

# AGENDA

## CITY OF NEWTON



**July 12, 2016**

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

July 12, 2016

7:00 p.m.

- |      |     |  |
|------|-----|--|
| Page | 1.  | <b><u>Call to Order – Mayor Anne P. Stedman</u></b>  |
|      | 2.  | <b><u>Opening – Council Member Robert C. Abernethy, Jr.</u></b>  |
| 1    | 3.  | <b><u>Approval of Minutes from the June 7, 2016 Regular Meeting</u></b>  |
|      | 4.  | <b><u>Consideration of Consent Agenda Items</u></b>  |
| 9    | A.  | Sewer Adjustments  |
| 10   | B.  | Proclamation – July is Recreation and Parks Month  |
| 12   | C.  | Proclamation – In Recognition of the Service and Career of J. Thomas Lundy   |
| 13   | D.  | Consideration of Commission/Committee Membership Appointments:<br>Jessica Hoffman – Business Advisory Committee<br>Jeff Kelley – Business Advisory Committee<br>Aisha Hope – Recreation Committee<br>Mary Bess Lawing – Recreation Committee |
| 18   | E.  | Consideration of Public Fee Structure – 2016 Soldiers Reunion Activities   |
|      | 5.  | <b><u>Comments from the Public: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):</u></b>  |
|      | 6.  | <b><u>Public Hearing</u></b>   |
| 19   | A.  | Special Use Permit – Bennett’s Funeral Home  |
|      | 7.  | <b><u>Old Business</u></b>   |
| 30   | A.  | Consideration to Accept Offer to Purchase Property Located at 1000 N Ashe Ave  |
|      | 8.  | <b><u>New Business</u></b>   |
| 32   | A.  | Consideration to Adopt Resolution for the Downtown County Government Center Connection (A Street) LAPP (Locally Administered Project Program ) Grant Application   |
| 40   | B.  | Consideration to Adopt Resolution for the Building Reuse Program – Temprano Techvestors Building Reuse Application   |
| 48   | C.  | Consideration of Westside Drive Sewer Engineering Contract with McGill and Associates and Approval of Intent to Reimburse  |
|      | 9.  | <b><u>City Manager’s Report</u></b>  |
|      | 10. | <b><u>Questions and Comments From Mayor and Council</u></b>  |
|      | A.  | Reports from Appointed Representatives on Outside Boards – Mayor Anne P. Stedman and Mayor Pro Tem John Stiver   |
|      | 11. | <b><u>Closed Session to Consult with City Attorney-G.S.143-318-11(a)(4), G.S.143-318-11(a)(5)</u></b>  |
|      | 12. | <b><u>Adjournment</u></b>  |

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

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

**MINUTES**  
**REGULAR MEETING OF THE NEWTON CITY COUNCIL**

**June 7, 2016 – 7 p.m.**

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

**PRESENT:** Mayor Anne P. Stedman, Mayor Pro Tem John Stiver and Council Members Tom Rowe, Wes Weaver, Robert C. Abernethy, Jr., Jerry Hodge, and Jody Dixon

**STAFF:** City Manager Todd Clark, City Clerk Amy S. Falowski, City Attorney John Cilley, City Department Heads and members of the management team

**ITEM 1: CALL TO ORDER**

Mayor Anne P. Stedman welcomed everyone and called the meeting to order.

**ITEM 2: OPENING Invocation and Pledge of Allegiance**

Council Member Jerry Hodge provided the invocation and Pledge of Allegiance. Mr. Hodge stated the following in honor of fallen Fire Captain Bradley Long:

- I have a somber story to share this evening about a brave and dedicated young fireman man by the name of Captain Bradley Long with the Newton Fire Department
- Bradley died during a search for a missing swimmer on Lake Norman yesterday, Monday June 6<sup>th</sup>....Bradley was 28 yrs old.
- Let me tell you what he did.
- He started as a Jr firefighter at the age of 14 with the Sherrills Ford-Terrell Fire and Rescue.
- He joined the Newton Fire Department as a part-time firefighter in June 2007
- He became a full-time engineer with Newton in May 2011
- And he was promoted to fire captain in August 2015.
- He was a highly trained and a dedicated member of the Newton Fire Department.
- He was so accomplished and respected – he was named Fireman of the Year by the Newton Elks Lodge this year.
- That is only part **WHAT HE DID** - **But, WHO HE WAS** became apparent last evening as fellow firefighters, rescue workers, City staff, clergy and members of the faith community and City council members gathered to learn about Bradley’s death from Newton Fire Chief, Kevin Yoder - and to learn that Bradley died doing what he like doing most of all – being a fireman and rescue worker - helping people.
- **WHO HE WAS** – was a human being who was loved, admired, he was and is part of a brotherhood of men and women who help people during a time of danger and need.
- He will be honored, he will be celebrated and he will be missed.
- So, please join me at this time for a moment of silence to remember a fallen hero– Captain Bradley Long.

May he rest in peace. Amen.

**ITEM 3: APPROVAL OF MINUTES**

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

That the Regular Minutes of the May 17, 2016 City Council meeting be –  
APPROVED.

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

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

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Capital Project Ordinance to Close Capital Projects
- D. Consideration of Resolution to Write off Uncollectible Accounts and Related Budget Ordinance Amendment
- E. Consideration of Budget Ordinance Amendment for FY 2016 Payroll Accrual
- F. Consideration of Resolution to Dispose of Surplus Utility Poles per G.S. 160A-280
- G. Proclamation – Flag Day, June 14, 2016
- H. Acceptance of AWOP Award

(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.

Michael Waltuch reminded everyone of the Thursday night series that has begun and invited everyone to come out. He stated that he has read the mission statement on the Downtown Development Association's web site and that it reads that the mission of the DNDA is to create economic development for private and public interests. He stated that he knows the DNDA supports the Folk Art Festival, and that while he hopes the Folk Art Festival thrives, he also hopes the DNDA cooperates with private interests.

Mayor Stedman asked if there was anyone else that would like to speak. No one appeared.

**ITEM 6: Public Hearing**

- A. Consideration of Fiscal Year 2016-2017 Budget.

Mayor Stedman opened the Public Hearing.

City Manager presented a summary of the proposed budget. He stated that the budget was presented on May 3<sup>rd</sup> and after four work sessions there were several proposed changes that are outlined in the summary. These changes are noted below:

	General Fund	Water/Wastewater Fund	Electric Fund	Federal Asset Seizure Fund	Powell Bill Fund	Emergency Telephone System Fund	Health Fund	Total
<b>Total Budget by Fund</b>	<b>12,494,800</b>	<b>7,329,550</b>	<b>16,703,650</b>	<b>0</b>	<b>400,250</b>	<b>15,800</b>	<b>1,657,250</b>	<b>38,601,300</b>
<b>Revenues</b>								
<b>General Fund:</b>								
Fund Balance Appropriated (\$313,200 to \$426,400)	113,200	1,326						113,200
<b>Water/Wastewater Fund:</b>								
Sewer Surcharge - Indust Mon (Industrial Monitoring)		8,550						8,550
Water Sales - Inside		30,050						30,050
Water Sales - Rev Share - Balls Creek		450						450
Water Sales - Rev Share - Eastway		100						100
Water Sales - Rev Share - Rt 10		150						150
Water Sales - Outside		7,550						7,550
Sewer Charges - Inside		36,000						36,000
Sewer Charges - Outside		500						500
<b>Electric Fund:</b>								
Electric Sales - Residential			(60,500)					(60,500)
Electric Sales - Commercial			(45,950)					(45,950)
Electric Sales - Industrial			(42,400)					(42,400)
Electric Sales - Area Lights			(1,250)					(1,250)
	<b>12,608,000</b>	<b>7,412,900</b>	<b>16,553,550</b>	<b>0</b>	<b>400,250</b>	<b>15,800</b>	<b>1,657,250</b>	<b>38,647,750</b>
<b>Expenditures</b>	<b>12,494,800</b>	<b>7,329,550</b>	<b>16,703,650</b>	<b>0</b>	<b>400,250</b>	<b>15,800</b>	<b>1,657,250</b>	<b>38,601,300</b>
<b>General Fund:</b>								
Special Appropriations								
Newton Conover Auditorium Authority (\$10,000 to \$25,000)	15,000							15,000
Appearance Commission - Remove Banners, purchase FY 2016	(1,800)							(1,800)
Street Resurfacing Repair/Maint	100,000							100,000
<b>Water/Wastewater Fund:</b>								
Professional Services - Engineering (\$153,300 to \$228,100)		74,800						74,800
<b>Other Appropriations</b>								
Reserve		8,550						8,550
<b>Electric Fund:</b>								
Capital Outlay - Distribution			50,000					50,000
<b>Other Appropriations</b>								
Reserve - Rate Stabilization (\$537,300 to \$337,200)			(200,100)					(200,100)
	<b>12,608,000</b>	<b>7,412,900</b>	<b>16,553,550</b>	<b>0</b>	<b>400,250</b>	<b>15,800</b>	<b>1,657,250</b>	<b>38,647,750</b>
<b>Summary of Financial Changes:</b>								
1 Increase Newton Conover Auditorium Authority Special Appropriation from \$10,000 to \$25,000 (\$15,000 increase)								
2 Increase Sewer Surcharge - Indust Mon (Industrial Monitoring) from \$960 to \$9,500								
3 Increase Street Resurfacing Repair/Maint by \$100,000, Increase Fund Balance Appropriation by \$100,000								
4 Increase Water/Wastewater rates from 3.5% to 5%, increase engineering by \$74,800								
5 Decrease Electric rate from 2% to 1%, Add \$50,000 for LED Lighting; These changes will result in \$200,100 decrease to rate stabilization								
6 Decrease Appearance Commission by \$1,800 for banners due to purchasing in FY 2016 in lieu of FY 2017								
<b>Other non-financial budget changes:</b>								
Change title - "DNDA Folk Art Festival" to "DNDA Promotions"								
<b>Fees and Charges</b>								
Page 29 - should be 1 1/2" in lieu of 1 1/12"								

Mayor Stedman thanked staff for their hard work on the budget, and she asked if there was anyone present that would like to speak during the public hearing.

Wayne Dellinger stated that for 5-6 years the council has not used fund balance to balance the budget. This year there is \$400,000 earmarked from fund balance. Mr. Dellinger asked when this policy changed. Council Member Rowe stated that it is actually \$426,000. Mayor Stedman stated that it was never a policy. She explained that the council review and discuss the budget every year. Mr. Dellinger stated that now water and sewer has a 5% increase. Mayor Stedman stated that some is earmarked for for engineering for the utility service. City Manager Todd Clark stated that the CIP shows that there is long term forecast showing how the plan is to pay. He said there is 3% for operation, 1/2% for street scape and council had a conversation about 1.5% for extension of lines. Mr. Dellinger asked if a study should only be done if it is asked for by the citizens. Council Member Wes Weaver stated that he suggested it to prevent future increases by adding customers. He said that the city has been kicking the can down the road for years and that there are clients close to the city center that need and can use this to stabilize rates. Mr. Dellinger stated that last year the council put \$500,000 in rate stabilization that would have prevented raising rates 8-10 years. Mr. Clark stated that the city would not contribute to rate stabilization, that the city would be using money. Council Member Abernethy stated that the city would have had \$530,000. Serina said that the 2017 proposal is \$537,300 and with changes would be \$337,200. Mr. Dellinger asked where the \$200,000 is going. Mr. Rowe stated that \$50,000 is for LED lighting and \$149,300 is rate. Mr. Dellinger stated that the LED is supposed to save electricity but the city will not see it. Mr. Weaver stated that LED will help control costs. Mr. Dellinger stated that money saved on electric will never get in reserve, it'll be in the electric fund. Mr. Weaver agreed, but stated that it is still revenue. City Manager Todd Clark stated that the CIP projections are conservative and Finance Director Serina Hinson stated that the savings with Smart Metering should be about \$250,000 once implemented for a full year.

