AGENDA
CITY OF NEWTON

April 4, 2017
AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING
April 4, 2017
7:00 p.m.

1. Call to Order – Mayor Anne P. Stedman
2. Opening – Council Member Wes Weaver
3. Approval of Minutes from the March 21, 2017, Regular Meeting
4. Consideration of Consent Agenda Items
   A. Tax Releases
   B. Sewer Adjustments
   C. Consideration of Commission/Committee Membership Appointments – Recreation Committee – Terry Carter Abernethy
   D. Consideration of Capital Project Budget Ordinance to Close Capital Project
   E. Consideration of Grant Project Ordinance for West A Street Bikeway and Pedestrian Improvements
   F. Consideration of Water Annual Report
   G. Proclamation – Child Abuse Prevention Month
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. Presentation
   A. Suzanne White, Library Director – Catawba County Library
7. Old Business
   A. Consideration of Amendment to Animal Control Ordinance
8. New Business
   A. Consideration of Roserock Holdings, LLC (Love’s Truck Stop) Petition for Non-Contiguous Annexation
   B. Consideration of Budget Ordinance Amendment for Emergency Repair on St. Paul’s Church Road
   C. Consideration of Memorandum of Understanding for Kids in Parks TRACK Trails and Related Budget Ordinance Amendment
9. City Manager’s Report
10. Questions and Comments From Mayor and Council
    A. Reports from Appointed Representatives on Outside Boards – Council Member John M. Stiver
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

March 21, 2017 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, March 21, 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 Robert C. Abernethy, Jr. 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 Jody Dixon, it was unanimously RESOLVED:

That the Regular Minutes of the March 7, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Sewer Adjustments

B. Consideration of Appointments to the Public Art Commission

C. Consideration to Accept Revenues and approve Expenditures for Carfax

(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. Downtown Newton Development Association Annual Report

Main Street Coordinator Shannon Johnson gave a presentation about the recent events and upcoming projects of the Downtown Newton Development Association.
ITEM 7: Old Business

A. Consideration of Resolution Adopting 10-Year Capital Improvement Plan for FY 2018-2027

City Manager Todd Clark explained that city staff has prepared a 10-Year Capital Improvement Plan (CIP) which balances projected revenues and expenditures based on financial forecast and assumptions with the City’s long-range financial capacity. The 10-Year CIP for Fiscal Years 2018-2027 was provided at the January 19, 2017 Newton City Council Annual Workshop followed by another workshop on March 7, 2017 for your review. Mr. Clark stated that there were two things not included that needed to be included now. The first is in Information Systems. Mr. Clark explained that the new total for that department would be $97,950 to include servers and hardware storage.

The second is W A Street revitalization. He said there is a $1.5 million grant and $250,000 from the state and requires engineering. The quote for electric enterprise expense is $266,800, which would change the previous amount.

Mr. Clark said the CIP is updated annually as part of the City’s regular budget process. First-year projects noted on the CIP will be incorporated into the his recommended annual operating budget or in some cases a capital project ordinance with the exception of capital which will be funded by a potential grant that has not been awarded. Mr. Clark stated that the nine (9) subsequent years are not binding and are subject to change each year as the City’s priorities/needs, grant opportunities, emergency needs or other priorities established change.

Council Member Wes Weaver asked if there was a property tax increase for 3 cents for 2020, 2022 and 2024. Mr. Clark said that is correct. Mr. Weaver stated that this is a working document.

Council Member Abernethy stated that an accountant brought these numbers and when looking to the future accountants are very conservative.

Mayor Stedman stated that this vote is just for this year’s CIP. Mr. Weaver agreed and said the rest is not set in stone and that they don’t have to agree with it all. Mr. Clark said that it helps with the budget process.

Council Member Robert Abernethy, Jr. stated that he would vote for it with the understanding that he is against future rate increases.

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

That the Resolution Adopting 10-Year Capital Improvement Plan for FY 2018-2027 be – ADOPTED.

(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

City Manager Todd Clark stated that the police department staff was directed to review current city ordinance as it relates to the keeping of livestock within the city limits. During the review it was determined that there were some areas that needed clarification, deletion and addition. Mr. Clark stated that after two presentations to City Council, guidance was given to make limited changes.

Mr. Clark stated that amendments to Chapter 14 of the City Code have been drafted based upon discussion with City Council at the March 7, 2017 council meeting.
Mayor Stedman said that basically this just cleans up the wording and that the ordinance remains the same. Mr. Clark stated that is correct.

Council Member Jerry Hodge asked if someone could speak to the changes.

Police Chief Don Brown said that it basically defines livestock, pastures, service animals, therapy animals, and removes the permits and fees that are required now to have a pet. It would also remain that animals may be kept within 300 feet of dwelling.

Council Member Wes Weaver stated that he appreciates all Chief Brown does, but said that there was no smell at the Schmuker residence, even though there could have been a better fence. He said he could not get behind the 300’ rule. Chief Brown said that the 300’ rule is the same as before, it doesn’t change. Mr. Weaver said the Schmukers are good people and he hopes they get more animals.

Mayor Stedman said that they were not forced to get rid of their hogs. Chief Brown said that they hogs ended up falling under the nuisance ordinance.

Council Member Abernethy stated that we are reviewing a city wide ordinance because of one situation. He said that we went after them because their hogs got out but a child was mauled by a dog and we didn’t change the ordinance and the dog was able to retire to the country. Chief Brown said that the ordinance was changed at that time to give the Chief of Police authority to determine what consequences dangerous dogs would have in the future.

Mr. Abernethy stated that we directed staff to clean up the language. Council Member Wes Weaver said he didn’t understand why the service animal piece was added when that is regulated federally. Mr. Abernethy said that it just helps people understand and that federal supersedes municipal law.

Council Member Tom Rowe said part of the problem was pigs getting out becoming a nuisance. He said that Mr. Cannon bought his home in 1975 and the Schmukers bought their land 4 years ago. Mr. Weaver said that to council needs to be rational and that they’re not impeding on Cannon. Mr. Weaver said that we live in a rural community. Mr. Rowe disagreed and said that we don’t need pigs; they don’t have them in Hickory or Conover.

Council Member Jerry Hodge said that we have ordinance that cover noise, and smell that should cover the nuisance of animals. He said the neighbors said the smell wasn’t bad. Mr. Abernethy said that the smell of animals is something neighbors can address. He would rather see how we are going to handle an aggressive animal.

Council Member Jody Dixon said that this has been talked about enough and he would like to vote.

City Attorney John Cilley stated that because this is an ordinance it must receive a 2/3 vote, so it will take 4 votes to pass tonight. If not a 2/3 vote, it will have to placed on the next agenda for a second vote.

Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Jerry Hodge, with Council Members Jody Dixon, Robert Abernethy and Jerry Hodge voting in favor of and Council Members Tom Rowe and Wes Weaver voting against:

MOTION FAILED.

Council Member Wes Weaver said the only real addition is something that is already a federal statute.

Mayor Stedman stated it was to clean up language.
City Attorney John Cilley said that the vote at the next meeting requires a simple majority vote to change the ordinance.

**ITEM 8: New Business**

A. Consideration of North Carolina Urban Forestry Council Grant Proposal

Karen McDougal, Newton Tree Board, stated that over mature trees in Eastview Cemetery pose danger to monuments, vehicles and persons. She explained that the Tree Board is requesting permission to submit a North Carolina Urban Forestry Council Grant Proposal to fund removal and replacement of these 80+ year old trees. She stated that the grant proposal is due March 31, 2017 and may range from $5,000 to $15,000 and requires 1:1 match from the City of Newton. Ms. McDougal explained that hours of labor provided by employees and volunteers count as matching funds, as do any donations or grants from local businesses or individuals.

Also, Ms. McDougal stated that activities to be covered include removal of existing trees, grinding of stumps, and planting of new trees (approximately 40). These will require purchasing a stump grinder to eliminate costs of renting one or contracting out this service. She stated that approximately 40 trees will need to be purchased, along with mulch and stakes.

Ms. McDougal stated that the grant period, if received, extends from September 2017 to July 2018, and the grant is under supervision of Department of Parks and Recreation.

Council Member Robert C. Abernethy, Jr. asked if these trees are unhealthy. Ms. McDougal stated that they are diseased and not healthy. Council Member Wes Weaver asked if an Arborist has been out to look at them. Ms. McDougal stated that she has a PhD in botany and she has looked at them thoroughly.

Council Member Jerry Hodge asked if the roots of the trees are hurting the graves. Ms. McDougal said that it didn’t look at all of them but that some might. Mr. Hodge asked if they would all be replaced at the same time. Ms. McDougal said they would, and that they would be replaced with Sugar Maples.

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

That the North Carolina Urban Forestry Council Grant Proposal be – APPROVED.

**ITEM 9: City Manager’s Report**

**Meetings & Events**

- March 22, 2017 – Future of Catawba Catawba, Moretz Mills, 7:30 a.m.
- March 24, 2017 – Employee March Madness Basketbowl Luncheon, Waste Water Treatment Plant, 11:30 a.m.
- March 25, 2017 – “Night Train, Rolling Down the Tracks: A Celebration of Railroads”, Newton Depot, 3:00 p.m.
- March 29, 2017 – Town Hall Day, Raleigh, NC
- April 20, 2017 – The State Transportation Program, Western Piedmont Council of Government Offices, 5-7 p.m.
- May 4, 2017 – South Newton Elementary’s Leadership Day
- April 6th and 19th, Teen Leadership, 8:00 a.m.-3:30 p.m.
- April 19th - Cohort #3 Service Excellence University begins
- Report on Trip to Washington DC
Budget Workshop Dates *All begin at 5:15 in the Council Chamber

- May 4, 2017
- May 9, 2017
- May 11, 2017
- May 16, 2017

Projects

Stormwater Enterprise
AIA – Asset Inventory and Assessment Project
Electric Rate Study
West A Street Revitalization Project
Catawba County/Newton Hwy 16 Corridor Plan
Westside Drive Sewer line
Radio Station Road Aerial Crossing (sewer line)
St. Paul’s Church Road Waterline
WWTP – Pump Parts
Pedestrian Planning Project
Marketing and Branding Project
Danner Industrial and Newton Corporate Signage
Downtown Revitalization Project
Sue Jones Estate
Business Advisory Committee
Northside Pedestrian Crossing
Radio Station Road Pedestrian Crossing

ITEM 10:  Questions and Comments from Mayor and Council

Mayor Anne P. Stedman gave a brief summary of things going on with the DNDA, including the Folk Art Festival that will be in the coming all.

Council Member Wes Weaver stated that the council had a very productive trip to the NLC Conference in Washington D.C. and commended the Mayor on the great job that she did there.

ITEM 11:  Adjournment

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

That the Meeting be - ADJOURNED

__________________________
Anne P. Stedman, Mayor

__________________________
Amy S. Falowski, City Clerk
The following tax releases have been received from the Catawba County Tax Collector. The reason for each release is annotated beside the name.

