for parking as well to benefit the needs of said business without having to utilize taxpayers’ money to purchase and develop the property. Councilman Abernethy also felt that given the condition of the subject property, the estimated cost of renovations and repairs of approximately $125,000.00 to as much as $150,000.00 would not result in a good return on the City’s investment.

Councilman Wes Weaver stated that the purchase price being asked by the property owner was entirely too much given its condition. Also, Councilman Weaver concurred with Councilman Abernethy that the cost of repair and renovations of the subject was too much and he would be opposed to spending this sum of money for this transaction.

Upon calling the question, the motion passed with Council members Dixon, Stiver, Rowe and Hodge voting in favor of the motion and Council members Abernethy and Weaver voting against.

**ITEM 11: Adjournment**

Upon motion duly made by Council Member Weaver, seconded by Council Member Abernethy, 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: February 9, 2017
RE: Sewer Adjustments – February 21, 2017

FROM: Serina Hinson, Finance Director

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.

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<th>Account Number</th>
<th>Name</th>
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<th>Adjustment Period</th>
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<td>19000330-001</td>
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<td>5000580-016</td>
<td>Joseph Sigmon</td>
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<td>17000260-002</td>
<td>Ashley Smith</td>
<td>1376 W. C St.</td>
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Backup documentation to support each adjustment is on file in the Finance Department. Should you have questions or require further clarification, please notify.
DATE: February 13, 2017

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Adopt Budget Ordinance to recognize revenues and authorize expenditure appropriation within the Police Budgets.

Approved for Council Consideration

Background:

The General Assembly finds and declares that precious metal businesses in North Carolina vitally affect the general economy of the State and the public interest and public welfare, and in the exercise of its police power, it is necessary to regulate such businesses, in order to prevent thefts, disposal of stolen property, and other abuses upon its citizens. Chapter 66, Article 45, Part 2. Precious Metal Business of North Carolina General Statutes makes it unlawful for any person to engage as a dealer in the business of purchasing precious metals either as a separate business or in connection with other business operations without first obtaining a permit for the business from the local law enforcement agency.

In accordance with NCGS Chapter 66, permits shall be valid for a period of 12 months from the date issued and may be renewed without a waiting period upon filing of an application and payment of the annual fee. The annual fee for a permit within each jurisdiction is one hundred eighty dollars ($180.00) to provide for the administrative costs of the local law enforcement agency, including the purchase of required forms and the cost of conducting the criminal history record check of the applicant. The fee is not refundable even if the permits are denied or later suspended or revoked.

In addition, every employee engaged in the precious metals purchasing business shall, within two business days of being so engaged, register his or her name and address with the local law enforcement agency and have his or her photograph taken by the agency. The employee also shall consent to a criminal history record check, which shall be performed by the local law enforcement agency. A person who refuses to consent to a criminal history record check shall not be employed by a dealer required to be licensed under this section. The agency shall issue to the employee a certificate of compliance with this section upon the applicant's payment of the sum of ten dollars ($10.00) to the agency. The certificate shall be renewed annually for a three-dollar ($3.00) fee and shall be posted in the work area of the registered employee.

Summary:

The City is required to comply with Chapter 66 Article 45 of North Carolina General Statute for issuing permits for precious metals dealers and employees of precious metals dealers.

Requested Action:

Motion to adopt the attached budget ordinance to recognize revenues and authorize the expenditure appropriation in the Police Department operating budget.
ORDINANCE # 2017-6

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2016-2017 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, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, the City Council desires to recognize anticipated revenues of $1,000 in Fiscal Year 2017 related to the compliance of Chapter 66 Article 45 of North Carolina General Statute for issuing permits for precious metals dealers and employees of precious metals dealers; and

WHEREAS, Chapter 66 Article 45 Part 2 Precious Metal Business of North Carolina General Statutes makes it unlawful for any person to engage as a dealer in the business of purchasing precious metals either as a separate business or in connection with other business operations without first obtaining a permit for the business from the local law enforcement agency. Permits are valid for a period of twelve months from the date issued and may be renewed without a waiting period upon filing of an application and payment of the annual fee. The annual fee for a permit within each jurisdiction is one hundred eighty dollars ($180.00) to provide for the administrative costs of the local law enforcement agency, including the purchase of required forms and the cost of conducting the criminal history record check of the applicant. The fee is not refundable even if the permits are declined or later suspended or revoked; and,

WHEREAS, the City Council desires to recognize anticipated revenues and to authorize the related expenditure appropriation within the Police – Civilian operating budget to comply with Chapter 66 Article 45 of North Carolina General Statute for the issuance of precious metals permits.

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.

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<td>Precious Metals Permits</td>
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<tr>
<td>Precious Metals Criminal Records</td>
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Adopted this 21st day of February, 2017.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk
DATE: February 16, 2017

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Adopt Budget Ordinance to recognize revenues and authorize expenditure appropriation within the Police Budget.

Approved for Council Consideration

Background:

On September 6, 2016, City Council adopted Chapter 54 Article VIII for the creation of a Golf Cart ordinance to allow Golf Carts to operate within the City of Newton. In order for this project to move forward expenditures had to be made to secure materials and supplies necessary for proper Golf Cart registration to include tags and chemical proof inspection stickers. These expenditures were paid for from the current fiscal year operations budget of the Police Department. It is the desire of the Police Department to have the Golf Cart registration revenues be recognized and authorize expenditure appropriation within the Police Budget.

Summary:

To recognize revenues from Chapter 54 Article VIII Golf Cart – annual registration and inspection for Golf Carts and authorize expenditure appropriation within the Police Budget.

Requested Action:

Motion to adopt the attached budget ordinance to recognize revenues and authorize the expenditure appropriation in the Police Department operating budget.
ORDINANCE # 2017-7

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2016-2017 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, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, the City Council desires to recognize anticipated revenues of $1,000 in Fiscal Year 2017 related to the September 6, 2016 adoption of the Golf Cart Ordinance, Chapter 54 Article VIII; and

WHEREAS, the initial registration fee is $50.00 which includes a safety inspection and the issuance of a registration plate. There is a $20.00 annual registration renewal fee which includes the safety inspection and the registration plate. Expenditures related to the Golf Cart Ordinance will include tags and chemical proof inspection stickers, etc.; and,

WHEREAS, the City Council desires to recognize anticipated revenues and to authorize the related expenditure appropriation within the Police – Civilian 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.

<table>
<thead>
<tr>
<th>General Fund Revenues</th>
<th>11-4311.3580</th>
<th>$1,000</th>
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<tr>
<td>Golf Cart Registrations/Inspections</td>
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<tr>
<th>General Fund Appropriations</th>
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<td>Golf Cart Registration/Inspection Supplies</td>
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Adopted this 21st day of February, 2017.

__________________________
Anne P. Stedman, Mayor

Attest:

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

DATE: February 2, 2017

TO: Todd Clark, City Manager

FROM: Dusty Wentz, PWU Director

CONSIDERATION OF: Adoption of the Annual Reports for the Wastewater System and Plant

Approved for Council Consideration

Background:

The State of North Carolina Division of Water Quality (NCDWQ) requires the owner of a wastewater facility to submit an annual report to its office each year. Additionally, the City Council is required to take formal action to adopt the official report.

The City of Newton’s wastewater facility has submitted the reports to the NCDWQ for 2016 and they are in compliance with all regulatory agency requirements.

The Annual Wastewater Treatment Plant and Collection System Report are attached.

Recommendation:

It is recommended that the Council accept the annual wastewater treatment report.
City of Newton Wastewater Treatment System
Performance Annual Report for 2016
February 7, 2017

I. General Information

Facility Name: City of Newton Sanitary Sewer Collection System

Contact Person: Jeremy Todd Crutchfield,
Collection and Distribution Superintendent
PO Box 550
Newton, NC 28658
(828) 695-4289

Applicable Permits: Wastewater Collection System Permit Number-WQCS00044

ALSO

Facility Name: City of Newton, Clark Creek Wastewater Treatment Plant

Contact Person: Eric Jones, WWTP Superintendent
PO Box 550
Newton, NC 28658
(828) 695-4370

Applicable Permits: National Pollutant Discharge Elimination System (NPDES) Permit Number - NC0036196
Land Application (Non-Discharge) Permit Number - WQ0003902

The City of Newton views environmental protection as one of our top priorities. For this reason, the City actively participates in the collection, treatment and disposition of sewage generated within its boundaries.

Description of Collection System

Wastewater (sewage), discharged by customers, flows to the city owned and operated Clark Creek Wastewater Treatment Plant through a sanitary sewer system encompassing approximately 149.58 miles of sanitary sewer lines. Of these lines, approximately 11.34 miles are force mains with the remaining 138.24 being gravity lines. The force mains of piping ranging in size from 6” to 12” and the gravity lines consist of piping ranging in size from 6” to 36”. The City of Newton operates and maintains 8 sewer lift stations within the sewer collection system.
Upon arrival at the treatment plant all wastewater is treated and discharged in an environmentally safe manner in accordance with National Pollutant Discharge Elimination System (NPDES) regulations.

Clark Creek Wastewater Treatment Plant, completed in 1979, upgraded in 1992, 2005 and 2010. The facility currently operates according to NPDES permit NC0036196 which includes the treatment of a maximum of 5.0 million gallons of wastewater per day (MGD). Homes, businesses, and industries discharge their wastewater (sewage) into the sanitary sewer system. Once the wastewater is discharged into the pipes it travels through the collection system until it reaches the Wastewater Treatment Plant. The system is composed of a complicated network of pumps, manholes, standby generators and over six hundred thousand (651,000) feet of pipe. The Wastewater Treatment Plant is staffed and operated 24 hours per day, 365 days a year. The City of Newton Wastewater Plant staff includes 11 State Certified Operators, including six employees that hold the highest certification obtainable in North Carolina for Wastewater Treatment Operators. The Environmental Protection Agency and the North Carolina AWWA-WEA has recognized the Clark Creek Wastewater Treatment Plant for Operation and Maintenance Excellence.

II. Performance

Yearly Performance:

During the year 2016, the wastewater collection staff visited all lift stations at a minimum of once a week. The pump maintenance crew performed scheduled preventative maintenance and made all necessary repairs as needed to keep lift stations operating at peak performance. In that same year, we have visibly inspected, cleaned, and applied root control to a combined total of 134,201 feet of sewer lines. This equals to 25.4 miles, which represents about 17 percent of our collection system. The break down to the yearly performance is visibly inspecting with a camera 6,522 feet of sewer main, which represents about .82 percent of our collection system, applied root control in 3.8 miles of the collection system, which is about 2.6 percent of the collection system, and jetting/vacuuming 114,100 feet which is 21.61 miles, which is about 14.4 percent. City of Newton staff replaced 4 air relief valves on the forced sewer main coming from West Highway 10 Pump station. The City personnel assisted residents with 98 back-ups during 2016. The aerial and high priority lines were inspected twice this year; once in May, then again in November. Lines not visible to the general public were bush-hogged and/or inspected in the spring and summer months. Finally, the City of Newton is being proactive by educating the public about grease. This was done twice a year; once in the spring and once in the fall; furthermore, there are fats, oil, and grease (FOG) education material on the city web site.

Capital Improvement Projects:

City of Newton wastewater collection permit required a Capital Improvement Plan to designate funding for reinvestment into the wastewater collections system infrastructure. 2016 did have a Capital Improvement Plan that the City Council adopted. The Fiscal year of 2017-2018 the City of Newton Capital Improvement Plan has been revised and presented on January 19, 2017 to City Council for approval.
In 2016 the City of Newton, began a project to replace the sewer main on West Side Drive. This project will be completed in summer, 2017.

**Sanitary Sewer Overflows:**

City of Newton wastewater collection system experienced one (1) reportable overflow that reached the waters of North Carolina. The overflow resulted in no fish kill or other negative environmental impact.

2/21/2016 202 N. Caldwell Ave. Vandalism with debris in line was the cause. The estimated volume of the spill reaching the waters of the state (Town Creek) was 450 gallons. Reported to DWR Incident # 201600878

The City of Newton had 4 overflows that did not reach state waters that where documented in Collections Department records.

3/6/2016 1011 E. 24 Street Right of Way, the cause was grease, an estimated 500 gallons spilled on the ground.

3/12/2016 2128 N. Ship Avenue an estimated 600 gallons spilled on the ground due to grease in the line.

4/19/2016 E. 22nd Street Right of Way, The cause was grease an estimated 100 gallons spilled on the ground.

11/25/2016 1904 N. Main Avenue an estimated 5 gallons spilled on to the ground, the cause was grease in the line.

In 2016, the City of Newton Wastewater Treatment Plant effectively treated eight hundred thirty four million three hundred thirty three thousand (819,618,000) gallons of wastewater. City of Newton Clark Creek Wastewater Treatment Plant received no (NOV) Notice of Violations for 2016

The Clark Creek Wastewater Treatment Plant average daily flow for 2016 was 2.25 MGD. To ensure compliance with all Federal and State laws regarding the safe treatment of wastewater, the City of Newton appropriated one million four hundred fifty nine thousand five hundred and fifty dollars ($1,556,300.00) towards operating and maintaining its wastewater treatment plant.

**Narrative report of the eight pump stations is as follows:**

**Burris Road Pump Station (PS):** This pump station is inspected three times a week by the staff to empty the bar screen cleaning debris basket and is remotely monitored via a SCADA alarm system. This system monitors and reports pump run condition; pump failure alarm, high level alarm, power failure alarm and generator failure alarm. There is an emergency power generator on site.
Walnut Creek PS: This pump station is inspected three times a week by the staff to empty the bar screen cleaning debris basket and is remotely monitored via a SCADA alarm system. This system monitors and reports pump run condition; pump failure alarm, high level alarm, power failure alarm and generator failure alarm. There is an emergency power generator on site.

West Side PS: This pump station is inspected three times a week by the staff to empty the bar screen cleaning debris basket and is remotely monitored via a SCADA alarm system. This system monitors and reports pump run condition; pump failure alarm, high level alarm, power failure alarm and generator failure alarm. There is an emergency power generator on this site.

HWY#10/Southfork PS: This pump station is inspected one time per week by the staff and is monitored remotely via a SCADA alarm system. This system monitors and reports pump run condition; pump failure alarm, high level alarm, power failure alarm and generator failure alarm. There is an emergency power generator on site.

Startown School PS: This pump station is inspected once a week by the staff and is monitored remotely via a SCADA alarm system. This system monitors and reports pump run condition; pump failure, high level alarm and power failure alarm. A portable emergency power generator is stored at the Public Works building and is on a battery tender.

Balls Creek PS: This facility is inspected once a week by the staff and is monitored remotely via a SCADA alarm system. This system monitors and reports pump run condition; pump failure, high level alarm, power failure alarm and generator failure alarm. There is an emergency power generator on site.

Gregory Wood Products PS: This facility is inspected once per week by the staff and is monitored via a SCADA alarm system. This system monitors and reports pump run condition; pump failure alarm, high level alarm, power failure alarm and generator failure alarm. There is an emergency power generator on site.

Target Distribution Center PS: This facility is inspected once a week by the staff and is monitored via a SCADA alarm system. This system monitors and reports pump run condition; pump failure alarm, high level alarm, power failure alarm and generator failure alarm. There is an emergency generator on site.

Aerial and High Priority Lines:

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<th>Manhole</th>
<th>Size</th>
<th>Material</th>
<th>Footage</th>
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</tr>
</tbody>
</table>
III. Notification

The City will notify the users of the wastewater system of this Annual Report by way of the City Newsletter, the City Web-site, and by announcement at a City of Newton Council meeting on February, 2016.

IV. General Information

The City of Newton is responsible for maintaining unobstructed wastewater flow in the City owned sewer system. The line that connects a house or building to the City sewer system is called a service lateral. The property owner is responsible for maintaining the service lateral. If a blockage occurs causing a sewer backup, the city encourages residents to call the city so a crew can verify which part of the line is obstructed. A city crew will check the main line and clear the line if necessary. If the main line is clear, the property owner will be notified of the need to call a plumber to clear the service lateral. Occasionally there are blockages in service laterals that extend into the utility right-of-way. When this occurs the City will check and clean the line to the “clean out” if requested. However, the property owner is ultimately responsible for the entire length of the service lateral.

Why do sewer lines block?

Many things can become lodged in a sewer line causing a backup; e.g. sticks, rocks, bricks, pieces of broken pipe, string, rags, GREASE, paper towels, newspapers, sanitary napkins, plastics, etc. Many blockages occur as a result of tree roots growing into sewer pipes. Roots collect grease and animal fat poured down drains. Over time, this collection of debris can cause an obstruction. You can help prevent sewer backups in your home and protect the environment if you adhere to the following advice: (1) Never flush or put anything down a toilet or drain that would clog a sewer line, (2) do not wash grease down a drain and (3) report any sewer overflow immediately.

It is a good idea to collect grease in a can or jar and put it in the refrigerator. When the container is full, and it solidifies, dispose of it with the household garbage.

The City of Newton has a Grease Trap Policy and a Standard Operating Procedure for controlling grease discharge from commercial establishments.
What is a “Backwater Valve” and do I need one?

A backwater valve is a relatively inexpensive item that can be installed on your plumbing system that will help prevent sewer back-ups and overflows that could occur on your property or in your home. The N.C. Plumbing Code requires that a “backwater valve” be installed in all structures if they have a plumbing fixture that has a “flood rim elevation” below the next upstream city sewer manhole. City residents can avoid sewer back-ups by installing this backwater valve, which is designed to prevent a sewer back-up in the customer’s plumbing caused by a blockage in the city’s sewer system. The valve allows sewage to leave the residence or business, but does not allow sewage to flow back into the property. (The flood rim elevation is the level at which a fixture, such as a toilet or sink, will overflow) It is possible that some local homes or businesses that have fixtures with flood rim elevations below the next upstream sewer manhole may not have the backwater valve installed. Any structure with plumbing fixtures below the next upstream sewer manhole is at risk of sewage backing up into the structure. Structures with plumbing fixtures in basements are more likely to need the valve installed. Residents are advised that the city is not responsible for damages caused by a sewer back-up on private property if the required backwater valve has not been installed.

For more information or to determine if your home needs a backwater valve, contact Todd Crutchfield at (828) 695-4289.

Questions?

Should you have any questions regarding the treatment of wastewater in your community or need to report a sewer problem, please feel free to call the City of Newton Public Works and Utilities Department at 828 695-4310. To report a sewer problem after 5:00 PM or on weekends call 695-4306

V. Certification

I certify under penalty of law that this report is complete and accurate to the best of my knowledge. I further certify that this report will be made available to the users of the system as stated in the report. An announcement of the availability of the report is scheduled to be made at a regularly scheduled City Council Meeting held on February 21, 2017.

______________________ _______________________
James Eric Jones                                                                             Date
City of Newton
WWTP Superintendent
DATE: February 15, 2017

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Rezoning 2017-01 as filed by Second Nature Technology, Inc.

Approved for Council Consideration

Background:

Second Nature Technology, Inc. has submitted a rezoning application. The request is to rezone property located at 1670 Southwest Blvd from R-20 Single Family Residential to M-1 General Manufacturing. The subject site includes 2 parcels, which consist of a 10.01 acre tract identified as Catawba County Pin #3639-12-95-7062 and a 7.8 acre tract identified as 3649-09-05-1042. Both parcels are owned by Second Nature Technology, Inc.

Review:

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>ZONING</th>
<th>LANDUSE</th>
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<tr>
<td>Subject</td>
<td>R-20 Single Family Residential</td>
</tr>
<tr>
<td>North</td>
<td>R-20 Single Family Residential &amp; R-11 Single &amp; Two Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>B-4 General Business</td>
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<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
</tr>
<tr>
<td>West</td>
<td>R-20 Single Family Residential</td>
</tr>
</tbody>
</table>

Zoning History:

The property was historically used as Windmill Acres Horse Farm. Currently, the site is being used by Catawba Farms as a Bed and Breakfast which is a special use approved in 2006 by City Council. The subject site has been zoned R-20 Single Family Residential and before that they
were zoned R-15, the predecessor to the R-20 District. The property has overlay zoning of SPI – 2 US Highway 321 South Corridor Protection District, which was adopted in 1992.

The following is a list of zoning activity from 1969 to the present.

*Rezoning Application #01-69*, filed by Glenn Young, sought to rezone property off of Technibilt Drive from R-15 to M-1 General Manufacturing. Both the Planning Commission and City Council approved the request.

*Rezoning Application #04-80*, filed by Harold Danner, sought to rezone property North of Town Creek and fronting on US 321 S. The request was to go to B-4 General Business from an existing zoning of B-2 Highway Business, to allow tire recapping. The request was denied.

*Rezoning Application #03-81*, filed by Udean Burke, sought to rezone property south of Town Creek and fronting on US 321 S. The Request was to go to B-4 General Business from R-20 Residential. The property was rezoned based on approval by both the Planning Commission and City Council.

*Rezoning Application #16-87*, filed by John L. Murtagh, sought to rezone property off of Technibilt Drive behind the subject site. The Request was to go from R-20 to M-1 General Manufacturing. Both the Planning Commission and City Council approved the request.

*Special Use Permit #91-2*, filed by the City of Newton, to allow the development of South Side Park. The permit was approved by City Council.

*Rezoning Application #2000-1*, filed by Sigmon and Sons, sought to rezone property located in the southwest quadrant of the intersection of Technibilt Drive and Southwest Blvd. The Request was to go from R-20 to B-4 General Business. Both the Planning Commission and City Council approved the request.

*Special Use Permit #2004-1*, filed by the City of Newton, to allow the development of South Side Cemetery. The permit was approved by City Council.

**Transportation:**

The site has frontage along Technibilt Drive and Southwest Boulevard. Both roads are maintained by the North Carolina Department of Transportation (NCDOT). It is estimated that average annual daily traffic (AADT) counts for Technibilt Drive is less than 1,000 vehicles per day (vpd). NCDOT’s most recent AADT counts for Southwest Boulevard is between 11,000 vpd, just north of the site and 9,900 vpd obtained just south of the site.

In addition, the subject site is bordered by Technibilt Drive, a part of the proposed Newton-Conover Southern Loop, which extends from NC 16 South to NC 10 West in southern Newton. The proposed route is comprised of Technibilt Drive, East P Street Extension, and new road on new location. The Newton-Conover Southern Loop will serve traffic that enters Newton- from the south, connecting NC 16 to the proposed Newton-Conover Western Loop. This facility will
also provide access for the projected developments in southern Newton serving the industrial area between US 321 and Saint James Church Road. This project is currently unfunded.

Utilities:

City water and sewer are provided to the subject site. The site obtains power through Duke Energy.

Consistency and Conclusion:

The proposed request is not consistent with the 2008 Southeast Area Plan’s Future Land Use. The plan shows the proposed land use for the area as being residential.

Public Notice:

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

Newspaper: published on February 10 and February 17, 2017.
Posted on-site: posted January 20, 2017
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. 69 letters were sent on February 10, 2017.

Recommendation:

The Planning Commission unanimously recommends to the City Council approval of this rezoning request and that the Southeast Area Plan is recommended to be amended to reflect the proposed land use.
Permitted uses in the M-1 General Manufacturing District

Alternative Telecommunication tower structure
Auto repair - Major
Parking off-street
Photography services and studio
Telecommunications tower alternative
Clean material Landfill
Adult care center
Ammunition manufacturing and assembly
Amusement park
Animal husbandry
Antique shops
Aquarium
Arboreta
Armories
Art galleries
Asphalt product
Bakeries
Bakeries (wholesale)
Bedding/carpet mfg.
Boat works
Botanical gardens
Bottling plants
Brick/tile/pottery yds.
Building cleaning and maintenance service
Bus garages
Bus terminal
Cabinet shop, large
Cabinet shop, small
Canvas goods mfg.
Car wash
Cardboard containers
Case goods
Chemical mfg.
Church/synagogue
Clothing and textiles
Commercial greenhouses
Commercial nurseries
Computer and data processing service
Concrete product processing
Contractor's office
Crematorium
Distribution center
Dry cleaners
Dry cleaning plants
Elec. appli. and equipment
Elec. equip. sales
Exterminators
Farm and heavy equip. sales/rental
Farm machinery
Farm supplies
Fertilizers
Fiberglass
Flour and feed mills
Food catering
Food packing and mfg.
Food/food products*
Forestry
Foundries
Furn. (excl. case gds.)
Garbage disposal serv.
Glass products
Greenways
Gun/ammunition sales
Ham radio antenna
Hatcheries
Hdq. of mfg. processing and assembly farms
Heating and refrig. shops
Hosiery mills
Housemovers
Ice manufacturing
Ind. supp. and equip.
Indoor shooting range
Knitting mills
Landscapers
Large equipment
Lawn/garden care
Leather products**
Livestock sale barns
Livestock sales
Luggage
Lumber and bldg. mat. sale
Lumberyards
Machine tools
Machine/welding shops
Mail order office
Meat packing plants
Metal fabricat. plants
Mfg. showrooms
Mini-warehouse
Minor
Monument sales
Monument wks. and sales
Multiple-family dwelling units
Municipal garages
Music studios (recording)
Oil/gasoline bulk storage
Paint/varnish/finish
Paper goods
Park and playground
Pasturage
Pharmaceuticals
Photo finishing labs.
Photography studio
Pillow mfg.
Planing mills
Plastic products
Plumbing/heating supp.
Precision instruments
Processing plants
Professional residential
Public service facilities
Public use facilities
Public utility uses
Publishing/printing
Radio and TV studio
Railroad classif./yard
Refrigeration
Research activities
Residential maternity homes
Reupholstery
Roadside stand
Rubber products
Sawmills
Sheet metal shops
Sign painting
Single-family dwelling unit
Slaughter house/abattoir
Small motor repair
Springs mfg.
Stable, commercial
Stone and clay products
Taxi stand
Textile fin. and dyeing
Tire recapping shops
Tobacco products
Trans. and heavy eq./mfg.
Transfer companies
Truck farming and crop production
Truck terminal
Truck/farm equip. and heavy equipment sales and service
Two-family dwelling unit
Upholstering shops
Utility co/oper. ctrs.
Vending companies
Warehouse
Wholesale distribution
Wooden box factories
Woodworking shops
CITY OF NEWTON, NC
APPLICATION FOR AMENDMENT TO THE OFFICIAL ZONING ATLAS

Application # rz2017-01

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

I, 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 7042. (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). 1042

2. The present zoning classification of the property for amendment is R-20

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

4. Property owner(s): Name: Second Nature Technology Inc
   Address: 19 N College Ave, Newton, NC
   Phone: 980-608-8527 (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 * Date of Filing

- 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.
Introduction: In June 2015 Second Nature Technology Inc. purchased the property located at 1670 Southwest Blvd Newton NC. At that time Catawba Farms Enterprises LLC. began service as the operator of the property and venture. After a year of planning and evaluation, Catawba Farms Enterprises is now prepared to execute the first phases of expansion of service offerings on the property. The proposed services require that we seek a rezoning of the property from Residential 20 (R20) to Light Industrial (M1).

Proposal: Catawba Farms Enterprises proposes to remodel the existing horse barn to house small production facilities for a winery, cidery, and craft brewery along with a new restaurant facility, tasting room and bar. Multiple outdoor patios and walking paths will be incorporated into the overall landscape design. Maximum capacity is not expected to exceed 125 people indoors and approximately 75 people in the outdoor seating areas.

Currently Catawba Farms holds North Carolina alcohol permits for beer, wine, and spirits that encompass the entire 17 acres of the main property. With this project, spirits will be limited to the Banquet Hall attached to the Bed and Breakfast. The bar that services the Banquet Hall is only available during booked events in that space.

As part of the project, Catawba Farms will plant a small vineyard, hops trellises, and an orchard in the existing paddock/pasture areas on the northwest and southwest portions of the main property. The crops will be utilized as part of our operations, as well as serving as an attractive visual experience for customers and neighbors.

Vehicle traffic will enter from Southwest Blvd onto Technibilt Dr (P Street) then left onto Catawba Farms. Parking will be in the three small paddock areas on the southeast portion of the property. We are not proposing any other entrances.

Summary: The proposed rezoning is consistent with the existing zoning on adjacent properties to the east and south of the main property of Catawba Farms.

The proposed venture is in keeping with the current business use of this property.

The hours of operation of the new facilities will be comparable to the current hours of operation for any event we have scheduled.

This is expansion is expected to create approximately 20 new jobs.
WHEREAS, the City of Newton City Council, at a scheduled public hearing on February 21, 2017 reviewed a request from Second Nature Technology, Inc. for rezoning of property from an R-20 Single Family Residential Zoning Classification to M-1 General Manufacturing Zoning Classification; and

WHEREAS, the public hearing was duly held as scheduled, advertised, and posted; and

WHEREAS, the City of Newton Planning Commission and the City of Newton City Council found the request to be consistent with the current land use plan for the area:

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

Section 1: The subject site, located at 1670 Southwest Bouldvar d includes 2 parcels, which consist of a 10.01 acre tract identified as Catawba County Pin #3639-12-95-7062 and a 7.8 acre tract identified as 3649-09-05-1042. Both parcels are owned by Second Nature Technology, Inc.

Section 2: The Zoning Atlas and records of the City are hereby amended to show the foregoing changes and amendments.

Section 3: This ordinance shall become effective from and after its adoption.

Adopted this 21st day of February, 2017.

____________________________________
Anne P. Stedman, Mayor

ATTEST:

____________________________________
Amy Falowski, City Clerk

(SEAL)
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: February 15, 2017

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Plan Amendment 2017-01 as filed by FedEx

Approved for Council Consideration

Applicant: Clayton Engineering & Design on behalf of FedEx
Address: 2173 St. Paul’s Church Road
Parcel ID#: 3721-16-93-5597
Zoning: PD-IP, Planned Development Industrial Park
Land Area: 19.88 acres but only 4.85 acres are within the City of Newton
Purpose: The applicant requests approval of a plan amendment to accommodate a new driveway connection to St. Paul’s Church Road. The proposed expansion to the existing facility was previously approved in 2009.

Review:

Staff received a development plan from the Clayton Engineering & Design on behalf of FedEx to construct a new driveway connecting the FedEx terminal, both existing and proposed expansion to St. Paul’s Church Road. The development is divided between the City of Hickory and the City of Newton. As shown on the attached “Master Land Use Plan” map, the portion of the property within the Newton City Limits is approximately 5 acres; of which a portion will be improved with parking facilities and an expanded distribution facility structure. The remaining land area will provide a buffer between the facility and St. Paul’s Church Road, with the exception of the proposed driveway access. A combination of existing trees and an improved berm-and-planting combination is currently being used to minimize impact on surrounding properties.

While researching the compliance with Zoning requirements, it was determined that the subject property is currently zoned as PD-IP (Planned Development Industrial Park). This zoning designation was established when the City Council, in 2005, approved a development plan for the Ice Dome. That plan was amended as previously mentioned. The Zoning Ordinance specifies that any substantial change in an approved preliminary plan shall be considered by Council. This is not a rezoning, only an amendment to the existing zoning designation.
The following section describes how the project aligns with the regulations and requirements applicable to PD-IP districts, as set forth in Sec.102-509:

**Land Use** – The proposed facility is a permitted principal use in the PD-IP district.

**Transportation** – Please note that St. Pauls Church Road is not an approved truck route. Through truck traffic is not permitted but local truck traffic is permitted if and only if deliveries are local.

**FAR** – The floor-to-area ratio of the proposed structure at maximum build-out is less than the .75 maximum permitted FAR.

**Building Height** – The structure’s building height will be 15’ (max. height is 35’).

**Parking Requirements** – Parking facilities proposed are compliant with City specifications.

**Utilities** – The facility will utilize Hickory water and sewer services.

**Signage** – It is unknown if new signage would be needed or desired.

**Buffers and Screening** – A combination of existing vegetation and a berm and Leyland Cypress are in place to comply with this requirement.

**Public Notices** – the notice for this case has been performed as follows:

- **Newspaper:** published on February 10 and February 17, 2017.
- **Posted on-site:** posted January 20, 2017
- **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. 18 letters were sent on February 10, 2017.

**Recommendation action:**

The Planning Commission unanimously recommends to the City Council approval of this plan modification as submitted.
Plan Amendment #2017-01
FedEx
2011 Fairgrove Church Road.

Subject Site
City Limits
Single Family Residential (R-20)
Single Family and Manufactured Home Residential (R-20A)
General Business (B-4)
General Manufacturing (M-1)
Highway Business (B-2)
Planned Development Industrial Park

Date: 1/20/2017

NOT TO SCALE
Plan Amendment #2017-01
FedEx
2011 Fairgrove Church Road.
December 6, 2016

Randy Williams / Alex Fulbright  
City of Newton  
Planning & Zoning Department  
401 North Main Avenue / PO Box 550  
Newton, NC 28658  
828-695-4305

Re: FedEx Expansion  
Project (CED# 16037)

Dear Mr. Williams & Mr. Fulbright:

FedEx Corporation currently has a facility located at 2011 Fairgrove Church Road. This property is owned by Fairgrove One Partners, LLC., location at 3336 3 32nd St, Suite 217. The parcel identification number is 372116935597 and the current deed book and page number is 2967 and 0895, respectively.

FedEx plans to expand their existing facility by approximately 18,000 square feet. Part of the expansion will include a parking lot expansion and an additional driveway connection onto St. Paul’s Church Road. This driveway connection will allow easier accessibility for between six (6) and eight (8) FedEx box trucks. These trucks are currently being delayed in traffic congestion at the intersection of US Hwy 70 SE and Fairgrove Church Road. An approved driveway connection onto St. Paul’s Church Road would alleviate much of this congestion.

An application for a driveway permit has been filed with the North Carolina Department of Transportation and has been approved.

This property is currently located in both the City of Hickory and the City of Newton. The City of Newton portion is currently zoned PD-IP. The proposed zoning classification for the portion of the property in the City of Newton is Industrial.

If you have any questions or need additional information, please feel free to contact me at (828) 455-3456 or email wclayton@clayton-engineering.net.

Sincerely,

Clayton Engineering & Design, PLLC

William S. Clayton, PE
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: February 15, 2017

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Special Use Permit 2016-01 01 as filed by Scott Coley

Approved for Council Consideration

Background:

Mr. Scott Coley, the applicant has filed an application for a special use permit for a public assembly. The applicant is seeking a special use permit to allow for the use and operation of a wedding and event center at 747 W C ST. The property is located on the south side of W C St (NC 10 Hwy) just west of Courtyard Drive. The proposed site includes 2 parcels, which consist of a 1.1 acre tract identified as Catawba County Pin #3730-19-60-5907 and a 8.8 acre tract identified as 3730-19-60-5494. Both parcels are owned by the applicant.

Review:

Mr. Coley is operating a wedding and event center at 747 West C Street. The subject site contains Mr. Coley’s home and a barn. The property is rented out to individuals looking for a location to host weddings and other special events. The barn is made available to individuals and organizations that rent the site. Parking is provided in the field nearest West C Street (NC Hwy 10). There was no site plan provided by the applicant as it is his intent to use the property in its current condition. The only planned improvement is a restroom and changing room to be located near the existing barn. Attached is a map showing the aerial photography for the area.

A special use is a use that would not be appropriate generally without special study throughout the zoning district, but which if controlled by the number, size, location or relationship to the neighborhood, would promote the public health, safety, and welfare. The special use permit is reviewed by the Planning Commission and approved by City Council. In lieu of specific standards for place of assembly as a special use, the general standards include below apply and can be used to impose conditions upon the applicant in effort to mitigate adverse impacts that the use may have on the surrounding area.
There are no specific standards specified for “place of assembly” as a special use; however, the general standards below would apply and would be the basis of any special conditions imposed by the City Council.

Recommendation:

The Planning Commission unanimously recommends to the City Council approval of this special permit as submitted.
Special Use Permit #2017-01
Scott Coley
747 W C ST

Subject Site
Multifamily Residential (R-9)
Single-and Two-family Residential (R-11)
Single Family Residential (R-20)
Highway Business (B-2)
General Business (B-4)
General Manufacturing (M-1)
Special Use Permit #2017-01
Scott Coley
747 W C ST

Date: 1/27/2017

Subject Site

Parking

barn

House

NOT TO SCALE
SPECIAL USE PERMIT APPLICATION

CITY OF NEWTON, NORTH CAROLINA

Application #: 2017-01       Date: 1/3/2016

Application for **CLASS A – SPECIAL USE PERMIT** *(Circle either)*

To the CITY COUNCIL, Newton, NC:

I, (We) the undersigned, so hereby petition the City Council of Newton to issue a

**CLASS A – SPECIAL USE PERMIT**, in the name(s) of public Assembly

for the use of property located at 811 Ridge Dr & 747 W C St, 3730-19-60-5907

also known as Catawba County Tax Parcel 3730-19-60-5494 as permitted by Section 102-201 of the Newton Zoning Ordinance.

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**NAME OF APPLICANTS** | **ADDRESS** | **TELEPHONE NO.**
---|---|---
Scott Colley | 811 Ridge Dr | (828) 312-860

On behalf of the above listed applicants, I do hereby certify that all of the information presented by me (them) in this application is true to the best of my knowledge.

Authorized Applicant: Scott Colley  Date: 1/3/17

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(1) This application must be accompanied by a site plan based upon survey prepared by a Registered Land Surveyor showing the exact location of all property lines, corner stakes, buildings, signs, parking spaces, loading areas as well as full and accurate description of the proposed use including its location, appearance and operational characteristics.

(2) In addition, this application must include all relevant information needed to show compliance with the general and specific standards governing the Special Use in which is the subject of this application.

(3) If title to the above described property is not in the same name of the applicant, then a letter from the owner signifying approval must also be submitted.
<table>
<thead>
<tr>
<th>DATE:</th>
<th>JOB/NAME:</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Barn is for wedding rentals, event rentals, family reunions, birthday parties, company outings.</td>
</tr>
</tbody>
</table>

Thanks
Scott
The Newton City Council will hold a Public Hearing beginning at 7:00 p.m. on February 21, 2017 in the City of Newton Council Chambers in Newton City Hall, 401 North Main Avenue, on the following matters:

**Rezoning #2017-01** filed by Second Nature Technology, Inc. The request is to rezone property located at 1670 Southwest Blvd from R-20 Single Family Residential to M-1 General Manufacturing. The subject site includes 2 parcels, which consist of a 10.01 acre tract identified as Catawba County Pin #3639-12-95-7062 and a 7.8 acre tract identified as 3649-09-05-1042. Both parcels are owned by Second Nature Technology, Inc.

**Plan Amendment #2017-01** filed by Clayton Engineering & Design on behalf of FedEx. The request is to amend the previously approved site plan for property located at 2011 Fairgrove Church Road. The 19.88 ac. site is located between Fairgrove Church Rd and St Pauls Church Rd and is known as Catawba County Pin # 3721-16-93-5597. The property is zoned PD-IP. The amendment would allow for the construction of a new driveway onto St Pauls Church Rd.

**Special Use #2017-01** filed by Scott Coley. The applicant is seeking a special use permit to allow for the use and operation of a wedding and event center at 747 W C ST. The property is located on the south side of W C St (NC 10 Hwy) just west of Courtyard Drive. The propose site includes 2 parcels, which consist of a 1.1 acre tract identified as Catawba County Pin #3730-19-60-5907 and a 8.8 acre tract identified as 3730-19-60-5494. Both parcels are owned by the applicant.

All interested persons are urged to attend and provide comment. Amendments will be considered in response to comments received as well as response to the Planning Commissions discussions.

Publish: February 10 and February 17, 2017

Alex Fulbright
Assistant Planning Director

The City of Newton does not discriminate on the basis of disability in the provision of its services as charged by the Newton City Council. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the City of Newton ADA Coordinator at least 48 hours prior to the scheduled meeting.
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: February 16, 2017

TO: Todd Clark, City Manager

FROM: Dusty Wentz, Public Works and Utilities Director

CONSIDERATION OF: Budget Ordinance Amendment for Replacement Parts for Pump Three at the Influent Pump Station of the Waste Water Treatment Plant.

Approved for Council Consideration

Background:

During the second week of January, 2017, Pump Three ceased operation at the influent pump station of the wastewater treatment plant. Inspection by staff uncovered mechanical failures in the impeller and rotating shaft assembling of the pump. Replacement of the failed parts is required in order to resume operation of the pump.

Given the age and operational record of the pump station, all three pumps must remain in working condition.

The pump remains inoperable until parts are acquired and the rotating shaft assembly has a 14 week delivery time.

City Council is advised that an emergency with the motors and drive system electronics in October 2016 prompted a budget ordinance in the amount of $27,000. Even with those additional funds, staff has expensed $12,092.26 of the original $18,000 on routine repairs, leaving only $5,907.74 remaining in the budget.

The emergency purchase order leaves a deficit of $12,730.24 in this line item with nine months remaining on the fiscal calendar. Transferring funds of this amount from other line items is not feasible.

The quote provided by our vendor is $71,380 for the rotating assembly and the impeller for one pump and only one vendor is available to replace these parts due to the age and brand of the pump.

A quote provided by engineering consultants in 2015 indicates $149,000 to completely replace one pump, not including necessary electrical conduit, motors, and drive controls.

Action Suggested:

Staff requests council approve the budget ordinance amendment attached for $71,380 for the cost to replace components of Pump Three at the waste water treatment plant influent pump station.
ORDINANCE # 2017-5

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2016-2017 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, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, the City Council desires to approve $71,400 for the emergency repair of pump number three at the Influent Pump Station located at the Wastewater Treatment Plant due to mechanical failures in the impeller and rotating shaft assembly of the pump during the second week of January 2017; and,

WHEREAS, the City Council desires to utilize fund equity and to authorize the related expenditure appropriation within the Wastewater Treatment Plant 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.

Water/Wastewater Fund Revenues
Fund Equity Appropriated 61-0000.3995 $71,400

Water/Wastewater Fund Appropriations
Maintenance and Repair Supplies 61-7141.5400 $71,400

Adopted this 21st day of February, 2017.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk