AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING
April 18, 2017
7:00 p.m.

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<td><strong>1. Call to Order – Mayor Anne P. Stedman</strong></td>
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<td><strong>2. Opening – Council Member Tom Rowe</strong></td>
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<td><strong>3. Approval of Minutes from the April 4, 2017, Regular Meeting</strong></td>
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<td>B. Consideration of Commission/Committee Membership Appointments – Planning Commission</td>
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<td>D. Consideration of DNDA Street Closure Request</td>
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<td>E. Consideration of Carolina Vines Street Closure Request</td>
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<td><strong>5. Comments from the Public:</strong> (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE ASKED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):</td>
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<tr>
<td>6</td>
<td><strong>6. Public Hearings</strong></td>
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<td>A. Consideration of Rezoning – Filed by Hugh D. Sample Jr., Smyre Farm Road from EM-1 Exclusive Manufacturing to M-1 General Manufacturing</td>
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<td>23</td>
<td>B. Consideration of Adoption of an Ordinance to Annex Property at 1760 and 1761 Southfork Drive</td>
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<td>C. Consideration of Establishing Zoning at 1760 and 1761 Southfork Drive</td>
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<td><strong>7. New Business</strong></td>
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<td>37</td>
<td>A. Consideration of Multi-Family Housing Bonds Related to Affordable Housing</td>
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<td>B. Consideration to Declare Property Located at S. Ervin Avenue as Surplus</td>
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<td>C. Consideration of Powell Bill Paving Contract Award</td>
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<td><strong>8. City Manager’s Report</strong></td>
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<td>9</td>
<td><strong>9. Questions and Comments From Mayor and Council</strong></td>
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<td>10</td>
<td>A. Reports from Appointed Representatives on Outside Boards – Council Member Tom Rowe</td>
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<tr>
<td>11</td>
<td><strong>11. Adjournment</strong></td>
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</tbody>
</table>

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

The City of Newton does not discriminate on the basis of disability in the provision of its services as charged by the City Council of the City of Newton. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact Teresa Laffon, ADA Coordinator, at least 48 hours prior to the scheduled meeting.
MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
April 4, 2017 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, April 4, 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 Wes Weaver provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the March 21, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Council Member Robert C. Abernethy, Jr. asked that Item 4E be moved to New Business.

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

That Item 4E be moved to NEW Business

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

That the Consent Agenda be – APPROVED

A. Tax Releases
B. Sewer Adjustments
C. Consideration to of Commission/Committee Membership Appointments – Recreation Committee
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 Reports
G. Proclamation – Child Abuse Prevention Month
Mayor Stedman presented the Proclamation to Nancy Bruce who thanked the City Council for recognizing Child Abuse Prevention Month.

(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.

Candace Rhinehardt stated that she lives on a street where construction is being done. She said that as the contractor moved down the street, they tell residents to move their vehicles. She said that one day she parked down the street, and in the afternoon the contractor hit her vehicle damaging the window, the mirror and the seatbelt. Ms. Rhinehardt stated that the contractor’s settlement did not cover the repairs to her car, and that she would like to see some form of requirement by the city for a fund to cover what the contractor’s insurance will not pay. She stated that she had to pay $1,000, and she had done exactly what the contractor had asked her to do and her vehicle was out of the way. Ms. Rhinehardt stated that it would be nice if someone held the contractor accountable. She stated that the contractor often leaves equipment on the street and on resident’s driveways. Ms. Rhinehardt stated that she is reasonable and polite, but that if a child was hurt by this equipment that is left out, then she wouldn’t be so polite.

Mayor Stedman stated that she was sorry that Ms. Rhinehardt had to go through this experience. Council Member Wes Weaver stated that he would like to know why Ms. Rhinehardt was not indemnified by the insurance company. City Manager Todd Clark stated that the city is the 3rd party and that the contractor carries the insurance that the city requires. Mr. Weaver said that the insurance company is culpable if she was doing what they asked.

Council Member Robert C. Abernethy, Jr. asked Mr. Cilley if he could look into the fund that Ms. Rhinehardt suggested, within the confines of the law. Mayor Stedman said that City Council does not want citizens to suffer.

Mr. Ron Jones from Leaderes Comunidad of North Carolina stated that they now have an office in Newton. He said that they hoped to accelerate the integration of the Hispanic community with education programs and that he looks forward to working with the City of Newton.

Mayor Stedman thanked Mr. Jones for all he and his organization does for the community.

**ITEM 6: Presentation**

A. Suzanne White, Library Director – Catawba County Library

Catawba County Library Director Suzanne White gave a PowerPoint presentation to City Council detailing all the programs and benefits that the library has to offer. Ms. White highlighted Early Reading and Literacy, Partnering with Schools, Lifelong Learning, Digital Literacy including Public Access to Technology, Workforce Development, and the overall community impact that the library has.

Council Member Weaver stated how lucky we are to have Catawba County Library and Suzanne White.
ITEM 7: Old Business

A. Consideration of Amendment to Animal Control Ordinance

City Attorney stated that the council would only need a simple majority vote to pass this ordinance at this second reading and vote.

Council Member Robert Abernethy stated that it doesn’t make changes to current ordinance just provides access for some items to keep things in place.

Upon motion duly made by Council Member Jerry Hodge, seconded by Council Member Jody Dixon, with Mayor Pro Tem John Stiver and Council Members Jody Dixon, Robert Abernethy and Jerry Hodge voting in favor of and Council Members Tom Rowe and Wes Weaver voting against, it was RESOLVED:

That Amendments to Animal Control Ordinance be – ADOPTED.

Mayor Stedman stated it was to clean up language.

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

ITEM 8: New Business

4E. Consideration of Grant Project Ordinance for West A Street Bikeway and Pedestrian Improvements

City Manager Todd Clark stated that 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. Mr. Clark stated that it also includes the replacement of water lines and moving the utility poles.

Mr. Clark stated 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.

Mr. Clark explained that 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.

Council Member Wes Weaver asked how much money the city has in the General Fund at this time. Finance Director Serina Hinson said that she doesn’t have the exact numbers with her, but reminded the council that the city’s needs, according to the CIP, have to be met and financing is the best option. Mr. Weaver stated that he does not like to borrow money. Council Member Robert Abernethy said he doesn’t mind using someone else’s money if it can be paid back. Mr. Weaver said that there is no benefit if the city only needs $100,000 but has to pay back $110,000. Mr. Abernethy said that if the interest rates rise then it makes sense to spend fund balance instead. Ms. Hinson said there is also streetscape to consider. Mr. Abernethy mentioned that numbers like this should not be on the consent agenda. Ms. Hinson stated that as the city manager had mentioned electric and wastewater are not covered by the grant. Council Member John Stiver said that payments could be made over the years, but shown in one year.
Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Wes Weaver, it was unanimously RESOLVED:

That Grant Project Ordinance for West A Street Bikeway and Pedestrian Improvements be – ADOPTED.

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

A. Consideration of Roserock Holdings, LLC (Love’s Truck Stop) Petition for Non-Contiguous Annexation

Planner Alex Fulbright stated that 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 #3619-15-54-7096 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.

Mr. Fulbright stated that 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.
2. Receive Clerk’s Certification of Sufficiency.
3. Adopt a resolution fixing the date of public hearing on the question of annexation.

The staff is recommending that the Council fix the date of the public hearing for 7:00 p.m. on April 18, 2017 in the Council Chamber of City Hall.

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

That Resolution Directing the City Clerk to Investigate the Petition – ADOPTED.

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

That the Clerk’s Certification of Sufficiency be – RECEIVED.

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

That Resolution Fixing the Date of the Public Hearing for 7:00 p.m. on April 18, 2017 in the Council Chamber of City Hall be – ADOPTED.
B. Consideration of Budget Ordinance Amendment for Emergency Repair on St. Paul’s Church Rd.

Public Works and Utilities Director Dusty Wentz stated that 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. Mr. Wentz stated that 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. He explained 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.

Mr. Wentz stated 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.

Mr. Wentz explained that 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 Utilities, Inc $137,700

Mr. Wentz stated that 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.

Mr. Wentz recommended 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, and to award the contract to Hickory Sand Co., Inc in the amount of $123,875.

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Mayor Pro Tem John Stiver, it was unanimously RESOLVED:

That Budget Ordinance Amendment for the St. Paul’s Church Road Creek Crossing Water Line Replacement be – ADOPTED.

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

That Contract to Hickory Sand Co., Inc in the amount of $123,875 be – APPROVED.

C. Consideration of Memorandum of Understanding for Kids in Parks TRACK Trails and Related Budget Ordinance Amendment

Parks and Recreations Director Sandra Waters stated that 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. Ms. Waters stated 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.
Ms. Waters stated that 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.). Ms. Waters stated the grant requires a three year partnership with an annual membership fee of $400 or $1,200 upfront.

Ms. Waters explained that 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

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

That Memorandum of Understanding for Kids in Parks TRACK Trails and Related Budget Ordinance Amendment be – ADOPTED.

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

ITEM 9: City Manager’s Report

Meetings & Events

- April 6th and 19th, Teen Leadership, 8:00 a.m.-3:30 p.m.
- Sunday, April 9 – Newton Easter Egg Hunt at Southside Park, 2 p.m.
- Tuesday, April 11 – El Bazaar ribbon cutting (1901 Northwest Blvd., Suite S) 4 p.m.
- April 13, 2017 – WPCOG Mayors/chairmen/Managers Meeting, Catawba Country Club, 6:00 p.m.
- April 19th - Cohort #3 Service Excellence University begins
- April 20, 2017 – The State Transportation Program, Western Piedmont Council of Government Offices, 5-7 p.m.
- Saturday, April 22 – Catawba County Residential Hazardous Waste and Electronics Collection Event at Bandys High School, 9 a.m.-1 p.m.
- April 27, 2017 – WPCOG Annual Meeting
- Saturday, April 29 – Spring Yard Sale at Southside Park, 6:30 a.m.-12:30 p.m.
- Saturday, April 29 – Newton Spring Litter Sweep, 9 a.m.-noon
- Appearance Commission is now accepting nominations for Yard of the Month. Applications are available at www.newtonnc.gov/yard.pdf
- Foothills Folk Art Festival is now accepting artist applications. Applications are available at www.foothillsfolkartfestival.com
- May 4, 2017 – South Newton Elementary’s Leadership Day
Budget Workshop Dates *All begin at 5:15 in the Council Chamber

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

ITEM 10: Questions and Comments from Mayor and Council

Mayor Pro Tem John Stiver gave a brief summary of things going on with the Tree Board and the Parks and Recreation Commission.

ITEM 11: Adjournment

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

That the Meeting be - ADJOURNED

_________________________________
Anne P. Stedman, Mayor

_______________________________
Amy S. Falowski, City Clerk
DATE: April 15, 2015

TO: Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Budget Ordinance Amendment for the Main Street Solutions Fund Grant

Background:

On June 24, 2016 the City received notification from the North Carolina Rural Economic Development Commerce of the award of the Main Street Solutions Fund Grant to the City up to $69,316.

The project authorized is the North Carolina Main Street Solutions Grant between the City of Newton and the North Carolina Department of Commerce, Rural Economic Development Division. The City of Newton is the administrator for this grant and Hen & Egg is the sub-recipient. The project is for the purpose of assisting Hen & Egg with its renovations, structural improvements, and outfitting of a building located in the City’s Central Business District at 206 N. College Ave., also known as the Hen & Egg, Inc. Restaurant. As per the agreement, Hen & Egg will be creating 8 full-time jobs by June 24, 2019.

Renovations have been completed at the Hen & Egg Restaurant. The City has submitted financial documentation provided by Hen & Egg for the renovations to the Department of Commerce; and, we are awaiting receipt of grant funds. Once received, the City will pass those funds on to Hen & Egg.

Action Suggested:

Motion to approve the attached Grant Project Ordinance for the North Carolina Main Street Solutions Fund Grant in the amount of $69,316.
ORDINANCE #2017-15
CITY OF NEWTON
NORTH CAROLINA MAIN STREET SOLUTIONS FUND
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 the North Carolina Main Street Solutions Fund Grant between the City of Newton and the North Carolina Department of Commerce, Rural Economic Development Division in the amount of $69,316. The City of Newton is the administrator for this grant and Hen & Egg, Inc. is the sub-recipient. This project is for the purpose of assisting Hen and Egg with its renovations, structural improvements and outfitting of a building located in the City’s Central Business District at 206 N. Main Ave. Hen and Egg will be creating 8 full-time jobs as required per the agreement by June 24, 2019, as well as 4 part-time jobs.

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 Commerce, Rural Economic Development Division and the budget contained herein.

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

Revenues

<table>
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<tr>
<th>Special Revenue Fund</th>
<th>41-4910.3410</th>
<th>$69,350</th>
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<td>State Grants</td>
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Section 4: The following amounts are appropriated for the project:

Appropriations

<table>
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<tr>
<th>Special Revenue Fund</th>
<th>41-4910.5820</th>
<th>$69,350</th>
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<tbody>
<tr>
<td>Main Street Solutions Fund Grant</td>
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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 and 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 18th day of April, 2017

Attest: 

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk
DATE: April 10, 2017

TO: City Council

FROM: Anne P. Stedman, Mayor

CONSIDERATION OF: Re-Appointments to the Planning Commission

Members of City Council, I would like to recommend the following re-appointments to the Planning Commission:

Melinda Travis
Donny Setzer
Carmen D. Isenhower
DATE: April 13, 2017

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Consideration of Budget Ordinance Amendment for the Emergency Telephone System Fund.

Approved for Council Consideration

Background:

In February 2016, the Newton Police department purchased replacement chairs for the Emergency Communications Center. The chairs were purchased using 911 funds received from the North Carolina 911 Board. Chairs for the Communications Center are an allowable expense using 911 funds however, after our annual audit the 911 Board decided not all chairs purchased would qualify as an allowable expense. The 911 Board ordered repayment of two chairs to our 911 fund.

Summary:

Transfer of funds from the Newton Police Department operating budget within the General Fund to the Emergency Telephone System Fund (911 Fund) in the amount of $1,300 to cover the cost of chairs not approved as an allowable expense within the Emergency Telephone System Fund by the 911 Board.

Requested Action:

Motion to adopt the attached budget ordinance to authorize the transfer to the Emergency Telephone System Fund for the purchase of two office chairs.
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 $1,300 to reimburse the Emergency Telephone System Fund for the purchase of two office chairs, which are ineligible to be purchased from the fund; and

WHEREAS, the City Council desires to transfer funds from the General Fund thereby reducing the Office Supplies and Materials within the Police Department Operating Budget and to authorize the related expenditure appropriation for the reimbursement of funds.

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 Appropriations | Office Supplies and Materials | 11-4310.5600 | ($1,300) |
|                            | Transfer to Special Revenue   | 11-9100.9941 | $1,300 |

| Emergency Telephone System Fund Revenues | Transfer from General Fund | 23-4310.3911 | $1,300 |

Emergency Telephone System Fund Appropriations

| Office Equipment | 23-4310.5601 | $1,300 |

Adopted this 18th day of April, 2017.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk
DATE: April 10, 2017

TO: E. Todd Clark, City Manager

FROM: Sean Hovis, Assistant City Manager

CONSIDERATION OF: Street Closure

Approved for Council Consideration

Background:

Shannon Johnson of Downtown Newton Development Association is requesting street closure dates for “Get Your NewtOn – Thursdays on the Square”, an event with live music, family friendly activities, food, market vendors, and a beer/ wine garden. This event is a partnership between the DNDA and Carolina Vines LLC. The DNDA requested dates are July 27, August 3, and August 10, 2017 from 7 p.m. until 11 p.m.

The requested street to close is College Avenue between East A Street and East 1st Street.

The streets will be re-opened the same evening at 11 p.m.

If approved by City Council, staff will assist with filing the request on behalf of Shannon Johnson on behalf of the Downtown Newton Development Association for the street closure with the NCDOT for the closure of this street per the attached map.

Requested Action:

That City Council decide whether to authorize the closure of the street as requested by Shannon Johnson of Downtown Newton Development for “Get Your NewtOn – Thursdays on the Square”, an event with live music, family friendly activities, food, market vendors, and a beer/ wine garden. The requested dates are July 27, August 3, and August 10, 2017 from 7 p.m. until 11 p.m.
DATE: April 10, 2017

TO: E. Todd Clark, City Manager

FROM: Sean Hovis, Assistant City Manager

CONSIDERATION OF: Street Closure

Approved for Council Consideration

Background:

Dennis Baucom of Carolina Vines LLC is requesting street closure dates for “Get Your NewtOn – Thursdays on the Square”, an event with live music, family-friendly activities, food, market vendors, and a beer/wine garden. This event is a partnership between the Downtown Newton Development Association and Carolina Vines LLC. The requested dates are June 8, June 15, June 22, July 6, July 13, and July 20, 2017 from 7 p.m. until 11 p.m.

The requested street to close is College Avenue between East A Street and East 1st Street.

The streets will be re-opened the same evening at 11 p.m.

If approved by City Council, staff will assist with filing the request on behalf of Dennis Baucom of Carolina Vines LLC for the street closure with the NCDOT for the closure of this street per the attached map.

Requested Action:

That City Council decide whether to authorize the closure of the street as requested by Dennis Baucom of Carolina Vines LLC for the “Get Your NewtOn – Thursdays on the Square” event, for the dates of are June 8, June 15, June 22, July 6, July 13, and July 20, 2017 from 7 p.m. until 11 p.m.
REQUEST FOR COUNCIL ACTION

DATE: April 11, 2017

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Consideration of rezoning – filed by Hugh D. Sample Jr.

Approved for Council Consideration

Request:

Hugh D. Sample has filed a rezoning application to rezone property located on the south side of Smyre Farm Road just west of the intersection of Indian Trail from EM-1 Exclusive Manufacturing to M-1 General Manufacturing. The subject site is an 8.25 acre tract identified as Catawba County Pin # 3649-17-21-1735 and is owned by Hugh Sample. The Property is located within the Extra Territorial Jurisdiction of the City of Newton.

Background:

Surrounding Zoning and Land Use:

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<tr>
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<th>ZONING</th>
<th>LANDUSE</th>
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<tbody>
<tr>
<td>Subject</td>
<td>EM-1 Exclusive Manufacturing</td>
<td>Vacant/agriculture</td>
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<tr>
<td>North</td>
<td>R-20 Single Family Residential</td>
<td>Vacant/agriculture</td>
</tr>
<tr>
<td>South</td>
<td>EM-1 Exclusive Manufacturing</td>
<td>Vacant/agriculture</td>
</tr>
<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
<td>Asphalt plant</td>
</tr>
<tr>
<td>West</td>
<td>R-20 Single Family Residential</td>
<td>Vacant building</td>
</tr>
</tbody>
</table>

Zoning History:

The area under consideration has been zoned EM-1 Exclusive Manufacturing since the expansion of the City’s Extraterritorial Jurisdiction in 1982. There have not been any zoning map amendments to the subject site but there have been changes in the zoning for adjoining properties. In 1994, the property that the asphalt plant is located on was rezoned from EM-1 to M-1. Also, in 2011, the property to the west was rezoned from EM-1 to R-20 to allow the building to be used as a church.

Transportation:

The site has frontage along Smyre Farm Road, which is classified as Collector Street. There are no planned improvements to either street. The average daily traffic counts are approximately 2,500 vehicles per day.

Utilities:
City water and sewer are not currently available and the site will need to utilize a well and septic system.

Consistency and Conclusion:

The proposed request is consistent with the 2008 Southeast Area Plan’s Future Land Use (see attached Future Land Use map). The property applying for the rezoning is located within the Southeast Industrial District (Attached Economic Development Map). The plan and the associated map document do not differentiate between the Exclusive and General Manufacturing Districts.

M-1 general manufacturing districts. The M-1 districts provide a place for the location of manufacturing and other uses which would be incompatible with general business areas. It is intended to permit in these districts any use which is inherently obnoxious to urban areas because of noise, odors, smoke, light, dust or the use of dangerous material.

EM-1 exclusive manufacturing districts. The EM-1 districts are intended to accommodate the exclusive use of land and structures for manufacturing purposes. The districts are established to provide for and maintain manufacturing areas and to prohibit the intrusion of incompatible uses. It is not intended to permit in these districts any use which is inherently obnoxious to urban areas, because of noise, odors, smoke, light, dust or the use of dangerous materials.

Public Notice:

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

Newspaper: Published on April 7 and February 14, 2017.
Posted on-site: Posted March 17, 2017
Mailed notices: Sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 24 letters were sent on April 6, 2017.

Recommendation:

It is the Planning Commission’s unanimous recommendation that the City Council approve the application as requested because the application is in compliance with the intent and policies the Southeast Area Plan adopted by the City Council in 2008.
CITY OF NEWTON, NC
APPLICATION FOR AMENDMENT TO THE OFFICIAL ZONING ATLAS

Application # 2017-02

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

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

1. The property for which this Zoning Atlas Amendment is requested is shown as Atlas Sheet Block Parcel PIN 3649 17 21 1735. (If more than one parcel is involved, attach a list of all other properties, the nature of the proposed amendment, and a legal description for each).

2. The present zoning classification of the property for amendment is EM-1.

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

4. Property owner(s): Name: Hugh D Sample
   Address: 8013 U S 401 South Newton NC 28667
   Phone: 850 234-8217 (H) (W)

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

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

   ____ A legal description of each parcel proposed for amendment.

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

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

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

Signature * Date of Filing

- If the applicant is different from property owner, a signed statement by the owner giving permission to rezone their property or properties should be submitted. In the case where more than one property owner is involved, all property owners must submit a written statement giving permission to rezone their properties.
ORDINANCE _________
ORDINANCE AMENDING OFFICIAL ZONING ATLAS
(Hugh D. Samples, Jr.)

WHEREAS, the City of Newton City Council, at a scheduled public hearing on April 18, 2017 reviewed a request from Hugh D. Samples, Jr. for rezoning of property from an EM-1 Exclusive Manufacturing Zoning Classification to M-1 General Manufacturing Zoning Classification; and

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

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

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

Section 1: That the property located on the south side of Smyre Farm Road just west of the intersection of Indian Trail, which is an 8.25 acre tract identified as Catawba County Pin # 3649-17-21-1735 and is owned by Hugh D. Sample, Jr. is hereby rezoned to M-1 General Manufacturing Zoning Classification.

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

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

Adopted this 18th day of April 18, 2017.

Anne P. Stedman, Mayor

ATTEST:

_________________________________________
Amy Falowski, City Clerk
(SEAL)
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE:  April 11, 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 two 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 3619-15-54-7096. 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 within the annexed area 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:

It is requested that the Newton City Council adopt the Annexation Ordinance for Roserock Holdings LLC.

RECOMMENDED MOTION:

I move to adopt the Annexation Ordinance for Roserock Holdings LLC.
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:

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. OSTMALT, PARCEL ID 361915642934 (D.B. 2285, PG. 36, TRACT 1), AND ALSO BEING THE POINT AND PLACE OF BEGINNING; THENCE LEAVING SAID OSTMALT 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 SOUTHEASTERN 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 SOUTHEASTERN CORNER 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 SIGNARAMA, INC., PARCEL ID 361915548316 (D.B. 3185, PG. 1311, PARCEL 1); THENCE LEAVING THE EASTERN RIGHT-OF-WAY OF SAID SOUTHEASTERN CORNER 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.

And

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 SOUTHFORK PROPERTIES, LLC, PARCEL NO: 361915644521 (DEED BOOK 2021, PAGE 1020 AND PLAT BOOK 47, PAGE 63 – TRACT 3), TO AN EXISTING ¾” IRON ROD, SAID IRON ROD BEING A NORTHERN CORNER OF SAID SOUTHFORK PROPERTIES, LLC (PARCEL NO: 361915644521), THENCE WITH SAID SOUTHFORK PROPERTIES LLC, (PARCEL NO: 361915644521) NORTHERN LINE; S 67° 16’ 47” W 214.53 FEET TO A NEW ¾” IRON PIPE SET, SAID IRON PIPE BEING LOCATED ON THE WESTERN RIGHT-OF-WAY OF SOUTHFORK 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 SOUTHFORK 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 SOUTHFORK DRIVE RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) S 33° 09’ 28” E 329.96 FEET TO AN EXISTING ¾” IRON ROD; THENCE 2) S 27° 58’ 24” E 92.71 FEET TO AN EXISTING ¾” 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 SOUTHFORK 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 ¾” 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.
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>Do you declare Vested rights (Indicate yes or no)</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roserock Holdings LLC</td>
<td>PO Box 26210</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Oklahoma City, OK 73126</td>
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This the 15th day of June, 2016.

By: Roserock Holdings LLC
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF NEWTON, NORTH CAROLINA

(Roserock Holdings, LLC.)

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Council Chambers of Newton City Hall, 401 North Main Avenue at 7 p.m. on April 18, 2017; and

WHEREAS, the City Council finds that the area described therein meets the standards of G. S. 160A-58.1(b) to wit:

   a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Newton.

   b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Newton;

   c. The area described is so situated that the City of Newton will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

   d. No subdivision, as defined in G.S. 160A-376 will be fragmented by this proposed annexation;
e. The area within the proposed satellite corporate limits, when added to the area
within all other satellite corporate limits, does not exceed ten percent (10%) of the
area within the primary corporate limits of the City of Newton; and

WHEREAS, the City Council further finds that the petition has been signed by all
the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid,
and that the public health, safety and welfare of the City of Newton and of the area
proposed for annexation will be best served by annexing the area described;

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

Section 1. By the virtue of the authority granted by G.S. 160A-58.2, the
following described territory is hereby annexed and made part of the City of Newton, as

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
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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.
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OF SAID SOUTH FORK PROPERTIES, LLC; THENCE LEAVING THE NORTHERN RIGHT-OF-WAY OF
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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 SOUTHFORK 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 SOUTHFORK PROPERTIES, LLC (PARCEL NO: 361915644521), THENCE WITH SAID SOUTHFORK 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 SOUTHFORK 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 & PARCEL OF TRACT 2) AND ALSO BEING THE NORTHEAST CORNER OF SOUTHFORK 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 SOUTHFORK 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 SOUTHFORK 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 PIPE 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 2. Upon and after June 30, 2017, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Newton and shall be entitled to the same privileges and benefits as other parts of the City of Newton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Newton shall cause to be recorded in the office of the Register of Deeds of Catawba County, and in the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this the 18th day of April, 2017.

________________________________________
Mayor

ATTEST: APPROVED AS TO FORM:

________________________________________
City Clerk

________________________________________
City Attorney
DATE: April 11, 2017

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Consideration of establishing zoning at 1760 & 1761 Southfork Drive.

Approved for Council Consideration

Background:

The request will establish City zoning on property that is pending annexation. The property is located on the north side of NC 10 Hwy West at the intersection of Southfork Drive. The proposed site includes two 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 3619-15-54-7096. Both parcels are owned by Roserock Holdings LLC. The proposed zoning will be 321-Economic Development District-Industrial (321-ED(I)) Zoning Classification. The proposed change is from an existing County 321-Economic Development District-Industrial (321-ED(I)) Zoning Classification and County R-20 Residential District to City of Newton 321-Economic Development District-Industrial (321-ED(I)) Zoning Classification.

Zoning History:

The area requested to be rezoned is currently 321-Economic Development District-Industrial (321-ED(I)) Zoning Classification and has been since 1996, when the US 321 Corridor Plan was adopted by the Catawba County Board of Commissioners and it was updated in 2011. This Plan represents formal policy statements by Catawba County concerning land use and land development within the Corridor. The 321-Economic Development District (321-ED) is designed to implement these policy statements and achieve the desired goals for the 321 Corridor.

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<thead>
<tr>
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<td>County Zoning 321-ED(I)&amp; R-40</td>
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<td>South East West</td>
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<tr>
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</tbody>
</table>
**Thoroughfare Plan:**

The subject site is not impacted by any planned transportation improvements.

**Land Development Plan:**

The City has no adopted plans that address the site; however, the City was an active participant in the process that created the US 321 Corridor Plan as well as the update of the Plan in 2011. The plan supports the proposal, which is reflective of the existing County zoning.

**Utilities:**

City water, sewer, and electric are available to the site.

**Public Notice:**

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

- Newspaper: Published on April 7 and February 14, 2017.
- Posted on-site: Posted March 17, 2017
- Mailed notices: Sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 14 letters were sent on April 6, 2017.

**Recommendation:**

The Planning Commission unanimously recommends to the City Council approval of this request.
ORDINANCE __________

ORDINANCE AMENDING OFFICIAL ZONING ATLAS
(Roserock Holdings, LLC.)

WHEREAS, the City of Newton City Council, at a scheduled public hearing on April 18th, 2017, reviewed a request from the City of Newton Planning Commission for establishing the zoning of property to 321-Economic Development District-Industrial; and

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

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

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

Section 1: That the property located on the north side of NC 10 Hwy West at the intersection of Southfork Drive, which consist of 2 parcels, a 10.44 acre tract identified as Catawba County Pin #3619-15-64-4521 and a 7.55 acre tract identified as 3619-15-54-7096 be zoned 321-Economic Development District-Industrial.

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

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

Adopted this 18th day of April 18, 2017.

Anne P. Stedman, Mayor

ATTEST:

Amy Falowski, City Clerk
(SEAL)
DATE: April 11, 2017

TO: E. Todd Clark, City Manager

FROM: Serina T. Hinson, Finance Director

CONSIDERATION OF: Multi-Family Housing Bonds Related to Affordable Housing

Approved for Council Consideration

City staff has been contacted by Thomas Robinson, Acquisition and Development Analyst, of Alco Management, Inc. a firm that owns, develops and manages affordable housing, concerning a proposal for Multi-Family Housing Bonds for Catawba Pines Apartments. The proposed renovations would be financed through a combination of tax exempt bonds and federal low income housing tax credits. The tax credits are the main purpose for this type of financing. The tax credits generated will be reinvested into the renovations of this project. And, the tax exempt bond portion of the financing would require that the bonds be issued in the name of the City of Newton using a pass-through or conduit type arrangement.

As a “conduit issuer” the City would have no obligation for payments on the bonds, no pledge of the faith and credit of the City’s taxing power, nor an impact on the City’s $10 million bank qualified debt issuance limit.

Thomas Robinson of Alco Management and Kristen Kirby, Bond Attorney, of McGuire Woods will be conducting a presentation on the ins and outs of a Multi-Family Housing Bond Financing with a Conduit Issuer along with answering any questions that Council may have on this subject.

Action Suggested:

A) Consideration for the City to move forward as the Conduit Issuer for this project.
B) Approval of the attached Inducement Resolution
RESOLUTION NO. (2017)

RESOLUTION GIVING PRELIMINARY APPROVAL TO ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS

WHEREAS, the City Council (the “City Council”) of the City of Newton, North Carolina (the “City”) met in the Council Chambers in Newton, North Carolina at 7:00 p.m. on the 18th day of April, 2017; and

WHEREAS, pursuant to N.C.G.S. § 160A-456, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”); and

WHEREAS, the Act in N.C.G.S. §§ 157-9 and 157-37 gives the City acting as a housing authority the power “to provide for the construction, reconstruction, improvement, alteration or repair of any housing project” and “to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues”; and

WHEREAS, Alco Properties, Inc., a Georgia corporation, or an affiliated or related entity (the “Company”), intends to provide affordable housing in the City; and

WHEREAS, the Company has requested that the City assist it in financing the acquisition, rehabilitation and equipping of a multifamily residential rental development, consisting of 68 units, known as Catawba Pines Apartments located in Newton, North Carolina (the “Development”); and

WHEREAS, the Company has described to the City the benefits of the Development to the City and the State of North Carolina and has requested the City to agree to issue its multifamily housing revenue bonds in such amounts as may be necessary to finance the costs of acquiring, rehabilitating and equipping the Development; and

WHEREAS, the City is of the opinion that the Development is a facility that can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEWTON:

1. It is hereby found and determined that the Development will involve the acquisition, rehabilitation and equipping of multifamily housing facilities, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the City agrees to assist the Company in every reasonable way to issue bonds to finance the acquisition, rehabilitation and equipping of the Development, and, in particular, to undertake the issuance of the City’s multifamily housing revenue bonds (the “Bonds”) in an amount now estimated not to exceed Three Million Five Hundred Thousand Dollars ($3,500,000) to provide all or part of the cost of the Development.

2. The City intends that the adoption of this resolution be considered as “official action” toward the issuance of the Bonds within the meaning of the regulations issued by the
Internal Revenue Service pursuant to Section 1.150-2 of the Treasury Regulations issued under the Internal Revenue Code of 1986, as amended (the “Code”).

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon between the City and the Company. The City and the Company shall enter into a “financing agreement” pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium if any, and interest on the Bonds and to pay all of the expenses of the City in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the City and a trustee (the “Trustee”) or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the City’s rights to payments under the financing agreement, except the City’s right to payment of fees and expenses and indemnification. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the City, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Company.

4. The City hereby authorizes the Company to proceed, upon the prior advice, consent and approval of bond counsel and the City’s counsel, to obtain approvals in connection with the issuance and sale of the Bonds and to obtain an allocation of a sufficient amount of the State of North Carolina’s “private activity bond limit”, as required by Section 146 of the Code and as defined in Section 146 of the Code, for the Bonds.

5. It having been represented to the City that it is desirable to proceed with the acquisition, rehabilitation and equipping of the Development, the City agrees that the Company may proceed with plans for such acquisition, rehabilitation and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Company to obligate the City without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the City’s adoption of this resolution. The City agrees that the Company may be reimbursed from the proceeds of the Bonds, if and when issued, for all qualifying costs so incurred as permitted by Treasury Regulations Section 1.150-2.

6. All obligations hereunder of the City are subject to the further agreement of the City and the Company to terms for the issuance, sale and delivery of the Bonds and the execution of a financing agreement, indenture or security agreement and other documents and agreements necessary or desirable for the issuance of the Bonds, and the approval of the Bonds by the North Carolina Local Government Commission, if applicable. The City has not authorized and does not authorize the expenditure of any funds or monies of the City from any source other than the proceeds of the Bonds. All costs and expenses in connection with the financing and the acquisition, rehabilitation and equipping of the Development, including the reasonable fees and expenses of the City’s counsel, bond counsel and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Company, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Company and the City shall have no
responsibility therefor. It is understood and agreed by the City and the Company that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or commissioners from time to time of the City.

7. The officers of the City are hereby authorized and directed to take all actions in furtherance of the resolution and the issuance of the Bonds.

8. The City hereby approves McGuireWoods LLP, Raleigh, North Carolina, to act as bond counsel for the Bonds.

9. This resolution shall take effect immediately.

Councilman __________ moved the passage of the foregoing resolution and Councilman __________ seconded the motion and the resolution was passed by the following vote:

Ayes: Commissioners

Nays: Commissioner

Not Voting:

********

I, Amy Falowski, City Clerk of the City of Newton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City at a regular meeting duly called and held April 18, 2017, as it relates in any way to the resolution hereinabove set forth and that such proceedings are recorded in the minutes of the City. Pursuant to NCGS § 143-318.12, a current copy of a schedule of regular meetings of this City Council is on file in my office.

WITNESS my hand and the common seal of the City, this ___ day of April, 2017.

(SEAL)

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk
April 12, 2017

Mayor and Members of City Council
City of Newton, North Carolina
401 N. Main Avenue
Newton, North Carolina 28658

Re: Inducement Resolution for Multifamily Housing Revenue Bonds for Catawba Pines Apartments

Ladies and Gentlemen:

Alco Properties, Inc. has requested that the City of Newton, North Carolina assist it, or an affiliated or related entity (the "Borrower"), in financing the acquisition and rehabilitation of Catawba Pines Apartments, a multifamily residential rental development consisting of 68 affordable housing units located at 851 East 1st Street in Newton (the "Development"), by issuing tax-exempt multifamily housing revenue bonds in an amount not to exceed $3,500,000. The bonds would be issued by the City acting as a conduit issuer, and the proceeds thereof would be loaned to the Borrower to finance the Development. The Borrower would be solely responsible for the repayment of the bonds; the City’s involvement is required because the bonds must be issued by a governmental body in order to be tax exempt. As a result of the financing of the Development with tax exempt bonds, the Borrower will be entitled to 4% tax credits that will provide additional funds to pay the costs of renovating the units in the Development.

The bonds will not represent a debt or a pledge of the faith and credit of the City and the City will have no liability whatsoever for the payment of principal or interest on the bonds. Rather, the bonds will be payable solely from the revenues and other funds provided under the proposed agreements with the Borrower. The issuance of the bonds will have no effect on the City’s $10,000,000 bank qualified debt issuance limit, and the bonds will not be indebtedness on the City’s financial statement.

At this stage, the City Council is being asked to consider the adoption of an inducement resolution related to the Development and the bonds at its meeting on April 18th, the form of which is enclosed with this letter. This inducement resolution is only the first step in the process of issuing tax-exempt bonds. Before the bonds can be issued, the Borrower will have to receive an allocation of bond volume cap from the North Carolina Housing Finance Agency (NCHFA), a public hearing will need to be held, and the City Council will have to adopt a resolution giving its final approval to the issuance of the bonds and the documents related thereto.

The inducement resolution is necessary for two reasons. First, it is an indication that there is a governmental issuer willing to issue the bonds, which is required in order for the Borrower to
complete its application to the NCHFA for an allocation of bond volume cap for the Development. Second, the adoption of the inducement resolution starts a clock for purposes of the reimbursement rules under the Federal tax code. If the bonds are issued, the Borrower would be allowed to reimburse itself from the proceeds of the bonds for certain expenditures paid for the Development not more than 60 days before the adoption of the inducement resolution.

I will be present at the City Council’s meeting on April 18th to provide additional information regarding multifamily housing revenue bonds generally and the need for the inducement resolution. A representative from Alco Properties will also be at the meeting to provide additional information on the Development and the financing.

Very truly yours,

Kristen M. Kirby

Enclosure
COMPANY OVERVIEW:

For four decades, Alco Properties, Inc. and Alco Management, Inc. (ALCO) have developed, acquired and managed apartment communities throughout the Southeastern United States. Frank Z. Jemison, Jr. is the CEO of both Alco Properties, Inc. and Alco Management, Inc., and has been the sole owner since establishing ALCO in 1974. During his tenure, he has overseen the construction, acquisition, disposition and management of more than eighty (80) apartment communities containing approximately ten thousand (10,000) apartment units. Currently, from our headquarters in Memphis and a regional office in Nashville, ALCO guides a balanced portfolio of over 7,000 conventional and affordable apartments. ALCO has ownership positions in over three quarters of the properties we manage.

With years of experience working with both the U. S. Department of Housing and Urban Development (HUD) and contract administrators throughout the Southeast, ALCO is widely-recognized as an expert in government housing programs, including Section 8, Section 236, Section 42 Low Income Housing Tax Credit and ACC Mixed Finance properties. Skilled in traversing the tricky landscape of government regulations, ALCO delivers investors added value with in-depth understanding of the various government programs available for affordable housing, and provides communities throughout the Southeast with quality apartments that, in many cases, address significant shortages in affordable housing. ALCO is recognized as an Accredited Management Organization (AMO) and a Specialist in Housing Credit Management Company (SHCM Company).

ALCO develops and manages properties with a passionate attention to detail. All ALCO developments begin with a comprehensive feasibility analysis and exploration of the most favorable financial options. Often an FHA insured mortgage is the preferred financing mechanism. ALCO has developed relationships with multiple FHA mortgages and HUD Multifamily Field Offices across the Southeast. Currently more than 75% of the properties in our portfolio have an FHA insured mortgage. Once a financing strategy is identified, ALCO coordinates and monitors the final financing structure, the architectural and construction work, and the management and regulatory compliance. Our start-to-finish record of delivering properties on time and on budget is one of the key reasons ALCO has developed successful apartment communities – garden style, mid-rise and high-rise – for over 40 years.

LOW INCOME HOUSING TAX CREDIT EXPERIENCE:

Since 2000 ALCO has been active in using the Low Income Housing Tax Credit program to develop affordable housing. In Arkansas, Kentucky and Tennessee we have successfully used tax credits in conjunction with tax-exempt bonds and other affordable housing funding mechanisms to acquire and renovate 29 properties totaling 3,163 units. Through the process we have developed or deepened relationships with multiple lenders, investors, issuers and housing finance agencies. These relationships and experiences have positioned ALCO to continue our strong tradition of growing our company through caring for our partners. In addition to the properties listed below we have acquired ownership and/or provide management services for an additional 1,252 tax credit units.

HOPE VI MIXED FINANCE, PHA EXPERIENCE:

Working in partnership with the multiple housing authorities and their private development partners Henry Turley Company/Belz Enterprises and Pennrose Properties, ALCO has been active in managing Mixed Finance properties in TN, GA, and AL since 2005. ALCO currently manages 15 HOPE VI and Housing Authority developments with a total of 1,597 units, 691 units receive ACC subsidy. The ACC units include a diverse range of unit and property types including scattered site single family, mid-rise elderly, urban walk up and garden style apartments. The ACC units are mixed with Class A downtown apartments, included in tax credit developments and scattered in resurgent single family neighborhoods.
Frank Z. Jemison, Jr., Chief Executive Officer
Since 1974, Frank has guided the company toward its current status as a leader in managing apartment communities. His expertise in apartment finance and affordable housing programs has resulted in ALCO’s balanced portfolio of conventional and affordable housing communities. He is responsible for the overall vision and strategy that guides ALCO’s diverse portfolio. Graduating with honors in engineering from Princeton University and Harvard University’s Smaller Company Management Program, Frank serves on the Boards of the Institute for Responsible Housing Preservation and the National Leased Housing Association (NLHA).

Robert D. Hyde, President
After serving as ALCO’s outside counsel as a partner in the Memphis law firm Farris Bobango PLC, Robert joined ALCO in 2002 to oversee legal matters, financial structuring of transactions, and recruitment of equity partners. In 2011, Robert became the President of ALCO and is responsible for all aspects of development, acquisition, construction, management and repositioning of ALCO’s portfolio of communities. With an accounting degree from the University of Mississippi and a Juris Doctor from the University Of Mississippi School Of Law, Robert is a Certified Public Accountant (CPA) and a member of the Mississippi and Tennessee Bar Associations.

Michael D. Johnson, Executive Vice President
During his more than 30 years with ALCO, Michael helped develop the strategies which guided the company’s significant growth and national recognition as one of America’s largest managers of affordable housing. He cites a corporate culture which celebrates teamwork and empowers staff to serve others as a key to ALCO’s success. Since starting his career at ALCO as an accounting manager, Michael has served as controller, chief financial officer and chief operating officer. He holds an honors degree in accounting and an MBA in finance from the University of Memphis. He is a Certified Public Accountant (CPA), Certified Information Technology Professional (CITP), National Affordable Housing Professional Executive (NAHPe) and Specialist in Housing Credit Management (SHCM). Michael is past President of the Southeastern Affordable Housing Management Association (SAHMA) and Vice-President of National Affordable Housing Management Association (NAHMA).

Sondra M. Wimbs, Vice President - Property Management
Beginning her career with ALCO in 1991 as a district property manager with a background in hotel and condominium management, Sondra supervises the day-to-day management and operations of all communities in ALCO’s portfolio. Sondra holds an undergraduate degree from the University of Tennessee and is a Certified Property Manager (CPM), a Registered Apartment Manager (RAM), a National Affordable Housing Professional Executive (NAHPe), has the Fair Housing Compliance designation (FHC), is a Specialist in Housing Credit Management (SHCM), and is active in local professional housing organizations.

M. Stewart Carlin, Vice President - Asset Management
Since joining ALCO as a financial analyst in 1999, Stewart has successfully executed complex recapitalization plans and reduced utility costs through specific programs, as well as leading “green project” initiatives. As Vice President of Asset Management, Stewart develops and executes long-term, performance-enhancing strategies while monitoring budgets, capital requirements and the overall performance of properties across the ALCO portfolio. Stewart holds an undergraduate degree from Vanderbilt University and an MBA in Finance from the University of Memphis.

Berkeley C. Burbank, Vice President - Development
Berkeley has been active in the development of affordable housing since 1995. He joined ALCO’s acquisitions and development team in 2006 to manage the financing and renovation of a number of our communities. He has experience working with a broad range of debt and equity sources including conventional and FHA mortgage programs, tax exempt bonds, low income housing tax credits, HOME and HOPE VI. In 2012, he also took on broader responsibilities for organizational development. Berkeley holds a degree in public policy from Stanford University.
## REFERENCES:

### LENDERS/INVESTORS:

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<th>Title</th>
<th>Organization</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Frank Peele</td>
<td>Sr. Vice President</td>
<td>Regions Bank</td>
<td>423-752-7802</td>
<td><a href="mailto:frank.peele@regions.com">frank.peele@regions.com</a></td>
</tr>
<tr>
<td>Amanda Hanson</td>
<td>Sr. Vice President</td>
<td>First Tennessee Bank – First Tennessee Housing Corporation</td>
<td>901-523-4860</td>
<td><a href="mailto:alhanson@firsttennessee.com">alhanson@firsttennessee.com</a></td>
</tr>
<tr>
<td>Lisa Toler</td>
<td>Vice President Commercial Real Estate</td>
<td>Independent Bank</td>
<td>901-844-0461</td>
<td><a href="mailto:Lisa@i-bankonline.com">Lisa@i-bankonline.com</a></td>
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### PUBLIC SECTOR PARTNERS:

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<tr>
<td>Judith Smith</td>
<td>Multifamily Supervisor</td>
<td>Tennessee Housing Development Agency</td>
<td>615-815-2143</td>
<td><a href="mailto:jsmith@thda.org">jsmith@thda.org</a></td>
</tr>
<tr>
<td>Jeremy Ratliff</td>
<td>Director Multifamily Programs</td>
<td>Kentucky Housing Corporation</td>
<td>502-564-7630x707</td>
<td><a href="mailto:jratliff@kyhousing.org">jratliff@kyhousing.org</a></td>
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### CONTRACTOR & ARCHITECT:

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<tr>
<td>Greg Blankenship</td>
<td>CEO</td>
<td>GSB Contractors, Inc.</td>
<td>901-388-9630</td>
<td><a href="mailto:gsbmemphis@aol.com">gsbmemphis@aol.com</a></td>
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<tr>
<td>Mitch Hall</td>
<td>Principal</td>
<td>MMH Hall, Architects/Planners, Inc.</td>
<td>901-725-1997</td>
<td><a href="mailto:mitch@mhhhall.com">mitch@mhhhall.com</a></td>
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### COMMUNITY SERVICE AGENCY:

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<tr>
<td>David Jordan</td>
<td>Executive Director</td>
<td>Agape Child &amp; Family Services, Inc.</td>
<td>901-323-3600</td>
<td><a href="mailto:david.jordan@agapemeanslove.org">david.jordan@agapemeanslove.org</a></td>
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<tr>
<td>Ephie Ballard-Johnson</td>
<td>President/CEO</td>
<td>Neighborhood Christian Centers, Inc.</td>
<td>901-881-6013</td>
<td><a href="mailto:ephiej@ncclife.org">ephiej@ncclife.org</a></td>
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## RECENT AWARDS AND RECOGNITION:

1. **2015 Affordable Housing Advocate of the Year** – Michael Johnson, EVP  
   National Affordable Housing Management Association (NAHMA)

2. **2015 Kentucky Affordable Housing Hall of Fame** – Michael Johnson, EVP  
   U.S. Department of Housing and Urban Development, Louisville (KY HUD)

3. **2015 NAHMA Affordable 100**  
   National Affordable Housing Management Association (NAHMA)

4. **2015 Top 100 Private Businesses**  
   Memphis Business Journal

5. **2012 Outstanding Management Company of the Year**  
   Kentucky Housing Corporation
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<tr>
<th>Year of Acquisition</th>
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<td>Westside Manor Apartments</td>
<td>McMinnville</td>
<td>Tennessee</td>
<td>52</td>
<td></td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knollcrest Manor Apartments</td>
<td>Sparta</td>
<td>Tennessee</td>
<td>50</td>
<td>2</td>
<td>50</td>
<td>48</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Summary

- **Properties Managed**: 73
- **Total Units**: 7,296

* Managed for Third-Party Owner
DATE: April 15, 2015

TO: Mayor and City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Declaring Property Located at S Ervin Ave as Surplus

Approved for Council Consideration

Background:

The City presently owns numerous parcels of land for various reasons and purposes. In some cases, land owned by the City is of no practical use and serves no purpose in carrying out the delivery of services to the public. The staff has identified one parcel that City Council may want to declare as surplus and sell according to the laws of the State of North Carolina.

The parcel is located at South Ervin Avenue is vacant and has not been assigned a street. The property is identified as Catawba County Parcel Identification Number 374017202867 and is depicted on a map that has been included with this Request for Council Action. Please be advised that the property is bisected by South Ervin Avenue, with a small triangular section of the property currently used by an adjacent property owner for a residential driveway at 341 S Ervin Ave.

In order to sell property, the City Council must first deem the property as surplus. The Council may then follow the procedures set forth in North Carolina General Statute 160A-269. A copy of this statute has been included with this Request for Council Action as information for City Council.

Action Suggested:

The City Council is asked to consider deeming a parcel of land located at on South Ervin Avenue, and further identified as Catawba County Parcel Identification number 374017202867, as surplus and directing the City Manager to follow the procedures set forth in NCGS 160A-269 to sale the property.
WHEREAS, it has been determined by the City Council that certain real property owned by the City of Newton is no longer needed for municipal purposes; and

WHEREAS, it has been determined that it is in the best interest of the City to offer said real property for sale; and

WHEREAS, the City Council is desirous of disposing of the property; and

WHEREAS, North Carolina General Statute 160A-269 enables municipalities to conduct sales of real or personal property by negotiated offer, advertisement, and upset bids.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton that the following tracts of real property shall be declared surplus property and sold pursuant to the requirements and procedures of North Carolina General Statute 160A-269:

<table>
<thead>
<tr>
<th>Surplus Real Estate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Deed Reference</strong></td>
</tr>
<tr>
<td>0442/0362</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, IT IS FURTHER RESOLVED that the City Manager is hereby authorized to dispose of said real property in accordance with North Carolina General Statute 160A-269.

Adopted this 18TH day of April, 2017.

Anne P. Stedman, Mayor

Amy Falowski, City Clerk
Parcel: 374017202867, NEWTON, 28658
Owners: NEWTON CITY OF, null
Owner Address: PO BOX 550
Values - Building(s): $0, Land: $7,900, Total: $7,900
Parcel Report

Parcel Report - Catawba County NC

Parcel Information:
Parcel ID: 374017202867
Parcel Address:
City: NEWTON, 28658
LRK(REID): 20695
Deed Book/Page: 1137/0032
Subdivision:
Lots/Block: /
Last Sale:
Plat Book/Page:
Legal: S ERVIN AVE
Calculated Acreage: .350
Tax Map: 019N 05035
Township: NEWTON
State Road #: 

Tax/Value Information: Tax Rates(pdf)
City Tax District: NEWTON
County Fire District: All in City
Building(s) Value: $0
Land Value: $7,900
Assessed Total Value: $7,900
Year Built/Remodeled: /
Current Tax Bill

Owner Information:
Owner: NEWTON CITY OF
Owner2:
Address: PO BOX 550
Address2:
City: NEWTON
State/Zip: NC 28658-0550

School Information:
School District: NEWTON CONOVER
Elementary School: SOUTH NEWTON
Middle School: NEWTON CONOVER
High School: NEWTON CONOVER

Zoning Information:
Zoning District: NEWTON
Zoning1: R-7A
Zoning2:
Zoning3:
Zoning Overlay:
Small Area:
Split Zoning Districts: /
Zoning Agency Phone Numbers
Firm Panel Date: 2007-09-05
Firm Panel #: 3710374000J
2010 Census Block: 3048
2010 Census Tract: 011300
Agricultural District:

Miscellaneous:
Building Permits for this parcel.
Building Details
Watershed:
Voter Precinct: P10
Parcel Report Data Descriptions

List all Owners
Deed History Report
Assessment Report

This map/parcel product was prepared from the Catawba County, NC Geospatial Informatics Services. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map or data on this report. Catawba County guarantees and recommends the independent verification of any data contained on this map/parcel product by the user. The County of Catawba, its employees, agents, and personnel, discreetly, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arise or may arise from this map/parcel product or the use thereof by any person or entity.

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Article 12.
Sale and Disposition of Property.

§ 160A-265. Use and disposal of property.

In the discretion of the council, a city may: (i) hold, use, change the use thereof to other uses, or (ii) sell or dispose of real and personal property, without regard to the method or purpose of its acquisition or to its intended or actual governmental or other prior use. (1981 (Reg. Sess., 1982), c. 1236.)

§ 160A-266. Methods of sale; limitation.

(a) Subject to the limitations prescribed in subsection (b) of this section, and according to the procedures prescribed in this Article, a city may dispose of real or personal property belonging to the city by:

1. Private negotiation and sale;
2. Advertisement for sealed bids;
3. Negotiated offer, advertisement, and upset bid;
4. Public auction; or
5. Exchange.

(b) Private negotiation and sale may be used only with respect to personal property valued at less than thirty thousand dollars ($30,000) for any one item or group of similar items. Real property, of any value, and personal property valued at thirty thousand dollars ($30,000) or more for any one item or group of similar items may be exchanged as permitted by G.S. 160A-271, or may be sold by any method permitted in this Article other than private negotiation and sale, except as permitted in G.S. 160A-277 and G.S. 160A-279.

Provided, however, a city may dispose of real property of any value and personal property valued at thirty thousand dollars ($30,000) or more for any one item or group of similar items by private negotiation and sale where (i) said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and (iii) where a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the city to the nonprofit corporation or trust. Said nonprofit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access.

(c) A city council may adopt regulations prescribing procedures for disposing of personal property valued at less than thirty thousand dollars ($30,000) for any one item or group of items in substitution for the requirements of this Article. The regulations shall be designed to secure for the city fair market value for all property disposed of and to accomplish the disposal efficiently and economically. The regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales. The council may authorize one or more city officials to declare surplus any personal property valued at less than thirty thousand dollars ($30,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the city in accord with the regulations. A city official authorized under this section to dispose of property shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.
(d) A city may discard any personal property that: (i) is determined to have no value; (ii) remains unsold or unclaimed after the city has exhausted efforts to sell the property using any applicable procedure under this Article; or (iii) poses a potential threat to the public health or safety. (1971, c. 698, s. 1; 1973, c. 426, s. 42.1; 1983, c. 130, s. 1; c. 456; 1987, c. 692, s. 2; 1987 (Reg. Sess., 1988), c. 1108, s. 9; 1997-174, s. 6; 2001-328, s. 4; 2005-227, s. 3.)


When the council proposes to dispose of property by private sale, it shall at a regular council meeting adopt a resolution or order authorizing an appropriate city official to dispose of the property by private sale at a negotiated price. The resolution or order shall identify the property to be sold and may, but need not, specify a minimum price. A notice summarizing the contents of the resolution or order shall be published once after its adoption, and no sale shall be consummated thereunder until 10 days after its publication. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 24.)


The sale of property by advertisement for sealed bids shall be done in the manner prescribed by law for the purchase of property, except that in the case of real property the advertisement for bids shall be begun not less than 30 days before the date fixed for opening bids. (1971, c. 698, s. 1.)

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars ($1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)


(a) Real Property. — When it is proposed to sell real property at public auction, the council shall first adopt a resolution authorizing the sale, describing the property to be sold, specifying the date, time, place, and terms of sale, and stating that any offer or bid must be accepted and confirmed by the council before the sale will be effective. The resolution may, but need not, require the highest bidder at the sale to make a bid deposit in a specified amount. The council shall then publish a notice of the sale at least once and not less than 30 days before the sale. The notice shall contain a general description of the land sufficient to identify it, the terms of the sale, and a reference to the authorizing resolution. After bids have been received, the highest bid shall be reported to the council, and the council shall accept or reject it within 30 days thereafter. If the bid is rejected, the council may readvertise the property for sale.

(b) Personal Property. — When it is proposed to sell personal property at public auction, the council shall at a regular council meeting adopt a resolution or order authorizing an appropriate city official to dispose of the property at public auction. The resolution or order shall identify the property to be sold and set out the date, time, place, and terms of the sale. The resolution or order (or a notice summarizing its contents) shall be published at least once and not less than 10 days before the date of the auction.
(c) The council may conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services. Notice of an electronic auction of property shall identify, in addition to the information required in subsections (a) and (b) of this section, the electronic address where information about the property to be sold can be found and the electronic address where electronic bids may be posted. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular auction or for all auctions under this subsection shall be approved by the governing board of the political subdivision. Except as provided in this subsection, all requirements of subsections (a) and (b) of this section apply to electronic auctions. (1971, c. 698, s. 1; 1973, c. 426, s. 43; 2001-328, s. 5; 2005-227, s. 4; 2006-264, s. 74.)

A city may exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives a full and fair consideration in exchange for its property. A city may also exchange facilities of a city-owned enterprise for like facilities located within or outside the corporate limits. Property shall be exchanged only pursuant to a resolution authorizing the exchange adopted at a regular meeting of the council upon 10 days' public notice. Notice shall be given by publication describing the properties to be exchanged, stating the value of the properties and other consideration changing hands, and announcing the council's intent to authorize the exchange at its next regular meeting. (1971, c. 698, s. 1; 1973, c. 426, s. 42.1.)

§ 160A-272. Lease or rental of property.
(a) Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided herein) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included. Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

(b) No public notice need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less. Leases for terms of more than 10 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property.

(c) (Effective until June 30, 2015) The council may approve a lease for the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 20 years without treating the lease as a sale of property and without giving notice by publication of the intended lease. This subsection applies to Catawba, Mecklenburg, and Wake Counties, the Cities of Asheville, Raleigh, and Winston-Salem, and the Towns of Apex, Carrboro, Cary, Chapel Hill, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only.

(c) (Effective June 30, 2015) The council may approve a lease for the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 20 years without treating the lease as a sale of property and without giving notice by publication of the intended lease. This subsection applies to Catawba, Mecklenburg, and Wake
DATE: April 12, 2016

TO: E. Todd Clark, City Manager

FROM: Dusty Wentz, Director of Public Works and Utilities

CONSIDERATION OF: Bid Award for the Annual Powell Bill Overlay Paving Project and Related Budget Ordinance Amendment

Approved for Council Consideration

Background:

This year, resurfacing is focused on E. 11th Street and E. 1st Street. Both were selected from the Asphalt and Sidewalk Condition assessment completed in late 2015. They are the city roads that the assessment indicated as having the most severe issues that could be replaced with available funds.

E. 11th St. has three different paving designs. The first, from Caldwell St. to Gaither St., will have the asphalt milled 3” in depth and replaced. The second, from Caldwell St. to N. College, will have asphalt milled 2” in depth and replaced. The third section, from Main to College, will have 4” of asphalt completely removed and replaced.

E. 1st St. between Gather and Davis will also have 4” of asphalt removed and replaced.

Staff has received three bids. The responses from local contractors are listed below:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carolina Paving</td>
<td>$218,735.00</td>
</tr>
<tr>
<td>Evans Bros.</td>
<td>$226,981.04</td>
</tr>
<tr>
<td>MidState</td>
<td>$174,366.50</td>
</tr>
<tr>
<td>J. T. Russell</td>
<td>$203,771.70</td>
</tr>
<tr>
<td>Maymead</td>
<td>No Bid</td>
</tr>
</tbody>
</table>

All three bids include a 10% contingency, and were complete and accurate.

As a side note – Staff has been in contact with Norfolk Southern concerning repairs to the railroad crossing on E. A, E. 2nd, and E. 11th Streets. This contract does not include work on the crossing on E. 11th St.

As part of the City’s budget process, Council approved $100,000 within the General Fund Budget for additional overlay paving in addition to the $80,400 within the Powell Bill Budget. Therefore a Budget Ordinance Amendment in the amount of $94,000 is necessary to accommodate the transfer of funds for these projects.

Recommendation:

A) Award the bid for the Annual Overlay project to MidState in the amount of $158,515, and hold a 10% contingency of $15,851.50 in reserve for a total of $174,366.50. Any utilization of contingency funds will be presented to council.

B) Approve the related Budget Ordinance Amendment in the amount of $94,000 to recognize the transfer of funds for street overlay paving from the General Fund to the Powell Bill Fund.
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 a transfer of $94,000 from the General Fund to the Powell Bill Fund for additional overlay paving. As part of the City’s budget process, Council approved $100,000 and $80,400, respectively, within the General Fund and Powell Bill budgets for overlay paving. The recommended bid for the City’s annual overlay paving project is from MidState in the amount of $158,515 plus a 10% contingency of $15,851.50 for a total project cost of $174,366.50; therefore, a transfer of $94,000 from the General Fund to the Powell Bill Fund will provide $174,400 for this project; and,

WHEREAS, the City Council desires to transfer funds from the General Fund to the Powell Bill Fund and to authorize the related expenditure appropriation.

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 Appropriations
  Street Resurfacing Rep/Maint 11-4252.6570 ($94,000)
  Transfer to Powell Bill 11-9100.9913 $94,000

Powell Bill Revenues
  Transfer from General Fund 13-0000.3911 $94,000

Powell Bill Appropriations
  Street Con/Recon Rep/Maint 13-4253.6571 $94,000

Adopted this 18th day of April, 2017.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk