<table>
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<th>Item</th>
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<td>1.</td>
<td>Call to Order – Mayor Anne P. Jordan</td>
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<tr>
<td>2.</td>
<td>Opening – Council Member Anne Wepner</td>
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<td>3.</td>
<td>Approval of Minutes from the June 18, 2019 Regular and Closed Session Meetings</td>
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<td>4.</td>
<td>Consideration of Consent Agenda Items</td>
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<td>D. Consideration of Budget Ordinance to Carry Forward Unspent Funds for Police Department Prime Mover Truck</td>
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<tr>
<td>5.</td>
<td>Comments from the Public: <strong>(IF YOU WOULD LIKE TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS PLEASE SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):</strong></td>
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<tr>
<td>6.</td>
<td>Old Business</td>
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<td>14.</td>
<td>A. Consideration of Change Order for Greenway and 15th Street Sewer Replacement Project</td>
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<td>B. Consideration of Grant Project Ordinance to Recognize Building Reuse Grant Funds and Related Administrative Agreement – James River Real Estate, LLC</td>
</tr>
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<td>7.</td>
<td>City Manager’s Report</td>
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<td>8.</td>
<td>Questions and Comments From Mayor and Council</td>
</tr>
<tr>
<td>9.</td>
<td>Adjournment</td>
</tr>
</tbody>
</table>

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
June 18, 2019 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, June 18, 2019 at Newton City Hall.

PRESENT: Mayor Anne P. Jordan, 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. Jordan welcomed everyone and called the meeting to order.

ITEM 2: OPENING Invocation and Pledge of Allegiance

Council Member Jerry Hodge provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the June 4, 2019 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Sewer Adjustments

C. Consideration to Adopt a Budget Ordinance Amendment to Recognize Donation – Police Department

D. Consideration to Adopt a Budget Ordinance Amendment to Recognize Grant Funds – United Arts Council

E. Consideration to Receive Donated Equipment – Fire Department

F. Consideration of Joint Use Agreement Contract – AT&T

(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. Jordan asked if anyone present would like to make comment concerning non-agenda items. No one appeared.

3
ITEM 6:  **New Business**

A. Consideration of Year-End Budget Ordinance Amendment for Operating Budget Accounts

Finance Director Vickie Thomas stated that a budget ordinance amendment is needed to adjust operating budget revenues and appropriations at year-end.

Ms. Thomas stated that the Electric Department’s demand capacity credits were budgeted as a reduction in the Purchase for Resale expenditure account, although the actual credits were recorded as revenue in the Avoided Energy Charge/Demand Capacity Credits revenue account. As a result, the $400,000 budgeted amount needs to be transferred between these two accounts.

Ms. Thomas stated that second, the city received two contributions of $2,500 each to support NCDOT’s efforts to address the 20th Street flooding issue, and a budget amendment is needed to recognize the $5,000 in additional revenues and authorize the related expenditure.

Third, insurance claims for the Water and Wastewater Fund were higher than anticipated, and $9,700 in insurance proceeds needs to be recognized as revenue and the related expenditures authorized.

Fourth, a budget ordinance amendment was made in April of 2019 to authorize $131,150 for the replacement of the Wastewater Treatment Plant’s lime slaking unit. However, this capital project was included in the original FY2018-2019 budget for $112,000, and that original budget authorization needs to be reversed.

Ms. Thomas stated that lastly, several Water and Wastewater Fund capital outlay projects that were funded with Fund Balance were completed in FY2018-2019 with savings of $32,960 on those projects. The Fund Balance Appropriation of $32,960 needs to be reduced as a result of these savings.

Ms. Thomas recommended that City Council approve the attached Budget Ordinance Amendment.

Upon motion duly made by Mayor Pro Tem John Stiver, seconded by Council Member Jerry Hodge, 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)

B. Consideration of Year-End Budget Ordinance Amendment for Capital Projects

Ms. Thomas stated that a budget ordinance amendment is needed to adjust revenues and appropriations for certain capital projects at year-end.

Ms. Thomas stated that first, for the Downtown Streetscape Revitalization project, the total estimated cost for Phase 1 is expected to exceed the available funding by $12,000. However, the funding available for the Water and Wastewater Fund and the Electric Fund are significantly less than their expenditures. Ms. Thomas explained that the amounts borrowed for each fund were estimated based on an engineer’s estimate, and not the actual construction contract. In addition, the engineering costs were not included in the estimated amounts for borrowing. As a result, for Phase 1 of the Streetscape project, the amount spent for Water & Wastewater infrastructure improvements is estimated to exceed the $589,800 borrowed by $220,000. The amount spent for Electric infrastructure improvements is estimated to exceed the $610,200.
borrowed by $110,000. Although the borrowing and other grant revenues available for the General Fund are expected to exceed its expenditures by $318,000, due to the regulations regarding tax-exempt borrowing, it is not advisable to make transfers between funds. Ms. Thomas stated that as a result, the shortages need to be funded by transfers from the respective operating funds.

Ms. Thomas stated that in addition, the preliminary engineering for Phase 2 began in FY2018-2019, although the related borrowing will not occur until the construction contract is finalized in FY2019-2020. She explained that as a result, the General Fund needs to appropriate Fund Balance of $13,300 and the Electric Fund needs to appropriate Fund Balance of $10,000 for Phase 2 engineering costs.

Ms. Thomas stated that second, for the West A Street Bikeway and Pedestrian Improvements project, staff has been informed that the federal and state grant funding awarded for the project may be rescinded. As a result, estimated engineering costs incurred during FY2018-2019 need to be budgeted with Fund Balance revenues instead of grant revenues. Ms. Thomas stated that estimated engineering costs for FY2018-2019 are $110,000 for the General Fund for Streets, $35,000 for the Water and Sewer Fund and $10,500 for the Electric Fund.

Third, one Electric Fund capital outlay project, the refresh of the SCADA server, was budgeted to be financed. However, no Intent to Reimburse was adopted prior to spending, so the $68,900 in expenditures needs to be funded with Fund Balance.

Ms. Thomas stated that lastly, an Electric Fund capital project, the Distribution Automation project, was budgeted to be financed. However, it was not financially beneficial to incur the financing cost required to finance the $45,000 of FY2018-2019’s expenditures. As a result, these expenditures need to be funded with Fund Balance.

Ms. Thomas recommended that City Council approve the attached Budget Ordinance Amendment.

Upon motion duly made by Council Member Jody Dixon, seconded by Mayor Pro Tem John Stiver, 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 7: City Manager’s Report

Meetings & Events

- June 21st – Ribbon Cutting at James River Equipment, 11:00 a.m.
- June 21st – Movies in the Park - Avengers Infinity War Southside Park – 9:00p.m.
- June 28th – Movies in the Park - Mary Poppins – 9:00 p.m.
- June 29th – East Newton Community Cookout @ Central on the ballfield & shelter -2:00 – 8:30p.m. – free to public
  - July 9th – Regular City Council Meeting
- July 11th, 18th and 25th – Public Meetings on Strategic Growth Plan Update

ITEM 8: Questions and Comments from Mayor and Council

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

Council Member Jody Dixon gave a report on the Newton Depot Authority.
ITEM 9: Closed Session – Per North Carolina General Statutes 143-318.11(a)(6)

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

That City Council enter CLOSED SESSION per General Statute 143-318.11(a)(6)

The Mayor announced that the purpose of the closed session was to consider the newly adopted policy by the Board of Commissioners of North Carolina Municipal Power Agency Number 1, hereinafter referred to as "NCMPA1," to begin compensation payments to Ex Officio members of the Joint Board of NCMPA1, the North Carolina Eastern Municipal Power Agency, hereinafter referred to as "NCEMPA" and ElectriCities of North Carolina, all jointly referred to as “The Joint Board” as it relates to Newton's City Manager, E. Todd Clark, who as current chairman of the Board of Commissioners of NCMPA1, qualifies for such payment as an Ex Officio member of the Joint Board. The compensation would be $1,000.00 per month.

John Cilley, the City Attorney, shared with Council that N.C.G.S. 159B-10 governs compensation for directors and Ex Officio members of the Joint Board and provides that for any director or Ex Officio director who is an employee of a municipality, a payment in lieu of any compensation shall be made to the municipality for distribution to the City employee who is a director in the manner and amount, if any, it deems appropriate. Mr. Cilley stated that Council could allow Mr. Clark to receive this additional compensation if it wished to but was under no legal obligation to do so and could elect to have the compensation paid directly to the City.

The City Attorney also shared with Council that, should it be desirous of allowing Mr. Clark to receive this additional compensation as an Ex Officio member of the Joint Board, there were two different ways in which it could do so. The City could direct that the compensation be paid directly to the City and then adjust the City Manager's pay in the same amount for his service on the Joint Board, or the City could direct ElectriCities to pay the compensation directly to Mr. Clark with an IRS 1099 form to be issued directly to Mr. Clark, thereby relieving the City of having to run the compensation through its payroll system.

The Attorney also shared with Council that the employment contract currently in effect by and between the City and Mr. Clark requires Mr. Clark to "devote his full and exclusive time and best efforts to the business of the City of Newton,” and as such would require City Council to approve Mr. Clark being allowed to receive this outside income paid to him by a third party.

Council first began a general discussion as to whether Mr. Clark should receive the additional compensation for his service to NCMPA1 and the Joint Board. The consensus was that while Mr. Clark is providing this additional service to the Joint Board as an Ex Officio member because he is the City Manager for the City of Newton, he was nonetheless performing additional services in his capacity as an Ex Officio member that required numerous trips to Raleigh for meetings, in addition to his regular responsibilities as City Manager and should, therefore, receive the additional compensation.

Council then reviewed the two manners of compensation as summarized by the City Attorney and after further discussion, determined it would be best to simply direct ElectriCities to compensate Mr. Clark directly rather than having the compensation forwarded to the City for the City to then distribute it to Mr. Clark.
Council Member Ed Sain made a motion to return to open session to consider the question of the additional compensation for Mr. Clark and the manner in which it was to be provided to Mr. Clark. The motion was seconded by Mayor Pro Tern John Stiver.

All ayes.

Council Member Ed Sain then made a motion in open session that the City Manager is authorized to receive the additional compensation as provided by ElectriCities for his services as a member of the Joint Board of Directors of NCMPAI, NCEMPA and ElectriCities and notwithstanding the provisions set forth in NCGS 2159B-10(f) and Section 5 of the Board of Commissioners of NCMPAI Resolution R-10-95, the City of Newton, as a participant of NCMPAI hereby directs and authorizes ElectriCities of North Carolina, Inc., to pay directly to E. Todd Clark, an employee of the City of Newton, the compensation due to such employee for service as a member of the Board of Directors of NCMPAI, NCEMPA and ElectriCities.

The motion was seconded by Jerry Hodge

The motion was adopted unanimously.

ITEM 13: 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

_________________________________
Anne P. Jordan, Mayor

_________________________________
Amy S. Falowski, City Clerk
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>40000244-001</td>
<td>Gene Lawhorne</td>
<td>2643 N Ashe Ave</td>
<td>Jan-Mar</td>
<td>$107.12</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.
Proclamation

Albert McGlown

Whereas, Albert McGlown started his employment with Newton Container on July 15, 1969; and

Whereas, Newton Container was bought and sold over the years through various acquisitions and is today known as International Paper; and

Whereas, Albert has fifty years of faithful and dedicated service to his employer through each of the different company acquisitions; and

Whereas, Albert has worked in various capacities including Bundler/Stacker Inspector, Forklift Operator, Supervisor over Finishing, Converting, Shipping, and Maintenance, and most recently as Maintenance Technician; and

Whereas, Albert met his wife Joanne in Newton in 1968 and were later married on June 14, 1969; and

Whereas, Albert and Joanne have resided in Newton for the past fifty years and have raised four children, twelve grandchildren, and four great grandchildren; and

Whereas, Albert has served his family, community, and employer with a servant’s heart; and

Now, therefore, be it proclaimed that the City of Newton on behalf of the citizens of Newton, publicly commends Albert McGlown for his outstanding contributions to International Paper for 50 years of service.

Adopted this the 9th day of July, 2019

Anne P. Jordan, Mayor
DATE: July 2, 2019

TO: E. Todd Clark, City Manager

FROM: Vickie Thomas, Finance Director

CONSIDERATION OF: Budget Ordinance Amendment to Carry Forward Unspent Funds for Fire Department Rescue Truck

Approved for Council Consideration

Background:

The Fiscal Year 2019 budget included $900,000 for the purchase of a custom rescue truck for the Fire Department. On May 15, 2018, the City Council approved a contract with Catawba County to provide fire protection services to approximately 25 square miles of rural area adjacent to the City of Newton corporate limits. In consideration of this added responsibility to the City, the contract provided that Catawba County would fund the purchase of the rescue truck, with 75% of the cost being a loan and 25% being a grant. The City Council approved awarding the contract for the construction of the rescue truck on June 5, 2018, with anticipated delivery by June 30, 2019. In addition to the purchase of the rescue truck, there are additional purchases to equip the vehicle for service.

Currently, the rescue truck is not expected to be completed until late July, 2019, and there are additional purchases to be made to complete equipping the vehicle. Of the $900,000 budget approved, $173,498 was expended in Fiscal Year 2019 to equip the vehicle. The remaining $726,502 will not be expended until Fiscal Year 2020.

Staff would like to carry forward the unspent funds for the Fire Department rescue truck to Fiscal Year 2020.

Action Suggested:

Motion to approve the attached Budget Ordinance Amendment to carry forward unspent funds for the Fire Department rescue truck to Fiscal Year 2020.
AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2019-2020 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, 2019, and ending June 30, 2020, in accordance with the General Statutes of the State of North Carolina; and,

WHEREAS, the FY 2019 budget included $900,000 for the purchase of a Fire Department rescue truck, and only $173,498 of that amount was expended in Fiscal Year 2019; and,

WHEREAS, Catawba County is funding the purchase of the rescue truck, providing a loan of 75% of the cost and a grant for the remaining 25% of the cost; and,

WHEREAS, the City Council desires to carry over the remaining $726,502 of unspent funds to Fiscal Year 2020.

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
  Intergovernmental Loan  11-0000.3902  $544,900
  Intergovernmental Grant  11-0000.3903  $181,650

General Fund Appropriations
  Capital Outlay – Motor Vehicles  11-4340.8400  $726,550

Adopted this 9th day of July, 2019

__________________________________________
Anne P. Jordan, Mayor

__________________________________________
Amy S. Falowski, City Clerk
DATE:  July 2, 2019

TO:   E. Todd Clark, City Manager

FROM:  Vickie Thomas, Finance Director

CONSIDERATION OF:  Budget Ordinance Amendment to Carry Forward Unspent Funds for Police Department Prime Mover Truck

Approved for Council Consideration

Background:

On November 6, 2018, Council approved a grant award from the Department of Homeland Security (DHS) for the purchase of a prime mover truck to pull the 28’ tactical support trailer that was purchased in the spring of 2018 using DHS grant funding. The grant award was up to $50,000 with no required matching funds. On that same date, Council approved Budget Ordinance Amendment 2018-39 to recognize the grant award and establish the budget for this project.

Staff would like to re-establish the budget for the prime mover truck in Fiscal Year 2020. No expenditures were incurred in the prior year.

Action Suggested:

Motion to approve the attached Budget Ordinance Amendment to carry forward unspent funds for the Police Department Prime Mover truck.
ORDINANCE

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2019-2020 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, 2019, and ending June 30, 2020, in accordance with the General Statutes of the State of North Carolina; and,

WHEREAS, the City Council approved on November 6, 2018, a grant award from the Department of Homeland Security for the purchase of a prime mover truck. The grant award was up to $50,000 with no required match; and,

WHEREAS, the City Council also approved the Budget Ordinance Amendment 2018-39 to recognize the grant award and the related expenditure appropriation; and,

WHEREAS, the City Council desires to re-establish the budget for the Police Department prime mover truck in Fiscal Year 2020. No expenditures were incurred in the prior year.

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  $50,000

General Fund Appropriations
  Capital Outlay – Motor Vehicles  11-4310.8400  $50,000

Adopted this 9th day of July, 2019

Anne P. Jordan, Mayor

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

DATE: July 1, 2019

TO: E. Todd Clark, City Manager

FROM: Sandra Waters, Recreation Director

CONSIDERATION OF: Consideration of Change Order for Greenway and 15th Street Sewer Replacement Project.

Approved for Council Consideration

Background:

Prior to June 9, 2019, staff noticed erosion from a storm water outlet behind the Catawba County Animal Shelter. This erosion was damaging the Greenway Trail to the point of being unsafe for walkers. Staff roped off the area that was unsafe and began working on bid documents to be sent out to repair storm drain pipe.

Then, on June 8th and 9th of 2019, heavy rain caused this storm water pipe to fail. Over half of this crossing on the Greenway has washed away and exposed an 18” sewer main. This sewer main is made out of plastic, and now will need to be replaced with ductile iron pipe to meet sewer minimum design regulations. The Greenway at this location is closed, until repairs can be made.

Currently, the City of Newton has a contract with Hickory Sand Company Inc. for projects referenced as the 15th Street and Greenway Sewer Replacement Project. The greenway portion of this project is only 1,000 feet from where the compromised storm water pipe is located. Combining this project along with the Greenway Storm Water Pipe Rehab Project will save money and speed up the process of opening the Greenway. Having a contract in place, means that most of the pricing is locked in, including mobilization, pipe, asphalt, and stone.

Staff reached out to Hickory Sand, Inc. for a price to repair the storm water drain pipe on the greenway. Prices came back through the engineering firm designing the 15th Street and Greenway Sewer Project. Hickory Sand’s change order cost is $74,140.00 without contingency. That cost includes repair of storm water drainage pipe, replacement of dirt and rock, asphalt, sewer pipe, and a head wall to prevent future problems. Since this is a change order, and is outside the scope of the agreement for engineering, there will be a cost from The Wooten Company on administration of paper work cost and some observation cost. That total amount for this work is not to exceed is $1,600.00. The total cost with 10% contingency to fix the damaged storm water drainage pipe under the Greenway is $83,150.00. Please reference the attachments for change order cost and engineering cost.

Action Suggested:

Staff recommends approval of Change Order No. 1 with Hickory Sand Company, Inc. in the amount of $74,140, approval of a contract with The Wooten Company in the amount of $1,600 for administration and observations services, and hold $7,410 as contingency against the construction phase of the storm water pipe replacement.
ORDINANCE

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2019-2020 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, 2019, and ending June 30, 2020, in accordance with the General Statutes of the State of North Carolina, and

WHEREAS, the City Council desires to appropriate funds to repair the stormwater drain pipe on the greenway;

WHEREAS, the City Council desires to approve utilization of fund balance and to approve the related expenditure appropriation within the operating budget; and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

<table>
<thead>
<tr>
<th>General Fund Revenues</th>
<th>11-0000.3990</th>
<th>$83,150</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance Appropriation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Fund Appropriations</th>
<th>11-6122.6540</th>
<th>$83,150</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grounds Repair/Maintenance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted this 9th day of July, 2019

______________________________
Anne P. Jordan, Mayor

______________________________
Amy S. Falowski, City Clerk
June 19, 2019

Mr. Dusty Wentz, Director of Public Works and Utilities
City of Newton
401 N. Main Avenue
Newton, NC 28658

Re: Change Order Proposal for Stormwater Work at Greenway
Greenway and 15th Street Sewer Replacement Project
RFP# 61-1901
City of Newton, NC
TWC Job No. 3095-AV

Dear Mr. Wentz:

On Wednesday, June 19, 2019, Dennis Falder requested a proposal for additional
Contract Administration and Construction Observation associated with the repair
of the stormwater line along the Greenway. The repair work is in close
proximity to the current sewer replacement work along the Greenway.

The Wooten Company (TWC) is proposing the following for assisting the City
with additional services associated with the stormwater repairs. This additional
work is similar in scope as that of the sewer replacement work, which TWC is
already under contract for with the City.

The following work includes the additional Contract Administration and
Construction Observation work for the stormwater work:

- Construction Administration: $700 (Not to Exceed) (Billed Hourly)
- Construction Observation: $900 (Not to Exceed) (Billed Hourly)

The above work items are proposed to be a maximum amount and to not be
exceeded. The actual amount will be based upon the actual hours associated with
the work items.

Please contact me if additional information is needed or if you have any
questions. We thank you for the opportunity to assist the City with this work. If
you are in agreement with the proposed additions, we will prepare an amendment
to the existing contract for you.

Sincerely,

THE WOOTEN COMPANY

A. Slade Harvin, PE

Pc: Mr. Dennis Falder, City of Newton
# Change Order

**No. 1**

<table>
<thead>
<tr>
<th>Date of Issuance:</th>
<th>Effective Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project: Greenway and 15th Street Sewer Replacement</th>
<th>Owner: City of Newton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract: General</td>
<td>Date of Contract: June 4, 2019</td>
</tr>
<tr>
<td>Contractor: Hickory Sand Company, Inc.</td>
<td>Engineer’s Project No.: 3095-AV</td>
</tr>
</tbody>
</table>

The Contract Documents are modified as follows upon execution of this Change Order:

**Description:** Repair storm damage in vicinity of existing project including 60 L.F. of 18” D.I. sanitary gravity sewer (Protecto 401 lining), repair the existing dual 36-inch RCP with headwall, rip rap, asphalt repair and select backfill

**Attachments (list documents supporting change):** Quote from Hickory Sand

## CHANGE IN CONTRACT PRICE:

<table>
<thead>
<tr>
<th>Original Contract Price:</th>
<th>$ 354,590.00</th>
</tr>
</thead>
</table>

| [Increase] [Decrease] from previously approved Change Orders No. N/A to No. ______: |
| $ N/A |

<table>
<thead>
<tr>
<th>Contract Price prior to this Change Order:</th>
<th>$ 354,590.00</th>
</tr>
</thead>
</table>

| [Increase] [Decrease] of this Change Order: |
| $ 74,140.00 |

<table>
<thead>
<tr>
<th>Contract Price incorporating this Change Order:</th>
<th>$ 428,730.00</th>
</tr>
</thead>
</table>

## CHANGE IN CONTRACT TIMES:

<table>
<thead>
<tr>
<th>Original Contract Times: □ Working days ☒ Calendar days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial completion (days or date): 90</td>
</tr>
<tr>
<td>Ready for final payment (days or date): 120</td>
</tr>
</tbody>
</table>

| [Increase] [Decrease] from previously approved Change Orders No. N/A to No. ______: |
| Substantial completion (days): |
| Ready for final payment (days): |

<table>
<thead>
<tr>
<th>Contract Times prior to this Change Order:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial completion (days or date): 90</td>
</tr>
<tr>
<td>Ready for final payment (days or date): 120</td>
</tr>
</tbody>
</table>

| [Increase] [Decrease] of this Change Order: |
| Substantial completion (days or date): 0     |
| Ready for final payment (days or date): 0     |

<table>
<thead>
<tr>
<th>Contract Times with all approved Change Orders:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial completion (days or date): 90</td>
</tr>
<tr>
<td>Ready for final payment (days or date): 120</td>
</tr>
</tbody>
</table>

**RECOMMENDED:**

By: [Signature]

**ACCEPTED:**

By: [Signature]

Date: 06/28/19

Approved by Funding Agency (if applicable):

**ACCEPTED:**

By: [Signature]

Date: 07/01/2019

Job No. 3095-AV: 6/28/2019

EJCDC C-941 Change Order

Change Order No. 1
DATE: July 2, 2019

TO: E. Todd Clark, City Manager

FROM: Vickie Thomas, Finance Director

CONSIDERATION OF: Grant Project Ordinance to Recognize Building Reuse Grant Funds and Related Administrative Agreement

Approved for Council Consideration

On January 15, 2019 the City was awarded a Building Reuse Project Grant through the North Carolina Department of Commerce Rural Economic Development Division in an amount not to exceed $60,000. An agreement with the Western Piedmont Council of Governments to administer the grant will serve as the City’s 5% match of $3,000.

This grant is to assist with stimulating economic activity in Newton and to create new jobs for citizens. More specifically, this grant will assist with the reuse of a vacant building at 2616 Northwest Boulevard for James River Real Estate, LLC. This business will be an agricultural dealership that is an authorized service and sales provider for John Deere equipment.

Consideration of the related Grant Project Ordinance is necessary to recognize the $60,000 grant funds, authorize the 5% match from fund balance, authorize the related expenditure appropriation for the renovations, and approve the administrative agreement with the Western Piedmont Council of Governments.

Action Suggested:

1) Motion to approve the attached Grant Project Ordinance for the Building Reuse Grant – James River Real Estate, LLC.
2) Motion to approve the attached administrative agreement with the Western Piedmont Council of Governments.
AGREEMENT BETWEEN THE
WESTERN PIEDMONT COUNCIL OF GOVERNMENTS AND
THE CITY OF NEWTON
FOR THE PROVISION OF
ADMINISTRATIVE ASSISTANCE
NORTH CAROLINA DEPARTMENT OF COMMERCE
RURAL ECONOMIC DEVELOPMENT DIVISION
JAMES RIVER COMPANIES BUILDING REUSE GRANT
JULY 1, 2019 – DECEMBER 13, 2020

This AGREEMENT, entered into on this the ____ day of __________, 2019 by and
between the Western Piedmont Council of Governments (hereinafter referred to as the "Planning
Agency") and the City of Newton, North Carolina (hereinafter referred to as the "Local
Government"); WITNESSETH THAT:

WHEREAS, the Planning Agency is empowered to provide technical assistance by the
North Carolina General Statutes and by resolution passed by the Planning Agency on April 17,
1972. Technical assistance shall consist of the provision of services as described in Attachment
A, which is herein made a part of this Contract;

WHEREAS, the Local Government has requested the Planning Agency to provide such
technical assistance to the Local Government; and

WHEREAS, the Planning Agency desires to cooperate with the Local Government in
every way possible to the end that the proposed activities are carried out in an efficient and
professional manner;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Personnel.** That during the period of this Contract, the Planning Agency will
   furnish the necessary trained personnel to the Local Government.

2. **Travel/Printing.** The Local Government will pay for expenses related to
   conferences, conventions, seminars, local travel, etc. of the personnel when the
   Local Government requests or approves travel related to the Local Government's
   planning program, or if it is beneficial to both parties, the costs will be shared on
   an agreed-upon ratio. The Local Government will also pay for expenses related to
   printing of report(s), mailings to advisory boards, and other costs not related to
   normal travel and staffing costs associated with personnel furnished by the
   Planning Agency.

3. **Compensation.** The Local Government will pay the Planning Agency an amount
of $3,000 (three thousand dollars) for the satisfactory performance of all services related to administration of the project as defined in the attached Scope of Services. It is expressly understood and agreed that total compensation shall not exceed the sum specified without prior approval of both agencies.

4. **Termination/Modifications.** The Local Government may terminate this Contract by giving the Planning Agency a thirty-day written notice. Furthermore, if there is a need to amend the proposal outlined in Attachment A, either party may do so with the written approval of the other.

5. **Time of Performance.** The Planning Agency shall ensure that all services required herein should be completed and all required reports, maps, and documents submitted during the period beginning July 1, 2019 and ending December 13, 2020.

6. **Interest of Members, Officers, or Employees of the Planning Agency, Members of the Local Government, or Other Public Officials.** No member, officer, or employee of the Planning Agency or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The Planning Agency shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.

7. **Nondiscrimination Clause.** No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination with any program or activity funded.

8. **Age Discrimination Act of 1975, as amended.** No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

9. **Section 504, Rehabilitation Act of 1973, as amended.** No qualified disabled person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

10. **Access to Records and Record Retainage.** All official project records and documents must be maintained during the operation of this project and for a
11. **Liquidated Damages Clause.** If the project fails to be carried out within the time frame outlined in the administrative proposal due to activities attributed to the Planning Agency, the Local Government may assess the Planning Agency a sum in the amount of $100 per week for any subsequent weeks until completion.

12. **Termination of Agreement for Cause.** If, through any cause, the Planning Agency shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or violate any of the covenants, conditions, or stipulations of this Agreement, the Local Government shall thereupon have the right to terminate this Agreement by giving written notice of such termination and specifying the effective date thereof. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared under this Agreement shall, at the option of the Local Government, become its property, and the Planning Agency shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials in direct proportion to the extent of services actually completed.

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of the date first above written.

LOCAL GOVERNMENT: PLANNING AGENCY:
CITY OF NEWTON WESTERN PIEDMONT
COUNCIL OF GOV'TS.

By: __________________________ By: __________________________
City Manager Executive Director

LOCAL GOVERNMENT: PLANNING AGENCY:

By: __________________________ By: __________________________
Mayor Chairman

Pre-audit statement:
This instrument has been pre-audited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

By:_________________________________________

Local Government Finance Officer
Introduction
The Western Piedmont Council of Governments (WPCOG) has worked with City of Newton on the NC Department of Commerce Rural Economic Development Division Building Reuse Grant for James River Companies. The company intends to rehabilitate the former Slimline building located at 2616 Northwest Blvd, Newton NC, 28658 and create 12 new full-time jobs.

The Scope of Services proposal is intended to describe the various administrative activities the WPCOG will provide as related to the NC Department of Commerce Rural Economic Development Division Building Reuse grant funds.

WPCOG Services
Paul Teague will serve as Project Administrator and will provide the following specific activities:

- Assistance with development of the City of Newton’s Award Package.
- Development and management of the overall project filing system.
- Preparation of all pay request recommendations for the City.
- Requisition of the grant funds.
- Monitor job creation by James River Companies.
- Preparation of all reports required by the Department of Commerce.
- Update Manager on status of project.

The City will be responsible for the following:

- Adequate office space including utilities.
- Direct payment of legal and audit services and general administrative costs.
All administrative costs not specifically identified as WPCOG responsibilities.

**Administrative Fee**

The WPCOG proposes to provide the above-described services for a fee not to exceed contract of $3,000.

**Amendments and Termination**

The City of Newton can terminate this contract by giving a one-month written notice. Should there be the need to amend this proposal during the term of the project, either party may do so with the approval of the other.