AGENDA
CITY OF NEWTON

April 18, 2016

AGENDA

CITY OF NEWTON

NEWTON CITY COUNCIL - REGULAR MEETING

April 19, 2016
7:00 p.m.

Page		
	1.	**Call to Order – Mayor Anne P. Stedman**
	2.	**Opening – Council Member Tom Rowe**
1	**3.**	**Approval of Minutes from the April 5, 2016 Regular Meeting**
	4.	**Consideration of Consent Agenda Items**
5		A. Tax Releases
6		B. Sewer Adjustments
	5.	**Comments from the Public: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):**
	6.	**Presentation**
		A. For Civic Good
		B. Marketing Video - Business
	7.	**Public Hearing**
7		A. Text Amendment #2016-02 to the B-3 Central Business District, Establishing the SPI-8 Downtown Core Overlay Zoning District
	8.	**Old Business**
16		**A.** Consideration of Revision to the Locally Administered Projects Program (LAPP) Sidewalk Grant Project
	9.	**New Business**
18		**A.** Consideration of West 6th Street Traffic Control Petition
	10.	**City Manager's Report**
	11.	**Questions and Comments From Mayor and Council**
		A. Report from Appointed Representative on Outside Boards – Council Member Tom Rowe
	12.	**Closed Session to Consult with City Attorney - G.S. 143-318-11(a)(4) and G.S. 143-318-11(a)(5)**
	13.	**Adjournment**

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

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

MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
April 5, 2016 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, April 5, 2016 at Newton City Hall.

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

That the Regular Minutes of the March 15, 2016 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Tom Rowe, it was RESOLVED:

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Sewer Adjustments

C. Consideration of Proclamation – Child Abuse Prevention Month – April 2016

D. Consideration of Proclamation – National Lineman Day – April 18, 2016

E. Consideration of Proclamation – Volunteer Week – April 18, 2016

F. Consideration of Proclamation – National Public Safety Telecommunicators Week – April 10-16, 2016

G. Consideration to Ratify Proclamation – Recognition of Vietnam Veterans

H. Consideration of Budget Ordinance Amendment to Recognize Contributions for Parks and Recreation

I. Consideration to Adopt a Budget Ordinance to Recognize Revenue and Authorize Expenditure Appropriations with the Police Department Budget

J. Consideration of Appointment to Boards and Commissions – Parks and Recreation Commission

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

ITEM 5: **COMMENTS FROM THE PUBLIC: PEOPLE WHO WISH TO COMMENT ON NON-AGENDA ITEMS ARE ASKED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING.**

Mayor Anne P. Stedman asked if anyone present would like to make comment concerning non-agenda items. No one appeared.

ITEM 6: **Presentation – Teen Leadership**

Mayor Stedman introduced the students that made up this year's Teen Leadership Newton Program. She explained that the students were from Newton-Conover High School and Discovery High School.

City Manager Todd Clark stated that the goal or objective of the program is to encourage high school students to take on leadership roles and explore their capabilities.

Mr. Clark explained that the students were divided into three groups that would now make a presentation to City Council.

Mayor Stedman thanked the Teen Leadership Newton group and stated that City Council and Staff appreciated their time and effort.

ITEM 7: **City Manager's Report**

- April 9 – Cruisin' Newton begins around the Square.
- April 11-May 23 – Citizens Police Academy *Applications due April 4th
- April 16 – Spring Litter Sweep is 9 a.m.-noon beginning at Westside Jaycee Park. Lunch will be served after the cleanup.
- April 19th and 20th – Tour of Catawba Nuclear Station
- April 30 – Spring Yard Sale is 6:30 a.m.-1 p.m. at Southside Park. Registration runs through April 22. Booths are $10
- April 30 – Rotary Car Show
- May 22nd – Unity Day, Newton-Conover Auditorium 2 p.m.- 4 p.m.
- May 24th – WPCOG Policy Board Meeting hosted by City of Newton at Newton Fire Headquarters – 6 p.m.

Budget Workshop

- May 2, 2016 Presentation of Fiscal Year 2016-2017 Budget to City Council
- May 5, 2016
- May 10, 2016
- May 12, 2016

Tentative Dates if needed:

- May 17, 2016
- May 18, 2016
- May 19, 2016

- June 7, 2016 Public Hearing and Budget Adoption

All Workshops will begin at 5:15 p.m.

Projects

- Catawba Co Library Board Changes
- Catawba Co Animal Shelter Changes
- RFQ for Streetscape Under Review
- Recreation Surveys – Online
- Paving Projects: Recreation Center – April and May – Lower Parking lot first, then Upper Parking Lot

Awards and Certifications

- CAFR Award to Finance Department for the 31st consecutive year

ITEM 8: Questions and Comments from Mayor and Council

Mayor Anne P. Stedman asked if any Council Members would like to make any comments. There were none.

Mayor Pro Tem John Stiver Stedman gave a report on the Tree Board, Recreation Commission and ElectriCities.

Points from Tree Board were:

- Living Tree Memorial
- Arbor Day – April 30th

Mr. Stiver talked about points from Recreation including:

- Sue Jones Estate
- Gymnastics
- Disc Golf

Mr. Stiver explained the restructured debt procedure discussed at the ElectriCities meeting.

ITEM 9: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(4) and G.S. 143-318-11(a)(5)

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

> That the City Council enter CLOSED SESSION per G.S. 143-318-11(a)(4) and G.S. 143-318-11(a)(5)

Council Member Jody Dixon made the motion to go back into open session, which was seconded by Council Member Wes Weaver, All Ayes.

ITEM 10: **Adjournment**

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

That the Meeting be – ADJOURNED

_____
Anne P. Stedman, Mayor

_____
Amy S. Falowski, City Clerk

CITY OF NEWTON

Inter-office Correspondence

TO: E. Todd Clark, City Manager **DATE:** April 5, 2016

RE: Tax Releases – March 2016

FROM: Serina T. Hinson, Finance Director

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

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2015	66	Campbell, Kimberly B	Small underpayment	$.04
2015	67	Gee, Janice C	Small underpayment	$.09

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

CITY OF NEWTON

Sewer Adjustments

TO: E. Todd Clark, City Manager **DATE:** April 8, 2016
RE: Sewer Adjustments – April 19, 2016

FROM: Serina Hinson, Finance Director

The following sewer adjustment is recommended for approval. The adjustment is recommended as a result of a water leak at the service address or a pool fill up.