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<tr>
<th>Tax Year</th>
<th>Tax Release Number</th>
<th>Name</th>
<th>Reason</th>
<th>Amount of Release</th>
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<td>2016</td>
<td>76</td>
<td>Cato, Pamela F</td>
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<td>$0.30</td>
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<td>2016</td>
<td>77</td>
<td>Collins, Christopher M</td>
<td>Small underpayment</td>
<td>$0.02</td>
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<tr>
<td>2016</td>
<td>78</td>
<td>Corn, Tina M</td>
<td>Small underpayment</td>
<td>$0.07</td>
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<td>2012</td>
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<td>Edmondson, Tony R</td>
<td>Small underpayment</td>
<td>$0.06</td>
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<tr>
<td>2016</td>
<td>80</td>
<td>Graham, Ransom H</td>
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<td>$0.02</td>
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<td>81</td>
<td>Hathaway, Jimmie</td>
<td>Property sold/traded</td>
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<td>2010</td>
<td>82</td>
<td>Hathaway, Jimmie</td>
<td>Property sold/traded</td>
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<td>Property sold/traded</td>
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<td>Year</td>
<td>#</td>
<td>Name</td>
<td>Reason</td>
<td>Amount</td>
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<td>Hay, John T</td>
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<td>2016</td>
<td>90</td>
<td>HDW Inc</td>
<td>Small underpayment</td>
<td>$0.23</td>
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<td>91</td>
<td>Lail, James A</td>
<td>Small underpayment</td>
<td>$0.03</td>
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<td>2014</td>
<td>92</td>
<td>Outerwall, Inc</td>
<td>Assets shown as deletions—should not have been billed</td>
<td>$16.64</td>
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<td>Overton, John T</td>
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<td>Rhinehardt, Mary L</td>
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<td>Ruffner, Kenneth E</td>
<td>Small underpayment</td>
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<td>Smith, Richard S</td>
<td>Small underpayment</td>
<td>$0.07</td>
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<td>2016</td>
<td>102</td>
<td>Sophie, The Woman's Magazine, LLC</td>
<td>Small underpayment</td>
<td>$0.11</td>
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<td>2016</td>
<td>103</td>
<td>Tojo International Bakery, LLC</td>
<td>Property sold/traded</td>
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<td>Watson, Jonatan M</td>
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<td>Year</td>
<td>Number</td>
<td>Name</td>
<td>Description</td>
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<td>---------</td>
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<tr>
<td>2014</td>
<td>105</td>
<td>Xpress Graphics, LLC</td>
<td>Ceased operations in 2013</td>
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<tr>
<td>2016</td>
<td>106</td>
<td>Yang, Ying</td>
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</tr>
</tbody>
</table>

Should you have any questions or need clarification, please notify. Releases are submitted as required by NCGS § 105-381(b).
CITY OF NEWTON

Sewer Adjustments

TO:  E. Todd Clark, City Manager  DATE:  March 27, 2017
RE: Sewer Adjustments – April 4, 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.

<table>
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<tr>
<th>Account Number</th>
<th>Name</th>
<th>Service Address</th>
<th>Adjustment Period</th>
<th>Amount of Adjustment</th>
</tr>
</thead>
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<tr>
<td>23000500-002</td>
<td>Carol Sample</td>
<td>316 W. 6th St.</td>
<td>Jan - Feb</td>
<td>$74.97</td>
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<tr>
<td>20002140-003</td>
<td>Kimberly Sigmon</td>
<td>715 Westside Dr.</td>
<td>Dec - Feb</td>
<td>$1,083.98</td>
</tr>
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</table>

Backup documentation to support each adjustment is on file in the Finance Department. Should you have questions or require further clarification, please notify.
DATE: March 29, 2017

TO: City Council

FROM: Anne P. Stedman, Mayor

CONSIDERATION OF: Appointment to the Recreation Commission

Members of City Council, I would like to recommend the following appointment to the Recreation Commission:

Terry Carter Abernethy, to fill the expired term of Mickey Drum.
Board and/or Committee Application

Please complete this application and email to
afalowski@newtonnc.gov.

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

Name  Terry Carter Abernathy

Mailing Address  P.O. Box 528 Newton, NC 28658

Home Address  342 S. College Ave. Newton, NC 28658

Work Phone#  Home# 828-466-0602 Cell# 828-217-3667

Resident of the city? Yes [ ] No [ ] Number of Years [53 yrs.]

Business owner in the city? Yes [ ] No [ ] Number of Years [ ]

1. Why are you interested in serving on the Recreation Board/Committee?

I served on the board for almost 1 term before having to resign because of a family member's illness. I am very proud of the work that our recreation staff and volunteers do for the citizens of our city. I, along with my husband and coaches have traveled to many cities across the country with the Newton Flames Elite AAU Basketball teams. We all felt a sense of pride that our area

2. What is your professional and educational background?

I graduated from Gardner-Webb University in 1971 with a degree in elementary education. When my first child arrived, I became a stay-at-home mom, my husband and I have raised 4 children and was always active in coaching our children's teams at the Recreation Center and in Junior Olympic Basketball for 23 years.

3. Do you have special skills, experience or background which would assist you in working on this Board/Committee?

I have worked on committees in the past such as the Admission Board at Gardner-Webb University. I was also on the Board of Care-a-N-Care during the fund raising phase for the new day-care center. I have a sense of pride in our city and the fine job that our recreation dept. does.

4. How did you hear about this Board/Committee vacancy?

Contacted by Sandra Waters and Carol Stiles

Signature  

[Signature]

Date  3-18-17

Thank you for your interest in the City of Newton and specifically your interest in being considered for a city board or committee. You along with other applicants will be considered for any current vacancies. Upon submittal to the city this application and the information provided herein will be kept on file with the city and be considered public information.
DATE: March 28, 2017

TO: E. Todd Clark, City Manager

FROM: Serina T. Hinson, Finance Director

CONSIDERATION OF: Capital Project Budget Ordinance to Close Capital Project

Approved for Council Consideration

Background:

The City of Newton periodically establishes capital project ordinances for endeavors that involve construction/infrastructure activities or grant funding for a particular purpose covering more than one year. In most cases, the duration of a 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 City established the Electric Voltage Regulators Capital Project with a total project budget of $262,500. This project was complete as of August 4, 2016 with total expenditures of $202,515.

We would like to close out the capital project(s) noted above. A Capital Project Budget Ordinance has been prepared and is attached for your review and approval.

Action Suggested:

Motion to approve the attached Capital Project Budget Ordinance to close out the above noted capital project(s) which was completed during Fiscal Year 2017.
ORDINANCE #2017-11
CAPITAL PROJECT BUDGET ORDINANCE TO CLOSE CAPITAL PROJECT(S)
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 the completion of the following Capital Project(s), and

WHEREAS, the City of Newton established the Electric Voltage Regulators Capital Project with a total project budget of $262,500. This project was complete as of August 4, 2016 with total expenditures of $202,515.00. The remaining savings of $31,485 from the $234,000 financing will be applied towards outstanding debt, and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

**Electric Fund Revenues**
- Transfer from Capital Projects 63-0000.3930 $31,500
- Fund Equity Appropriated 63-0000.3995 $(31,500)

**Electric Capital Projects Fund Appropriations**
- Transfer to Electric 38-7201.9963 $31,500
- Voltage Regulators 38-7201.5954 $(31,500)

Adopted this 4th day of April, 2017

Anne P. Stedman, Mayor

Attest:

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

DATE: March 30, 2015

TO: E. Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Grant Project Ordinance for West A Street Bikeway and Pedestrian Improvement Project

Approved for Council Consideration

Background:

On July 1, 2016 Council approved the filing of a grant application to the Greater Hickory Metropolitan Planning Organization (GHMPO) for Transportation Improvement Program funding administered by the North Carolina Department of Transportation (NCDOT) of the West A Street Bikeway and Pedestrian Improvement Project which consists of a protected bikeway and bike lane improvements, sidewalk construction and ADA Improvements. It also includes the replacement of water lines and moving the utility poles.

The City has been approved to receive funds allocated to the North Carolina Department of Transportation by the Federal Highway Administration (FHWA) up to and not to exceed a grant award of $1,520,000.

A project agreement between The North Carolina Department of Transportation and the City of Newton is ready to be executed along with the establishment of the Grant Project Ordinance to recognize the federal grant revenues awarded in the amount of $1,520,000, a $250,000 state grant designated for a portion of the City’s 20% match, and $1,165,450 from financing for a total project budget of $2,935,450.

Action Suggested:

Motion to approve the attached Grant Project Ordinance for the West A Street Bikeway and Pedestrian Improvement Project.
ORDINANCE #2017-13
CITY OF NEWTON
WEST A STREET BIKEWAY AND PEDESTRIAN
IMPROVEMENTS
GRANT PROJECT ORDINANCE

Be it ordained by the City Council of the City of Newton that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1: The project authorized is for West A Street Bikeway and Pedestrian Improvements to be financed by a $1,520,000 federal grant, a state grant, and proceeds from financing. The 20% match will consist of a $250,000 state grant and a $130,000 local match from the City.

Section 2: The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Transportation, and the budget contained herein.

Section 3: The following revenues are anticipated to be available to complete this project:

Revenues

General Capital Project Fund
Federal Grants 30-4252.3400 $1,018,400
State Grants 30-4252.3410 $168,050
Proceeds from Borrowing 30-4252.3900 $315,450

Electric Capital Project Fund
Proceeds from Borrowing 38-7201.3900 $266,800

Water/Wastewater Capital Project Fund
Federal Grants 47-7100.3400 $501,600
State Grants 47-7100.3410 $81,950
Proceeds from Borrowing 47-7100.3900 $583,200

Section 4: The following amounts are appropriated for the project:

Appropriations

General Capital Project Fund
Culvert Replacement Projects 30-4252.5982 $49,050
Street and Sidewalk Const 30-4252.5987 $1,452,850

Electric Capital Project Fund
Electrical Infrastructure Rehab 38-7201.5989 $266,800
Water/Wastewater Capital Project Fund

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Rehabilitation</td>
<td>47-7100.5992</td>
<td>$723,650</td>
</tr>
<tr>
<td>Sewer Rehabilitation</td>
<td>47-7100.5994</td>
<td>$443,100</td>
</tr>
</tbody>
</table>

**Section 5:** The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

**Section 6:** Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

**Section 7:** Copies of this grant project ordinance shall be furnished to the Clerk to the City Council, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 4th day of April, 2017

Attest: [Signature]

Anne P. Stedman, Mayor

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

DATE: March 29, 2017

TO: Todd Clark, City Manager

FROM: Dusty Wentz, PWU Director

CONSIDERATION OF: Adoption of the Annual Consumers Confidence Report for the Water Treatment Plant

Approved for Council Consideration

Background:

The Annual Water Consumers Confidence Report (CCR) must be sent out to all water customers and accepted by Council as required by the State.

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

The Annual Water Consumers Confidence Report (CCR) which is the Water Treatment plant and water distribution system report is attached.

Recommendation:

It is recommended that the Council accept the annual Consumers Confidence Report.
We are pleased to present to you this year’s Annual Drinking Water Quality Report. This report is a snapshot of last year’s water quality. Included are details about your source(s) of water, what it contains, and how it compares to standards set by regulatory agencies. Our constant goal is to provide you with a safe and dependable supply of drinking water. We want you to understand the efforts we make to continually improve the water treatment process and protect our water resources. We are committed to ensuring the quality of your water and to providing you with this information because informed customers are our best allies. If you have any questions about this report or concerning your water, please contact Glenn Bach, WTP superintendent at 828-695-4312. We want our valued customers to be informed about their water utility.

What EPA Wants You to Know

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. City of Newton is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (800-426-4791) or at http://www.epa.gov/safewater/lead.

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife; inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming; pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses; organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.
In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water, which must provide the same protection for public health.

**When You Turn on Your Tap, Consider the Source**

The water that is used by this system is surface water and is located at the Jacobs Fork Park, off highway 10 and the lake is located at the end of Boston road. The Jacob Fork River is the primary water source for Newton’s drinking water. The city has a secondary source for water, which is the City Lake, a reservoir that holds approximately 40 million gallons. The Jacob Fork flows approximately 20 miles over solid bedrock where it is well oxygenated, and most volatile contaminants are removed. The Jacob Fork River has no commercial or city discharge facilities located along its 20-mile stretch adding to the purity of the water.

**Source Water Assessment Program (SWAP) Results**

The North Carolina Department of Environment and Natural Resources (DENR), Public Water Supply (PWS) Section, Source Water Assessment Program (SWAP) conducted assessments for all drinking water sources across North Carolina. The purpose of the assessments was to determine the susceptibility of each drinking water source (well or surface water intake) to Potential Contaminant Sources (PCSs). The results of the assessment are available in SWAP Assessment Reports that include maps, background information and a relative susceptibility rating of Higher, Moderate or Lower.

The relative susceptibility rating of each source for the City of Newton was determined by combining the contaminant rating (number and location of PCSs within the assessment area) and the inherent vulnerability rating (i.e., characteristics or existing conditions of the well or watershed and its delineated assessment area). The assessment findings are summarized in the table below:

<table>
<thead>
<tr>
<th>Source Name</th>
<th>Inherent Vulnerability Rating</th>
<th>Contaminant Rating</th>
<th>Susceptibility rating</th>
<th>SWAP Report Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jacobs Fork/ Catawba River</td>
<td>Moderate</td>
<td>Lower</td>
<td>Moderate</td>
<td>July 2015</td>
</tr>
<tr>
<td>City Lake</td>
<td>Moderate</td>
<td>Lower</td>
<td>Moderate</td>
<td>July 2015</td>
</tr>
</tbody>
</table>

The complete SWAP Assessment report for the City of Newton may be viewed on the Web at: [www.ncwater.org/pws/swap](http://www.ncwater.org/pws/swap). Note that because SWAP results and reports are periodically updated by the PWS Section, the results available on this web site may differ from the results that were available at the time this CCR was prepared. If you are unable to access your SWAP report on the web, you may mail a written request for a printed copy to: Source Water Assessment Program – Report Request, 1634 Mail Service Center, Raleigh, NC 27699-1634, or email requests to swap@ncdenr.gov. Please indicate your system name, number, and provide your name, mailing address and phone number. If you have any questions about the SWAP report please contact the Source Water Assessment staff by phone at 919-707-9098.

It is important to understand that a susceptibility rating of “higher” does not imply poor water quality, only the system’s potential to become contaminated by PCSs in the assessment area.

**Water Quality Data Tables of Detected Contaminants**

We routinely monitor for over 150 contaminants in your drinking water according to Federal and State laws. The table below lists all the drinking water contaminants that we detected in the last round of sampling for the particular contaminant group. The presence of contaminants does not necessarily indicate that water poses a health risk. **Unless otherwise noted, the data presented in this table is from testing done January 1 through December 31, 2016.** The EPA and the State allow us to monitor for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year. Some of the data, though representative of the water quality, is more than one year old.
Important Drinking Water Definitions:

Not-Applicable (N/A) – Information not applicable/not required for that particular water system or for that particular rule.

Non-Detects (ND) - Laboratory analysis indicates that the contaminant is not present at the level of detection set for the particular methodology used.

Parts per million (ppm) or Milligrams per liter (mg/L) - One part per million corresponds to one minute in two years or a single penny in $10,000.

Parts per billion (ppb) or Micrograms per liter (ug/L) - One part per billion corresponds to one minute in 2,000 years, or a single penny in $10,000,000.

Parts per trillion (ppt) or Nanograms per liter (nanograms/L) - One part per trillion corresponds to one minute in 2,000,000 years, or a single penny in $10,000,000,000.

Parts per quadrillion (ppq) or Picograms per liter (picograms/L) - One part per quadrillion corresponds to one minute in 2,000,000,000 years or one penny in $10,000,000,000,000.

Picocuries per liter (pCi/L) - Picocuries per liter is a measure of the radioactivity in water.

Million Fibers per Liter (MFL) - Million fibers per liter is a measure of the presence of asbestos fibers that are longer than 10 micrometers.

Nephelometric Turbidity Unit (NTU) - Nephelometric turbidity unit is a measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Action Level (AL) - The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Treatment Technique (TT) - A required process intended to reduce the level of a contaminant in drinking water.

Maximum Residual Disinfection Level Goal (MRDLG) – The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

Maximum Residual Disinfection Level (MRDL) – The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Contaminant Level (MCL) - The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG) - The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Tables of Detected Contaminants

Microbiological Contaminants in the Distribution System - For systems that collect less than 40 samples per month

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>MCL Violation Y/N</th>
<th>Your Water</th>
<th>MCLG</th>
<th>MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Coliform Bacteria (presence or absence)</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>one positive monthly sample Naturally present in the environment</td>
</tr>
<tr>
<td>Fecal Coliform or E. coli (presence or absence)</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(Note: The MCL is exceeded if a routine sample and repeat sample are total coliform positive, and one is also fecal coliform or E. coli positive) Human and animal fecal waste</td>
</tr>
</tbody>
</table>
Turbidity*

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Treatment Technique (TT) Violation Y/N</th>
<th>Your Water</th>
<th>Treatment Technique (TT) Violation if:</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turbidity (NTU) - Highest single turbidity measurement</td>
<td>N</td>
<td>0.08 NTU</td>
<td>Turbidity &gt; 1 NTU</td>
<td>Soil runoff</td>
</tr>
<tr>
<td>Turbidity (NTU) - Lowest monthly percentage (%) of samples meeting turbidity limits</td>
<td>N</td>
<td>100%</td>
<td>Less than 95% of monthly turbidity measurements are &lt; 0.3 NTU</td>
<td></td>
</tr>
</tbody>
</table>

*Turbidity is a measure of the cloudiness of the water. We monitor it because it is a good indicator of the effectiveness of our filtration system. The turbidity rule requires that 95% or more of the monthly samples must be less than or equal to 0.3 NTU.

Inorganic Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>MCL Violation Y/N</th>
<th>Your Water</th>
<th>Range Low</th>
<th>Range High</th>
<th>MCLG</th>
<th>MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>6</td>
<td>6</td>
<td></td>
<td>Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder</td>
</tr>
<tr>
<td>Arsenic (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>10</td>
<td></td>
<td>Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes</td>
</tr>
<tr>
<td>Barium (ppm)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>2</td>
<td>2</td>
<td></td>
<td>Discharge from drilling wastes; discharge from metal refineries; erosion of natural deposits</td>
</tr>
<tr>
<td>Beryllium (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>4</td>
<td>4</td>
<td></td>
<td>Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries</td>
</tr>
<tr>
<td>Cadmium (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>5</td>
<td>5</td>
<td></td>
<td>Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints</td>
</tr>
<tr>
<td>Chromium (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>100</td>
<td>100</td>
<td></td>
<td>Discharge from steel and pulp mills; erosion of natural deposits</td>
</tr>
<tr>
<td>Cyanide (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>200</td>
<td>200</td>
<td></td>
<td>Discharge from steel/metal factories; discharge from plastic and fertilizer factories</td>
</tr>
<tr>
<td>Fluoride (ppm)</td>
<td>1/19/16</td>
<td>N</td>
<td>.64</td>
<td>N/A</td>
<td>4</td>
<td>4</td>
<td></td>
<td>Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories</td>
</tr>
<tr>
<td>Mercury (inorganic) (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>2</td>
<td>2</td>
<td></td>
<td>Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland</td>
</tr>
<tr>
<td>Selenium (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>50</td>
<td>50</td>
<td></td>
<td>Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines</td>
</tr>
<tr>
<td>Thallium (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0.5</td>
<td>2</td>
<td></td>
<td>Leaching from ore-processing sites; discharge from electronics, glass, and drug factories</td>
</tr>
</tbody>
</table>

Nitrate/Nitrite Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>MCL Violation Y/N</th>
<th>Your Water</th>
<th>Range Low</th>
<th>Range High</th>
<th>MCLG</th>
<th>MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrate (as Nitrogen) (ppm)</td>
<td>N</td>
<td>&lt;0.10</td>
<td>N/A</td>
<td>10</td>
<td>10</td>
<td></td>
<td>Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits</td>
</tr>
<tr>
<td>Nitrite (as Nitrogen) (ppm)</td>
<td>N</td>
<td>&lt;0.10</td>
<td>N/A</td>
<td>1</td>
<td>1</td>
<td></td>
<td>Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits</td>
</tr>
</tbody>
</table>

Unregulated Inorganic Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>Your Water</th>
<th>Range Low</th>
<th>Range High</th>
<th>Secondary MCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sulfate (ppm)</td>
<td>1/19/16</td>
<td>ND</td>
<td>N/A</td>
<td>250</td>
<td></td>
</tr>
</tbody>
</table>
## Synthetic Organic Chemical (SOC) Contaminants Including Pesticides and Herbicides

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>MCL Violation</th>
<th>Your Water</th>
<th>Range</th>
<th>MCLG</th>
<th>MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,4-D (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>70</td>
<td>70</td>
<td>Runoff from herbicide used on row crops</td>
</tr>
<tr>
<td>2,4,5-TP (Silvex) (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>50</td>
<td>50</td>
<td>Residue of banned herbicide</td>
</tr>
<tr>
<td>Alachlor (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>2</td>
<td>Runoff from herbicide used on row crops</td>
</tr>
<tr>
<td>Atrazine (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>3</td>
<td>3</td>
<td>Runoff from herbicide used on row crops</td>
</tr>
<tr>
<td>2,4-D (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>200</td>
<td>Runoff from soil fumigant used on rice and alfalfa</td>
</tr>
<tr>
<td>2,4-D (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>200</td>
<td>Runoff from soil fumigant used on soybeans, cotton, pineapples, and orchards</td>
</tr>
<tr>
<td>Benzo(a)pyrene (PAH) (ppt)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>200</td>
<td>200</td>
<td>Residue of banned termiticide</td>
</tr>
<tr>
<td>Dalapon (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>200</td>
<td>200</td>
<td>Runoff from herbicide used on rights of way</td>
</tr>
<tr>
<td>DBCP [Dibromochloropropane] (ppt)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>6</td>
<td>Discharge from rubber and chemical factories</td>
</tr>
<tr>
<td>Dinoseb (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>7</td>
<td>7</td>
<td>Runoff from herbicide used on soybeans and vegetables</td>
</tr>
<tr>
<td>Endrin (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>2</td>
<td>2</td>
<td>Residue of banned insecticide</td>
</tr>
<tr>
<td>EDB [Ethylene dibromide] (ppt)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>50</td>
<td>Discharge from petroleum refineries</td>
</tr>
<tr>
<td>Heptachlor (ppt)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>400</td>
<td>Residue of banned pesticide</td>
</tr>
<tr>
<td>Heptachlor epoxide (ppt)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>200</td>
<td>Breakdown of heptachlor</td>
</tr>
<tr>
<td>Hexachlorobenzene (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>1</td>
<td>Discharge from metal refineries and agricultural chemical factories</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>50</td>
<td>50</td>
<td>Discharge from chemical factories</td>
</tr>
<tr>
<td>Lindane (ppt)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>200</td>
<td>200</td>
<td>Runoff/leaching from insecticide used on cattle, lumber, gardens</td>
</tr>
<tr>
<td>Methoxychlor (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>40</td>
<td>40</td>
<td>Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock</td>
</tr>
<tr>
<td>Oxamyl [Vydate] (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>200</td>
<td>200</td>
<td>Runoff/leaching from insecticide used on apples, potatoes and tomatoes</td>
</tr>
<tr>
<td>PCBs [Polychlorinated biphenyls] (ppt)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>500</td>
<td>Runoff from landfills; discharge of waste chemicals</td>
</tr>
<tr>
<td>Pentachlorophenol (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>1</td>
<td>Discharge from wood preserving factories</td>
</tr>
<tr>
<td>Picloram (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>500</td>
<td>500</td>
<td>Herbicide runoff</td>
</tr>
<tr>
<td>Simazine (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>4</td>
<td>4</td>
<td>Herbicide runoff</td>
</tr>
<tr>
<td>Toxaphene (ppb)</td>
<td>Jan/June 2014</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0</td>
<td>3</td>
<td>Runoff/leaching from insecticide used on cotton and cattle</td>
</tr>
</tbody>
</table>
## Volatile Organic Chemical (VOC) Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>MCL Violation Y/N</th>
<th>Your Water</th>
<th>Range Low</th>
<th>MCLG MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 5</td>
<td>Discharge from factories; leaching from gas storage tanks and landfills</td>
</tr>
<tr>
<td>Carbon tetrachloride (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 5</td>
<td>Discharge from chemical plants and other industrial activities</td>
</tr>
<tr>
<td>Chlorobenzene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>100 100</td>
<td>Discharge from chemical and agricultural chemical factories</td>
</tr>
<tr>
<td>o-Dichlorobenzene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>600 600</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>p-Dichlorobenzene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>75 75</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>1,2 – Dichloroethane (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 5</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>1,1 – Dichloroethylene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>7 7</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>cis-1,2-Dichloroethylene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>70 70</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>trans-1,2-Dichloroethylene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>100 100</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>Dichloromethane (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 5</td>
<td>Discharge from pharmaceutical and chemical factories</td>
</tr>
<tr>
<td>1,2-Dichloropropane (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 5</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>Ethylbenzene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>700 700</td>
<td>Discharge from petroleum refineries</td>
</tr>
<tr>
<td>Styrene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>100 100</td>
<td>Discharge from rubber and plastic factories; leaching from landfills</td>
</tr>
<tr>
<td>Tetrachloroethylene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 5</td>
<td>Discharge from factories and dry cleaners</td>
</tr>
<tr>
<td>1,2,4-Trichlorobenzene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>70 70</td>
<td>Discharge from textile-finishing factories</td>
</tr>
<tr>
<td>1,1,1-Trichloroethane (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>200 200</td>
<td>Discharge from metal degreasing sites and other factories</td>
</tr>
<tr>
<td>1,1,2-Trichloroethane (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>3 5</td>
<td>Discharge from industrial chemical factories</td>
</tr>
<tr>
<td>Trichloroethylene (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 5</td>
<td>Discharge from metal degreasing sites and other factories</td>
</tr>
<tr>
<td>Toluene (ppm)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>1 1</td>
<td>Discharge from petroleum factories</td>
</tr>
<tr>
<td>Vinyl Chloride (ppb)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>0 2</td>
<td>Leaching from PVC piping; discharge from plastics factories</td>
</tr>
<tr>
<td>Xylenes (Total) (ppm)</td>
<td>1/19/16</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>10 10</td>
<td>Discharge from petroleum factories; discharge from chemical factories</td>
</tr>
</tbody>
</table>

### Asbestos Contaminant

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>MCL Violation Y/N</th>
<th>Your Water</th>
<th>Range Low</th>
<th>MCLG MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Asbestos (MFL)</td>
<td>5-31-11</td>
<td>N</td>
<td>ND</td>
<td>N/A</td>
<td>7 7</td>
<td>Decay of asbestos cement water mains; erosion of natural deposits</td>
</tr>
</tbody>
</table>

### Lead and Copper Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>Your Water</th>
<th># of sites found above the AL</th>
<th>MCLG</th>
<th>AL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper (ppm) (90th percentile)</td>
<td>June 2015</td>
<td>.289</td>
<td>0</td>
<td>1.3</td>
<td>AL=1.3</td>
<td>Corrosion of household plumbing systems; erosion of natural deposits</td>
</tr>
<tr>
<td>Lead (ppb) (90th percentile)</td>
<td>June 2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>AL=15</td>
<td>Corrosion of household plumbing systems, erosion of natural deposits</td>
</tr>
</tbody>
</table>

23
### Radioactive Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>MCL Violation Y/N</th>
<th>Your Water</th>
<th>MCLG</th>
<th>MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha emitters (pCi/L)</td>
<td>4/18/12</td>
<td>N</td>
<td>ND</td>
<td>0</td>
<td>15</td>
<td>Erosion of natural deposits</td>
</tr>
<tr>
<td>Uranium (pCi/L)</td>
<td>4/18/12</td>
<td>N</td>
<td>ND</td>
<td>0</td>
<td>20.1</td>
<td>Erosion of natural deposits</td>
</tr>
</tbody>
</table>

### Total Organic Carbon (TOC)

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>TT Violation Y/N</th>
<th>Your Water (RAA Removal Ratio)</th>
<th>Range Monthly Removal Ratio Low - High</th>
<th>MCLG</th>
<th>TT</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Organic Carbon (TOC)-TREATED</td>
<td>N</td>
<td>1.46</td>
<td>1- 2.86</td>
<td>N/A</td>
<td>TT</td>
<td>Naturally present in the environment</td>
</tr>
</tbody>
</table>

### Alternative Compliance Criteria (ACC)

<table>
<thead>
<tr>
<th>Alt.</th>
<th>Source Water TOC &lt; 2.0 mg/L</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alt. 2</td>
<td>Treated Water TOC &lt; 2.0 mg/L</td>
</tr>
<tr>
<td>Alt. 3</td>
<td>Source Water SUVA ≤ 2.0 L/mg-m</td>
</tr>
<tr>
<td>Alt. 4</td>
<td>Treated Water SUVA ≤ 2.0 L/mg-m</td>
</tr>
<tr>
<td>Alt. 5</td>
<td>Treated Water Alkalinity &lt; 60 mg/L (for softening systems only)</td>
</tr>
<tr>
<td>Alt. 6</td>
<td>THM &amp; HAA RAA’s ≤ 1/2 MCL &amp; uses only chlorine</td>
</tr>
<tr>
<td>Alt. 7</td>
<td>Source TOC RAA &lt; 4.0 mg/L and Source Alkalinity &gt; 60 mg/L and THM &amp; HAA RAAs ≤ 1/2 MCL</td>
</tr>
</tbody>
</table>

### Disinfectants and Disinfection Byproducts Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>MCL/MR DL Violation Y/N</th>
<th>Your Water RAA (Stage 2)</th>
<th>Range Low/High</th>
<th>MCLG</th>
<th>MCL</th>
<th>Likely Source of Contamination</th>
</tr>
</thead>
<tbody>
<tr>
<td>TTHM (ppb) [Total Trihalomethanes]</td>
<td>N</td>
<td>30</td>
<td>11- 63</td>
<td>N/A</td>
<td>80</td>
<td>By-product of drinking water chlorination</td>
</tr>
<tr>
<td>HAA5 (ppb) [Total Haloacetic Acids]</td>
<td>N</td>
<td>27</td>
<td>8- 44</td>
<td>N/A</td>
<td>60</td>
<td>By-product of drinking water disinfection</td>
</tr>
<tr>
<td>Chlorine (ppm)</td>
<td>N</td>
<td>1.43</td>
<td>0.3-2.0</td>
<td>MRDLG = 4</td>
<td>MRDL = 4</td>
<td>Water additive used to control microbes</td>
</tr>
</tbody>
</table>

### Other Miscellaneous Water Characteristics Contaminants

<table>
<thead>
<tr>
<th>Contaminant (units)</th>
<th>Sample Date</th>
<th>Your Water</th>
<th>Range Low/High</th>
<th>SMCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sodium (ppm)</td>
<td>1/19/16</td>
<td>7.1</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sulfate (ppm)</td>
<td>1/19/16</td>
<td>ND</td>
<td>N/A</td>
<td>250 mg/L</td>
</tr>
<tr>
<td>pH</td>
<td>1/19/16</td>
<td>6.4</td>
<td>N/A</td>
<td>6.5 to 8.5</td>
</tr>
</tbody>
</table>
**Cryptosporidium**

Our system is currently monitoring for *Cryptosporidium* as required by the USEPA. This round of testing began in October 2016 and runs through September 2018. Samples are taken monthly and transported to Charlotte for testing. There has thus been no indication of the contaminant present at the level of detection as set by the USEPA.

*Cryptosporidium* is a microbial pathogen found in surface water throughout the U.S. Although filtration removes *Cryptosporidium*, the most commonly-used filtration methods cannot guarantee 100 percent removal. Our monitoring indicates the presence of these organisms in our source water and/or finished water. Current test methods do not allow us to determine if the organisms are dead or if they are capable of causing disease. Ingestion of *Cryptosporidium* may cause cryptosporidiosis, an abdominal infection. Symptoms of infection include nausea, diarrhea, and abdominal cramps. Most healthy individuals can overcome the disease within a few weeks. However, immuno-compromised people, infants and small children, and the elderly are at greater risk of developing life-threatening illness. We encourage immuno-compromised individuals to consult their doctor regarding appropriate precautions to take to avoid infection. *Cryptosporidium* must be ingested to cause disease, and it may be spread through means other than drinking water.

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**Letter from the Superintendent-ORC of the Water Treatment Plant Glenn Bach**

The City of Newton Water Treatment Plant staff takes pride and is committed to producing the safest, most aesthetically pleasing water possible. The plant operates 24 hours a day, 7 days a week and is never left unattended. The City of Newton water has received the AWOP (Area Wide Optimization Program) award for 13 consecutive years for water far exceeding the requirements for purity, quality, safety, and cost for production. The only city to qualify every year since the start of program. We take the customers opinions very seriously. If you should ever have any concerns, please don’t hesitate to call me or email me at gbach@newtonnc.gov.

The City of Newton Water Treatment plant is staffed by very capable operators with many years of service. Each operator has obtained a license from the State of North Carolina and receives at least 6 continuing education hours a year. Their years of service to the City are listed below and as you will see they are very dedicated to the city.

<table>
<thead>
<tr>
<th>Operator</th>
<th>Years of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenn Bach</td>
<td>ORC- 27 years</td>
</tr>
<tr>
<td>Dennis Murdock</td>
<td>Chief Operator-30 years</td>
</tr>
<tr>
<td>Eric Wheeler</td>
<td>21 years</td>
</tr>
<tr>
<td>Charlie Wishon</td>
<td>20 years</td>
</tr>
<tr>
<td>Jeff Griebel</td>
<td>4 month</td>
</tr>
<tr>
<td>Beth Andrews</td>
<td>7 months</td>
</tr>
<tr>
<td>Nolan Hallman</td>
<td>2 years</td>
</tr>
<tr>
<td>Chris Sigmon</td>
<td>1 year, 6months</td>
</tr>
</tbody>
</table>
PROCLAMATION

Whereas, children are vital to our city’s future success, prosperity and quality of life as well as being our most vulnerable assets;

Whereas, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

Whereas, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children, ensure all children grow to their full potential;

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

NOW, THEREFORE, I, ANNE P. STEDMAN, MAYOR OF THE CITY OF NEWTON, NORTH CAROLINA, DO HEREBY PROCLAIM THE MONTH OF APRIL 2017 AS CHILD ABUSE PREVENTION MONTH

In the City of Newton and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the community in which we live.

Dated this 4th Day of April, 2017

____________________
Anne P. Stedman, Mayor

____________________
Amy Falowski, City Clerk
DATE: March 29, 2017

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Adopt changes to the Code of Ordinances, Chapter 14 – Animals and Fowl: Article I – In General.

Approved for Council Consideration

Background:

The Police Department staff was directed to review current city ordinance as it relates to the keeping of livestock within the city limits. During the review it was determined that there were some areas that needed clarification, deletion and addition. After two presentations to City Council, guidance was given to make limited changes.

Summary:

Amendments to Chapter 14 of the City Code have been drafted based upon discussion with City Council at the March 7, 2017 council meeting. City Staff recommends adoption of these amendments.

Requested Action:

Consider adopting the animal control regulating livestock within the city limits ordinance as presented.
Chapter 14 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal means any living vertebrate, domestic or wild, excluding humans.

Animal shelter means a place provided and operated by the city, other governmental unit or subdivision for the restraint, care and disposition of animals.

At large. Any dog shall be deemed to be "at large" when it is off the property of its owner and not under the control of a competent person.

Dangerous animal means any animal found within the corporate limits which is determined to be dangerous to persons or property under the provisions of G.S. 67-4.1.

Dog includes both male and female dogs.

Livestock in this Chapter shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas and swine.

Owner means any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The head of the household shall be deemed to be the owner of any animal owned, kept or harbored by any person residing in such household and kept on such premises.

Pasture means a fenced area with sufficient grass for grazing of not less than one acre.

Reptile means any cold-blooded vertebrate of the class Reptilia including tortoises, turtles, snakes, lizards, alligators, crocodiles and extinct forms.

Service animal as defined by the Americans with Disabilities Act is as follows:

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.” (Service Animal as defined by the ADA, Title III, subpart A 36.104 definitions, July 2010)
In addition to the provisions about Service Dogs, the U.S. Department of Justice’s revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner’s control; (3) whether the facility can accommodate the miniature horse’s type, size, and weight; and (4) whether the miniature horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

The ADA limits the definition of Service Animals to dogs and miniature horses.

Therapy dogs, emotional support dogs and companion dogs are not Service Animals as defined by the ADA.

In North Carolina, this law also applies to animals in training to become Service Animals. Training organizations and people training a Service Animal have the same access rights as people with disabilities using a Service Animal. The animal must wear a collar and leash, harness or cape that identifies it as a Service Animal in Training. The trainer is liable for any damage caused by the animal while in a place of business.

**Stray dog** means any dog within the city, wandering at large or lost which does not have an owner; or any dog that within the city whose owner fails to have such dog vaccinated against rabies as provided by law.

**Therapy animal** is normally a dog (but can be other species) that has been obedience trained and screened for its ability to interact favorably with humans and other animals. The primary purpose of a therapy animal is to provide affection and comfort to people in hospitals, retirement homes, nursing homes, schools, hospices, disaster areas, and to people with learning difficulties.

**Vicious animal** means any animal whose owner or keeper knows, or reasonably should know, has a propensity to attack a person by biting or in any manner causing injury or the reasonable likelihood of injury; or one which has a propensity to habitually or repeatedly attack livestock or other domestic animals. However, this provision shall not apply to any animal which bites, attacks or attempts to attack any person or animal unlawfully present upon the premises upon which such animal is properly kept, or which is provoked to attack.

**Wild animal** means any animal which can normally be found in a wild state; those feral, exotic, dangerous or nondomestic animals which generally do not live in or about the habitation of humans, including, but not limited to, lions, tigers, leopards, wildcats, bears, deer and the like.

(Code 1972, § 4-8; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

- **Sec. 14-2. - City animal wardens.**

The chief of police is hereby authorized to appoint one or more city animal wardens and to determine the amount of salary. Such wardens shall be supervised and answerable to the chief of police, shall be
responsible for the enforcement of the provisions of this chapter and shall be authorized to wear badges and uniforms but shall not be required to be members of the police department of the city.

(Code 1972, § 4-17; Ord. No. 73.60, § 2; Ord. No. 77.141, § 1; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

- **Sec. 14-3. - Interference with impoundment.**

It shall be unlawful for any person to obstruct or interfere with, in any way, the impoundment of any dog found in violation of the provisions of this chapter. It shall be unlawful for any person to release, or attempt to release, any dog which has been impounded.

(Code 1972, § 4-18; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

- **Sec. 14-4. - Authority of police officers.**

Members of the police department of the city shall be empowered to perform the duties of the animal warden. Members of the police department are also empowered to use such force as is necessary for the protection of persons, including the immediate destruction of an animal under the existing police policy.

(Code 1972, § 4-19; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

- **Sec. 14-5. - Reserved**

*Editor's note—* (Ord. No. 2015-12, adopted May 19, 2015 repealed § 14-5 pertaining to permit fees and derived from the Code of 1953; the Code of 1972; Ord. No. 73.63; and Ord. No. 89.9)

- **Sec. 14-6. - Permit fees—Payment schedule. Reserved**

- Permit fees shall be paid by the dog owners at the office of the city clerk not later than January 31 of each year, or within 40 days from the date of acquisition of ownership of each dog, and shall be valid until January 31 of the following year; except, that the permit fee applicable for dogs acquired after July 31 of each year shall be one-half the regular fee for the remainder of the applicable year.

(Code 1972, § 4-10; Ord. No. 73.63, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

- **Sec. 14-7. - Rabies inoculation required.**

No dog shall be permitted within the corporate limits unless it shall have been inoculated against rabies as required by G.S. 130A-185(a), and proof of such inoculation shall be attached to such dog.

(Code 1972, §4-11; Ord. No. 73.60, §2; Ord. No. 89.9, §1; Ord. No. 2015-12, 5-19-2015)

- **Sec. 14-8. - Responsibility of owners for securing permit tags and for acts of animals. Reserved**

(a)

Every owner of a dog shall be responsible for securing the proper city permit tag from the office of the city clerk or the animal warden, upon payment of the fee fixed by the council from time
to time. Such permit tag shall be attached to such dog at any time while the dog is off the
premises of the owner.

(b)

Owners of animals are responsible for acts of their animals. The owner of any animal which
commits a nuisance upon the property of another person, or which damages another person’s
property or person, is fully responsible and accountable for these acts.

(Code 1972, § 4-12; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2002.31, 8-21-2002; Ord. No. 2015-
12, 5-19-2015)

• Sec. 14-9. - Allowing dog to run at large.

It shall be unlawful for an owner to permit a dog to run at large.

(Code 1972, § 4-13; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

State Law reference—Authority of city to regulate, prohibit, etc., the running at large of dogs, G.S.
160A-186.

• Sec. 14-10. - Barking dogs.

It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly
barks in such manner or to such extent that it is a public nuisance.

(Code 1972, § 4-14; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

• Sec. 14-11. - Teasing or molesting dogs.

It shall be unlawful for any person to tease, molest or bait any dog not belonging to him or legally under
his control.

(Code 1972, § 4-15; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

• Sec. 14-12. - Wild, vicious or dangerous animals.

(a)

Keeping or possession prohibited. It shall be unlawful for any owner to own, keep, possess or in any way
maintain a wild, vicious or dangerous animal within the corporate limits. After a determination by the
animal warden or other properly designated agent or employee of the city that a particular animal is
wild, vicious or dangerous, that designee may order that the owner of such animal have it humanely
destroyed or shall otherwise immediately remove it from within the corporate limits. If the animal is to
be destroyed, a designee from the city shall bear witness to the destruction. If the animal is removed
from the corporate limits, it shall be permanently marked for future identification and available for
periodical inspection as determined by the chief of police.

(b)

Right of appeal. An owner of a dog declared potentially dangerous or dangerous shall follow the appeal
process established in G.S. 67-4.1 et seq.
Vicious animals.

(1)
The animal control supervisor has the authority to declare an animal vicious. Any animal declared to be a vicious animal shall be immediately impounded and held for a ten calendar-day quarantine period and then humanely destroyed unless an appeal is filed as prescribed in this chapter. If an appropriate appeal is filed, the dog shall be held at the shelter, at the owner’s expense, pending the final outcome of the appeal.

(2)
The owner shall deposit with the shelter the anticipated fee for the estimated time of the appeal beginning with the first day of quarantine. Such amount shall be calculated based on transportation fees, boarding fees and any known veterinary care the animal is in need of at the time the quarantine period begins. Payment of the fees is a required part of the appeals process. If the owner fails to pay the determined amount of fees, the appeal application will be deemed incomplete and no appeal heard.

(3)
Nothing in this section shall prohibit the owner from voluntarily releasing the dog to be destroyed in a humane way.

(d)

Appeal procedure. To appeal any other determination or finding in this chapter such as a finding or determination that an animal is vicious or is a public nuisance, the following provisions shall apply:

(1)
The filing of a written appeal stays all proceedings in furtherance of the action appealed, unless the animal control supervisor whose decision is being appealed certifies to the chief of police, after the appeal is filed, because of facts stated in the certification: (i) that a stay would cause immediate peril to life or property; or (ii) that the solution appealed from is transitory in nature, and therefore an appeal would seriously interfere with enforcement of the provisions of the Newton City Code or the operation of any program in the city.

a.
In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record having jurisdiction in the county.

b.
The animal control supervisor shall transmit to the chief of police, as appropriate, all papers constituting the record upon which the action appealed is taken and shall provide a copy of such record to the city clerk.
Within 30 days of the receipt of the written appeal, the chief of police shall hold at least one hearing on the appeal. Following the close of the hearing, the chief of police shall take final action based on the procedures and requirements of this section.

a.

In exercising the appeal power, the chief of police shall have all the powers of the official from whom the appeal is taken, and the chief of police may reverse or affirm wholly or partly or may modify the decision being appealed.

b.

If the chief of police determines that it is necessary to obtain additional evidence in order to resolve the matter, he shall remand the appeal to the animal control supervisor from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

(3)

The chief of police may reverse or modify an order, requirement, decision, or determination of the animal control supervisor. The decision of the chief of police shall be supported by written findings of fact. After the hearing, the chief of police has ten days to make the final decision.

a.

Within five days after a final decision of an administrative appeal is made by the chief of police, copies of the written decision shall be sent to the appellant and filed in the office of the city clerk, where it shall be available for public inspection during regular office hours.

b.

Contemporaneous with the filing of the decision of the chief of police, a written copy of the chief of police's decision shall be sent, via first class mail or personal service, to the appellant at the appellant's last known address, or such other addresses as the appellant may request in writing in the appeal documents.

(4)

Any person who is directly affected by a decision of the police chief may appeal the decision to the county superior court. An appeal to superior court must be filed within 30 days of the filing by the chief of police of the decision in the office of the city clerk.

(5)

Individuals participating in the appeals process set forth above may, at their own cost and expense, be represented by legal counsel if they so desire.

(6)

Only individuals licensed as attorneys to practice law in the State of North Carolina are permitted to represent individuals in these proceedings.
If an animal has already been found to be a nuisance, vicious, dangerous, potentially dangerous, or otherwise found to be in violation of this chapter, and the appeal process has either lapsed or has been exhausted, no appeals may be filed regarding future citations written under these sections.

(e)

Impounded animals. If an animal has been seized under some other provision of this chapter and is subject to a determination as being a wild, vicious or dangerous animal, it may continue to be held pending final decision of that determination. If the animal is finally adjudged not to be wild, vicious or dangerous, it shall be returned to its owner, and all impoundment fees attributable to the determination under this section shall be waived. Nothing herein precludes assessment of impoundment fees with respect to any other violations of this chapter simultaneously occurring. If the animal has been seized, and a final determination is made that the animal is wild, vicious or dangerous, the animal may be returned to the owner, provided request is made within three days of the final determination, and the owner makes satisfactory arrangement for disposition of the animal as required by subsection (a) of this section and the payment of all impoundment fees.

(f)

Notice to owner. Upon a determination by the animal warden or other properly designated agent or employee of the city that a particular animal is wild, vicious or dangerous under the provisions of subsection (a) of this section, such warden or agent will undertake to ascertain, with reasonable diligence, the owner of such animal. If the owner of the animal is determined, such warden or agent shall immediately notify the owner of such determination. Notification shall be completed by receipt of registered mail signed for by an adult member of the owner’s household or personal delivery to an adult member of the owner’s household. If the owner cannot be determined with reasonable diligence within three days of the determination, the animal may be disposed of in a humane manner by the custodian of the animal shelter wherein the animal is impounded.

(Code 1972, § 4-16; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

- Sec. 14-13. - Impoundment and redemption of dogs; sale and disposal of impounded dogs.

(a)

Any dog within the city without an owner, as defined in section 14-1, or any dog running at large is subject to being picked up and impounded by the animal warden. If the animal warden can determine the ownership of the dog by tag or other means, in lieu of impoundment, the dog may be taken to the owner, and a notice of violation shall be served charging the owner with a violation of this chapter. No penalty shall be charged for the first such notice of violation, but a penalty of $25.00 shall be charged for the second such violation in any fiscal year. A third violation and all subsequent violations shall have a penalty of $50.00. The penalties provided for herein shall be in addition to any impoundment charges or fees assessed and collected by another governmental unit which operates an animal shelter in which any seized animal may be impounded.

(b)

Any dog running at large without a current city tag or identifiable owner shall be taken to the animal shelter. Any such animal taken to the animal shelter shall be confined for a period of five days for redemption by the owner. If such animal is not redeemed by the owner within such period of five days,
it shall be offered for sale to any member of the public and sold to such member of the public first paying for it as herein provided, or it may be disposed of in accordance with the law, rules and regulations in effect for the animal shelter in which the animal is impounded, if such animal shelter is operated by another governmental unit.

(c)

If such animal is not redeemed by the owner, as herein provided, or sold within nine days after it is taken into custody, it may be disposed of in a humane manner by the custodian of the animal shelter, or it may be delivered to some dully constituted, reputable research organization, or it may be disposed of in accordance with the law, rules and regulations in effect for the animal shelter in which the animal is impounded, if such animal shelter is operated by another governmental unit.

(d)

Any animal determined by the animal warden to be a wild, vicious or dangerous animal under the provisions of section 14-12 may be immediately seized and impounded, to be held and disposed of in accordance with the provisions of such section.

(e)

The animal warden or other person authorized to enforce the provisions of this chapter is hereby authorized to utilize the facilities of the county animal shelter for the purpose of impounding any animal picked up or seized under the provisions of this chapter. If such facilities are utilized, the owner, if otherwise applicable, shall be responsible for all fees, charges and assessments made by the county for the impoundment of any such animal, in addition to all other penalties and fees required by this chapter to be paid to the city.

(f)

In order for the owner to redeem such animal, such owner must:

(1)

Pay for and produce a permit, if he does not have one for a dog;

(2)

Have the dog duly vaccinated for rabies, if it has not been currently vaccinated before the redemption date; and

(3)

Pay a penalty as specified in subsection (a) of this section, and likewise pay the cost to the animal warden for taking care of and caring for such animal, including $25.00 for capture.

(Code 1972, § 4-20; Ord. No. 73.60, § 2; Ord. No. 89.9, § 1; Ord. No. 2015-12, 5-19-2015)

- Sec. 14-14. - Fowl running at large prohibited.
No person shall permit ducks, geese, chickens or other fowl to remain on or in any public street or public place at any time or to run at large in the corporate limits, except upon the premises of the owner thereof.

(Code 1953, ch. J, art. 2, § 9; Code 1972, § 4-1; Ord. No. 89.9, § 1)

- **Sec. 14-15. - Grazing of animals.**

  No person shall graze or tie up on any vacant lot or tract of land, any cattle, sheep or other animal; except, that such animals shall be permitted to graze within a fenced area or pasture of no less than one acre as defined in 14-1.

  (Code 1953, ch. J, art. 2, § 12; Code 1972, § 4-2; Ord. No. 89.9, § 1)

- **Sec. 14-16. - Keeping hogs or cattle livestock.**

  No person shall keep more than five hogs or five head of cattle within 100 yards of any dwelling. Keeping means a stable, pen, enclosure, shelter or other place where animals and livestock are kept. Each day or part thereof hogs or cattle are so kept shall be a separate offense.

  (Code 1953, ch. J, art. 2, § 14; Code 1972, § 4-3; Ord. No. 89.9, § 1)

- **Sec. 14-17. - Protection of birds and wild fowl.**

  (a) City designated bird sanctuary. The entire area embraced within the corporate limits is hereby designated as a bird sanctuary.

  (b) Unlawful acts; exceptions; control of undesirable species. It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot, trap or molest any bird or wild fowl or to rob bird nests or wild fowl nests within the corporate limits; provided, that starlings, pigeons and other similar birds whose presence or actions constitute a public nuisance or a menace to health or which commit depredations to property are not protected by this section; provided, further, that if starlings or other similar birds are found to be congregating in such numbers, in a particular locality, that they may, in the opinion of the city manager, constitute a nuisance or menace to health or property, the city manager shall contact and so inform representatives of the Audubon Society, bird club, garden council or humane society or as may of such clubs as are found to exist in the city. If, as a result of such contacts, no satisfactory alternative is found to abate such nuisance, such birds may be destroyed in such numbers and in such manner as is deemed advisable by the public health authorities under the supervision of the chief of police of the city.

  (Code 1972, § 4-4; Ord. No. 74.89, §§ 1, 2; Ord. No. 89.9, § 1)

  **State Law reference**— Permits required for killing certain birds, G.S. 113-274; authority of city to establish bird sanctuaries, G.S. 160A-188.

  - **Sec. 14-18. - Cleanliness and location of stables, pens and similar enclosures.**

    (a)
No person who owns, operates or maintains a stable, pen, enclosure, lot, shelter or other place where animals and livestock are kept within the city, in which swine, horses, mules, cows, dogs or goats are kept, shall keep such stable, pen or enclosure, in an unclean and unsanitary condition. No stable, pen or enclosure in which swine, horses, mules, cows or goats livestock are kept or dog kennel in which more than two dogs are kept shall not be located closer than 300 feet to any residence or place of business other than that of the owner, without the written consent of all of the owners of all of the existing residences and/or places of business within 300 feet of the proposed location of a stable, pen or enclosure in which swine, horses, mules, cows or goats livestock are to be kept, or dog kennel in which more than two dogs are to be kept.

(b)

There shall be provided a watertight and fly-proof bin or pit or a watertight barrel with a close-fitting lid. Manure accumulating in such stable, pen or enclosure shall be placed in the pit, bin or barrel each day, and the same shall be removed from such structure at intervals of no longer than five days. Such stable, pen, etc., shall be maintained in a sanitary and humane manner.

(Code 1953, ch. J, art. 6, § 1; Code 1972, § 4-5; Ord. of 9-7-1948; Ord. No. 89.9, § 1; Ord. No. 2002.9, § 1, 4-2-2002)

- **Sec. 14-19. - Cleanliness and fly control for coops or pens where fowl are kept.**

Any person who owns or maintains pens, coops or shelters in which chickens, turkeys, ducks or other fowl are kept for family purposes shall maintain such pens, coops or shelters in a sanitary condition. Manure accumulating shall be placed in a watertight and fly-proof bin or in a watertight barrel with a tight-fitting lid every five days. Effective fly-control methods, such as the use of an approved insecticide, shall be practiced during the fly breeding period from April 15 to November 1 of each year.

(Code 1953, ch. J, art. 6, § 2; Code 1972, § 4-6; Ord. of 9-7-1948; Ord. No. 89.9, § 1)

- **Sec. 14-20. - Notice of violation of section 14-18 or 14-19.**

Any person who fails to comply with the provisions of section 14-18 or 14-19 shall be given written notice to remove or otherwise destroy the stables, pens, coops or shelters within 15 days after the receipt of such notice.

(Code 1953, ch. J, art. 6, § 3; Code 1972, § 4-7; Ord. of 9-7-1948; Ord. No. 89.9, § 1)

- **Sec. 14-21. - General care; prohibited acts.**

All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

(1)

*Failure to provide adequate food, water and shelter.*

a.

All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
b.
All animals shall have constant access to a supply of clean, fresh, portable [potable] water or a supply of clean, fresh portable [potable] water provided at suitable intervals. If access is not constant, then adequate amounts of water must be provided at least twice in a 24-hour period. If water is provided at intervals, it must remain in the animal's enclosure for at least one hour during each interval.

c.
All animals shall be provided with adequate shelter from the weather at all times. It shall be within the discretion of animal control officer to determine what constitutes adequate shelter. Examples of inadequate shelter include, but are not limited to the following:

1. Underneath outside steps, decks and stoops.
2. Underneath houses.
3. Inside or underneath motor vehicles.
4. Inside metal or plastic barrels.
5. Inside cardboard boxes.
6. Inside temporary animal carriers or crates.
7. Shelters located in flood prone areas.
8. Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal.

(2)

Failure or refusal of any owner of a sick, diseased or injured animal to provide proper medical treatment for the animal.

a.
A sick, diseased or injured animal shall go no longer than 24 hours without veterinary care.
Animal cruelty. Examples of animal cruelty include, but are not limited to the following:

a. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.

b. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.

c. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.

d. Intentionally allowing animals to engage in a fight.

e. Allowing animals to live in unsanitary conditions.

f. Allowing animals to live in crowded conditions.

g. Failure or refusal to obtain medical treatment for an animal when in an animal control officer’s opinion such treatment is needed.

h. Shooting a dog, either on or off of the owner's property, unless the dog is in the act of chasing or attacking a human being, sheep, cattle, horse, hog, goat, poultry or any other domestic animal.

i. Trapping a dog or cat without a request for animal trap issued by animal control.

j. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or them. The animal control division shall have the authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fund-raising events, petting zoos and any other activity or function carried out in the city if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves.

k.
Animals being confined to or restrained on the premises of a vacant or abandoned structure.

1. Failure to provide adequate drainage to prevent surface water from standing in the area of the pen or enclosure where the animal is kept. It shall be within the discretion of animal control as to what constitutes adequate drainage.

(4) [Chaining or tethering.] Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

a. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal shelter or animal control.

b. Using a chain or tether made of rope, twine, cord or similar material.

c. Using a chain or tether that is less than ten feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.

d. Allowing an animal to be chained or tethered such that the animal is not confined to the owner’s property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.

e. Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

(5) Leaving an animal in a closed vehicle, etc. Leaving an animal in a closed vehicle or other enclosure for such duration or at such temperatures as an animal control officer or police officer deems harmful or potentially harmful to the animal.

(6) Failure or refusal to report injured domestic animals.

a.
All persons who injure a domesticated animal by running over, into or otherwise coming into contact with such animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately.

b.

If the owner is unknown, the person who injured the animal shall immediately notify animal control or any police officer by giving his or her name and address, a description of the animal and the location of the incident.

(Ord. No. 2014-2, § 1, 1-7-2014)

- Sec. 14-22. - Sanctions, penalties, fines, remedies.

Any person who fails or refuses to abide by or otherwise violates this article shall be subject to the following sanctions or penalties:

(1)
Pursuant to G.S. 19A-46, animal control may obtain a magistrate's order to take possession of the animal.

(2)
If the conditions pose an immediate threat to the health or safety of the animal or the public, the animal control officer or police officer may summarily seize the animal.

a.

A notice of seizure describing the exigent circumstances warranting the seizure shall be left with the owner or affixed to the premises. Examples of exigent circumstances include, but are not limited to the following:

1.

Unsanitary conditions resulting from the number of animals involved.

2.

Unsanitary conditions resulting from the owner's inability or unwillingness to clean the area where the animals are housed.

b.

The owner of animal seized pursuant to this section may appeal the seizure by filing a request for appeal with the chief of police.

c.

If the owner fails to redeem the animal within the time limit provided by this chapter, or fails to timely request an appeal, or fails to timely appeal a decision of the chief of police, the animal shall become the property of the county.
If it is determined by the animal control officer or police officer that the animal is not in immediate danger, or the problem which gives rise to the inadequate treatment or abuse can be corrected within 72 hours, the officer may, in lieu of subsection (1) or (2) above issue a written notice of violation directing the owner or possessor of the animal to correct the problem within 72 hours. If the condition or problem is not corrected within 72 hours, the animal control officer or police officer may take action as outlined in subsection (1) or (2) above.

Notwithstanding the other provisions and sanctions of this article, an animal control officer or police officer may issue a civil penalty for violation of any provision of this section in accordance with section 1.6 [sic].

Violation of state law. When it has been determined by the animal control officer or police officer that there has been a violation of one or more provisions of state law regarding cruelty to animals, including G.S. 14-360, the officer may initiate a criminal summons or warrant.

Sec. 14-23. - Exemptions.

This article shall not apply to agencies conducting biomedical research or training, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

DATE: March 29, 2017

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Roserock Holdings, LLC. Petition for Non-Contiguous Annexation

Approved for Council Consideration

BACKGROUND:

Roserock Holdings, LLC. has filed a petition seeking a non-contiguous annexation to the City. They are seeking to annex property located on the north side of NC 10 Hwy West at the intersection of Southfork Drive. The petition includes 2 parcels, which consist of a 10.44 acre tract identified as Catawba County Pin #3619-15-64-4521 and a 7.55 acre tract identified as 3619-15-64-4521. Both parcels are owned by Roserock Holdings LLC and is the location of the Love’s Truck Stop, which is currently under construction. Attached are copies of the petition, annexation map, and related documents.

ADDITIONAL INFORMATION:

This annexation is outside the City’s extraterritorial planning jurisdiction; because of this the City will need to establish zoning on the annexed parcel after completing the annexation. This will be on the agenda for the Council’s April 18, 2017 meeting along with approval of the annexation. The Planning Commission is recommending that the zoning district established in the annexed area will essentially mirror the existing county zoning in the area. Please note that the petition was received in June, 2016 with the understanding that it would not be processed until all permits were issued by Catawba County.

REQUESTED ACTION:

The Council will need to do the following in order to start the annexation process:

1. Adopt a resolution directing the City Clerk to investigate the petition. (attached)
2. Receive Clerk’s Certification of Sufficiency. (attached)
3. Adopt a resolution fixing the date of public hearing on the question of annexation. (attached)

The staff is recommending that the Council fix the date of the public hearing for 7:00 pm. on April 18, 2017 in the Council Chambers of City Hall.
June 21, 2016

City of Newton
Attn: Alex Fullbright
PO Box 550
Newton, NC 28658

RE: Petition Requesting Non-Contiguous Annexation – Newton, NC

Dear Alex,

Enclosed please see the signed Petition Requesting Non-Contiguous for Roserock Holdings, LLC.

You may contact Chad Bruner at 405-463-8801 or Chad.Bruner@loves.com if you have questions.

Sincerely,

[Signature]
Michelle L. Wright
Administrative Assistant

Cc: Chad Bruner
PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

(Roserock Holdings LLC)

Date: June 15, 2016

To the City Council of the City of Newton, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Newton.

2. The area to be annexed is non-contiguous to the City of Newton and the boundaries of such territory are as follows:

OF SAID SIGN-A-RAMA, INC., AND THE SOUTHWESTERN CORNER OF SAID OSTWALT; THENCE RUNNING WITH THE SOUTHERN LINE OF SAID OSTWALT AND THE NORTHERN LINE OF SAID SOUTH FORK PROPERTIES, LLC, N 57°36'19" E 420.88 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 10.44± ACRES, MORE OR LESS.

And

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City.

4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof).

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Vested rights</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roserock Holdings L.L.C</td>
<td>PO Box 26210</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Oklahoma City, OK 73126</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Roserock Holdings L.L.C

This the 15th day of June, 2016.

By: Roserock Holdings L.L.C
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1

(Roserock Holdings LLC)

WHEREAS, a petition requesting annexation of an area described in said petition
was received on June 17, 2016, by the CITY COUNCIL OF THE CITY OF NEWTON;
and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be
investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Newton deems it advisable to
proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Newton that;

The City Clerk is hereby directed to investigate the sufficiency of the above
described petition and to certify as soon as possible to the City Council the result of
her/his investigation.

__________________________________________
Mayor

ATTEST:

__________________________________________
City Clerk
CERTIFICATE OF SUFFICIENCY

(Roserock Holdings LLC)

To the City Council of the City of Newton, North Carolina:

I, Amy S. Falowski, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Newton, North Carolina this 18th day of April, 2017.

(SEAL)

______________________________________
City Clerk
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

(Roserock Holdings, LLC.)

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the City Hall Council Chambers, 401 North Main Avenue, Newton, North Carolina, beginning at 7:00 p.m. on April 18, 2017.

Section 2. The area proposed for annexation is described as follows: COMMENCING AT A NCGS “EXIT MONUMENT” HAVING NC GRID (NAD 83 (2011)) COORDINATES OF N:694,756.62, E: 1,316,923.58, A BEARING AND DISTANCE OF N 63°53’22” W 353.40 FEET TO A ½” IRON ROD LOCATED ON THE WESTERN RIGHT-OF-WAY OF SOUTH U.S. HIGHWAY 321 EXIT RAMP, SAID IRON ROD ALSO BEING THE NORTHEASTERN CORNER OF SOUTH FORK PROPERTIES, LLC, PARCEL ID 361915644521 (D.B. 2021, PG. 1020), AND THE SOUTHEASTERN CORNER OF DOROTHY H. OSTWALT, PARCEL ID 361915642934 (D.B. 2285, PG. 36, TRACT 1), AND ALSO BEING THE POINT AND PLACE OF BEGINNING; THENCE LEAVING SAID OSTWALT AND RUNNING WITH THE WESTERN RIGHT-OF-WAY OF SAID SOUTH U.S. HIGHWAY 321 EXIT RAMP AND THE EASTERN LINES OF SAID SOUTH FORK PROPERTIES, LLC, THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S 26°36’09” E 371.58 FEET TO A NEW IRON PIPE; THENCE 2) S 18°32’00” E 299.91 FEET TO A NEW IRON PIPE LOCATED AT A SOUTHEASTERN CORNER OF SAID SOUTH FORK PROPERTIES, LLC, AND ON THE NORTHERN RIGHT-OF-WAY OF WEST N.C. HIGHWAY 10; THENCE LEAVING THE WESTERN RIGHT-OF-WAY OF SAID SOUTH U.S. HIGHWAY 321 EXIT RAMP AND RUNNING WITH THE NORTHERN RIGHT-OF-WAY OF SAID WEST N.C. HIGHWAY 10 THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) S 45°46’05” W 133.90 FEET TO A NEW IRON PIPE; THENCE 2) S 63°15’07” W 300.20 FEET TO A NEW IRON PIPE; THENCE 3) S 63°12’18” W 227.34 FEET TO A NEW IRON PIPE, SAID IRON PIPE BEING LOCATED ON THE EASTERN RIGHT-OF-WAY OF SOUTHFORK DRIVE AND ON THE SOUTHWESTERN CORNER OF SAID SOUTH FORK PROPERTIES, LLC; THENCE LEAVING
THE NORTHERN RIGHT-OF-WAY OF SAID WEST N.C. HIGHWAY 10 AND RUNNING WITH THE EASTERN RIGHT-OF-WAY OF SAID SOUTH FORK DRIVE AND THE WESTERN LINES OF SAID SOUTH FORK PROPERTIES, LLC, THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) N 35°18’47” W 107.29 FEET TO A NEW IRON PIPE; THENCE 2) N 42°43’08” W 76.70 FEET TO A NEW IRON PIPE; THENCE 3) N 33°09’50” W 335.00 FEET TO A NEW IRON PIPE LOCATED ON THE SOUTHERN PROPERTY LINE OF SIGN-A-RAMA, INC., PARCEL ID 361915548316 (D.B. 3185, PG. 1311, PARCEL 1); THENCE LEAVING THE EASTERN RIGHT-OF-WAY OF SAID SOUTH FORK DRIVE AND RUNNING WITH THE SOUTHERN PROPERTY LINE OF SAID SIGN-A-RAMA, INC., AND THE NORTHERN PROPERTY LINE OF SAID SOUTH FORK PROPERTIES, LLC, THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1)N 67°15’21” E 165.28 FEET TO A ½” IRON ROD; THENCE 2) N 22°02’57” E 252.33 FEET TO A ½” IRON ROD, SAID ROD BEING A SOUTHEASTERN CORNER OF SAID SIGN-A-RAMA, INC., AND THE SOUTHWESTERN CORNER OF SAID OSTWALT; THENCE RUNNING WITH THE SOUTHERN LINE OF SAID OSTWALT AND THE NORTHERN LINE OF SAID SOUTH FORK PROPERTIES, LLC, N 57°36’19” E 420.88 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 10.44± ACRES, MORE OR LESS;

COMMENCING FROM AN EXISTING NCGS “EXIT MONUMENT”, HAVING NAD 83 GRID COORDINATES (OBSERVED) OF N: 694,756.67 AND E: 1,316,923.54. THENCE FROM SAID MONUMENT; S 68° 24’ 07” W 825.38 FEET, CROSSING INTO SOUTH FORK PROPERTIES, LLC, PARCEL NO: 361915644521 (DEED BOOK 2021, PAGE 1020 AND PLAT BOOK 47, PAGE 63 – TRACT 3), TO AN EXISTING ½” IRON ROD, SAID IRON ROD BEING A NORTHERN CORNER OF SAID SOUTH FORK PROPERTIES, LLC (PARCEL NO: 361915644521), THENCE WITH SAID SOUTH FORK PROPERTIES LLC, (PARCEL NO: 361915644521) NORTHERN LINE; S 67° 16’ 47” W 214.53 FEET TO A NEW ½” IRON PIPE SET, SAID IRON PIPE BEING LOCATED ON THE WESTERN RIGHT-OF-WAY OF SOUTH FORK DRIVE (RIGHT-OF-WAY WIDTH VARIES) AND BEING A POINT ON THE SOUTHERN LINE OF SIGN-A-RAMA, INC., PARCEL NO: 361915548316 (DEED BOOK 3185, PAGE 1311 – PARCEL 1, PLAT BOOK 47, PAGE 63 – TRACT 1 AND PLAT BOOK 47, PAGE 63 – PARCEL 2 & PART OF TRACT 2) AND ALSO BEING THE NORTHEAST CORNER OF SOUTH FORK PROPERTIES, LLC, PARCEL NO: 361915547096 (DEED BOOK 2021, PAGE 1020 AND PLAT BOOK 47, PAGE 63 – PART OF TRACT 2), SAID NEW IRON PIPE ALSO BEING THE POINT AND PLACE OF THE BEGINNING. THENCE LEAVING SAID SIGN-A-RAMA, INC., AND WITH SAID SOUTH FORK DRIVE RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) S 33° 09’ 28” E 329.96 FEET TO AN EXISTING ½” IRON ROD; THENCE 2) S 27° 58’ 24” E 92.71 FEET TO AN EXISTING ½” IRON ROD; THENCE 3) S 35° 22’ 08” E 96.93 FEET TO AN EXISTING SPIKE, SAID SPIKE BEING THE NORTHEAST CORNER OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT-OF-WAY (DEED BOOK 2891, PAGE 1943), THENCE LEAVING SAID SOUTH FORK DRIVE RIGHT-OF-WAY AND WITH SAID DEPARTMENT OF TRANSPORTATION THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S 63° 12’ 37” W 73.60 FEET TO A NEW IRON ROD SET, THENCE 2) S 26° 47’ 23” E 29.92 FEET TO A NEW IRON PIPE SET, SAID IRON PIPE BEING LOCATED ON THE NORTHERN RIGHT-OF-WAY OF WEST N.C. HIGHWAY 10 (RIGHT-OF-WAY WIDTH VARIES AS PER STATE HIGHWAY PROJECT 40930.2.1), THENCE LEAVING SAID NORTH CAROLINA HIGHWAY RIGHT-OF-WAY AND WITH SAID WEST N.C. HIGHWAY 10 RIGHT-OF-WAY; S 63° 07’ 36” W 488.24 FEET TO A COMPUTED POINT; SAID COMPUTED POINT BEING LOCATED ON THE EASTERN LINE OF A 45’ RIGHT-OF-WAY (PLAT BOOK 61, PAGE 66), THENCE LEAVING SAID WEST N.C. HIGHWAY 10 NORTHERN RIGHT-OF-WAY AND ALONG THE EASTERN LINE OF SAID 45’ RIGHT-OF-WAY; N 36° 04’ 55” W A TOTAL DISTANCE OF 597.87 FEET TO AN EXISTING ½” IRON ROD (PASSING THROUGH AN EXISTING 3” ANGLE IRON AT 5.14 FEET), SAID IRON ROD BEING THE SOUTHWEST CORNER OF SAID SIGN-A-RAMA, INC., THENCE LEAVING SAID 45’ RIGHT-OF-WAY AND ALONG THE SOUTHERN LINE OF SAID SIGN-A-RAMA, INC. THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) N 67° 14’ 33” E 215.93 FEET TO AN EXISTING IRON ROD, THENCE 2) N 67° 16’ 47” E 390.99 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 7.55 acres ±, more or less;
And

Containing the entire right of way of South fork Drive.

Section 3. Notice of the public hearing shall be published in The Observer News Enterprise, a newspaper having general circulation in the City of Newton, at least ten (10) days prior to the date of the public hearing.

Adopted this the ___ day of ________________, ________.

________________________________________
Mayor

Attest:

________________________________________
City Clerk
CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION

DATE: March 29, 2017

TO: Todd Clark, City Manager

FROM: Dusty Wentz, Director of PWU

CONSIDERATION OF: Budget Ordinance Amendment and Award of Contract for replacement of the St. Paul’s Church Rd. Creek Crossing Water Line.

Background:

In February of 2017, staff discovered that the existing 12” DIP water main crossing the creek near the intersection of St. Paul’s Church Road and Industrial Dr. was leaking. Excavation and inspection by staff determined that the concrete thrust blocking on one side of the creek had begun to sink, causing the pipe to separate and preventing conventional field repairs. Two valves were inserted on each side of the creek crossing to isolate the failing section of water line and take it out of service. This solution creates two dead end sections on St. Paul’s Church road, which staff is routinely flushing in order to maintain water quality standards.

The waterline in this location was installed on the creek bed and is visible from the bank. The exact age of the waterline is unknown, but it was likely installed in the late 1970’s or early 1980’s.

Given the location of the leak and the size of the pipe and thrust blocking present, staff recommends contracting the repair. An engineering consultant was contracted to make repair recommendations, prepare plans and specifications, and obtain all necessary permits from both State and Federal regulators.

Three qualified bids were received on March 27, 2017, and are listed below:

- Hickory Sand Co., Inc $123,875
- Max Prestwood Water & Sewer, Inc $140,000
- Two Brothers Utilites, Inc $137,700

To date, the replacement project has only incurred the cost of the engineering consultant, in the amount of $18,395. Staff recommends adding a 10% construction contingency to this quote, in the amount of $12,300. This results in a total project cost of $154,570.

Action Suggested:

The staff recommends that City Council entertain separate motions to approve the attached Budget Ordinance Amendment for the St. Paul’s Church Road Creek Crossing Water Line Replacement (attached), and to award the contract to Hickory Sand Co., Inc in the amount of $123,875.
March 28, 2017

Mr. James Wentz, PE
Public Works and Utilities Director
City of Newton
Post Office Box 550
Newton, North Carolina 28658

RE: Award Recommendation
Saint Paul’s Church Road Water Line
City of Newton, North Carolina

Dear Mr. Wentz:

A total of three (3) bids were received on March 27, 2017 for the Saint Paul’s Church Road Water Line Replacement Project. Based on the comparison of the lump sum bid amount provided by each bidder, Hickory Sand Company, Inc. submitted the lowest responsive bid with a total bid amount of $123,875.00.

Hickory Sand Company, Inc. is appropriately licensed with the North Carolina General Contractor Board, and is qualified to perform this project. Therefore, we recommend award of the Saint Paul’s Church Road Water Line Replacement Project to Hickory Sand Company, Inc. for the bid amount of $123,875. We also recommend that the City appropriate funds for construction contingency in the amount of $12,300.00.

Enclosed for your use is the certified bid tabulation. If you have any questions or comments, please do not hesitate to contact us at (828) 328-2024.

Sincerely,
McGILL ASSOCIATES, P.A.

R.J. MOZELEY, PE
Project Engineer

:tm

Enclosure

cc: Mr. Dennis Falder Jr., City of Newton

Engineering • Planning • Finance
McGill Associates, P.A. • 1240 19th Street, Lane NW, Hickory, NC 28601
Office: 828.328.2024 • Fax: 828.563.870 • www.mcgillengineers.com
CERTIFIED BID TABULATION  
SAINT PAUL'S CHURCH ROAD WATER LINE REPLACEMENT  
CITY OF NEWTON, NORTH CAROLINA  
Tuesday, March 28, 2017

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hickory Sand Co., Inc.</td>
<td>$123,875.00</td>
</tr>
<tr>
<td>Max Prestwood Water &amp; Sewer, Inc.</td>
<td>$140,000.00</td>
</tr>
<tr>
<td>Two Brothers Utilities, Inc.</td>
<td>$137,700.00</td>
</tr>
</tbody>
</table>

This is to certify that the bids tabulated herein were received by the 28th day of March, 2017, at the office of the City's Engineer, McGill Associates, P.A. at 1240 19th Street Lane NW, Hickory, North Carolina, 28601 and then opened.

R.J. MOZELEY, PE

McGill

ASSOCIATES
ENGINEERING.PLANNING.FINANCE

1240 19th Street Lane, NW
Hickory, North Carolina 28603
License No. C-0459
ORDINANCE # 2017-12

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 $154,600 for replacement of the St. Paul’s Church Road Creek Crossing Water Line due to a leak discovered by staff in February 2017. Excavation and inspection by staff identified that the concrete thrust blocking on one side of the creek had begun to sink causing the pipe to separate and preventing conventional field repairs. This waterline was installed around the late 1970’s or early 1980’s. The replacement costs include $18,395 for engineering, $123,875 construction by Hickory Sand Co., Inc., and related contingency of $12,300 for a total project cost of $154,600; and,

WHEREAS, the City Council desires to utilize fund balance and to authorize the related expenditure appropriation within the Water/Wastewater Fund 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 Balance Appropriated | 61-0000.3995 | $154,600 |
| Water/Wastewater Fund Appropriations | Capital Outlay – Water Lines | 61-7100.8951 | $154,600 |

Adopted this 4th day of April, 2017.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk
DATE: March 30, 2017

TO: E. Todd Clark, City Manager

FROM: Sandra Waters, Parks and Recreation Director

CONSIDERATION OF: Budget Ordinance Amendment for the Kids in Parks TRACK Trail Program

Approved for Council Consideration

On February 22, 2017 the City was selected for the Kids in Parks TRACK Trail Network Expansion Project Grant (Kids in Parks) in the amount of $8,000. The TRACK Trail Program was formed through a partnership between the Blue Ridge Parkway Foundation, the Blue Ridge Parkway, and the Blue Cross and Blue Shield of North Carolina Foundation to fight two ailments that face our youth today: Nature deficit disorder and childhood obesity. The Program converts pre-existing hiking and biking trails, greenways, and disc golf courses into TRACK Trails through the installation of their self-guided materials.

Kids in Parks will be funding 20 TRACK Trail locations in North Carolina counties where there is not a TRACK Trail. Only one site in each county will be funded through this grant. Grant funds will be utilized to produce and deliver approximately $8,000 worth of the TRACK Trail materials (trailhead sign, brochures, webpages, etc.). The grant requires a three year partnership with an annual membership fee of $400 or $1,200 upfront.

The $8,000 grant includes the following:
- Trailhead sign frame
- Trailhead sign (high-pressure polycarbonate material with 10-year warranty)
- Plaque with partnering agency logos for the kiosk
- Four brochure holders
- Four self-guided brochures (2,000 copies of each)
- Prize dissemination to kids who register their adventures on the City’s site
- Access to the back-end of the website to download data and monitor registrations
- Annual data reports about the users who have registered from the City’s site

ACTION SUGGESTED:

Motion to approve the attached Budget Ordinance Amendment to recognize the grant.
ORDINANCE # 2017-14

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, City Council would like to recognize the Kids in Parks TRACK Trails Network Expansion Grant in the amount of $8,000. The grant will be utilized to produce and deliver approximately $8,000 worth of the TRACK Trail materials (trailhead sign, brochures, webpages, etc.). The grant requires a three year partnership with an annual membership fee of $400 or $1,200 upfront; and,

WHEREAS, the City Council desires to recognize the $8,000 grant in TRACK Trail materials and the related expenditure appropriation within the Parks and Recreation 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
- Spec Proj. Contrib/Other Grant 11-0000.3845 $ 8,000
- Fund Balance Appropriated 11-0000.3990 $ 1,200

General Fund Appropriations
- Non-Capital Outlay 11-6122.7990 $ 2,000
- Other Services 11-6122.6990 $ 4,700
- Miscellaneous Supplies 11-6122.5799 $ 2,500

Adopted this 4th day of April, 2017.

Attest: __________________________________________
       Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk