

# **AGENDA**

## **CITY OF NEWTON**



**May 3, 2016**

**AGENDA**  
**CITY OF NEWTON**  
**NEWTON CITY COUNCIL - REGULAR MEETING**

**May 3, 2016**  
**7:00 p.m.**

- |      |   |
|------|---|
| Page | <b>1. <u>Call to Order – Mayor Anne P. Stedman</u></b>  |
|      | <b>2. <u>Opening – Council Member Jody Dixon</u></b>  |
| 1    | <b>3. <u>Approval of Minutes from the April 18, 2016 Regular Meeting</u></b>  |
|      | <b>4. <u>Consideration of Consent Agenda Items</u></b>  |
| 11   | A. Sewer Adjustments  |
| 12   | B. Consideration of Appointment to Commissions and Boards   |
| 13   | C. Proclamation – National Police Week – May 15-21, 2016  |
| 14   | D. Proclamation – National Public Works Week – May 15-21, 2016  |
|      | <b>5. <u>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):</u></b>                              |
|      | <b>6. <u>Presentation</u></b>   |
|      | A. Maketing Videos – Family and The Newton-Charlotte Connection   |
|      | <b>7. <u>New Business</u></b>   |
| 15   | A. Consideration to Accept North Carolina Department of Transportation Division of Bicycle & Pedestrian Transportation Grant Award – City of Newton Pedestrian Plan, and Adopt Budget Ordinance Amendment |
| 17   | B. Consideration of Contract for Powell Bill Paving   |
| 18   | C. Consideration to Adopt Resolution for the Sale of Real Property  |
|      | D. Presentation of Fiscal Year 2016/2017 Budget   |
|      | <b>8. <u>City Manager’s Report</u></b>  |
|      | <b>9. <u>Questions and Comments From Mayor and Council</u></b>  |
|      | A. Report from Appointed Representative on Outside Boards – Council Member Robert C. Abernethy, Jr.   |
|      | <b>10. <u>Closed Session to Consult with City Attorney - G.S. 143-318-11(a)(4) and G.S. 143-318-11(a)(5)</u></b>  |
|      | <b>11. <u>Adjournment</u></b>   |

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 19, 2016 – 7 p.m.**

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, April 19, 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 Tom Rowe 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 April 5, 2016 City Council meeting be –  
APPROVED

**ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS**

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

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments

(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.

Collette Touchette, Chairperson of the Appearance Commission, stated that she was very pleased with the Litter Sweep this year and that she just wanted to say thank you to everyone that participated. She gave special thanks to City Manager Todd Clark and Council Member Tom Rowe. She also wanted to thank Angie Ramseur for all her hard work, and Carolina Glove for supplying the gloves.

Josh Cummings gave a brief presentation showcasing his new Comic Store, Big Object Comics, which is coming to downtown Newton. The store will be located at 24 E 1<sup>st</sup> Street, Suite B, and there will be a ribbon cutting on Friday, May 29<sup>th</sup>. Mr. Cummings stated that he is hoping to have a local customer base as well as online.

Mayor Stedman thanked everyone that worked at Litter Sweep and asked if there was anyone else that would like to speak. No one appeared.

**ITEM 6:**        **Presentation**

A. For Civic Good

Twyla McDermott and Michael Waltuch from Second Nature Technology along with Discovery High teacher Keith Wilson introduced a group of Discovery High students that have been working on a city planning project. This project was eventually named For Civic Good and the students that participated were Zach Perry, Jacob Dillingham, Jalen Johnson, Max Bailey, Tanner Abernathy, Jackson Lamb, Marisa Carlton, Liz Hornick and Matthew Byrd. Ms. McDermott stated that initially the project was to last for a few weeks, but ended up being a 6 month project.

The students made a presentation to city council and explained how they used a special mapping app, Story Maps, which was designed by Mr. Waltuch, to examine every building in the downtown area. They also met with Main Street Program Coordinator Shannon Johnson. She explained to the group why the downtown revitalization is important to the city.

Mayor Stedman thanked the students for the presentation and commented on how well it was put together. Council Member Wes Weaver stated that he appreciated the polished presentation and Council Member Abernathy stated that the app for vacant buildings was a cool concept. Council Member Jody Dixon thanked the students and the parents for all their hard work and time.

B. Marketing Video – Business

Public Information Officer Alex Frick presented the second of five marketing video for the City of Newton. Mr. Clark asked Mr. Frick to run the first video as well.

**ITEM 7:**        **Public Hearing**

A. Text Amendment #2016-02 to the B-3 Central Business District,  
Establishing the SPI-8 Downtown Core Overlay Zoning District

Mayor Stedman opened the Public Hearing.

Planning Director Randy Williams stated that 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. Mr. Williams stated that at the City Council meeting, the proposed amendments were discussed, but that 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.

Mr. Williams explained that 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. He stated that in February 2015, the City Council embarked on a Strategic Plan initiative 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. Mr. Williams stated 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.

Mr. Williams stated 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. He explained the district as proposed is generally bounded by Ashe Av to the west, Brady Av to the east, 3<sup>rd</sup> 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.

Mr. Williams stated that 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.

Mr. Williams stated 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. Mr. Williams stated that if you cannot differentiate your town from any other, there is no competitive edge.

Mr. Williams stated that 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".

Mayor Stedman asked if anyone would like to speak.

Council Member Jerry Hodge asked if there were any comments concerning expanding the district to 321. Mr. Williams stated that it was discussed, and that it is just a very different environment out there away from the core of downtown.

Mayor Pro Tem John Stiver stated that the ordinance was updated very well, and that staff and the planning board did a good job.

Mayor Stedman asked if there was anyone else that would like to speak.

Erin Morrow asked where they Hwy 16 project would end. Mayor Stedman stated that it would end at Earnhardt Chevrolet.

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

That the Public Hearing be – CLOSED.

Council Member Jerry Hodge asked if this ordinance was recommended unanimously by Planning Board. Mr. Williams stated that it was. Mr. Hodge asked if this would be congruent with Streetscape. Mr. Williams stated that it helps. Mayor Stedman stated that it might help once Streetscape is implemented with upgraded utilities.

Council Member Abernethy stated that he feel like this was done with good intentions, but if Mr. Stiver had to do his remodel to a one story now, would he have to make it two stories? Mr. Williams stated that if the remodel is more than ½ the value it would have to be in full compliance. Mr. Abernethy stated that he feels the ordinance over reaches.

Mayor Stedman stated that with any zoning the intention is to protect uses and values. She stated that this would define the character of the downtown district.

Council Member Jerry Hodge stated that he respects what Mr. Abernethy is saying but this shows someone that is interested in buying a building that protections are in place for their investment. He said that if a certain type of business is interested, then maybe there can be dialogue. He stated that it is time for this to be approved and that it is flexible.

Mr. Abernethy stated that it doesn't read as flexible. He said the intent may be different than his perception but putting these guidelines would hurt. He said the best thing we can do is fill vacant buildings and that if someone buys downtown it's because they want to be downtown. Mr. Abernethy stated that he feels like this is the government trying to tell people what to do with their property. Mayor Pro Tem John Stiver stated that this would raise property values and that the restrictions would show that the city wants nice up kept buildings.

Council Member Jerry Hodge stated that planning commission has studied this for a long time and has sent a unanimous recommendation to city council and that he would like to vote for it as it stands.

Mr. Abernethy stated that he does not like the list of restricted businesses and specifically noted that aquariums would not be allowed. He stated that he is from a textile family and they pay people to bring ideas to them too but that his business has the right to say no. He stated that maybe pieces of the ordinance could be implemented and that the 51% building height really bothers him as well.

Council Member Jerry Hodge made a motion to approve the ordinance as presented; motion was seconded by Mayor Pro Tem John Stiver.

Council Member Wes Weaver stated that Mr. Stiver's family has an awesome building that they would not have been able to build with this ordinance in place.

With Mayor Pro Tem John Stiver and Council Members Jody Dixon, Tom Rowe and Jerry Hodge voting in favor of, and Council Members Wes Weaver and Robert C. Abernethy, Jr. voting against – it was RESOLVED:

That Text Amendment #2016-02 to the B-3 Central Business District, Establishing the SPI-8 Downtown Core Overlay Zoning District be – ADOPTED.

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

**ITEM 8:**        **Old Business**

- A. Consideration of Revision to the Locally Administered Projects Program (LAPP) Sidewalk Grant Project

Planning Director Randy Williams stated that 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 15<sup>th</sup> 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. Mr.

Williams stated that 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.

Mr. Williams explained that 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. Mr. Williams stated that staff reviewed that plan and identified a sidewalk project that was chosen by all three breakout groups; the construction of a sidewalk along West 15<sup>th</sup> 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.

Mr. Williams stated 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. Mr. Williams stated that West 15<sup>th</sup> 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.

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

Mr. Williams explained that during a site investigation on West 15<sup>th</sup> 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.

Mr. Williams stated 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. Mr. Williams explained 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.

Mr. Williams said staff is presently in the process of selecting an engineering firm to complete design and construction plans for the Downtown Streetscape Master Plan, and that these plans

will assist in determining the cost of the project using federal guidelines; however it is estimated to be approximately \$2 million.

Mr. Williams stated that Planning and Public Works Staff is requesting 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.

Council Member Tom Rowe asked if the city returns these funds would it guarantee that the city would receive the other grant. Mr. Williams stated that there is no guarantee, but they like the project. City Manager Todd Clark stated that it facilitates the Streetscape Plan, especially around the square.

Council Member Robert C. Abernethy, Jr. asked what the estimated cost is for W 15<sup>th</sup> and NW Blvd. Mr. Williams stated \$530,000. Mr. Abernethy stated if the new estimated cost of the project is \$3 million what is the match. Mr. Williams said it would be 20%.

Council Member Jody Dixon mentioned that in an earlier presentation we heard that people left Newton when the courthouse moved and that this is a step to bring people back to the downtown area. Mr. Williams mentioned that the project could last 2-5 years and that the match could be spread across different fiscal years. Mr. Stiver asked if the grant is granted for \$1 million and is done in phases, would that improve chances of more money. Mr. Williams said yes. Mr. Hodge stated that it could help with Streetscape grants by showing a plan being implemented. Mr. Abernethy asked if the portion the city pays would come from the General Fund. Mr. Clark stated that some would come from Powell bill, some from General Fund and some from utilities.

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

That the STD-PA Locally Administered Projects Program grant funds earmarked for the NCHS Sidewalk Connection Project to the Greater Hickory Metropolitan Planning Organization be - RETURNED

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

That Submission of the 2016 STD-PA Locally Administered Projects Program grant application for the A Street Connector Project to Greater Hickory Metropolitan Planning Organization for funding be - APPROVED

Council Member Robert C. Abernethy, Jr. stated that he would like to see utilities that are on poles now underground in the future. Mr. Clark stated that he would like to work to that.

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

**ITEM 9:      New Business**

A. Consideration of West 6<sup>th</sup> Street Traffic Control Petition

Planning Director Randy Williams stated that on May 19, 2015, the residents of West 6<sup>th</sup> Street asked to petition the City to install traffic humps on their street as was installed on West 7<sup>th</sup> Street. At that time, staff explained the process and provided a blank petition form to the residents. Mr. Williams stated 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.

Mr. Williams stated that planning staff conducted a traffic study on West 6<sup>th</sup> Street and West 7<sup>th</sup> Street in late May through June 2105 as a result of the petition submitted by the residents. Mr. Williams stated that 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.

Mr. Williams stated that traffic studies were conducted on several streets, including West 6<sup>th</sup> Street, in 2004. The staff study conducted in 2015 shows there has not been a significant change in the speed or volume data since that time.

Mr. Williams explained 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.

Mr. Williams stated that Public Works has also noted that the existing speed cushions on West 7<sup>th</sup> Street have caused the street substructure to degrade in places.

Mr. Williams explained that 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. Mr. Williams stated 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.

Council Member Tom Rowe stated that he agrees with the stop signs, but that the signs at Frye and Spring are too close together and suggested that the sign at Frye be eliminated.

Mayor Stedman stated that with parking on Spring would the signs be visible. Mr. Williams stated that no parking signs would be added.

Council Member Robert Abernethy asked if there are accidents on West 6<sup>th</sup> Street. Mr. Williams stated there was one accident at Hwy 321.

Council Member Jerry Hodge asked if there would be lighting to illuminate the stop signs. Mr. Williams said there would not be. Mr. Abernethy stated that “stop sign ahead” signs could help.

Mr. Williams stated that stop signs would cause vehicles to come to a complete stop instead of just maybe slowing them down.

Council Member Tom Rowe asked if the sign at Frye could be removed from the recommendation and if ‘No Parking’ signs would be added. Council Member Wes Weaver said that the data shows that speeds actually increase in that area. Council Member Jody Dixon and Mayor Stedman agreed with the signage suggestion. Council Member Jerry Hodge stated that he would like to see attention to the lighting.

Council Member Tom Rowe stated that he is still leaning toward taking out the sign at Frye.

Several comments were made by citizens.

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

That Stop Signs on West 6<sup>th</sup> Street, as Recommended by Staff be – APPROVED.

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

**ITEM 10: City Manager’s Report**

**Meetings**

- April 19<sup>th</sup> and 20<sup>th</sup> – Tour of Catawba Nuclear Station
- April 28<sup>th</sup> – WPCOG Annual Meeting, Crowne Plaza 6:30 p.m.
- April 29<sup>th</sup> – Ribbon Cutting, Big Object Comics 24 E 1<sup>st</sup> Street, Suite B 3 p.m.
- April 30<sup>th</sup> – Arbor Day Celebration, Jacob Fork Park 10 a.m.
- April 30<sup>th</sup> – Spring Yard Sale is 6:30 a.m.-1 p.m. at Southside Park. Registration runs through April 22. Booths are \$10
- April 30<sup>th</sup> – Rotary Car Show
- May 5<sup>th</sup> WPCOG Mayors/Chairmen/Managers, Catawba Springs Country Club
- May 6<sup>th</sup> – Ribbon Cutting, In My Father’s House, 111 E 1<sup>st</sup> Street, 3 p.m.
- May 13<sup>th</sup> – Ribbon Cutting, Turner Finance, 24 South Brady Ave., Suite A 3 p.m.
- May 22<sup>nd</sup> – Unity Day, Newton-Conover Auditorium 2 p.m.- 4 p.m.
- May 24<sup>th</sup> – WPCOG Policy Board Meeting hosted by City of Newton at Newton Fire Headquarters – 6 p.m.
- June 8<sup>th</sup> – Town Hall Day

**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**

- Business Advisory Committee Work Plan
- Business Advisory Committee Vacancies
- Strategic Growth Plan Update
- Newton Employment Estimates and Industry Sales, 2015

**Customer Service Employee Recognition**

- Dennis Murdock
- Willie Tellado
- Tammy Curtis
- Caleb Costner
- Jon Raines

**ITEM 11: 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.

Council Member Tom Rowe gave a report on the Newton Depot Authority.

Points from the Depot Authority were:

- Purchase of a 1940 caboose from Lincolnton
- 1922 Locomotive and boxcar on display in the pavilion
- The Depot has received over \$1 million in donations and in kind service since the 1990's
- The building that was purchased adjacent to the Depot will be burned
- A proposed drawing of the future site was shared

**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 Jerry Hodge, 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 Wes Weaver made the motion to go back into open session, which was seconded

by Council Member Robert C. Abernethy, Jr. All Ayes.

**ITEM 10:**     **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

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Amy S. Falowski, City Clerk



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Anne P. Stedman, Mayor

# CITY OF NEWTON

## Sewer Adjustments

**TO:** E. Todd Clark, City Manager **DATE:** April 28, 2016

**RE:** Sewer Adjustments – May 3, 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.

<b>Account Number</b>	<b>Name</b>	<b>Service Address</b>	<b>Adjustment Period</b>	<b>Amount of Adjustment</b>
22000596-002	John C. Robinson	2098 Picnic Dr.	Mar	\$ 15.59
54003870-003	Don Keller	505 Thomas Dr.	Mar	\$225.34

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**

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**DATE:** May 2, 2016

**TO:** City Council

**FROM:** Anne P. Stedman, Mayor

**CONSIDERATION OF:** Appointment to Boards and Commissions

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

Mary Bess Lawing – Tree Board

***PROCLAMATION***  
**DESIGNATING MAY 15, 2016**  
**AS NATIONAL PEACE OFFICERS MEMORIAL DAY**  
**AND THE WEEK OF MAY 15-21, 2016**  
**AS NATIONAL POLICE WEEK**

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Newton Police Department;

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries;

WHEREAS, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2016;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff;

THEREFORE, BE IT RESOLVED that the City Council of the City of Newton formally designates May 15-21, 2016, as Police Week in the City of Newton, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Newton to be affixed.

Adopted the 3<sup>rd</sup> day of May 2016



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Anne P. Stedman, Mayor

**PROCLAMATION**  
*National Public Works Week*  
**MAY 15 - MAY 21, 2016**

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, I, Anne. P. Stedman, Mayor of the City of Newton, do hereby proclaim the week of

**May 15 – May 21, 2016**

**As**

**“NATIONAL PUBLIC WORKS WEEK”**

in the City of Newton and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Newton to be affixed.

Adopted the 3<sup>rd</sup> day of May 2016



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Anne P. Stedman, Mayor

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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**DATE:** April 27, 2016

**TO:** E. Todd Clark, City Manager

**FROM:** Randy Williams, AICP, Planning Director

**CONSIDERATION OF:** NCDOT Pedestrian Plan Grant Acceptance

**Approved for Council Consideration**

  
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**Background:**

The NCDOT Pedestrian Plan Grant Initiative is a matching grant program that encourages municipalities to develop comprehensive pedestrian plans and is sponsored by the Division of Bicycle and Pedestrian Transportation. This program has been in place since 2004 and is eligible for municipalities under 25,000 in population.

This plan will assist the City to address not only the infrastructure needs but also to develop project priorities; review local policies and guidelines; and identify opportunities for the implementation and education and safety programs. NCDOT will assist in choosing a pre-qualified consultant to author the plan and require citizen outreach meetings and a steering committee to oversee the plan development.

**Review:**

In October 2015, the City Council approved the submission of a grant application to NCDOT Bicycle and Pedestrian Division for a city-wide pedestrian plan. Planning Staff received word in March 2016 that the grant application was approved for funding and the City of Newton was awarded the grant.

With limited resources and a long list of needs for sidewalk repairs and extensions, the NCDOT Pedestrian Plan will assist the City with prioritization, a review of the detailed needs assessment, and determine the best interconnection to bicycle and transit options within Newton. Requirements for the plan development include the establishment of a steering committee, selection of a consultant, quarterly reports submitted to NCDOT and review by the Bicycle and Pedestrian Division to ensure the plan meets NCDOT standards and the needs of the community.

The Pedestrian Plan will also be used as background data for an upcoming comprehensive plan update and identified small area plans. The implementation recommendations of this plan will also be used as we begin to update the development standards for the City. Additionally, it will need to show the benefits of non-vehicular network necessary for transportation to all citizens by establishing safe alternatives to vehicle travel for access throughout the city and open additional connections to recreation facilities.

The grant funds are distributed to local jurisdictions by application for grant funds and require a minimum 30% cash match based on the City's population. NCDOT has approved the city's application and awarded up to \$60,000 for the project, which breakdown as \$42,000 in grant funds, plus the city's match of \$18,000.

**Action Suggested:**

Planning Staff requests the City Council endorse the project, approve the NCDOT funding grant award for the Newton Pedestrian Plan, and adopt the attached Budget Ordinance 2016-9 for this project.

**ORDINANCE # 2016-9**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES  
FOR FISCAL YEAR 2015-2016 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, 2015, and ending June 30, 2016, in accordance with the General Statutes of the State of North Carolina; and,

WHEREAS, the City would like to recognize a grant award from the North Carolina Department of Transportation (NCDOT), Division of Bicycle and Pedestrian Transportation, for a city-wide pedestrian plan. This is a matching grant program that encourages municipalities to develop comprehensive pedestrian plans. This plan will assist the City to address not only infrastructure needs but also to develop project priorities; review local policies and guidelines; and identify opportunities for implementation, education and safety programs; and,

WHEREAS, NCDOT has approved the city's grant application with an award up to \$42,000 with a 30% match of \$18,000 for a total of \$60,000. The match is based on the City's population; and,

WHEREAS, The City Council desires to recognize the grant award of \$42,000 and to authorize a fund balance appropriation for the \$18,000 match and 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 Revenues		
Federal Grants	11-0000.3400	\$42,000
Fund Balance Appropriation	11-0000.3990	\$18,000
General Fund Appropriations		
Professional Services – Other	11-4910.4990	\$60,000

Adopted this 3rd day of May, 2016.

Attest:

\_\_\_\_\_  
Anne P. Stedman, Mayor

\_\_\_\_\_  
Amy S. Falowski, City Clerk



# CITY OF NEWTON REQUEST FOR COUNCIL ACTION

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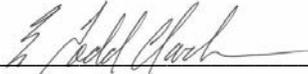
**DATE:** April 28, 2016

**TO:** E. Todd Clark, City Manager

**FROM:** Dusty Wentz, Director of Public Works and Utilities

**CONSIDERATION OF:** Consideration of Awarding the Bid for the Annual Powell Bill Overlay Paving Project

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

This year, resurfacing is limited to repaving of Cherry Lane. Cherry Lane was selected from the Asphalt and Sidewalk Condition Assessment Report completed in late 2015 because it has the most severe issues that could be replaced with available funds.

Cherry Lane will have all asphalt removed, the gravel base checked to ensure proper thickness, and 4 inches of asphalt applied in two lifts. The staff included 1,000 square yards of gravel base replacement and 1,000 square yards of milling were also included in the bid to gauge unit prices for future work.

Staff has solicited for bids from local contractors and received three bids. The responses from the bid solicitation are listed below:

- |                 |              |
|-----------------|--------------|
| 1. J.T. Russell | \$79,200     |
| 2. Mid State    | \$107,420.50 |
| 3. Maymead      | \$88,770     |

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

**Recommendation:**

It is recommended that Council consider awarding the bid for the Annual Overlay Project to J.T. Russell for \$71,280, and hold a 10% contingency of \$7,920 in reserve. Any utilization of contingency funds will be presented to council.

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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**DATE:** April 29, 2016

**TO:** Mayor and City Council

**FROM:** Todd Clark, City Manager

**CONSIDERATION OF:** Consideration of 1000 N Ashe Ave Bid

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

The City of Newton acquired a parcel of land located at 1000 North Ashe Avenue several years ago through a foreclosure proceeding for the purpose of demolishing a structure that posed an eminent threat to the health, safety and welfare of the public. The structure has been demolished and the property has no practical use by the City at this time.

The Newton City Council previously declared this parcel as surplus property on March 18, 2014. As directed by the City Council, the city staff subsequently advertised the property for sale. The City Manager had one inquiry, but a sale was not finalized.

Most recently, Trae Partners, LLC submitted a bid on April 27, 2016 in the amount of \$1,750. In accordance with North Carolina General Statute §160A-269, “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.”

Additionally, the Statute requires that the public notice include 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. If an upset bid is offered, the bidder must deposit (5%) of his increased bid with the City Clerk and the Clerk must re-advertise 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 Statute also provides that the Council may at any time reject any and all offers.

**Recommendation:**

The City staff recommends City Council consider the bid of \$10,000, and if accepted direct the staff to follow the procedures set forth in NCGS §160A-269.



1in=50ft

Parcel: 373012977067, 1000 N ASHE AV NEWTON, 28658

Owners: NEWTON CITY OF, null

Owner Address: PO BOX 550

Values - Building(s): \$0, Land: \$2,200, Total: \$2,200

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**CITY OF NEWTON  
RESOLUTION 3-2016**

**A RESOLUTION AUTHORIZING NEGOTIATED OFFER AND UPSET BID**

**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; and

**WHEREAS**, the City has received an offer to purchase the property described below in the amount of \$1,750 submitted by Trae Partners, LLC, and \_\_\_\_\_

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Newton hereby authorizes the following tract of real property be sold pursuant to the requirements and procedures of North Carolina General Statute 160A-269 as follow:

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Surplus Real Estate			
<u>Deed Reference</u>	<u>Parcel Number</u>	<u>Address</u>	<u>Tax Value</u>
3106/750	373012977067	1000 N. Ashe Avenue Newton, NC	\$2,200.00

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1. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.

2. Persons wishing to upset the offer that has been received shall submit a sealed bid with

their offer to the office of the City Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest such bid shall become the new offer. If there is more than one bid in the higher amount, the first such bid is received, the first such bid received will become the new offer.

3. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.

4. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

5. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder at closing.

6. The terms of the final sale are that the City Council must approve the final high offer before the sale is closed, which it will consider within 30 days after the final upset bid period has passed, and the buyer must pay with cash at the time of closing.

7. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

8. The appropriate City officials are authorized to execute the instruments necessary to convey the property to the highest bidder.

Adopted this 3<sup>rd</sup> day of May, 2016.

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Anne P. Stedman, Mayor

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Amy Falowski, City Clerk