Account Number	Name	Service Address	Adjustment Period	Amount of Adjustment
17000040-001	Catawba Co. Garage	100 Southwest Blvd	Mar	$753.49
15000661-010	Scott T. Grubbs	219 W. C St.	Jan-Feb	$ 68.41
17001120-004	Ma Lee	754 Southwest Blvd	Jan-Mar	$245.96
16000280-004	Newton Associates	411 W. A St.	Mar	$330.47

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

CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: April 13, 2016

TO: E. Todd Clark, City Manager

FROM: Randolph S. Williams, AICP, Planning Director

CONSIDERATION OF: Text Amendment 2016-02 to the B-3 Central Business District, Establishing the SPI-8 Downtown Core Overlay

Approved for Council Consideration

E. Todd Clark

Background:

In late 2014, the Planning Commission reviewed and approved to recommend to City Council several changes to the B-3 Zoning District and accompanying pertinent sections. At the City Council meeting, the proposed amendments were discussed. However after considerable debate, the City Council returned the proposed amendments back to the Planning Commission for additional review and potential revisions. The Planning Commission has revisited the proposal and made a recommendation at its March meeting.

Review:

Since the City Council returned the proposed amendments to the Planning Commission for review, several events have taken place that could influence the direction of the Planning Commission and City Council. In February 2015, the City Council embarked on a Strategic Plan imitative to develop a 10-year work program for Newton which was adopted in June 2015. At approximately the same time, the City hired Allison Platt & Associates to develop a Streetscape Improvement Plan for primarily downtown, but did include other areas as well. That plan was adopted earlier this year. The Planning Commission readdressed the proposed B-3 Zoning amendments with fresh eyes and a new understanding of the long term planning projects which have taken place.

The Planning Commission, in its review of the proposed ordinance recommended several changes, including the enlargement of the SPI-8 district to include all of the entire blocks surrounding the square. The district as proposed is generally bounded by Ashe Av to the west, Brady Av to the east, 3rd St to the north, and B St to the south. Also, the Planning Commission added additional uses to the list of prohibited uses, increased the maximum area that can be windows on the front street level façade; limited awning to be made of canvas and metal; permitted window signs, provided that they do not exceed 50% of the window area; required utility connection be ran underground; and added provision to allow flexibility when conflict in meeting the standards arise. In addition, the Planning Commission considered a proposal by Collette Touchette, Chair of the Newton Appearance Commission, to address evidence of vacancy. The proposal would have required that the building owners maintain the appearance of an occupied building. After reviewing the proposal with the City Attorney, the Planning Commission decided against including evidence of vacancy provisions.

The adoption of the ordinance shall be viewed to assist the City's existing and future downtown operations and provide an opportunity for recruitment. The goal should be to preserve, enhance, strengthen and enliven the city's valuable resource; the downtown core. Newton's downtown is unique from those in surrounding cities and there is a need to reinforce its character. If you cannot differentiate your town from any other, there is no competitive edge.

Recommendation:

The Planning Commission unanimously recommends the proposed ordinance as presented, with the exception of the Section 102-749 Design Standards (l) and Section 102-750 Definitions "Evidence of Vacancy".

ORDINANCE 2016 ~~2014~~-__

AN ORDINANCE AMENDING CHAPTER 102
"ZONING'
OF THE CITY CODE OF THE CITY OF NEWTON, NORTH CAROLINA

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

Section 1:

Chapter 102, "Zoning" of the City Code of the City of Newton shall be amended by creating a new Section 102-307 subsection (g), which reads as follows:

Sec. 102-307. Minimum building appearance criteria for non-residential building.

(g) *Buildings within the Central Business District (B-3).* Buildings within the B-3 district shall not be clad with metal or vinyl siding. See section 102-749 for complete building design standards.

Section 2:

Chapter 102, "Zoning" of the City Code of the City of Newton shall be amended by creating a new division 6 entitled "DOWNTOWN CORE OVERLAY DISTRICT" within Chapter 102 article XIV that includes new sections numbered 102-745 through Section 102-755 ~~750~~ to read as follows:

DIVISION 5. DOWNTOWN CORE OVERLAY DISTRICT

Sec. 102-745. Downtown Core Overlay District—Intent.

The State of North Carolina General Statutes permit municipalities to establish zoning overlay districts. Within the zoning overlay district, additional requirements may be imposed over the underlying general use and special use zoning districts. The city recognizes, through an extensive planning process, that general use and special use zoning districts alone cannot accomplish the goals of the community.

The intent of the Downtown Core Overlay District is to protect and enhance the visual character of development and to preserve the unique streetscape of downtown by encouraging compatibility among downtown structures. Consideration is given to balancing the interests of property owners with the betterment of the community's safety, welfare, well-being, and aesthetic character.

Sec. 102-746. Same – Boundaries.

The boundaries of the Downtown Core Overlay District (SPI-8) are as shown on the official zoning atlas and are designated as follows:

Downtown Core Overlay District (SPI-8)

Sec. 102-747. Same—Applicability.

This division shall apply to all of the land located within the Downtown Core Overlay District (SPI-8). The effective date of this regulation is _____, 2016 ~~2014~~. This regulation governs the development and use of all land and structures. No new building, structure, or land shall be used, occupied or altered, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this regulation and all other applicable regulations, except as otherwise provided by this section.

Sec. 102-748. Same—Uses.

Permitted uses: The uses allowed within the Downtown Core Overlay District (SPI-8) are those uses that are identified as permitted and permissible special uses in the underlying zoning with the exception of the uses that are specifically identified by this section as prohibited uses.

Prohibited uses: The following uses are prohibited within the Downtown Core Overlay District (SPI-8):

Commercial Greenhouse
Commercial Nursery
Boarding/rooming house
Residential – Ground Floor
Warehousing
Gas Station
Service Station
Automotive Repair - Minor
Amusement Arcade
Tattoo parlor
Electronic and Electric Repair
Membership organization
Churches/synagogue
Child Care center
Adult Care center
Forestry
Truck Farming
Aquarium
Arboreta
Botanical Gardens
Zoological Garden
Convenience Store
Drive-in Restaurants
Drive-up Windows
Auto Supplies
Drug Stores (over 3000 square feet)
Farm Supplies
Furriers
Pawn Shops
Saddleries
Enclosed Compart. Storage
Photo Labs
Coin Operated Laundry
Dry Cleaners Operations (excluding drop-off and pick-up services)

Prohibited Accessory Uses
Private Greenhouses
Stables
Swimming Pools

Sec. 102-749. Same—Design standards.

In order to continue, recreate and, in some cases, replicate within the Downtown Core Overlay District (SPI-8)) the historic development pattern of Downtown Newton, the following standards shall apply to all new construction, additions, and substantial modifications to existing structures. For the purposes of this section, substantial modification shall be defined as any work which involves the alteration of the building's footprint, construction of additional stories, changes in roof pitch, modification of building fenestration and entryways, material changes to the building façade, or painting which does not use natural material colors.

(a) *Awnings and canopies.* When used, awnings and canopies shall be placed at the top of window openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas, treated canvas material, ~~vinyl~~ or metal. No awning shall extend more than two-thirds the width of the sidewalk or nine feet, whichever is less. Awnings and canopies must be self-supporting from the wall; no supports shall rest on or interfere with the use of pedestrian walkways or street. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

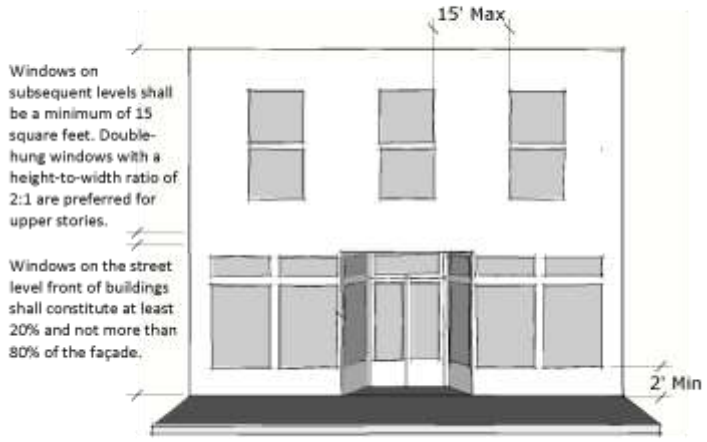
(b) *Building height.* In no case shall any structure in the Downtown Core Overlay District (SPI-8) exceed 85' with a minimum of 2 stories above ground level.

(c) *Building presentation.* Building entrances shall face the street and be accessible from the public sidewalk. Any portion of a building that faces an adjacent street right-of-way shall be considered a building front and shall be subject to the presentation entrance and fenestration requirements of this section.

(d) *Building width.* Additions and new construction located in the Downtown Core Overlay District (SPI-8) shall maintain the existing building wall by extending the building front from side lot line to side lot line, except that an appropriate architectural wall or similar design feature may be used instead of a building extension.

(e) *Color.* Additions and new construction shall relate paint colors to natural material colors found on neighboring historic buildings. Contrasting colors, which accent architectural details and entrances, may be used.

(f) *Fenestration.* New construction and remodeling of existing buildings in the Downtown Core Overlay District (SPI-8) shall maintain the prevalent pattern and spacing of the windows and doorways on downtown buildings. Windows on the street level front of buildings shall constitute at least 20% and not more than 80% ~~50%~~ of the façade. Windows on subsequent levels shall be a minimum of 15 square feet. Windows must be clear, transparent glass (not mirrored or tinted dark) and shall not be lower than two feet above grade. Double-hung windows with a height-to-width ratio of 2:1 are preferred for upper stories. No window or door shall be horizontally separated by more than 15 feet from the nearest other window or door in the same façade. Frames and sashes for windows shall be of wood, vinyl or pre-finished metal and may have stone, brick or cast concrete lintels and stills. Window glass shall always be set back from the building face rather than flush. Windows covered up with boards or other non-transparent material is not permitted.



(g) *Front build-to-line.* The fronts of all new buildings constructed in the Downtown Core Overlay District (SPI-8) shall abut existing sidewalks.

(h) *Horizontal rhythms.* Downtown building patterns traditionally emphasized a strong horizontal design element. New construction and additions to or remodeling of existing buildings shall maintain a clear visual division between street level and any upper architectural feature used to accomplish this effect.

(i) *Materials.* Additions, alterations, modifications, and new construction shall use facing materials that are compatible in quality, color, texture, finish, and dimension to those common in the Downtown Core Overlay District (SPI-8). Acceptable materials include, but may not be limited to brick, stone or wood. Under no circumstances shall metal siding, unfinished concrete block or vinyl siding be allowed.

(j) *Roofs.* Additions and new construction using flat pitch or low pitch roof design (anything under 3:12) must install parapet walls on all sides or cap the walls with a cornice treatment that provides articulation to the roofline. When the roof drains to the rear of the building and is guttered the parapet may be eliminated upon staff approval.

(k) *Appearance and Maintenance.* All buildings, including materials, windows, lighting, canopies, awnings, brackets, signs and other associated items, must be maintained in appearance and good working order.

(l) *Evidence of Vacancy*. The storefronts and façades of building(s)/structure(s) shall be maintained in a way that does not provide Evidence of Vacancy.
The interiors, when visible to passerby through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy. Any storage within the building(s) / structures(s) shall be concealed by means of storefront and/or window décor, displays, etc. Spray painting or frosting windows is not any acceptable means by which an Owner of Property may conceal that which is within.

Sec.102-750. Same – Definitions.

Awnings means an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a rigid covering is attached.

Canopy means a permanent structure, other than an awning, attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A Canopy is not a completely enclosed structure.

"Evidence of Vacancy" means an aesthetic condition that on its own or combined with other conditions present, would lead a reasonable person to believe that the Property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roofs in poor condition, broken windows and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of furnishings or personal items consistent with commercial habitation, statements by neighbors, delivery agents, government employees that the Property is vacant.

Fenestration means the arrangement of windows and doors on the elevations of a building.

Sec.102-751. Same – Accent Lighting.

(a) Lights that flash, move, revolve, rotate, blink, flicker, vary on intensity and color, or strobe are prohibited.
(b) Awnings and canopies shall not be internally lit from underneath or behind.

Sec.102-752. Same – Window Signs.

The total sign area of window placed signage shall not exceed 50% of the window or door pane or glass area on which the sign is located. A permit is not required for window signs.

Sec.102-753. Same – Utilities.

All utilities directly serving subject property shall be placed underground unless technical restrictions exist and prohibit from such.

Sec.102-754. Same – Historic Structures.

Buildings listed in the national or state historic registry are exempt from the standards herewith in where they are in conflict with the Secretary of Interior guidelines.

Sec.102-755. Same – Alternative Means of Compliance.

Strict interpretation and application of the standards may create particular difficulties in the retrofit, rehabilitation or renovation of existing developed properties. The City Council may approve the proposed development plan which does not meet ant specific standard of this Downtown Core Overlay District (SPI-8) as an alternative means of compliance, subject to making the following findings:

1. The proposed development attempts to meet the intent of this Downtown Core Overlay District (SPI-8) as to the fullest extent possible.

2. There are physical conditions, not economic considerations, which prevent the proposed development from meeting the specific standards of this Downtown Core Overlay District (SPI-8).

Section 3:

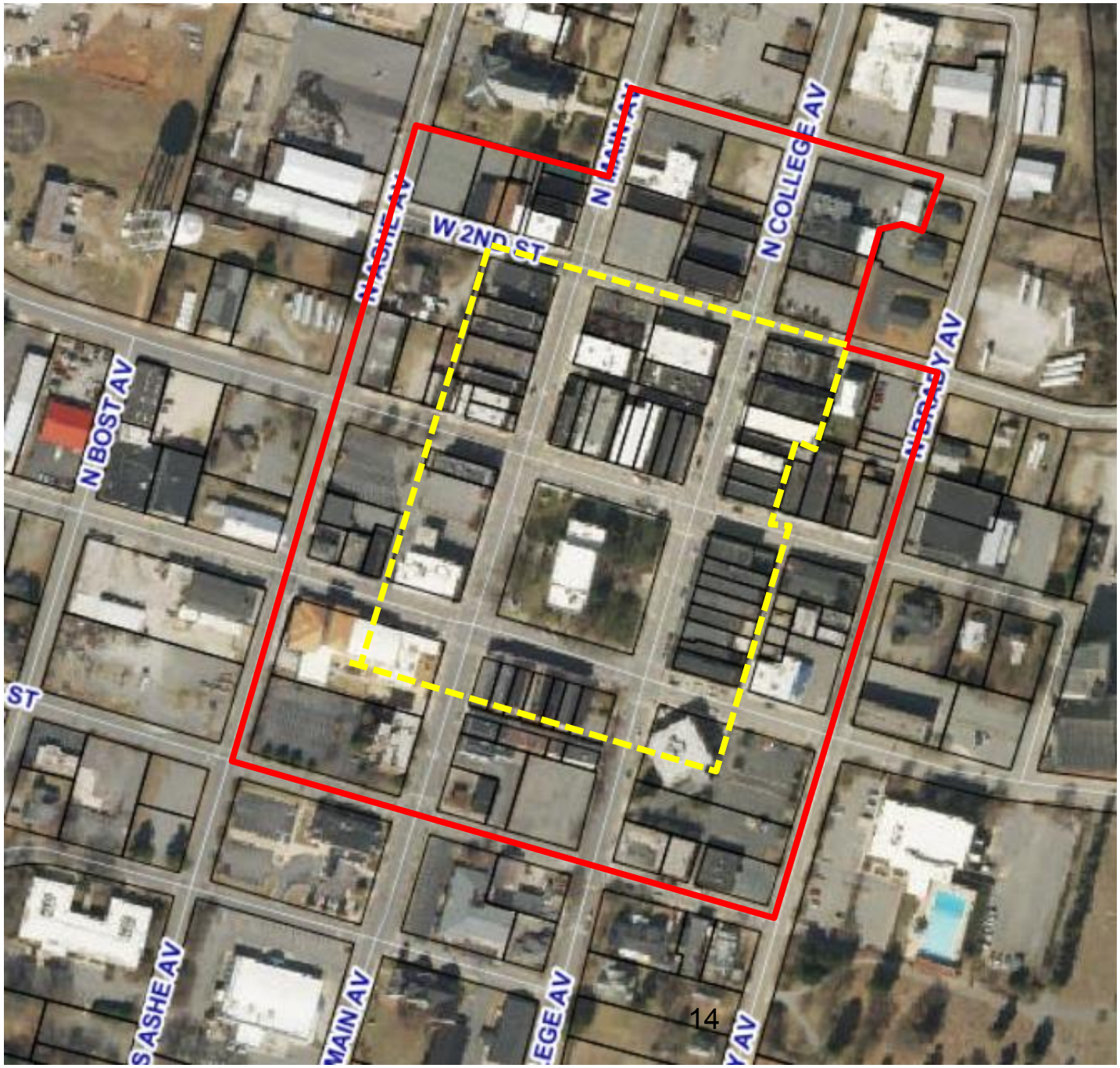
This Ordinance shall become effective from and after the date of its adoption.

Adopted on the ___ day of _____, 2016 ~~2014~~.

_____
Anne P. Stedman, Mayor

ATTEST:

_____
Amy Falowski, City Clerk (SEAL)



Downtown Core Overlay SPI-8 Boundaries

2014 Proposed

2016 Proposed

PUBLIC HEARING

The Newton City Council will hold a Public Hearing beginning at 7:00 p.m. on April 19, 2016 in the Council Chambers at Newton City Hall, 401 North Main Avenue, on the following matter:

Text Amendment #2016-02. The proposed amendment would prohibit the use of metal and vinyl siding on new construction within the B-3 Central Business District and would establish an overlay-zoning district for the area around the Courthouse Square, generally bounded by Ashe Av to the west, Brady Av to the east, 3rd St to the north, and B St to the south. The purposes of the overlay-zoning district are to regulate the appearance of structures and restrict certain uses within the overlay. Amendments will be considered in response to comments received.

The file for the above matter is available for viewing between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday in the Planning Department at Newton City Hall.

All interested persons are urged to attend and provide comment, or call 828-695-4305 with any questions.

Alex Fulbright
Assistant Planning Director

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Publish: April 8 and April 15, 2016

CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: April 12, 2016

TO: E. Todd Clark, City Manager

FROM: Randolph S. Williams, AICP, Planning Director

CONSIDERATION OF: Consideration to Amend STP-DA Locally Administered Project Program (LAPP) Grants Funds from NCHS/US321B Sidewalk Project to the A Street Connector Project, a part of the Downtown Streetscape Master Plan.

Approved for Council Consideration

_____

Request:

In June 2015, the City of Newton applied for Greater Hickory Metropolitan Planning Organization STD-PA LAPP grant funds to construct a sidewalk along North 15th Street and Northwest Blvd. (US321B), generally from Newton Conover High School to Plaza Latina. After the grant was awarded, the city was made aware of federal requirements which significantly increased the cost and scope of the project. Staff is requesting that this grant award be returned to the GHMPO, and reapply for the same funds to construct the A Street Connector, from South College Avenue to Northwest Blvd. (US321B) as recommended in the Downtown Streetscape Master Plan.

Background:

In April of 2015, the GHMPO put out a call for projects to be funded with STD-PA LAPP funds for transportation improvements. At that time, the City of Newton was in the process of completing its Strategic Plan. Staff reviewed that plan and identified a sidewalk project that was chosen by all three breakout groups; the construction of a sidewalk along West 15th Street and Northwest Blvd. (US321B) from Newton Conover High School to Plaza Latina. Council approved the submission of this application and GHMPO subsequently awarded the grant to the city.

Since that time, staff has been in discussion with GHMPO and NCDOT concerning the design, engineering and construction requirements for this project. These requirements include the sidewalk cross-section which is typically found on commercial or arterial streets and very different than the existing cross-section. West 15th Street is a residential street with limited right-of-way and significant tree cover. The mandated cross-section would have required the city to purchase additional right-of-way encompassing approximately 40% of the homeowners front yards, the power poles and lines to be relocated either behind the sidewalk or across the street, and the removal of several large oak trees on private property which significantly increases the costs of the project.

Also during the summer of 2015, the city was working on completion of the Downtown Streetscape Master Plan, which was adopted in January 2016. Staff began discussing options for financing the implementation of the plan and researching grant options, one being the STD-PA LAPP grant funds.

During a site investigation on West 15th Street, it was discussed how difficult and expensive the project had become along with how the federal requirements impact the citizens properties along the street. Staff then discussed reapplying for the grant to construct part of the Downtown Streetscape project. This was discussed with the GHMPO staff and determined the A Street Connector project would be a much better fit for the use of the grant funds.

Grant Background:

The Locally Administered Projects Program (LAPP) was adopted by the Greater Hickory Metropolitan Planning Organization (GHMPO) to be used to prioritize and program all projects in the region that use federal funding. This process involves a once-a-year call for all local highway, transit, bicycle and pedestrian projects, and will result in an annual program of projects added to the GHMPO's Metropolitan Transportation Improvement Program (MTIP).

As a Transportation Management Area (TMA), the GHMPO will receive a direct allocation of approximately $2,700,000 in Surface Transportation Program Direct Attributable (STP-DA) and $200,000 in Transportation Alternatives Program (TAP) funding annually. These funds are distributed to local jurisdictions by application for grant funds to be used for transportation related activities and require a minimum 20% cash match.

Staff is presently in the process of selecting an engineering firm to complete design and construction plans for the Downtown Streetscape Master Plan. These plans will assist in determining the cost of the project using federal guidelines; however it is estimated to be approximately $2 million.

Recommendation:

Planning and Public Works Staff requests the City Council to direct the return of STD-PA LAPP grant funds earmarked for the NCHS Sidewalk Connection Project to the GHMPO and authorize staff to submit the 2016 STD-PA LAPP grant application for the A Street Connector Project to GHMPO for funding.

CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: April 13, 2016

TO: E. Todd Clark, City Manager

FROM: R. S. Williams, AICP, Planning Director

CONSIDERATION OF: West 6th Street Traffic Calming Petition

Approved for Council Consideration

E. Todd Clark

Background:

On May 19, 2015, the residents of West 6th Street asked to petition the City to install traffic humps on their street as was installed on West 7th Street. At that time, staff explained the process and provided a blank petition form to the residents. The residents garnered the required percentage of property owners for staff to complete a traffic study and held a neighborhood meeting on the results, which warranted the City Council to review their request. At that point, the residents asked law enforcement to increase patrols and the petition sent to the City Council.

Review:

Planning staff conducted a traffic study on West 6th Street and West 7th Street in late May through June 2105 as a result of the petition submitted by the residents. Staff has examined the speed, volume and accident data concerning this request and has compared it to West 7th Street. Although volume was more than double, the average speed difference (85%) between West 6th Street (without cushions) and West 7th Street (with cushions) was 5 mph, however there was slowing at each of the cushions on West 7th Street.

West 6th Street	ADT	85% Speed	West 7th Street	ADT	85% Speed
Ashe & Main	520	27	Ashe & Main	190	26
Deal & Ashe	730	30	Deal & Ashe	260	23
Gabriel & Deal	810	31	Frye & Deal	370	23
average	*686*	*29*	*average*	*273*	*24*

Traffic studies were conducted on several streets, including West 6th Street, in 2004 which are included as attachments. The staff study conducted in 2015 shows there has not been a significant change in the speed or volume data since that time.

Staff researched the various methods of approved traffic calming measures and the practical options which each. Police, Fire and Public Works departments reviewed the options and assessed the impacts to services each provide. The issues raised by these departments include the increase in emergency response time, noise, viability of a 20 mph speed limit, equipment damage, vehicle wear, and reduction in fuel efficiency, installation and maintenance with traffic calming measures.

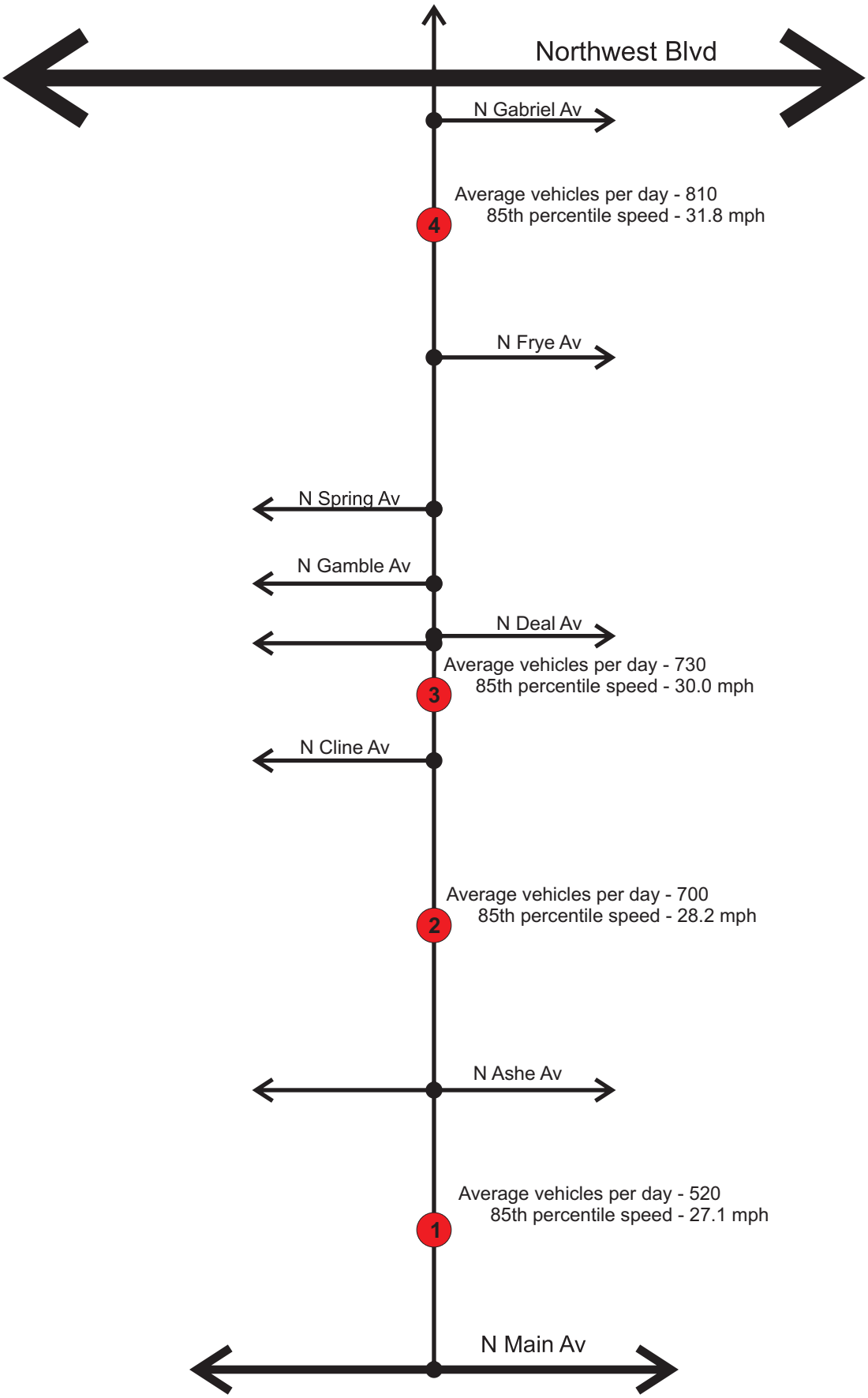
Public Works has also noted that the existing speed cushions on West 7th Street have caused the street substructure to degrade in places.

Action Suggested:

Based on the traffic study and reports from Police, Fire and Public Works departments, staff is recommending adding stop signs on West 6th Street at the intersections of Cline, Spring and Frye avenues to create 3-way stops. Staff examined Deal Avenue as well, but there is an offset there at the intersection without enough distance for separation. Gamble Avenue is also not recommended because of very low volume and is a narrow gravel street. The placement of Stop signs at these intersections will have a similar effect as speed cushions on vehicular traffic, requiring traffic to slow down and even stop at certain intervals.

Additionally it was suggested that removing the 'No Parking' signs on the north side of West 6th Street would narrow the street and allow residents to park in front of their homes. However this could further impact emergency response times if implemented.

West 6th Street Traffic Study



To: Ed Burchins, City Manger
From: Alex Fulbright AICP, Planner
Subject: Speed Study
Date: May 21, 2004

BACKGROUND

At the request of the Newton Police Department, the Planning Department with assistance from City's Street Department conducted a traffic study at 9 locations throughout the city. The purpose of the study was to look at volume and speed along these 9 neighborhood streets. The streets are as follows:

- Caldwell Avenue between East 11th Street and East D Street
- Davis Avenue between East 11th Street and East Saunders Avenue
- South Brady Avenue between East D Street and Southwest Boulevard
- South College Avenue between East D Street and Southwest Boulevard
- South Main Avenue between East D Street and Southwest Boulevard
- West 27th Street between North Main Avenue and Northwest Boulevard
- West 6th Street between North Ashe Avenue and Northwest Boulevard
- West 7th Street between North Ashe Avenue and Northwest Boulevard
- West 9th Street between North Ashe Avenue and Northwest Boulevard

Each study was conducted over a 6 day period using tube counters that recorded the number of vehicles that pass by as well as the speed of the vehicle and time of day. The counters were placed at locations were it was felt that the highest speeds would be tabulated. The results and analysis of these studies are attached as well as definitions to assist you in review of these results.

Research in the area of speed studies have concluded that motorist will drive a speed that they deem is safe for conditions which ranges from the bottom end, 15th percentile speed to the top end 85th percentile speed. Because of this research, most of the jurisdictions that regulate speed, including North Carolina Department of Transportation use this as the primary method to set speed limits, in which they use a speed that would legalize 85% of the vehicles on a specific street.

Speed limits are imposed to enhance safety by providing an upper limit on the driver's choice of speed. In addition the speed limit is the legal basis for enforcement measures and sanctions. Ideally, voluntary compliance is desired and this is achieved when the speed limit is properly set. However, if a speed is perceived as unrealistic by the motoring public it is often ignored which then makes the behavior of the majority illegal. If a specific travel speed is desired then the design speed of the street would need to be altered to achieve the desired speed. This can be

done by installing traffic calming devices. Attached is a handout on traffic calming, titled "Traffic Calming Do's and Don'ts." This document discusses traffic calming methods and their effectiveness in specific situations.

WEST 6TH STREET

Between North Ashe Avenue And Northwest Boulevard

Average Road Width 30
Sidewalks ..... Yes
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 0
Posted Speed Limit 20
Average Number of Vehicles per Day 700
Average Number of Vehicles exceeding Posted Speed Limit 645
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 105
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 490
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 105

Average Speed	15th percentile speed	Median speed	85th percentile speed
28	22	28	34

Note: 85th percentile speed is 14 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 22 MPH and 34 MPH.

WEST 7TH STREET

Between North Ashe Avenue And Northwest Boulevard

Average Road Width 25
Sidewalks ..... Yes
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 0
Posted Speed Limit 20
Average Number of Vehicles per Day 1020
Average Number of Vehicles exceeding Posted Speed Limit 951
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 153
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 714
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 153

Average Speed	15th percentile speed	Median speed	85th percentile speed
28	22	28	34

Note: 85th percentile speed is 14 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 22 MPH and 34 MPH.

WEST 9TH STREET

Between North Ashe Avenue And Northwest Boulevard

Average Road Width 25
Sidewalks ..... No
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 0
Posted Speed Limit 20
Average Number of Vehicles per Day 440
Average Number of Vehicles exceeding Posted Speed Limit 419
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 66
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 308
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 66

Average Speed	15th percentile speed	Median speed	85th percentile speed
31	31	32	38

Note: 85th percentile speed is 18 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 31 MPH and 38 MPH.

SOUTH MAIN AVENUE

Between East D Street And Southwest Boulevard

Average Road Width 37
Sidewalks ..... Some
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 0
Posted Speed Limit 35
Average Number of Vehicles per Day 725
Average Number of Vehicles exceeding Posted Speed Limit 515
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 109
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 508
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 109

Average Speed	15th percentile speed	Median speed	85th percentile speed
38	30	39	44

Note: 85th percentile speed is 9 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 30 MPH and 44 MPH.

SOUTH BRADY AVENUE

Between East D Street And Southwest Boulevard

Average Road Width 29
Sidewalks ..... Some
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 2
Posted Speed Limit 35
Average Number of Vehicles per Day 1390
Average Number of Vehicles exceeding Posted Speed Limit 698
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 209
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 973
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 209

Average Speed	15th percentile speed	Median speed	85th percentile speed
35	27	35	42

Note: 85th percentile speed is 7 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 27 MPH and 42 MPH.

SOUTH COLLEGE AVENUE

Between East D Street And Southwest Boulevard

Average Road Width 27
Sidewalks ..... Some
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 0
Posted Speed Limit 35
Average Number of Vehicles per Day 610
Average Number of Vehicles exceeding Posted Speed Limit 448
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 92
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 427
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 92

Average Speed	15th percentile speed	Median speed	85th percentile speed
32	28	36	42

Note: 85th percentile speed is 7 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 28 MPH and 42 MPH.

DAVIS AVENUE

Between East 11th Street And Saunders Street

Average Road Width 28
Sidewalks ..... Yes
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 0
Posted Speed Limit 25
Average Number of Vehicles per Day 935
Average Number of Vehicles exceeding Posted Speed Limit 831
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 140
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 655
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 140

Average Speed	15th percentile speed	Median speed	85th percentile speed
29	21	29	38

Note: 85th percentile speed is 13 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 21 MPH and 38 MPH.

CALDWELL AVENUE

East 11th Street And East D Street

Average Road Width 29
Sidewalks ..... Yes
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 1
Posted Speed Limit 25
Average Number of Vehicles per Day 2985
Average Number of Vehicles exceeding Posted Speed Limit 1477
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 448
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 2090
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 448

Average Speed	15th percentile speed	Median speed	85th percentile speed
34	28	35	40

Note: 85th percentile speed is 15 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 28 MPH and 40 MPH.

WEST 27TH STREET

Between North Main Avenue And Northwest Boulevard

Average Road Width 27
Sidewalks ..... No
On Street Parking Allowed ..... Yes
Number of Speed Related Accidents from 2001 to Present 0
Posted Speed Limit 35
Average Number of Vehicles per Day 1400
Average Number of Vehicles exceeding Posted Speed Limit 1234
Average Number of Vehicles Traveling at or above the 85th Percentile Speed 210
Average Number of Vehicles Traveling between the 15th and 85th Percentile Speed 980
Average Number of Vehicles Traveling below or at the 15th Percentile Speed 210

Average Speed	15th percentile speed	Median speed	85th percentile speed
32	25	32	39

Note: 85th percentile speed is 4 MPH above posted speed limit.

Conclusion: Most drivers perceive the speed limit to be between 25 MPH and 39 MPH.

Definitions

Average Vehicles Per Day – This is an average number of vehicles that pass the point where the study was conducted.

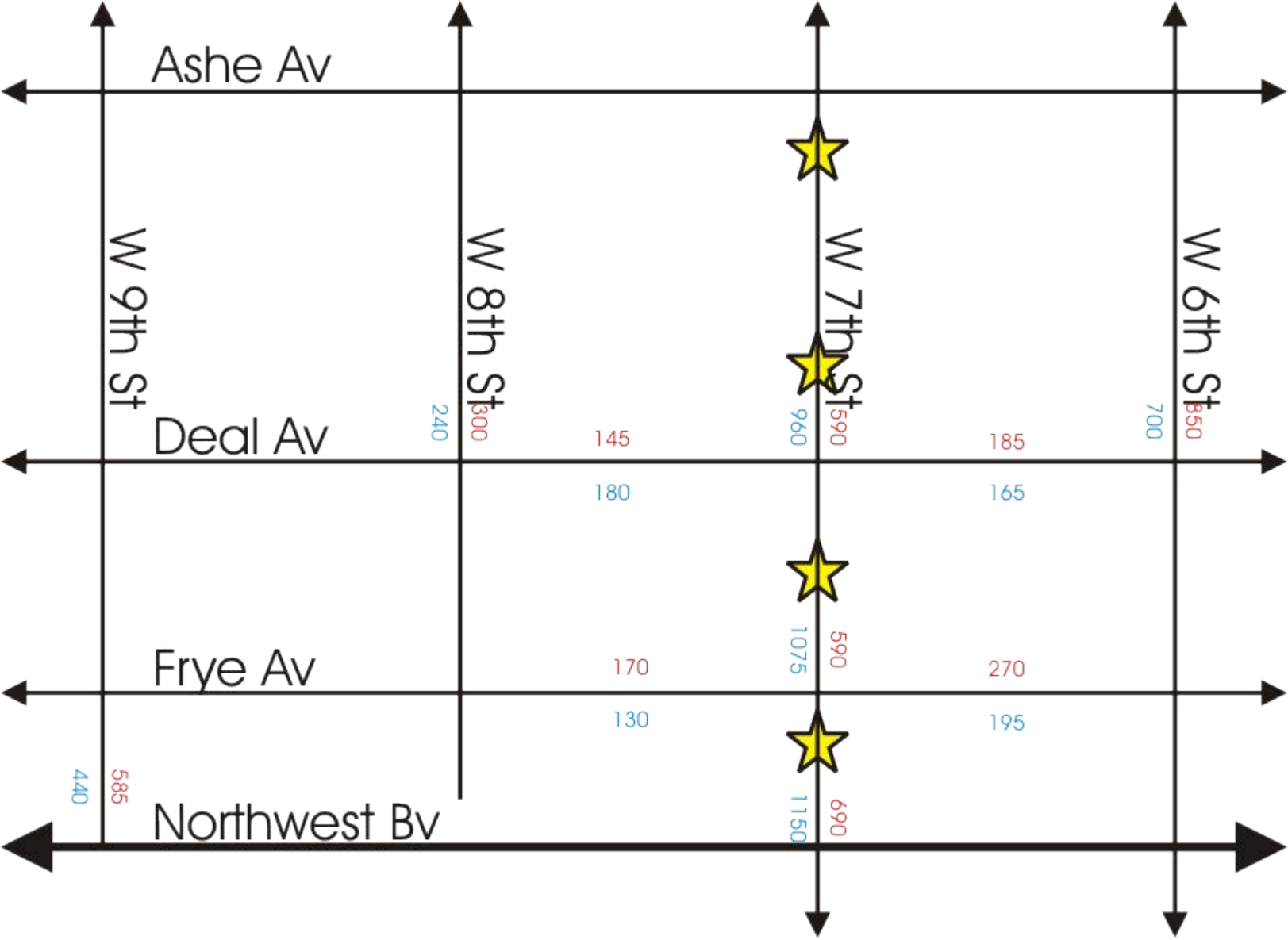
Posted Speed Limit – The legally posted speed.

Average Speed – The calculated average speed over the course of the study.

15th Percentile speed – 15 percent of the traffic was measured at this speed or less.

Median Speed –50 percent of the traffic was measured at this speed or less.

85th percentile speed – 85 percent of the traffic that passes is doing this speed or less.



After

Before

Approximate location of speed cushions

NEWTON FIRE DEPARTMENT

119 S BRADY AVENUE, NEWTON, NC 28658 | PHONE: (828) 695-4314 | FAX: (828) 465-7453

MEMO

To: Randy Williams, Planning Director

From: Kevin Yoder, Fire Chief

Subject: West 6th Street traffic calming

Date: March 8, 2016

In response to your request, I have visited the area of West 6th Street between North Main Avenue and Business Hwy 321 to evaluate the effect of "Traffic Calming Measures" on Fire Apparatus and Emergency Response to the area.

In evaluating the effects on emergency response and fire apparatus I considered the following: four way stop signs, speed bumps, and allowing parking on both sides of 6th Street.

The implementation of four way stop signs would impede emergency response by having to stop numerous times through the course of travel on the entire street. However, if traffic calming measures are implemented I believe this particular measure causes the least amount of concern and poses the lowest potential for damage to fire apparatus from wear and tear or accidents.

The installation of speed bumps would both impede emergency response and pose the possibility of damage to fire apparatus due to the same wear and tear we have experience on other streets in the city with similar obstacles. Larger vehicles are more susceptible to damage from obstacles such as speed bumps and pot holes than smaller vehicles. Furthermore, larger vehicles must reduce speed much more than smaller vehicles while crossing such obstacles.

The practice of allowing parking on one side of the street is acceptable due to the current width of the street. However, I believe that if parking were to be allowed on both sides it would both increase response times to this area as well as creating a potential safety hazard to fire apparatus by significantly reducing the path of travel between parked vehicles. This could have a negative impact on emergency response as well as the potential to cause accidents by fire apparatus attempting to pass between two parked vehicles.

I believe that any traffic calming measures would have a negative impact on emergency response. However, if traffic calming measures are implemented I believe a four way stop option poses the least amount of concerns from an emergency response perspective.

If you have any questions or need additional information regarding this issue, please contact me.

TO: Randy Williams, Planning Director

FROM: Newton Police Department

SUBJECT: Traffic Calming W. 6th St.

DATE: 03-07-2016

Mr. Williams, this memo should be considered as the official response to the traffic calming study that has been performed between the 37 & 634 block of W. 6th St.

After discussing the current options available internally and performing research for traffic calming enforcement performed by other law enforcement agencies across the state, the response of the Newton Police Department is three-fold.

The first recommendation for the portion of W. 6th St. listed above would be to increase the speed on this street from 25 MPH to 35 MPH. This action would bring this portion of W. 6th St. in line with the majority of streets across the city. It appears that the current speed limit was set due to the existence of the then Newton-Conover High School which was located at 605 N. Ashe Av and the Newton-Conover Junior High School that once stood between W. 7th & W. 8th St. on N. Ashe Av. Both schools have long since been moved

The next recommendation would be to remove the No Parking signs on the north side of W. 6th St. Vehicles parking on both sides of the street would serve to reduce speed by narrowing the street for passage with no cost to the city. Based upon a current list of streets with a parking restriction ordinance, research indicates that the current No Parking signs posted do not appear in city ordinance thus are not valid for enforcement action by law enforcement.

The final recommendation for the W. 6th St. traffic calming is adding stop signs at strategic intersections. This would force people to stop at certain mid-point intersections within the length of the street.

If you have any further questions or concerns please let me know.

From: Wentz,Dusty
Sent: Wednesday, March 02, 2016 2:15 PM
To: Williams,Randy
Subject: RE: West 6th Street

The material costs for the signs is around $660, which is a fraction of what the cost of traffic cushions would be. I don't have an estimate for those cushions on hand at the moment.

Route activities, such as trash collection, snow plowing and leaf collection are hindered by the traffic cushions, whereas stop signs would have no adverse impact.

W. 6th street is a main artery for public works vehicles. Traffic cushions would have a much greater impact on those vehicles than stop signs.

PWU has a program to replace stop signs as needed, but not for traffic cushions.

Thanks!
Dusty Wentz
828-695-4286