AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING
May 21, 2019
7:00 p.m.

1. Call to Order – Mayor Anne P. Stedman

2. Opening – Council Member Jody Dixon

3. Approval of Minutes from the May 7, 2019 Regular Meeting

4. Consideration of Consent Agenda Items
   A. Tax Releases
   B. Sewer Adjustments

5. Comments from the Public: (IF YOU WOULD LIKE TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS PLEASE SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

6. Public Hearings
   A. Consideration of Rezoning of a Portion of Property Located at 300 E N Street from PD-H to R-11 Single Family and Two Family Residential
   B. Consideration of Rezoning Property Located East of St Pauls Church Rd Between Industrial Drive and Old Conover Startown Rd. from R-20A Single Family Residential to M-1 General Manufacturing

7. New Business
   A. Consideration to Accept the Annual Powell Bill Paving Contract and Adoption of Budget Ordinance Amendment
   B. Consideration to Adopt Resolution Demonstrating Support for a Stormwater Compliance Program

8. City Manager’s Report

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

10. Adjournment

The City of Newton holds all public meetings in accessible rooms. Special requests for accommodations should be submitted by individuals at least 48 hours before the scheduled meeting time. Please call 828-695-4266 or 828-695-4261 for special accommodations.
MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
May 7, 2019 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, May 7, 2019 at Newton City Hall.

PRESENT: Mayor Anne P. Stedman, Mayor Pro Tem John Stiver and Council Members Jerry Hodge, Anne Wepner, Jody Dixon, Tom Rowe and Ed Sain

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 Ed Sain, seconded by Mayor Pro Tem John Stiver, it was unanimously RESOLVED:

That the Regular Minutes of the April 16, 2019 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 Anne Wepner, it was unanimously RESOLVED:

That the Consent Agenda be – APPROVED

A. Sewer Adjustments

B. Proclamation – Police Week May 12-18, 2019

C. Proclamation – Public Works Week May 19-25, 2019

D. Consideration to Designate Mayor Pro Tem John Stiver as Voting Delegate At the North Carolina League of Municipalities Annual Conference

E. Consideration of Street Closure – Main Avenue Between 1st and A Street – Bright Future Summer Concert

(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:  Presentations

A. Teen Leadership

Mayor Anne Stedman presented welcomed this year’s Teen Leadership Groups. Four different groups gave presentations to City Council. Mayor Stedman and City Manager Todd Clark thanked the students for their hard work and dedication to the program.

ITEM 7:  New Business

A. Presentation of Fiscal Year 2019-2020 Budget

City Manager Todd Clark reviewed his message to the Council on the Fiscal Year 2019-2020 Budget. Mayor Stedman thanked staff for their hard work and for presenting such a conservative budget.

B. Consideration of Bids for West 15th St and Greenway Sewer Contract

Public Works and Utilities Director Dusty Wentz stated that while identifying sources of infiltration and inflow (I & I) in the western basin, staff noticed sewer main failures on a large sewer outfall line, that is in danger of total collapse. Mr. Wentz stated that the first location is near West 15th Street Bridge. This location has an 18 inch major transmission line under the creek and one 12” collector line under 15th Street. The other location is off of Radio Station Road behind the Catawba County Maintenance building near the Greenway. This location is the same 18 inch transmission line, located under the creek that is in danger of total collapse. Mr. Wentz explained that both lines are the major collector for the western side of the City's collection basin.

Mr. Wentz stated that because of the size, location, and required NCDOT encroachment, staff contracted The Wooten Company to complete engineering design and bid, and help with the construction and administration phase. Mr. Wentz stated that city staff will complete the majority of the construction and administration phase tasks. The work consists of replacement of approximately 480 feet of eighteen (18) inch sewer main, sixty (60) feet of 12” sewer main, and replacement of four (4) manholes.

Mr. Wentz stated that the City sought construction bids and in February 2019, three bids were received. All three bidders came in higher than estimated. Staff revised the scope of the project and re-advertised in hopes of gaining more. Ten (10) contractors were invited to bid and on March 26, 2019 we received two (2) bids, along with one (1) no bid.

Three quotes were received:

<table>
<thead>
<tr>
<th>Contractor/Vendor</th>
<th>Quote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hickory Sand Company</td>
<td>$354,590.00</td>
</tr>
<tr>
<td>Sealand Contractors</td>
<td>$593,000.00</td>
</tr>
<tr>
<td>M&amp;M Construction of Banner Elk</td>
<td>No Bid</td>
</tr>
</tbody>
</table>
Mr. Wentz stated that The Wooten Company and City Staff has reviewed the bids and determined that Hickory Sand Company was the lowest qualified responsive bidder in the amount of $354,590.00. In addition, The Wooten Company and City Staff recommend a 10% contingency of $35,500.00, bringing the total for construction to $390,090.00.

Mr. Wentz stated that staff recommends that Council approve the award of the Construction Contract to Hickory Sand Company in the amount of $354,590, hold 10% contingency in the amount of $35,500, and approve the attached budget ordinance amendment.

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

That the Bid to Hickory Sand Company in the amount of $354,590 with 10% contingency in the amount of $35,500 be – AWARDED.

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

That the Budget Ordinance Amendment be – ADOPTED.

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

ITEM 8: City Manager’s Report

Meetings & Events

- May 9th Police Task Force/Community Meeting at St. Paul’s United Methodist Church – 7:00 p.m.
- May 10th – Special Olympic Torch Run – 1:00 p.m.
- May 14-16 – NCLM CityVision Conference, Hickory
- May 15th – Key Accounts Luncheon, Old Post Office Play House – 11:00 a.m.
- May 17th – Employee Fitness Walk/Lunch – 11:00 a.m.-1:00 p.m. at Southside Park (if raining will be at Recreation Center)
- May 22nd – Public Works Equipment Rodeo, Southside Park – 9:00 a.m. – 3:00 p.m.

Budget Workshops, All Will Begin at 5:15 p.m. – Council Chamber

May 13, 2019
May 15, 2019
May 16, 2019

*If needed

*May 20, 2019
*May 21, 2019
*May 22, 2019

Other Projects

- Splash Pad Update
- Streetscape Project Update/Amphitheater Construction
- Website Project
- Greenway Extension
Central Rec HVAC Update
Fire Heavy Rescue Truck Update
Valley Drive Waterline Update
Tree Trimming – Starting Next Week
Sewer Projects Update
Street Paving Bids
Compost Giveaway Continues, 8 a.m.-5 p.m. Thursday – Saturday

Both of our Fire Investigators, Wesley Harrington and Scott Mecimore received their National Association of Fire Investigators - Fire and Explosion Investigator Certification.

The Fire Department recently certified 14 firefighters in National Child Passenger Safety Technician Certification.

ITEM 9: Questions and Comments from Mayor and Council

Mayor Stedman asked if there were any questions or comments from City Council.

Mayor Pro Tem John Stiver gave reports on the Tree Board and ElectriCities.

ITEM 10: Closed Session – Per North Carolina General Statute 143-318.11(a)(4) and 143-318.11(a)(5)

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

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

Motion was then made by Council Member Jody Dixon, seconded by Council Member Jerry Hodge to return to open session

All ayes.

ITEM 11: Adjournment

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

That the Meeting be – ADJOURNED
CITY OF NEWTON
Inter-office Correspondence

TO: E. Todd Clark, City Manager

DATE: May 2, 2019

RE: Tax Releases – April 2019

FROM: Vickie Thomas, 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.

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Tax Release Number</th>
<th>Name</th>
<th>Reason</th>
<th>Amount of Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>84</td>
<td>Corn, Tina M</td>
<td>Small underpayment</td>
<td>$0.01</td>
</tr>
<tr>
<td>2018</td>
<td>85</td>
<td>Fuller, David W</td>
<td>Small underpayment</td>
<td>$0.12</td>
</tr>
<tr>
<td>2018</td>
<td>86</td>
<td>Holsclaw, Billy Y</td>
<td>Small underpayment</td>
<td>$0.02</td>
</tr>
<tr>
<td>2018</td>
<td>87</td>
<td>Jones, Robert L</td>
<td>Small underpayment</td>
<td>$0.24</td>
</tr>
<tr>
<td>2018</td>
<td>88</td>
<td>Smith, Wendy E</td>
<td>Small underpayment</td>
<td>$0.06</td>
</tr>
</tbody>
</table>

Should you have any questions or need clarification, please notify. Releases are submitted as required by NCGS § 105-381(b).
The following sewer adjustment is recommended for approval. The adjustment is recommended as a result of a water leak at the service address or a pool fill up.

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Name</th>
<th>Service Address</th>
<th>Adjustment Period</th>
<th>Amount of Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>20000760-003</td>
<td>Lori Deal</td>
<td>737 Hamilton St</td>
<td>Mar-Apr</td>
<td>$108.23</td>
</tr>
<tr>
<td>20005050-001</td>
<td>Gary Kilby</td>
<td>915 Westside Dr</td>
<td>May-Pool</td>
<td>$63.83</td>
</tr>
</tbody>
</table>

Backup documentation to support each adjustment is on file in the Finance Department. Should you have questions or require further clarification, please notify.
DATE: May 15, 2019

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Rezoning #2019-01 filed by Darrin Huffman

Approved for Council Consideration

Background:

Darrin Huffman has submitted an application to rezone property located off of East “N” Street in Newton, North Carolina, consisting of approximately 22.26 acres from an existing PD-H Planned Development Housing Classification to R-11 Single Family and Two Family Residential Classification. The property is currently vacant. Please refer to the attached map for proposed development plans for the subject site.

Review:

Zoning History:

This property was rezoned in February, 2002 to Planned Unit Development to allow for the construction of 135 unit apartment complex. Prior to 2002, the subject property is currently zoned R-20 Single Family Residential. In 1982 the Zoning Map shows the property zoned R-20. The 1966 Zoning Map had the property zoned R-15, which is the predecessor to the R-20 District. When the Zoning Ordinance and Zoning Map was amended in 1976, the subject property was changed from an R-15 Zoning Classification to an R-20 Zoning Classification.

In 1980, Dr. Frank McDonald Jr. requested that the property be rezoned from the existing R-20 Zoning Classification to an R-9 Multifamily Classification. The Planning Commission turned down the Application, which was #02-80, by a vote of 6 to 4.

In February of 2000, Mrs. Rhyne and Others (Residents in the South Newton Area) filed Application #02-00 in response to early discussion of the planned development project on the subject site. The Application included much of South Newton, including a portion of the subject property was zoned R-11. The request was to rezone the area to single family residential so that duplexes and multifamily would not be allowed. The Board took no action on the request.

Requests for rezoning on the adjoining properties have been submitted on various occasions, the most recent being Rezoning Application #01-92, which rezoned property to the east from R-20 Single Family Residential to B-4 General Business. Prior to that, there was Application #04-89, which proposed that the property on the south side of East “N” Street be rezoned from P-1 Office and Institutional District to R-11 Single and Two Family Residential. The Planning Commission and the City Council denied this request.
In 1990, the City proposed an Administrative Rezoning for the area south of East "N" Street, which amended the zoning of the area from P-1 to R-11. The old hospital, the nurses’ apartments, and Love and Care Daycare Center were left as being P-1. Other than that, the Zoning of the area has remained the same since 1966.

Surrounding Land Use and Zoning:

**North**—Property to the North of the subject property is currently vacant and is zoned R-11. Beyond that is the older established neighborhood of South Newton, which consists of single family and two family dwellings.

**South**—Property to the south of the subject property is the old hospital. This is owned by Catawba County and is used as the Agricultural Center and some governmental offices and is zoned P-1.

**West**—Property to the West is zoned R-20 and is vacant.

**East**—Property to the East is zoned B-4 and contains a trucking/warehouse facility. There is also a storage facility, which is owned by Glenn Young Jr. There is also a vacant piece of property that is zoned EM-1 that is in between the subject property and the railroad tracks.

Transportation:

At the present time, East “N” Street is a low volume residential street. The street consists of 18 feet of pavement with ditches on both sides. East N Street is maintained by the City from Brady Ave to the third driveway into the daycare facility and from that point it becomes privately maintained. East N Street connects with South Brady Avenue, which is a collector street. South Brady runs between US 321 Business and NC 10 and NC 16, which are all arterials.

Utilities:

Water and Sewer are available to the site.

Land Development Plan:

The request is consistent with the 2010 Core Area Plan. The plan shows the area as being residential.

Public Notice:

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

- Posted on-site: posted April 12, 2019
- Mailed notices: sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 39 letters were sent on May 10, 2019.

Recommendation action:

The Planning Commission recommends to the City Council approval of this rezoning request as presented. It is consistent with the 2010 Core Area Plan.
CITY OF NEWTON, NC
APPLICATION FOR AMENDMENT TO THE OFFICIAL ZONING ATLAS

Application # _______________________

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

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

1. The property for which this Zoning Atlas Amendment is requested is shown as Atlas Sheet __ Block ____ Parcel ____ PIN 364905079709. (If more than one parcel is involved, attach a list of all other properties, the nature of the proposed amendment, and a legal description for each).

2. The present zoning classification of the property for amendment is ______ PD-H ______.

3. The proposed zoning classification of this property is ______ R-11 ______.

4. Property owner (s): Name: Darci L Huffman
   Address: 301 E Herman St, Newton NC
   Phone: (828) 312-1793 (H) (W)

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

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

   _____ A legal description of each parcel proposed for amendment.

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

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

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

Signature * 3-15-2019 
Date of Filing

- If the applicant is different from property owner, a signed statement by the owner giving permission to rezone their property or properties should be submitted. In the case where more than one property owner is involved, all property owners must submit a written statement giving permission to rezone their properties.
March 24, 2019

Alex Fulbright
City of Newton

Alex,
I am writing in regards to the 20.67 acres located on E N Street, Parcel ID# 364905079709.

The current zoning for this acreage is PD-H. I would like to respectfully request that Newton City Council consider reclassifying this acreage to R-11. The intentions for this request is to create opportunities for the construction of single and two-family dwellings.

Respectfully,

Darrin L. Huffman
FIRST TRACT: BEGINNING at a corner in the center line of the road that lies North of the Catawba General Hospital, which said corner is in the line of the property of the Catawba General Hospital, and stands South 71° 00' East 563.5 feet from the center of the intersection of said road with the center line of South Brady Avenue, and running thence North 13° East 501 feet to a cedar; thence North 60° East 146 feet to an iron stake; thence South 49° East 105 feet to an iron stake; thence South 74-1/2° East 314.5 feet to a Man Hole; thence North 72° East 172.7 feet to a Man Hole; thence North 50° East 202.4 feet to a Man Hole; thence North 87° East 167.5 feet to a corner in center line of Creek; thence running with the Creek in a Northerly direction 390 feet, more or less, to a corner in said Creek, corner of the Hoyle Estate Property; thence with the Creek and the Hoyle Estate Property in a Northeasternly direction 176 feet to a corner in said Creek in the line of the old Marvin Mauney Estate Property, now Dewitt Lynch; thence running with the old Marvin Mauney Estate line, now Dewitt Lynch, South 84° 55' East 173 feet to a corner in the center line of the Railroad Tracks; thence running with the center line of the C & NW RR Tracks in a Southerly direction 417 feet to a corner in the center line of said railroad over a culvert; thence continuing with the center line of said C & NW RR in a Southerly direction 690 feet to a corner in the line of Mrs. Carmin Young; thence running with the line of Mrs. Carmin Young South 40° 30' West 155 feet to a corner in the Creek; thence running with the center of Creek and the line of Mrs. Carmin Young in a Southerly direction 207.5 feet to a corner in said creek; thence continuing with the line of Mrs. Carmin Young and the center of the Creek in a Southerly direction 138 feet to a corner in Creek in the line of Carmin Young; thence running with the line of Carmin Young South 80° 00' West 238 feet to an iron stake in the line of Carmin Young; thence running with the line of Carmin Young North 85°15' West 304 feet to a corner in the center line of the road first above mentioned, corner of the Catawba General Hospital Property; thence running with the center line of said road and the line of the Catawba Hospital Property North 31° 15' West 456.5 feet to an iron pin at North Edge of Road, corner of Catawba General Hospital; thence running with the line of Catawba General Hospital, and the road North 71° West 465 feet to the point of BEGINNING, containing 24.0 acres, more or less, according to a plat and survey thereof made by G. Sam Rowe, C.E.

For further chain of title see Deed recorded in Book 532 at Page 220, and Book 1213 at Page 714, Catawba County Registry.

SECOND TRACT: BEGINNING at a stake in the center of Town Creek, which said stake is 200 feet North of the center of the bridge across said creek, and running thence with the center of said creek in a Northerly direction 345 feet to a stake in the center of the creek; thence leaving said creek and running along the old channel of said creek South 7° 10' West 358 feet to an iron stake at the fence; thence North 80° East 56 feet to the point of BEGINNING, containing 0.22 of an acre, more or less, according to a plat made by G. Sam Rowe, C.E., and being a small 3-cornered tract lying on the West side of Town Creek, formerly owned by George A. Sigmon, now deceased. See Deed recorded in Book 178 at Page 208, and Deed recorded in Book 1213, Page 714, Catawba County Registry. This conveyance is made subject to the easement of the Carolina & Northwestern Railroad, and its successors and assigns, and to the easements of the City of Newton for water lines and sewer lines, and any other power line easements of record.

HOWEVER, EXCEPTED FROM AND NOT INCLUDED IN THE PROPERTY HEREIN CONVEYED ARE THE FOLLOWING TRACTS WHICH HAVE BEEN SOLD OUT OF THE ABOVE DESCRIBED TRACTS:-

That certain tract sold to Robert J. Cline and wife, Catherine C. Cline, by Deed recorded in Book 551 at Page 583 of the Catawba County Registry, and described by metes and bounds as follows:

FIRST TRACT: BEGINNING at a corner in the line of an old road bed, the same being a corner of the Catawba Hospital Property and of Carmin Young, and running thence with the Hospital line at the center of said old road bed North 31° 15' West 125 feet to a corner in the center of said old road bed; thence with the line of W.T. Hoyle North 78° 28' East 175 feet to an iron stake, Hoyle's corner; thence with Hoyle's line South 15° 50' East
160 feet to an iron stake, a corner of W.T. Hoyle in the line of Carmin Young; thence with Young's line North 85° 15' West 150 feet to the point of BEGINNING, and containing 0.495 acres, more or less.

That certain tract sold to Donald E. Church and Wife, Violet L. Church, by Deed recorded in Book 1005 at Page 369 of the Catawba County Registry, and described by metes and bounds as follows:

SECOND TRACT: BEGINNING at a corner in the corner of the street, which said point is a new corner in the line of Catawba County property, formerly Old Catawba Hospital, Newton, which said point stands North 31° 15' West 375.0 feet from the old Sigmon-Young-County & Lynch corner and running thence with the center of said road and Catawba County property North 31° 15' West 81.50 feet to corner in road; thence continuing with said road North 71° 00' West 56.0 feet to a corner in said road; thence leaving road and running a new line North 19° 00' East 69.50 feet to an iron pin, a new corner; thence running South 80° 05' East 125.0 feet to an iron pin, a new corner; thence running another new line South 20° 57' west 141.43 feet to the point of BEGINNING, according to a survey and plat thereof made by Joe F. Robinson, Registered Surveyor, dated July 26, 1972, and entitled "Dewitt Lynch and wife, Winnie Hoyle Lynch Property, Catawba County, Newton, North Carolina," with reference to Book 532 at Page 220, Catawba County Registry, on said plat, and being Drawing No. J-239.

That certain tract sold to W. T. Hoyle, widower, by Deed recorded in Book 698 at Page 203 of the Catawba County Registry, and described by metes and bounds as follows:

THIRD TRACT: BEGINNING at an iron stake in the northern margin of East "M" Street said iron stake being a corner of Winifred H. Lynch, and running thence with the northern margin of East "M" Street North 71° 00' West 68.50 feet to an iron stake, a new corner; thence a new line North 13° 56' East 490.89 Feet to a cedar tree; thence a new line North 60° 12' East 146 feet to an iron stake, a corner of R. N. Hoyle and of Winifred H. Lynch; thence with the line of Winifred H. Lynch South 17° 30' West 599.02 feet to the point of Beginning, according to a plat prepared by R. T. Smith, Registered Surveyor, dated September 1960.

The above-described property is the same property as conveyed by that deed recorded in Book 3209 at Page 309, Catawba County Registry and is all of that property identified as Parcel ID: 364905079709 and LRK/REID: 23581
Parcel: 364905079709, NEWTON, 28658
Owners: HUFFMAN DARRIN,
Owner Address: 301 E HERMAN ST
Values - Building(s): $0, Land: $91,300, Total: $91,300

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

Date: April 18, 2019

To: Newton Planning Commission

From: Alex Fulbright, Assistant Planning Director

Subject: Rezoning Application #2019-02 as requested by City of Newton Planning Department.

Request:

A rezoning request has been made by the City of Newton Planning Department at the request of the Catawba County Economic Development Commission. The request is to rezone property located just east of St Pauls Church Rd between Industrial Drive and Old Conover Startown Rd. from R-20A single family and manufactured housing residential to M-1 General Manufacturing. The subject site is 19.26 acres identified as Catawba County Pins 3731-18-22-6316, 3731-18-22-8259, & 3731-18-32-1226. The intent of the request is to allow for the construction of an industrial project on the subject site and the adjoining property.

Background:

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>Subject(s)</th>
<th>ZONING</th>
<th>LANDUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-20A Single Family and Manufactured Housing Residential</td>
<td>vacant</td>
</tr>
<tr>
<td>South</td>
<td>M-1 General Manufacturing &amp; R-20A Single Family and Manufactured Housing Residential</td>
<td>Manufacturing and vacant</td>
</tr>
<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
<td>vacant</td>
</tr>
<tr>
<td>West</td>
<td>M-1 General Manufacturing</td>
<td>Manufacturing (Mid-County Industrial Park)</td>
</tr>
</tbody>
</table>

Zoning History:

The subject site was not included in the City’s planning jurisdiction according to the 1966 Zoning Map. The site was taken into the City’s ETJ in 1980 and was zoned R-20A Single Family and Manufactured Housing Residential at that time and the zoning remained that when it was annexed into the City in 1991. The subject site has not been apart of a zoning activity. The adjacent property to the east was rezoned in 1995 from R-20A to M-1 zoning.
Transportation:

The site has access to St Paul’s Church Rd, which is classified as a collector street per the City’s collector street plan.

Utilities:

City water and sewer are available.

Consistency and Conclusion:

The 2001 St Pauls Area Plan Future Land Use Map shows the area being zoned industrial. The request is consistent with the current land use plan for the area.

Public Notice:

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

- Newspaper: published on April 13 and 20, 2019.
- Posted on-site: posted April 12, 2019
- Mailed notices: sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 22 letters were sent on April 12, 2019.

Recommendation:

It is the Planning Department’s recommendation that the request be sent to the Newton City Council for approval as requested. The request is consistent with the St Pauls Area Plan.
MEMORANDUM

TO: City of Newton
    Planning Department
    Attention: A. Fulbright

FROM: Robert F. Bennett
      Rhonda L. Bennett

RE: Special Use Permit
    Hearing Date 04/23/2019 Planning Board

DATE: April 16, 2019

Please be advised we, the applicants, regrettably must withdraw that special use permit noted above with hearing set for April 23, 2019. The parcel identification number of the involved tract of land is 374016824792 and is at the corner of “new” highway 16 and highway 10.

We apologize for any inconvenience this decision may cause, but our current situation dictates a delay in this action.

Thank you for your understanding and we look forward to working with you in the future.
DATE: May 15, 2019

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Rezoning Application #2019-02 as requested by City of Newton Planning Department.

Approved for Council Consideration

Background:

A rezoning request has been made by the City of Newton Planning Department at the request of the Catawba County Economic Development Commission. The request is to rezone property located just east of St Pauls Church Rd between Industrial Drive and Old Conover Startown Rd. from R-20A single family and manufactured housing residential to M-1 General Manufacturing. The subject site is 19.26 acres identified as Catawba County Pins 3731-18-22-6316, 3731-18-22-8259, & 3731-18-32-1226. The intent of the request is to allow for the construction of an industrial project on the subject site and the adjoining property.

Review:

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>Subject(s)</th>
<th>ZONING</th>
<th>LANDUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-20A Single Family and Manufactured Housing Residential</td>
<td>vacant</td>
</tr>
<tr>
<td>South</td>
<td>M-1 General Manufacturing &amp; R-20A Single Family and Manufactured Housing Residential</td>
<td>Manufacturing and vacant</td>
</tr>
<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
<td>vacant</td>
</tr>
<tr>
<td>West</td>
<td>M-1 General Manufacturing</td>
<td>Manufacturing (Mid-County Industrial Park)</td>
</tr>
</tbody>
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Zoning History:

The subject site was not included in the City’s planning jurisdiction according to the 1966 Zoning Map. The site was taken into the City’s ETJ in 1980 and was zoned R-20A Single Family and Manufactured Housing Residential at that time and the zoning remained that when it was annexed into the City in 1991. The subject site has not been a part of any zoning activity. The adjacent property to the east was rezoned in 1995 from R-20A to M-1 zoning.
Transportation:

The site has access to St Paul’s Church Rd, which is classified as a collector street per the City’s collector street plan.

Utilities:

City water and sewer are available.

Consistency and Conclusion:

The 2001 St Pauls Area Plan Future Land Use Map shows the area being zoned industrial. The request is consistent with the current land use plan for the area.

Public Notice:

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

Newspaper: published on May 9 & 16, 2019.
Posted on-site: posted April 12, 2019
Mailed notices: sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 22 letters were sent on May 10, 2019.

Recommendation action:

The Planning Commission recommends to the City Council approval of this rezoning request as presented. It is consistent with the Saint Pauls Area Plan.
SAINT PAUL'S AREA PLAN
GENERALIZED LAND USE

Legend

- Property Lines
- Mixed Use
- Industrial
- Commercial
- Residential

μ

0 0.2 0.4 0.8 Miles
0 24

subject
site
DATE: May 15, 2019

TO: E. Todd Clark, City Manager

FROM: Dusty Wentz, Director of Public Works and Utilities

CONSIDERATION OF: Awarding the bid for the Annual Paving Project

Approved for Council Consideration

Background:

This year, resurfacing is focused on N. College between 22nd and the City Limits and W. E St. Both street segments were selected from the Asphalt and Sidewalk Condition assessment completed in late 2015, as well as assessment by Staff of condition of streets Citywide. They are the city roads that the assessment indicated as having the most severe issues that could be replaced with available funds.

All the paving segments are complete removal and replacement.

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

1. Carolina Paving No Bid
2. Evans Bros. $467,923.07
3. J. T. Russell $359,622.68

J. T. Russell’s bid was found to be complete and accurate.

No contingency is being recommended at this time. If contingency is needed, staff will ask Council at a later date.

The amount available in the street paving budget is $267,585.88, requiring an appropriation from Powell Bill Fund Balance of $92,036.80. These funds are available from the General Fund Appropriation to the Powell Bill Fund for street paving in FY2018 that has not yet been fully utilized.

Recommendation:

It is recommended that Council consider awarding the bid for the Annual Overlay project to J. T. Russell in the amount of $359,622.68 and approving the attached Budget Ordinance Amendment.
AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2018-2019 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, 2018 and ending June 30, 2019, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, the City Council desires to appropriate additional funds for the annual paving project. J.T. Russell’s has provided the lowest, responsive, responsible bid in the amount of $359,622.68. The amount available in the street paving budget is $267,585.88, requiring an appropriation from the Powell Bill Fund Balance of $92,036.80. These funds are available from the General Fund appropriation to the Powell Bill for street paving in FY2018 that has not yet been fully utilized; and,

WHEREAS, the City Council desires to authorize the use of Fund Balance for this project and to authorize the related expenditure appropriation within the Powell Bill operating budget.

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

Powell Bill Fund Revenues  
Fund Balance Appropriation  13-0000.3992  $92,050

Powell Bill Fund Appropriations  
Street Const/Recon Repair  13-4253.6571  $92,050

Adopted this 21st day of May, 2019

Anne P. Jordan, Mayor

Amy S. Falowski, City Clerk
DATE: April 11, 2019

TO: Todd Clark, City Manager

FROM: Dusty Wentz, PWU Director

CONSIDERATION OF: Resolution of Commitment to Implement a Compliant NPDES MS4 Program

Background:

On December 11th, 2018, North Carolina Department of Environmental Quality (NCDEQ) and representatives from the Environmental Protection Agency (EPA) inspected the City for compliance with the issued National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. The program put in place by the City was found to have several deficiencies in both physical removal of pollutants at the Public Works Facility and city wide enforcement of stormwater regulations. As a result, a Notice of Violation was issued by NCDEQ.

The Notice of Violation is extremely thorough. Staff has contacted the Council of Governments and private consultants to obtain budget pricing for assistance with bringing the stormwater management program into compliance. At a minimum, staff currently feels that discharge monitoring and testing sites, active inspection of construction sites, active tracking and follow-up of violations, post construction inspections on stormwater structures, community outreach and reporting will have to be implemented in some fashion.

The first action required by the Notice of Violation is the acceptance of the attached resolution. It is due to the state by mid-June.

Staff will return to City Council once the changes to the program, and associated costs, have been developed for approval to implement.

Action Suggested:

Staff requests council approve the attached resolution.
Resolution

RESOLUTION AFFIRMING THE City of Newton COUNCIL'S SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the City of Newton National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS000397 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the City of Newton and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

WHEREAS, the North Carolina Department of Environmental Quality issued the City of Newton its third NPDES MS4 Permit for discharge of stormwater on December 1, 2011; and

WHEREAS, the City of Newton was issued Notice of Violation number NOV-2019-PC-0282 on DATE for noncompliance with the issued NPDES MS4 Permit; and

WHEREAS, the City of Newton acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

WHEREAS, the City of Newton acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than August 24, 2019 for review and approval; and

WHEREAS, the City of Newton acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000397 and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than June 25, 2019; and

WHEREAS, the City of Newton acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

WHEREAS, the City of Newton acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2019-PC-0282; and

WHEREAS, the City of Newton acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Newton hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

Anne P. Jordan, Mayor

E. Todd Clark, City Manager

Amy Falowski, City Clerk

Alex Fulbright, Stormwater Program Administrator

ADOPTED BY the City Council of the City of Newton, North Carolina the 21st day of May, 2019 and signed in authentication thereof the 21st day of May, 2019.