AGENDA
CITY OF NEWTON

July 10, 2018
AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING

July 10, 2018
7:00 p.m.

Page

1. **Call to Order – Mayor Anne P. Stedman**

2. **Opening – Council Member Tom Rowe**

3. **Approval of Minutes from the June 19, 2018 Regular Meeting**

4. **Consideration of Consent Agenda Items**
   
   A. Tax Releases
   
   B. Sewer Adjustments
   
   C. Proclamation – Recreation and Parks Month
   
   D. Consideration of Amendments to the Business Advisory Committee By-laws
   
   E. Consideration of Appointments/Re-appointment to Boards and Commissions
   
   F. Consideration to Waive Standby Fee for High School Sporting Events
   
   G. Consideration to Recognize the Donation of Surplus Equipment from Catawba County to Newton Police Department
   
   H. Consideration of Lease Agreement with the State Employees Credit Union
   
   I. Consideration of Change Order for Street Paving Projects
   
   J. Consideration of ElectriCities Downtown Revitalization Grant
   
   K. Consideration of NCDOT Grant
   
   L. Consideration of Capital Project Ordinance to Establish Capital Project Funds

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. **Presentation**
   
   A. AWOP Award

7. **Old Business**
   
   A. Consideration of Bid Award for Phase I Streetscape Materials

8. **New Business**
   
   A. Consideration of Budget Amendment for Rehabilitation of Wastewater Treatment Plant Tertiary Filters
   
   B. Consideration of Budget Amendment for Recycling Fee at the Mixed Recycling Facility
   
   C. Consideration of Purchase of Trolley

9. **City Manager’s Report**

10. **Questions and Comments From Mayor and Council**
    
    A. Reports from Appointed Representatives on Outside Boards – Council Member Jerry Hodge

11. **Closed Session - Per North Carolina General Statutes 143-318.11(a)(4) and 143-318.11(a)(5)**

12. **Adjournment**
The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, June 19, 2018 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 Ed Sain provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the June 5, 2018 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Sewer Adjustments

C. Consideration of Capital Project Budget Ordinance to Close Capital Projects

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

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

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

ITEM 6: PRESENTATION

A. Presentation of the Comprehensive Annual Financial Report (CAFR) Award

City Manager Todd Clark presented Finance Director Serina Hinson and the finance staff the Comprehensive Annual Financial Report (CAFR) award. Mr. Clark congratulated Ms. Hinson and her staff.
Mayor Stedman, on behalf of the City Council thanked Ms. Hinson and her staff on a job well done.

ITEM 7: **New Business**

A. Consideration of Uniform Guidance Procurement Standards Policy

Finance Director Serina Hinson stated that The Office of Budget and Management (OMB) officially implemented its Uniform Administrative Requirements, Cost Principles, and Audit Requirements, commonly referred to as Uniform Guidance. Ms. Hinson explained that Local Governments that expend federal financial assistance (including USDA loans and grants, CDBG funds, FEMA Public Assistance disaster relief grants, and other programs, either directly funded or reimbursement driven) must comply with these new requirements for all fiscal years beginning on or after December 26, 2017 which would begin July 1, 2018 for the City.

Ms. Hinson stated the requirements are applicable to the purchase of both goods and services, as well as construction and repair projects, which differs significantly from our state laws that apply primarily to the purchase of goods or construction contracts. These rules not only apply to direct recipients of federal financial assistance but also to all sub-recipients.

Ms. Hinson stated these written policies and procedures must be in place by July 1, 2018 since the City is already a participant in a federal assistance program. These new standards only apply to federal financial assistance programs. She also explained that if there is a requirement conflict between the Uniform Guidance, state and the City’s policy, the more restrictive requirement prevails.

Ms. Hinson recommended that City Council approve the Resolution approving the Uniform Guidance Policy for the City of Newton.

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

That the Uniform Guidance Procurement Standards Policy be – APPROVED.

ITEM 8: **City Manager’s Report**

**Meetings & Events**

- June 21st – DNDA’s “Bright Future Concert”, 4:40 p.m. – 9:30 p.m.
- June 28th – BAC Semi-Annual Meeting, 5:30 p.m. – 7:00 p.m., Newton-Conover Auditorium
- Town Hall Meetings, all - 6:00 p.m. – 8:00 p.m.
  1. June 25th, Old St. Paul’s Church
  2. June 27th, Grace Reform Church
- July 18th - EDC Annual Meeting – Hickory Metro Convention Center 11:45 a.m. – 1:00 p.m.
- August 20-22, ElectriCities Conference

**Other Projects**

- Key Accounts Luncheon – July Date TBD
- August 20-22, ElectriCities Conference
ITEM 9: Questions and Comments from Mayor and Council

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

Council Member Anne Wepner gave a report on the Newton-Conover Auditorium.

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 Jody Dixon, seconded by Council Member Jerry Hodge, it was unanimously RESOLVED:

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

Motion was then made by Council Member Jody Dixon, seconded by Council Member Ed Sain 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

___________________________________
Anne P. Stedman, Mayor

______________
Amy S. Falowski, City Clerk
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>2013</td>
<td>86</td>
<td>Coulter, Leon</td>
<td>Small underpayment</td>
<td>$0.45</td>
</tr>
<tr>
<td>2017</td>
<td>87</td>
<td>McClure, Jonathan D</td>
<td>Property sold in previous year</td>
<td>$1.08</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>55000840-005</td>
<td>Regina Workman</td>
<td>728 E 18th St</td>
<td>May</td>
<td>$18.50</td>
</tr>
<tr>
<td>59000270-001</td>
<td>Angela Heafner</td>
<td>412 E 11th St</td>
<td>June-Pool</td>
<td>$74.53</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.
JULY IS RECREATION AND PARKS MONTH

A PROCLAMATION BY THE

NATIONAL RECREATION AND PARK ASSOCIATION

North Carolina Recreation and Park Association

Whereas, public parks and recreation systems are dedicated to enhancing the wellness and quality of life for residents in communities through recreation programming.

Whereas, parks, recreation activities and leisure experiences provided opportunities for young people to live, grow and develop into contributing members of society; create lifelines and continuous life experiences for older members of the community; generate opportunities for people to come together and experience a sense of community; and

Whereas, parks and recreation services pay dividends to communities by attracting business and jobs and increasing housing values; and

Whereas, we recognize the vital contributions of employees and volunteers in parks and recreation facilities. These dedicated supporters keep public parks clean and safe for visitor, organize youth activities, provide educational programming on health, nutrition, first aid and gardening, advocate for more open space and better trails, and fundraise for local improvements. They ensure that parks and recreation facilities are safe and accessible places for all citizens to enjoy; and

Whereas, we call upon park and recreation supporters to join us in recognizing the importance of our community’s parks and recreation facilities and to learn about how to support the places that bring our community a higher quality of life, safer places to play and healthy alternatives through recreation programming.

NOW, THEREFORE, BE IT RESOLVED the City of Newton, recognizes July as “Parks and Recreation Month” and we resolve to encourage our citizens enjoy what our community has to offer by taking part in their favorite sports, visiting the outdoors, spending time with family and friends or just relaxing, as “the pursuit of happiness” is an inalienable right of all Americans.

Furthermore, I Anne P. Stedman Mayor of Newton, and on behalf of the City Council, do hereby proclaim July 2018 as Park and Recreation Month in the City of Newton.

Anne P. Stedman, Mayor
June 20, 2018
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: July 6, 2018

TO: Mayor Anne Stedman and Newton City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Consideration of Amendments to the Business Advisory Committee Bylaws

Background:

The Chairman of the Business Advisory Committee suggested earlier this calendar year that City Council make various amendments to the BAC by-laws. In particular, the by-laws need to be amended to allow any member of the BAC to serve as chair of the committee for more than the currently established two year term. Additionally, a change is suggested to allow the DNDA Chairman to appoint someone from their membership. The current by-laws require the service of the DNDA Chairman. This requirement creates an additional service obligation on the DNDA Chair and is a deterrent to anyone considering serving in that capacity.

After reviewing the by-laws, a number of additional changes were identified and are included in the suggested amendments. The BAC has reviewed the suggested amendments and voted unanimously to recommend the changes to City Council.

A copy of the BAC by-law amendments has been included with this Request for Council Action. Please note that newly added text is highlighted in yellow and text marked for deletion is in red strikethrough.

Action Suggested:

Staff recommends adoption of the by-law amendments as presented with this Request for Council Action.
I. PURPOSE

Section 1 - Mission
The mission of the Business Advisory Committee is to generate commercial economic development that will benefit all citizens of the City of Newton by improving the attractiveness of the entire City for the creation of new businesses and for the expansion of existing businesses.

The mission of the Business Advisory Committee is to recognize the value of local businesses, both large and small, and develop strategies that retain such businesses and facilitate new economic growth within the City of Newton.

Section 2 – Role of the Business Advisory Committee
The role of the Business Advisory Committee, hereafter referred to as the BAC, is to advise the Mayor and City Council on business issues that impact the City including, but not limited to, retail, commercial, downtown, and residential development; ordinances and codes to support development and redevelopment; investments needed by the public and private sectors to carry out development and redevelopment projects; and potential incentives to attract new business investment. The BAC may be charged with planning and implementing a broad range of economic development and community development strategies, such as marketing, branding, business incentives, or infrastructure improvements, as directed by the Mayor and Council. The BAC may participate in the recruitment and retention of companies or work with the development community to identify and formulate product (i.e. development sites, buildings). The BAC may also prepare and maintain a business development plan for the City of Newton at the direction of the Mayor and City Council.

II. MEMBERSHIP

Section 1 - Appointment
The BAC shall consist of nine members. Eight (8) members shall serve three-year terms and shall be appointed by the Mayor and confirmed by a majority of City Council. The eight members must be either a business owner or a commercial property owner whose business or property is within the city limits, or a Newton resident whose regular place of employment is located within the city limits. In lieu of the business owner, the member may be a designated representative from the business recommended by the owner and appointed by the Mayor and a majority of City Council. A BAC member cannot be an elected or appointed official of any other governmental body. Appointments to the BAC membership should be established made taking into consideration a diversity of business
sectors and locale within the downtown as well as the other commercial areas of the City. The ninth member shall be the current Chairman of the Downtown Newton Development Association. In the event the Chairman is unable to serve due to time constraints or other reasons that would impair his or her service, the DNDA may appoint a representative to serve in place of the Chairman.

Section 3 – Ex-officio Members

The City Manager of the City of Newton, or his designee, shall serve on the BAC as an ex-officio, non-voting member, and will act as staff liaison for the BAC. The Commercial Development Coordinator may not serve as an officer or committee chair. Expenses for any BAC activity such as meetings or travel shall be submitted to the Coordinator for approval before submission to the City for payment.

Section 2 - Terms

Members may serve no more than two consecutive terms, plus any unexpired term to which any such member might be appointed to complete. Eight members shall serve staggered, three-year terms. Seats one through four shall be appointed to serve an initial two-year term and thereafter those seats shall be for three-year terms. Seats five through eight shall be appointed to serve an initial three-year term and thereafter those seats shall be for three-year terms.

If a vacancy on the BAC occurs by reason of death, resignation, or any other cause, the seat shall be filled by appointment of the Mayor and confirmation by a majority of City Council in an expeditious manner for the duration of the unexpired term.

III. OFFICERS AND DUTIES

Section 1 - Officers

The officers of the BAC shall consist of a Chairperson and a Vice-Chairperson.

Section 2 - Chairperson

The Chairperson shall be elected by a majority vote of the membership of the BAC from among its members. The term of the Chairperson shall be for no more than two years and until a successor is elected, beginning with the first regular January meeting of each calendar year. The Chairperson shall be elected in December of each year and he or she shall begin their service beginning with the first regular meeting of each calendar year. The Chairperson shall be eligible for reelection. The Chairperson (unless absent or excused), shall chair each meeting of the BAC and shall be a full voting member. The Chairperson shall decide upon all points of order and procedure unless otherwise directed by a majority of the BAC in session at the time. The Chairperson shall represent the BAC in reporting to the City Council on matters of the BAC.

Section 3 - Vice-Chairperson

A Vice-Chairperson shall be elected from among the members in the same manner and for the same term as the Chairperson. The Vice-Chairperson shall serve as Acting Chairperson in the absence of the Chairperson and in such capacity, shall have the same
powers and duties as the Chairperson. Upon resignation of the Chairperson, the Vice-Chairperson shall succeed the Chairperson and a new Vice-Chairperson shall be elected at a regularly scheduled meeting.

Section 4 – Recording Secretary
The City staff liaison or a BAC member elected from among the members may serve as the recording secretary, as decided by a vote of the BAC at a duly called meeting. The term of the Recording Secretary may be for as long as the Recording Secretary is eligible to be a member of the BAC. The duties of the Recording Secretary shall be:
1) Keep the minutes of all meetings of the Committee in an appropriate minute book;
2) Give or serve all notices required by law or the By-laws;
3) Prepare the agenda for all meetings of the Committee
4) Be custodian of Committee records
5) Inform the BAC of correspondence relating to business of the Committee and attend to such correspondence;

IV. EX-OFFICIO MEMBERS

Ex-Officio members will not be counted for quorum purposes and will not vote. Ex-Officio members are encouraged to participate in discussion at meetings and assist with other aspects of committee business. The staff liaison is considered a non-voting position and serves as staff to the BAC.

V. MEETINGS

Section 1 - Open Meetings Law
The BAC of the City of Newton, NC, shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings Law. The BAC may need to discuss specific projects involving confidential information and therefore may meet in closed session as provided for by state statute. The staff liaison, in consultation with the City's legal counsel, shall recommend when the BAC meets in closed session.

Section 2 - Regular Meetings
A schedule of regular meetings may be established by a majority vote at a regularly scheduled meeting of the BAC, provided that meetings are held at least every two months. Notice of a meeting, with information on agenda items shall be supplied before each meeting to all members and made available to the public and media.

Section 3 - Special or Called Meetings
Special meetings of the BAC may be called at any time by the Chairperson or Acting Chairperson in the Chair's absence. Notice of the time and place of a called meeting shall be given to all members and the media at least forty-eight hours prior to the meeting by the Chairperson or staff liaison. The Chairperson or staff liaison will attempt to contact each member of the BAC as soon as possible after a special or called meeting is set.
Section 4 - Quorum
A quorum of the BAC shall be required to open any meeting and to conduct business. A quorum shall be a minimum of five (5) voting members.

Section 5 - Participation
Members of the BAC are strongly encouraged to participate and attend BAC meetings. Participation is essential for the success of the BAC mission. Any member, who shall fail to attend three successive regular meetings or at least 75% of the regular and special meetings of the BAC during any one-year period, shall be subject to removal. The Chairperson shall notify the Mayor and City Manager of any member who fails to meet the attendance requirements. The seat shall be filled by appointment by the Mayor and confirmation by a majority of City Council in an expeditious manner for the duration of the unexpired term.

VI. VOTING; CONDUCT OF MEETINGS

Section 1 - Voting
Voting, at the discretion of the Chairperson, shall be by voice or show of hands. All matters to be voted on by the BAC shall be by a duly made motion and second. It is the duty of all BAC members present at a meeting to vote on all issues coming before the BAC unless such member has been specifically recused from voting on an issue. Recommendations of the BAC shall be adopted by affirmative vote of a majority of the members present and voting.

Section 2 - Conduct of Meetings
All meetings shall be open to the public. The order of business at meetings shall generally be as follows:
(a) Open Meeting & Declare a Quorum
(b) Approval of Minutes
(c) Old Business
(d) New Business
(e) Adjournment

The Chairperson shall have the authority to amend the order of business at any meeting. Items of business for discussion at the meeting shall appear on the agenda. Robert’s Rules of Order The BAC shall use the most recent “Suggested Rules of Procedure” as published by the University of North Carolina School of Government, to guide the Committee in all cases not otherwise provided for in these By-laws. All final determination of procedure shall be the responsibility of the Chairperson.

VII. RULES OF CONDUCT FOR MEMBERS

No member of the BAC shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the BAC which may result in a private benefit to themselves, their immediate relatives or their business interest. A member may be recused from voting on a particular issue under the following circumstances:
a. If the member has a direct financial interest in the outcome of the matter at hand;
b. If the matter at hand involves a business entity in which the member is an officer or director; or
c. If the matter at hand involves the member's own official conduct.

If a BAC member determines that he/she may have a conflict of interest on a particular issue, he/she shall declare the nature of such conflict prior to the discussion of the issue and ask to be recused from deliberating and voting on the issue related to the conflict. The remaining BAC members, by majority vote, shall determine whether such conflict exists and whether the member may be recused from further deliberations on the matter as outlined in the UNC School of Government “Suggested Rules of Procedure”. If a member is recused from voting, he/she shall leave the meeting table and not participate in any further discussion on the matter. In no instance may a member be recused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

In the case of a perceived (but not actual) conflict of interest, the Committee member should state the disclosure at the convened meeting of the BAC and indicate that there is no actual conflict.

A challenge to the existence of a conflict of interest or a challenge to a statement of no conflict of interest may be filed by any member of the BAC. Any challenge made to the BAC shall be supported by competent evidence and shall be submitted at a properly convened meeting of the BAC. The BAC shall hear all evidence. In order to find that a member does have a conflict of interest, a majority vote of the remaining members shall be required.

VIII. REPORTING

The BAC will prepare and submit to the Mayor and City Council a written and oral report of BAC proceedings and recommendations twice per year, or at the request of the Mayor. The BAC shall host an annual meeting for Newton businesses each year. At the annual meeting, the BAC should inform area businesses of its recommendations from the previous year and priorities for the upcoming year.

IX. ADOPTION AND AMENDMENTS

These rules shall at all times be consistent with all other ordinances of the City of Newton and the State of North Carolina. These By-Laws, within the limits allowed by law, may be amended as necessary by the City Council upon recommendation by the BAC.
DATE: July 5, 2018

TO: City Council

FROM: Anne P. Stedman, Mayor

CONSIDERATION OF: Appointment and Re-appointment

Members of City Council, I would like to recommend the appointment of David Hayes to the Keep Catawba County Beautiful Board. David is currently a member of our Appearance Commission.

I would also like to recommend the Re-appointment of Lance Sellers to the Catawba County Economic Development Corporation Board as the city’s appointment.
DATE: July 2, 2018

TO: E. Todd Clark, City Manager

FROM: Kevin Yoder, Fire Chief

CONSIDERATION OF: Amendment of 2018-2019 Fees and Charges Schedule

Background:

1. Effective July 1, 2018 Catawba County has terminated the services of the Newton Conover Rescue Squad.
2. The City of Newton has contracted with Catawba County to provide Medical First Response in the Rural Areas previously served by the Newton Conover Rescue Squad.
3. The City of Newton has been providing Medical First Response Service in the City of Newton for approximately two years.
4. The Newton Conover Rescue Squad has previously provided Medical Standby services at certain locations within the City of Newton, particularly high school football games.
5. There are usually 10-12 home football games each year. The ordinary standby services consist of two personnel for approximately 3 hours.
6. The current Fees and Charges schedule lists the per hour charge for standby services at $28.00 per hour. This would equate to approximately $168.00 for each event.

Action Suggested:

The staff recommends waiving the fee for standby services as set forth in the adopted 2019-19 Fees and Charges Schedule.
DATE: June 25, 2018

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Recognize the donation of surplus equipment from Catawba County to the Newton Police Department.

Approved for Council Consideration

Background:

On November 17th, 2017, a request was made to Brian Blanton, Emergency Management Director for Catawba County, respectfully requesting donation of a surplus medical ambulance from Catawba County to the Newton Police Department. The primary purpose of this equipment will be for the provision of public safety initiatives. Specifically, the equipment will be used to support criminal investigations in the form of a Mobile Crime Scene / Command Post.

On June 18th, 2018, during a regular session of the Catawba County Board of Commissioners, a Resolution was approved by the Catawba County Commissioners to declare surplus a 2002 Chevrolet ambulance to be transferred to the Newton Police Department for the stated purpose.

Summary:

The above received donation will be used by the Newton Police Department for public safety initiatives in support of police operations.

Requested Action:

Approve a motion to recognize donated surplus equipment from Catawba County t.
November 17th, 2017

Bryan D. Blanton, Director
Catawba County Emergency Services
100 Government Drive
PO Box 389
Newton, NC 28658

RE: Surplus Equipment

Dear Mr. Blanton:

The Newton Police Department understands that on occasion, Catawba County has in its surplus inventory ambulances. The Newton Police Department respectfully requests your consideration and approval in transferring this type of equipment directly to the Newton Police Department to be used for the provision of public safety initiatives. Specifically, the equipment will be used to support criminal investigations in the form of a mobile crime scene/command post.

Please feel free to contact me should you require additional information and/or to coordinate this transfer, if approved.

Thank you for your consideration of this request.

Sincerely,

Timothy W. Hayes
Major Timothy W. Hayes
Deputy Chief of Police
City of Newton Police Department
MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Finance and Personnel Subcommittee
DATE: June 18, 2018
IN RE: Donation of Surplus Vehicles to the Town of Brookford, City of Newton and Town of Catawba Police Departments and St. Stephens Fire Department

REQUEST
The Finance and Personnel Subcommittee recommends donating:
   a. A 2012 Chevrolet Tahoe and a 2011 Chevrolet Tahoe to the Town of Brookford Police Department
   b. A 2012 Chevrolet Ambulance to the City of Newton Police Department
   c. A 2011 Ford Crown Victoria to the Town of Catawba Police Department
   d. A 2008 Ford Crown Victoria to St. Stephens Fire Department

BACKGROUND
The Brookford Police Department’s fleet is approximately twenty years old and they need newer vehicles to provide services. The 2012 Tahoe has 135,553 miles, with an approximate value of $5,000-$9,000, and the 2011 Tahoe has 137,893 miles, with an approximate value of $4,500-$8,500.

The Newton Police Department will use the surplus ambulance for the provision of public safety initiatives. Specifically, the equipment will be used to support criminal investigations in the form of a mobile crime scene/command post. The 2012 Chevrolet Ambulance has 184,598 miles, with an approximate value of $3,200.

The Catawba Police Department will use the surplus vehicle as a patrol car. The 2011 Ford Crown Victoria has 96,670 miles, with an approximate value of $2,400.

The St. Stephens Fire Department will use the surplus vehicle to primarily run medical first response calls and may at times be used to transport Fire Department members to training. The vehicle will be used at Station #2 which currently does not have a Quick Response Vehicle for Medical First Response. The 2008 Ford Crown Victoria has 129,320 miles and has an approximate value of $2,000.

REVIEW
North Carolina General Statute 160A-274 authorizes the sale, lease, exchange and joint use of governmental property. Under this statute, a governmental unit may transfer personal property
to another governmental unit with or without monetary consideration. The statute does require action by the governing body.

RECOMMENDATION
The Finance and Personnel Subcommittee recommends the Board of Commissioners adopts the following resolution donating;

a. A 2012 Chevrolet Tahoe and a 2011 Chevrolet Tahoe to the Town of Brookford Police Department
b. A 2012 Chevrolet Ambulance to the City of Newton Police Department
c. A 2011 Ford Crown Victoria to the Town of Catawba Police Department
d. A 2008 Ford Crown Victoria to St. Stephens Fire Department

Resolution #2018-
DECLARATION OF SURPLUS PROPERTY AND DONATION TO THE TOWN OF BROOKFORD, CITY OF NEWTON AND TOWN OF CATAWBA POLICE DEPARTMENTS AND ST. STEPHENS FIRE DEPARTMENT

WHEREAS, the County has the authority to declare property no longer needed as surplus and donate said property to another governmental unit account to the precepts of NCGS 160A-274; and

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

<table>
<thead>
<tr>
<th>2011 Chevrolet Tahoe</th>
<th>VIN#1GNLC2E04BR261517</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Chevrolet Tahoe</td>
<td>VIN#1GNLC2E01CR203740</td>
</tr>
</tbody>
</table>

WHEREAS, said vehicles shall be given to the Town of Brookford to be used for a governmental purpose.

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

| 2012 Chevrolet Ambulance | VIN #1GB6G5CL0C1202882 |

WHEREAS, said vehicle shall be given to the City of Newton Police Department to be used for a governmental purpose.

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

| 2011 Ford Crown Victoria | VIN #2FABP7BVXBX137723 |
WHEREAS, said vehicles shall be given to the Catawba Police Department to be used for a governmental purpose.

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

- 2008 Ford Crown Victoria VIN#2FAHP71V48X179566

WHEREAS, said vehicles shall be given to the St. Stephens Fire Department to be used for a governmental purpose.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners hereby declares said property as surplus and authorizes the vehicles to be donated to the Town of Brookford, City of Newton and Town of Catawba Police Departments and St. Stephens Fire Department.

This the 18th day of June 2018.

Randy Isenhower, Chair
Catawba County Board of Commissioners
§ 160A-274. Sale, lease, exchange and joint use of governmental property.

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar ($1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes. (1969, c. 806; 1971, c. 698, s. 1; 1973, c. 507, s. 5; 1975, c. 455; c. 664, s. 9; c. 879, s. 46; 1977, c. 464, s. 34; 2001-328, s. 6.)
CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION

DATE: July 5, 2018

TO: Newton City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Lease Agreement with the State Employees Credit Union

Approved for Council Consideration

Background:

The City of Newton entered into a lease agreement with State Employees Credit Union on July 3, 2013 for the purpose of allowing the Credit Union to construct and operate an ATM kiosk at City Hall. The lease agreement was for a period of five years and expired on June 30, 2018. A representative of the Credit Union recently contacted the City and expressed a desire to extend the lease for another five year term.

Review

The City of Newton and surrounding area serves as the hub for many state and local government offices. This includes the Newton-Conover School System, the Catawba County School System, the N.C. Division of Motor Vehicles, N.C. Highway Patrol offices, N.C. Department of Transportation, a minimum security prison operated by the NC Division of Adult Correction, Catawba County Government Offices (Administration, Courts, Sherriff’s Office, County Jail, Clerk of Court, Register of Deeds, Elections Office, and Animal Control) and the City of Newton. In the absence of a local NCSECU branch bank in Newton, the ATM served an average of 5,233 customers each month between May of 2017 and April of 2018 (or 174 customers per day based on a 30 day month).

If City Council desires to extend the current lease for another five (5) year term, the City must follow state law that establishes the procedure for entering into a multi-year lease agreement. In accordance with North Carolina General Statute §160A-272, “any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years and only if the council determines that the property will not be needed by the city for the term of the lease.” Furthermore, the “property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 30 days’ public notice.”

The City Council is also advised that a contract has been drafted that provides for a five year lease with an initial rate of 313.02 per month. Annual increases of three (3%) are included in the proposed agreement which is provided with this Request for Council Action for review. The agreement has also been reviewed by NCSECU and is acceptable in its present form.

Additionally, staff has advertised the intent to consider authorizing the execution of the lease agreement between the City of Newton and North Carolina State Employees’ Credit Union for the July 10, 2018 City Council meeting and prepared a resolution as required by state law. A copy of the Resolution is attached for reference.

Recommendation

The staff recommends approval of the proposed five (5) year lease in accordance with the terms and conditions set forth in the attached lease agreement.
RESOLUTION
Authorizing Lease Agreement with
North Carolina State Employees Credit Union

Whereas, NCGS §160A-272(a) sets forth that any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years and only if the council determines that the property will not be needed by the city for the term of the lease, and

Whereas, the City Council of the City of Newton desires to lease City owned property to the North Carolina State Employees Credit Union for a period of 5 years for the purpose of locating an Automated Teller Machine, and

Whereas, the City Council of the City of Newton has determined that an area located adjacent to City Hall is not needed for the term of the proposed 5 year lease, and

Whereas, the City of Newton advertised the consideration of the lease on June 6th, 2018 and in accordance with NCGS §160A-272(a), and

Whereas, the public notice included a description of the property to be leased, the lease payments, and announcing the council’s intent to consider the execution of the lease at its July 10, 2018 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City of Newton City Council authorizes the execution of a 5 year lease with North Carolina State Employees Credit Union for property generally described as a one hundred fifty (150) square foot area adjacent to a parking lot located to the north side of Newton City Hall and whereas the lease agreement is hereby referenced as Attachment A to this Resolution.

Adopted this 10th day of July, 2018

________________________________________
Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk
The Newton City Council will meet in regular session at 7:00 p.m. on July 10, 2018 in the Council Chambers at Newton City Hall, 401 North Main Avenue. The City Council will consider authorizing the execution of a lease agreement between the City of Newton and North Carolina State Employees’ Credit Union for a tract or parcel of land located at 427 N Main Ave, Newton, NC. Lessee (State Employees’ Credit Union) shall pay Lessor (City of Newton) the sum of two hundred fifty dollars ($250.00) per month, increasing annually by 3%, and this lease shall be for a period of five (5) years beginning on the first day of July 2018.

All interested persons are urged to attend and provide comment, or call 828-695-4265 with any questions.

Amy Falowski
City Clerk

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

Publish: June 6, 2018
§ 160A-272. Lease or rental of property.

(a) Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided in subsection (b1) of this section) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included.

(a1) Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 30 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

(b) No public notice as required by subsection (a1) of this section need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less.

(b1) Leases for terms of more than 10 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property.

(c) Notwithstanding subsection (b1) of this section, the council may approve a lease without treating that lease as a sale of property for any of the following reasons:

(1) For the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 25 years.

(2) For the siting and operation of a tower, as that term is defined in G.S. 146-29.2(a)(7), for communication purposes for a term up to 25 years. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 26; 2009-149, ss. 2, 3; 2010-57, s. 2; 2010-63, s. 2(b); 2011-150, s. 1; 2014-120, s. 34; 2015-246, s. 9.)
ATM Totals for May 2017-April 2018

May, 2017- 5,321 transactions
June, 2017- 4,889 transactions
July, 2017- 5,083 transactions
August, 2017- 5,306 transactions
September, 2017- 5,077 transactions
October, 2017- 5,698 transactions
November, 2017- 4,791 transactions
December, 2017- 5,031 transactions

January, 2018- 5,021 transactions
February, 2018- 5,333 transactions
March, 2018- 5,545 transactions
April, 2018- 5,706 transactions
NORTH CAROLINA:
CATAWBA COUNTY:

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this TWENTY THIRD day of, MAY, 2018, by and between, CITY OF NEWTON, hereinafter referred to as "Lessor"; and STATE EMPLOYEES' CREDIT UNION, a North Carolina corporation, hereinafter referred to as "Lessee";

WITNESSETH:

That subject to the terms and conditions hereinafter set out, said Lessor does hereby let and lease unto said Lessee, and said Lessee does hereby accept as tenant of Lessor that certain tract or parcel of land located, 427 N. MAIN AVE., NEWTON, County of CATAWBA, State of North Carolina.

The terms and conditions of this Lease are as follows:

1) The term of this Lease shall be for a period of FIVE (5) years beginning on the FIRST day of, JULY, 2018, and ending on the LAST day of JUNE, 2023, unless extended or terminated under the other provisions of this Lease.

2) As rental for said premises, Lessee shall pay to Lessor, at the address noted below, and without notice or demand therefore, THREE PERCENT (3%) INCREASE EACH YEAR WITH THE FIRST YEAR THE SUM OF THREE HUNDRED THIRTEEN DOLLARS AND TWO CENT[3]S ($313.02), SECOND YEAR-THREE HUNDRED TWENTY TWO DOLLARS AND FORTY ONE CENTS ($322.41), THIRD YEAR-THREE HUNDRED THIRTY TWO DOLLARS AND EIGHT CENT[3]S ($332.08), FOURTH YEAR-THREE HUNDRED FORTY TWO DOLLARS AND FOUR CENT[3]S ($342.04), AND THE FIFTH YEAR-THREE HUNDRED FIFTY TWO DOLLARS AND THIRTY CENTS ($352.30); ALL payable monthly in advance on the first day of each calendar month. Rental payments shall be made to CITY OF NEWTON, P O BOX 550, NEWTON, NC 28658.

3) Lessee shall use and occupy the premises for the purpose of maintaining a kiosk ATM, and in connection thereto, shall comply with all laws, ordinances, orders, or regulations of any lawful authority having jurisdiction over the premises and the use thereof.

4) Lessor shall be responsible for the repair and maintenance of the parking lot of the described property (collectively, the "Leased Premises") of reasonable wear and tear, potholes, landscaping and the surrounding area of the said ATM located on the "Leased Premises". Upon the written request of Lessee as to any repairs or maintenance and if Lessor fails to perform any repairs or maintenance required of Lessee hereunder then, after Lessee gives Lessor written notice and thirty (30) days to cure (or a reasonable time thereafter if such repairs or maintenance cannot reasonably be completed in thirty (30) days and repairs or maintenance are commenced within such period and thereafter diligently pursued to completion), Lessee has the option to provide a thirty (30) day written notice of its intent to terminate this Lease Agreement. Lessor and Lessee shall share the responsibility of maintaining the surrounding area in close proximity of the said ATM. Lessee shall be responsible for the construction of the said ATM, upkeep, repair, and maintenance of said structure during the term of this Lease or any extension hereof.
At the expiration of the term of this Lease, or the prior termination of said Lease as herein provided, Lessee shall be responsible for removing said ATM from the premises and restoring the premises to its present condition.

5) During the term of this Lease, Lessee shall maintain comprehensive general liability insurance on an occurrence basis with minimum limits of liability in the amount of Three Hundred Thousand Dollars ($300,000.00) for property damage, bodily injury, personal injury or death to any one person; Lessee shall also maintain excess liability coverage with a per occurrence limit of at least One Million Dollars ($1,000,000.00); and Lessee shall keep the kiosk structure on the demised premises together with the equipment in said building insured against loss or damage by fire or other casualties.

6) Lessee shall neither use nor occupy the demised premises or any part thereof for any unlawful or ultrahazardous business purpose nor operate or conduct its business in a manner constituting a nuisance of any kind.

7) Lessee shall pay prior to delinquency all taxes and assessments of every kind and nature which may be imposed or assessed upon or with respect to the structure and equipment placed on the premises by Lessee.

8) If the Leased Premises are wholly or partially destroyed by fire or other casualty, rental shall abate in proportion to the loss of use thereof, and Lessee shall, at its own expense, promptly restore the Leased Premises to substantially the same condition as existed before damage or destruction, whereupon full rental shall resume. Should Lessee elect not to repair or replace the ATM, then Lessee shall provide written notice to Lessor of its intent to terminate this Lease Agreement. Upon such termination Lessee shall diligently repair the Leased Premises to its original condition prior to the installation of the ATM. After the Leased Premises are repaired, Lessee and Lessor shall not have any responsibility to each other under the terms of the Lease Agreement.

9) If the whole of the Leased premises, or such portion thereof as will make the Leased premises unsuitable for use contemplated hereby, shall be taken under the power of eminent domain (including any conveyance in lieu thereof), then the term hereof shall cease as of the date possession thereof is taken by the condemnor, and rental shall be accounted for as between Lessor and Lessee as of that date.

10) All applications in connection with necessary utility services on the demised premises shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for electricity, gas, water, sewer, and telephone services.

11) Lessee shall be in exclusive control and possession of the demised premises, and Lessor shall not be liable for any injury or damages to any property or to any person on or about the demised premises nor for any injury or damage to any property of Lessee. Lessee shall defend, indemnify and hold harmless the Lessor from and against any claims, damages, or expenses (including reasonable attorney's fees), whether due to damage to the premises, claims for injuries to persons or property, or administrative or criminal action by governmental authority, where such claims, damages, or expenses result from the negligence, misconduct or breach of any provision of this Lease Agreement by Lessee, its agents, employees or invitees.
12) THERE WILL BE NO RENEWAL OPTIONS.

13) It is expressly understood and agreed that if any monthly installment of rent as herein called for shall remain overdue and unpaid for ten (10) days, Lessor may, at its option, at any time during such default, declare this Lease terminated and canceled and take possession of said premises, and require the Lessee to remove the structure from the premises and restore the premises to their former condition.

14) If Lessee shall pay the rent and perform and observe all the other covenants and conditions to be performed and observed by it hereunder, Lessee shall at all times during the term hereof have the peaceable and quiet enjoyment of the premises without interference from Lessor or any person lawfully claiming through Lessor.

15) All notices provided for in this Lease Agreement shall be in writing and shall be deemed to have been given when sent by registered or certified mail addressed to Lessor at:

CITY OF NEWTON
P O BOX 550
NEWTON, NC  28658

and to Lessee at:

State Employees' Credit Union
P. O. Box 26807
Raleigh, N. C.  27611

16) This Lease Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.

17) This Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

18) This Lease contains the complete agreement of the parties regarding the terms and conditions of the lease of the premises, and there are no oral or written conditions, terms, warranties, understandings or other agreements pertaining thereto which have not been incorporated herein. This Lease Agreement may be modified only by written instrument duly executed by both parties or their respective successors in interest.

19) If any provision of this Lease shall be declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect.

THIS PORTION INTENTIONALLY LEFT BLANK
IN TESTIMONY WHEREOF, the parties have caused this Lease Agreement to be executed as of the day and year first above written.

LESSOR:
CITY OF NEWTON

BY: _____________________________
    PRESIDENT

ATTEST:

______________________________
SECRETARY

LESSEE:
STATE EMPLOYEES' CREDIT UNION

BY: _____________________________
    Karen High
    SENIOR VICE-PRESIDENT, FACILITIES SERV.

ATTEST:

______________________________
ASSISTANT CORPORATE SECRETARY

NORTH CAROLINA:
WAKE COUNTY:

This the 29th day of May, 2018, before me, a Notary Public, personally came Karen High, who, being duly sworn, says that she is Senior Vice-President, Facilities Services of STATE EMPLOYEES' CREDIT UNION and that the seal affixed to the foregoing instrument in writing is the corporate seal of the said corporation, and that said writing was signed and sealed by her in behalf of the said corporation by its authority duly given and the Senior Vice-President, Facilities Services acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and notarial seal, this the 29th day of May, 2018.

______________________________
NOTARY PUBLIC

My Commission Expires:

______________________________
      Oct 28, 2019
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: July 3, 2018

TO: Todd Clark, City Manager

FROM: Dusty Wentz, PWU Director

CONSIDERATION OF: Award of Change Order and Budget Ordinance Amendment for Paving of 4th St. and Ashe

Approved for Council Consideration

Background:

On June 26th, the 14” water main on 4th Street between Main and Ashe ruptured, resulting in significant damage to the asphalt, curb and gutter, and sidewalk. Evan Construction has submitted a change order to mill 4” down and replace the asphalt, and to remove and replace the curb, gutter and sidewalk. The repair work was delayed due to utility repair of the water line and storm water structures in the area. This work has been completed by city staff and the asphalt and concrete is ready to be replaced.

City staff requested a Change order estimate from Evans Construction price for milling 4” and replacing asphalt on Ashe between 4th and 1st Street. The Soldier’s Reunion Parade will be utilizing 4th and Ashe for the next two years due to streetscape construction, and the asphalt paving on Ashe is in poor condition due to age and utility cuts. While this section of Ashe is not highly ranked in the paving study completed by McGill in 2015, multiple asphalt cuts have necessitated a quicker replacement.

The Change Order cost submitted by Evans Construction is broken down as follows:

- 4th Street Asphalt Paving: $22,800.52
- N. Ashe from 4th to W. 1st Paving: $55,720
- 4th St. concrete sidewalk, curb and gutter, and driveway apron: $6,850

The City Council awarded a bid in the amount of $406,648.45 to Evans Construction earlier this year for various paving projects. Due to very favorable pricing, the City had $175,351.55 remaining in the FY 2018 budget for additional paving projects. On June 30, 2018 those funds rolled into General Fund balance with the close of the fiscal year.

The additional cost for the street and sidewalk projects proposed in this Request for Council Action total $85,370.52. If approved, City Council will need to approve a change order to the original contract with Evans Construction and approve the attached budget amendment appropriating $85,370.52 from General Fund Balance.

Assuming Council authorizes the change order and budget amendment, the amount of money that was unspent from the original FY 2018 appropriation is $150,981.03. This includes $61,000 that was held in reserve for contingency. These funds of course, have reverted back to fund balance and will need to be appropriated at a later time through a separate budget amendment when additional projects are identified by City staff.
The Council should be aware that expense payments related to the original 10 paving projects awarded in FY 2018 are not finalized and contingency may be needed to be authorized by City Council through final change orders.

**Action Suggested:**

Staff recommends that the City Council approve the 4th St. / Ashe Change Order and approve the attached Budget Ordinance Amendment in the amount of $85,370.52 for the 2018 Paving Project.
EVANS CONSTRUCTION
2646 RAINTREE STREET
CONNELLY SPRINGS, N.C. 28612

<table>
<thead>
<tr>
<th>North Ashe/West 4th St. to West 1st</th>
<th>Quantity</th>
<th>Unit</th>
<th>$Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milling (4&quot;)</td>
<td>2,310</td>
<td>SY</td>
<td>8.00</td>
<td>$18,480.00</td>
</tr>
<tr>
<td>Pave (2&quot;)</td>
<td>255</td>
<td>Tons</td>
<td>144.47</td>
<td>$37,240.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$55,720.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West 4th St. from N Main to N Ashe</th>
<th>Quantity</th>
<th>Unit</th>
<th>$Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Millings (4&quot;)</td>
<td>930.60</td>
<td>SY</td>
<td>8.50</td>
<td>$7,910.10</td>
</tr>
<tr>
<td>Pave (2&quot;)</td>
<td>102.41</td>
<td>Tons</td>
<td>145.40</td>
<td>$14,890.42</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$22,800.52</td>
</tr>
</tbody>
</table>

West 4th St. / Concrete Work

- 28 LF of (24") curb & gutter, (4") gravel
- Driveway apron 16'x8'x6", (4") gravel
- Sidewalk 68' x 5' x 4", (4") gravel $6,850.00
ORDINANCE # 2018-20

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, on March 21, 2018 the City entered into a contract with Evans Construction Company for the 2018 Powell Bill Paving Project in the amount of $406,648.45 plus a 10% contingency in the amount of $61,000. City staff is recommending a change order due to emergency issues on 4th Street between Main and Ashe that resulted on June 26 from a water main that ruptured causing damage to the asphalt, curb and gutter, and sidewalk. A change order has been provided by Evans Construction in the amount of $85,370.52 (4th St paving - $22,800.52, N. Ashe from 4th to W 1st paving - $55,720, and 4th St sidewalk, curb and gutter and driveway apron - $6,850); and,

WHEREAS, staff recommends utilization of savings from Fiscal Year 2018 paving budget that has reverted to Fund Balance; and,

WHEREAS, the City Council desires to recognize utilization of Fund Balance for this change order and to authorize the related expenditure appropriation within the 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 Appropriated 13-0000.3992 $85,400

Powell Bill Fund Appropriations
Street Con/Recon Repair/Maint 13-4253.6571 $85,400

Adopted this 10th day of July, 2018.

Anne P. Stedman, Mayor

Attest:

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

DATE: July 5, 2018

TO: E. Todd Clark, City Manager

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

CONSIDERATION OF: ElectriCities Downtown Revitalization Grant Award

Approved for Council Consideration

Request:

ElectriCities offers the Downtown Revitalization Grant to their member cities which is targeted to assist in the improvement and/or revitalization efforts in their downtowns. Each member city or town is eligible to apply once on a four year cycle. The maximum award per cycle is $10,000.00.

Background:

As a part of the implementation Streetscape Revitalization project, Planning Staff applied for these funds to assist in the purchase of custom items such as the trash/recycle receptacles and the artistic bike racks. Projects in development and revitalization efforts should incorporate social and aesthetic values, in addition to engineering considerations. These items, particularly the bike racks, adds unique features to Downtown Newton.

Recommendation:

It is the Planning Department’s recommendation that the Newton City Council accepts the grant to be used for the Streetscape Revitalization Project.
DATE: July 5, 2018

TO: E. Todd Clark, City Manager

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

CONSIDERATION OF: NCDOT Pavement Reimbursement

Approved for Council Consideration

Request:

North Main Avenue is a NCDOT maintained street and is designated as NC16 Business. As a part of the Streetscape Revitalization project, the Newton Planning Department has been working with NCDOT to ensure all street improvements to North Main Avenue meet their specifications and maintenance.

Background:

NCDOT has a maintenance schedule for all streets and roads they maintain. Resurfacing or repaving is one of those maintenance items that reoccur on a periodic basis. As the City of Newton began the implementation of the Streetscape Revitalization project, NCDOT offered to repave the street as a part of their routine maintenance. Unfortunately however, the actual NCDOT repaving schedule and the Streetscape Phase 1 construction schedule do not align.

Continued discussions with NCDOT concerning the project allowed an alternative solution. The City of Newton will be responsible for paving North Main Avenue as part of Phase 1 of the Streetscape Revitalization project. At the completion of the project, NCDOT will reimburse the city $75,000.00 for the paving and associated items (i.e. crosswalks and lane markings) as a part of the required maintenance to the state road system.

Recommendation:

Finance and Planning departments are requesting approval of the reimbursement of paving and associated improvements to the portion of North Main Avenue within Phase 1 of the Streetscape Revitalization project.
DATE: May 21, 2018

TO: Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Capital Project Ordinance to amend Capital Project Funds and Budget Ordinance Amendment to Amend Revenues and Expenditures for Fiscal Year 2018-2019

Background:

The City of Newton periodically establishes capital project ordinances for endeavors that involve infrastructure/construction activities. In most cases, the duration of an infrastructure/construction project will extend from one fiscal year into another. Consequently, the adoption of a capital project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding on a fiscal year basis.

The Electric Distribution Automation Project was approved and appropriated within the operating budget as part of the Fiscal Year 2018-2019 Budget in the amount of $184,050 which has been identified as a capital project. It has been the City’s practice to move those budgeted funds from the respective operating budget into a Capital Project Fund after the annual budget has been adopted.

The Downtown Streetscape Capital Project currently only reflects Phase I of the project. We would like to amend the Downtown Streetscape Capital Project Ordinance to include all phases of the project, recognize the change in funding source for the Amphitheater from Proceeds from Borrowing to Frank and Sue Jones Funds, and to appropriate the $10,000 ElectriCities Grant and the $75,000 NCDOT Reimbursement of Funds for the North Main Avenue portion of the project.

Action Suggested:

Motion to approve the following:

1) Budget Ordinance Amendment to establish Capital Project Funds for the Electric Distribution Automation Project and to amend the revenues and expenditures for FY 2018-2019.

2) Capital Project Ordinance Amendment for Downtown Streetscape Capital Project.
ORDINANCE # 2018-21

AN ORDINANCE TO ESTABLISH CAPITAL PROJECT FUND(S) AND 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 of Newton periodically establishes capital project ordinances for endeavors that involve infrastructure/construction activities in which the duration of the project will extend from one fiscal year into another; and,

WHEREAS, the City has identified the Electric Distribution Automation Project in the amount of $184,050, which was approved as part of the 10-year Capital Improvement Plan and the Fiscal Year 2019 Budget, as a Capital Project.

WHEREAS, the City has identified Phase II of the West A Street Project which was approved as part of the 10-Year Capital Improvement Plan and Fiscal Year 2019 Budget which needs to be removed from the annual budget since all phases of the project were previously established in a capital project (Ordinance 2017-13); and,

WHEREAS, the City Council desires to amend the Downtown Streetscape Project to incorporate the remaining 3 phases of the project which will require removing Phase II from the Fiscal Year 2019 Budget and incorporating into the already established Capital Project Budget -storm drainage, streets/sidewalks, amphitheater, water and sewer lines, and electric distribution (Ordinance 2018-22); and,

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

THE FOLLOWING SOURCE OF REVENUES AND APPROPRIATIONS ARE HEREBY APPROVED.

<table>
<thead>
<tr>
<th>General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
</tr>
<tr>
<td>Proceeds from Borrowing</td>
</tr>
<tr>
<td>Federal Grants</td>
</tr>
<tr>
<td>State Grants</td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
</tr>
<tr>
<td>Capital Outlay – Storm Drainage</td>
</tr>
<tr>
<td>Capital Outlay – Roads/Pavement</td>
</tr>
</tbody>
</table>
Water/Wastewater Fund

Revenues
- Proceeds from Borrowing 61-0000.3900 $ (558,500)
- Federal Grants 61-00003400 $ (268,050)

Appropriations
- Capital Outlay – Sewer Lines 61-7100.8942 $ (305,950)
- Capital Outlay – Water Lines 61-7100.8951 $ (520,600)

Electric Fund

Revenues
- Proceeds from Borrowing 63-0000.3900 $ (517,800)

Appropriations
- Capital Outlay – Distribution 63-7201.8960 $ (517,800)

Electric Capital Project Fund

Revenues
- Proceeds from Borrowing 38-7201.3900 $ 184,050

Appropriations
- Downtown Streetscape 38-7201.5944 $ 184,050

Adopted this 10th day of July, 2018.

Attest: Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk
ORDINANCE #2018-22

CITY OF NEWTON
CAPITAL PROJECT ORDINANCE AMENDMENT
FOR THE DOWNTOWN STREETSCAPE PROJECT

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 established the Downtown Streetscape Project for Phase I on January 23, 2018 in the amount of $4,266,500 which included a market inflation increase of 25%, 10% contingency, and 6% engineering/administrative costs. A $225,000 NC Department of Commerce Grant has been awarded to the City which will be utilized for Phase I construction; and,

WHEREAS, City Council desires to amend the Downtown Streetscape Project to incorporate the remaining 3 phases of the project to the already established Phase I of the Downtown Streetscape Project which will include storm drainage, streets/sidewalks, amphitheater, water and sewer lines, and electric distribution; and,

WHEREAS, on March 6, 2018 City Council approved the utilization of the Frank and Sue Jones Funds for the Amphitheater which is part of the Downtown Streetscape Project in the amount of $198,000. Therefore, the amendment reflects a change in the source of funding from Proceeds from Borrowing to a Transfer from the General Fund in which the funds transferred will be appropriated from the Frank and Sue Jones Funds; and,

WHEREAS, City Council recognized a $75,000 reimbursement from NCDOT on July 10, 2018. North Main Avenue is a NCDOT maintained street and is designated as NC16 Business. As the City began the implementation of the Streetscape Revitalization Project, NCDOT offered to repave the street as a part of their routine maintenance; however, NCDOT’s schedule does not align with the City’s Streetscape Phase I schedule. Therefore, NCDOT has agreed to reimburse the City $75,000 for the paving and associated items (crosswalks and lane markings); and,

WHEREAS, City Council recognized a $10,000 Downtown Revitalization Grant in the amount of $10,000 to assist in the improvement and/or revitalization efforts on July 10, 2018. These funds will be utilized to assist in the purchase of custom items such as the trash/recycle receptacles and the artistic bike racks; and,

WHEREAS, the City Council desires to amend the project to recognize the updated project costs identified.

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.
### Section 1

**General Capital Project Fund Revenues**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from Borrowing</td>
<td>30-4252.3900 (200)</td>
<td>$2,257,000</td>
<td>$7,213,050</td>
</tr>
<tr>
<td>Proceeds from Borrowing</td>
<td>30-6122.3900 (200)</td>
<td>$198,000</td>
<td>$(198,000)</td>
</tr>
<tr>
<td>State Grants</td>
<td>30-4252.3410 (200)</td>
<td>$225,000</td>
<td></td>
</tr>
<tr>
<td>Reimbursement of Cost</td>
<td>30-4252.3760 (200)</td>
<td>$0</td>
<td>$75,000</td>
</tr>
</tbody>
</table>

**Special Proj Contib/Other Grants**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-4252.3845 (200)</td>
<td>$0</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

**Transfer from General Fd**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-0000.3911(200)</td>
<td>$198,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Section 2

**Water/Wastewater Capital Project Fund Revenues**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from Borrowing</td>
<td>47-7100.3900 (200)</td>
<td>$976,300</td>
<td>$535,500</td>
</tr>
</tbody>
</table>

**Water/Wastewater Capital Project Fund Appropriations**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Rehabilitation</td>
<td>47.7100.5992 (200)</td>
<td>$529,700</td>
<td>$520,150</td>
</tr>
<tr>
<td>Sewer Rehabilitation</td>
<td>47-7100.5994 (200)</td>
<td>$446,600</td>
<td>$15,350</td>
</tr>
</tbody>
</table>

### Section 3

**Electric Capital Project Fund Revenue**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from Borrowing</td>
<td>38-7201.3900 (200)</td>
<td>$610,200</td>
<td>$1,378,400</td>
</tr>
<tr>
<td>$1,988,600</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Electric Capital Project Fund Appropriations**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown Streetscape</td>
<td>38-7201.5989 (200)</td>
<td>$610,200</td>
<td>$1,378,400</td>
</tr>
</tbody>
</table>

### Section 4

**General Fund Revenue**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance Appropriated – Frank/Sue Jones</td>
<td>11-0000.3993</td>
<td></td>
<td>$198,000</td>
</tr>
</tbody>
</table>

**General Fund Appropriations**

<table>
<thead>
<tr>
<th>Project</th>
<th>Original</th>
<th>Project Amendment</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer to General Capital Project Fund</td>
<td>11-9100.9930</td>
<td></td>
<td>$198,000</td>
</tr>
</tbody>
</table>
Adopted this 10th day of July, 2018.

Attest:

Amy S. Falowski, City Clerk

Anne P. Stedman, Mayor
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE:  June 28, 2018

TO:  Todd Clark, City Manager

FROM:  Dusty Wentz, Public Works and Utilities Director

CONSIDERATION OF:  Acceptance of the 2017 Area wide Optimization Program (AWOP) Award

Approved for Council Consideration

Background:

The City of Newton Water Treatment Plant received the Area Wide Optimization Program (AWOP) Award. This award is supported by the NC Division of Environment and Natural Resources and Region 4 of the United States Environmental Protection Agency. The award was presented by the Mooresville Regional Office of the North Carolina Department of Environment and Natural Resources - Water Supply Section. All drinking water systems must meet strict state and federal drinking water standards. The goal of the AWOP program is to reduce the potential for bacteria in the water supply by meeting exceptional treatment criteria and producing water that meets a higher standard.

Of the 152 water plants operating in North Carolina, only 69 achieved the higher standard goals of the AWOP program. The State also recognized four facilities with the “Gold Star” honor, which is an award for systems that have received the N.C. Area Wide Optimization Award for 10 consecutive years. They are Newton, Lincolnton, Marion and Henderson-Kerr Lake Regional Water Authority. City of Newton has received the AWOP award every year since the program’s inception in 2002. Only Marion has received as many AWOP awards.

Receiving this award demonstrates the experience and the professional skill that the City of Newton Water Treatment Plant staff exhibit in the operation of the City plant.

Action Suggested:

It is recommended that the City Council accept the AWOP Award.
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: July 2, 2018

TO: E. Todd Clark, City Manager

FROM: Doug Wesson

CONSIDERATION OF: Award bids for Phase I Streetscape Electrical Materials

Background:

Staff requested sealed proposals for Streetscape electrical materials from four electrical distributors. Staff placed the advertisement in the newspaper on June 21st and received sealed bids back on June 29th for a public opening at 2:00pm. Bid tab is attached.

After reviewing all bids, staff recommends awarding Streetscape electrical material bids to three different Electrical Distributors based on the best pricing for specific materials. In compliance with state law the City must accept the most “responsive” and “responsible” bids. The bids are noted in detail (highlighted in yellow) on the attached sheet. Below is the recommended award for each vendor:

1. Boarder States $177,618.92
2. Anxiter $13,509.96
3. TEMA $42,599.00
4. Wesco No Award

Total $233,727.88

Action Suggested:

Staff is recommending Council to award the bids to three different bidders in the amounts as follows: Boarder States in the amount of $177,618.92, Anxiter in the amount of $13,509.96 and TEMA in the amount of $42,599.00.
<table>
<thead>
<tr>
<th>Materials</th>
<th>Item #</th>
<th>QTY</th>
<th>Wesc</th>
<th>DD</th>
<th>Boarded States</th>
<th>DD</th>
<th>Anxler</th>
<th>DD</th>
<th>Toma</th>
<th>DD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decorative Street Lighting Poles &amp; Fixtures</td>
<td>Hoiphane**</td>
<td>T5G0010529</td>
<td>19</td>
<td>$6,020.00 5 wks 65 days</td>
<td>$5,596.88 5 wks</td>
<td>No Quote</td>
<td>$5,820.00 69 Days</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decorative Street Lighting Poles &amp; Fixtures</td>
<td>Hoiphane**</td>
<td>T5G0010290</td>
<td>10</td>
<td>$7,835.00 5 wks 65 days</td>
<td>$6,124.46 5 wks</td>
<td>No Quote</td>
<td>$7,850.00 69 Days</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Padmounted Switchgear PME-13</td>
<td>S&amp;C**</td>
<td>6517391</td>
<td>1</td>
<td>$17,162.00 10 Wks</td>
<td>$10,945.00 9 wks</td>
<td>No Quote</td>
<td>$16,650.00 Included</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SMU-20 Fuse</td>
<td>S&amp;C**</td>
<td>613090</td>
<td>12</td>
<td>$25.00 6-8 wks</td>
<td>Included 9 wks</td>
<td>No Quote</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Padmounted Switchgear Box Pad                  | Concast | FC85-90-36-7378 | 1  | $2,007.00 5-6 Wks | No Quote | $1,976.77 6 Wks | $1,955.00 6 Wks |
| Fiber Box                                      | Quatze  | PG108B0A24  | 8  | $549.00 3 Wks | No Quote | $448.66 3 Wks | $430.00 3 Wks |
| Fiber Covers                                   | Quatze  | PG108B0HH21 | 8  | $688.00 3 wks | No Quote | $561.52 2 Wks | $558.00 3 Wks |
| Junction Box Primary & Cover                  | Concast | PB4-38-02-42-R3GHD | 1  | $2,420.00 6 Wks | No Quote | $2,402.17 6 Wks | $2,165.00 6 Wks |
| Junction Box Secondary                         | Quatze  | PG248B0A24  | 23 | $429.00 3 Wks | No Quote | $343.84 3 Wks | $335.00 4 Wks |
| Junction Box Secondary Cover                   | Quatze  | PG248B0HH17 | 23 | $225.70 3 Wks | No Quote | $262.64 2 Wks | $260.00 5 Weeks |
| Ground Box Receptacle                          | Legrand** | X88184  | 15 | $164.85 3 wWks | 369.33ea | $157.90 3 Wks | No Quote |
| Ground Box                                     | Legrand** | X8814   | 15 | $164.85 3 wWks | 369.33ea | $157.90 3 Wks | No Quote |
| Single Phase Padmount Transformer              | 50KVA   | 2     | No bid | No Quote | $1,623.33 Stock | $1,750.00 10 Weeks |

** No exception

Winning Bidders

Total Material Cost

**$233,727.88**
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: June 29, 2018

TO: Todd Clark, City Manager

FROM: Dusty Wentz, PWU Director

CONSIDERATION OF: Budget Amendment for Rehabilitation Wastewater Treatment Plant Tertiary Filters

Background:

The Clark Creek Wastewater Treatment Plant has two tertiary filters which are the final physical treatment processes in the facility. Their primary function is to remove any remaining floating or suspended solids from the water that were not removed from the previous process. As part of the facility’s permitting, no floatable and miniscule concentrations of suspended solids are allowed to leave the facility and flow into Clark Creek. These solids are monitored on a daily basis and are reported monthly to the Division of Water Resources.

It has been over 20 years since the filters were rehabilitated. Currently, the filters need to be back washed quite often and staff can see that the measured depths of filter material including gravel, sand, and anthracite have significantly been reduced from the engineered design standard. For the filters to efficiently remove the contaminants and keep the City in compliance with our state issued permit, the proper amount and configuration of filter media is required.

During the week of June 11, 2018, staff went out for quotes. The three quotes received are as follows:

<table>
<thead>
<tr>
<th>Contractor/Vendor</th>
<th>Quote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kemp Construction Inc.</td>
<td>$69,600.00</td>
</tr>
<tr>
<td>Suez</td>
<td>$144,678.00</td>
</tr>
<tr>
<td>Brushy Mountain Builders</td>
<td>$158,500.00</td>
</tr>
</tbody>
</table>

Action Suggested:

Staff recommends that the City Council entertain separate motions to approve the attached Budget Ordinance Amendment for the Rehabilitation Wastewater Treatment Plant Tertiary Filters (attached) and to award bid to Kemp Construction Inc. in the amount of $69,600.00, and hold a contingency in the amount of $7,000.
ORDINANCE # 2018-18

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, In an effort for the Clark Creek Wastewater Treatment Plant’s tertiary filters to efficiently remove contaminants and remain State compliant, a rehabilitation of the Wastewater Treatment Plant’s tertiary filters are necessary. Kemp Construction has provided the lowest, responsive, responsible bid in the amount of $69,600 with a 10% contingency of $7,000 for a total of $76,600; and,

WHEREAS, the City Council desires to recognize utilization of Fund Balance for this project and to authorize the related expenditure appropriation within the 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.

General Fund Revenues
Fund Balance Appropriated
61-0000.3995 $76,600

General Fund Appropriations
Capital Outlay – Building/Bldg Improvements
61-7141.8800 $76,600

Adopted this 10th day of July, 2018.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk
DATE: July 5, 2018

TO: Todd Clark, City Manager

FROM: Dusty Wentz, PWU Director

CONSIDERATION OF: Budget Ordinance Amendment for Municipal Recycling Facility (MRF) Charges

Background:

The first week of June 2018, staff received notification from the Municipal Recycling Facility (which is operated by Catawba County) that a $35/ton charge would be assessed on all recyclables delivered to the facility starting July 1, 2018. The MRF has not assessed any fee previously, and therefore, this fee was not included in the FY 2019 budget. Based on the amount of recyclables the City delivered to the MRF last year, we project a total cost of $15,000.

Staff was informed that the fee is due to the steep decline of scrapping / recycling prices resulting from volatility in the materials and metals market. The MRF hopes to eliminate or reduce the fee once the market stabilizes, but is unsure when that will occur. All municipalities in the county are being assessed the same fee.

The City does not charge a fee for recyclable collection.

Action Suggested:

Staff recommends that the City Council approve the attached budget ordinance amendment in the amount of $15,000 to fund fees from the Municipal Recycling Facility.
ORDINANCE # 2018-19

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 has received notification from the County that a $35/ton charge will be assessed on all recyclables delivered to the facility beginning July 1, 2018. No fees have been assessed in the past. Due to the late notification (June 2018), the Fiscal Year 2019 Budget does not reflect an appropriation for these fees which are projected at $15,000; and,

WHEREAS, the City Council desires to recognize utilization of Fund Balance for this project and to authorize the related expenditure appropriation within the 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.

General Fund Revenues
  Fund Balance Appropriated 11-0000.3990 $15,000

General Fund Appropriations
  Municipal Recycling Fees 11-4254.7931 $15,000

Adopted this 10th day of July, 2018.

________________________________________
Anne P. Stedman, Mayor

Attest:

________________________________________
Amy S. Falowski, City Clerk