Mr. Dellinger asked if the 1% tax rate put on last year is going to be taken off this year. Mayor Stedman stated that it will not.

Mayor Stedman asked if there was anyone else that would like to speak. No one appeared.

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

That Public Hearing be – CLOSED.

**ITEM 7: New Business**

**A. Consideration of Adoption of Fiscal Year 2016-2017 Budget**

Mayor Stedman thanked Mr. Clark and staff and City Council for all their hard work during the budget process. Council Member Jerry Hodge stated that the questions asked before were fair and knowledgeable but that each council adopts a budget. He stated that no council can hold a future council to a budget. City Attorney John Cilley pointed out excluding long term contractual items. Mr. Hodge stated that the strategic plan is a milestone document that the budget was based on along with 16 action steps that were created at the annual workshop. He stated that this budget addresses these goals and that it is a tool.

Council Member Jody Dixon made a motion to adopt the Fiscal Year 2016-2017 Budget. Council Member Tom Rowe seconded the motion.

Council Member Robert Abernethy stated that this is the 7<sup>th</sup> budget he has participated in. He stated that he has seen furloughs and job cuts as well as numerous increases. He stated that the tax rate has been raised 12% and reserve funds have grown. He stated that the LGC requires a 8% minimum, but the City of Newton requires a 21% minimum in fund balance, and it is currently at 30%. He stated that he thinks the council should implement a portion of fund balance because high tax rates can prohibit growth and can affect becoming a bedroom community. Mr. Abernethy stated that he appreciates the compromises made in the budget, but last year it was asked that the tax rate be lowered by one penny and that he can't vote for this budget since that didn't happen. Mr. Abernethy stated that the economy has been at a low simmer and business people are waiting to invest and that the city needs a low tax rate.

Upon motion duly made by Council Member Jody Dixon, seconded by Council Member Tom Rowe, and with Mayor Pro Tem John Stiver, and Council Members Tom Rowe, Jody Dixon and Jerry Hodge voting in favor of, and Council Members Wes Weaver, and Robert C. Abernethy, Jr. voting in opposition of, it was RESOLVED:

That The Fiscal Year 2016-2017 Fiscal Year Budget be – ADOPTED.

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

**B. Consideration of the Purchase of Real Property – 24 S College Ave**

City Manager Todd Clark stated the City Council adopted a Strategic Growth Plan in June of 2015 which identified the need to develop additional public parking in the downtown core business district (Policy Action 2.1.2). City staff has worked to identify opportunities to create more parking and also enhance the appearance of existing lots.

Mr. Clark stated the City staff has identified an established parking lot located at 24 S. College Avenue as a potential location for a municipal parking lot. Mr. Clark stated the present condition of the lot is considered to be poor however and various improvements will be needed including the complete removal of the existing asphalt surface, installation of a new rock base, overlay of asphalt, installation of storm drains and vegetation to enhance the appearance of the property. Mr. Clark explained that the City staff included funding within the proposed FY 2017 budget for parking lot improvements, which could be used to make some or all of the improvements listed above.

Mr. Clark stated the present assessed tax value of the property is \$63,500. Mr. Dellinger is seeking \$65,000 for the property which is \$5,000 less than he paid for the property in 1987. Mr. Clark stated that if City Council desires to purchase the property, the staff recommends utilizing savings recognized in the

current operating budget that were originally appropriated for expenses related to a bond referendum (\$40,000 for bond rating agency expenses and \$25,000 for legal expenses).

Mr. Clark stated that the purchase of the property by the City ensures its future use will be under the City's control and that it will be used for public parking until otherwise determined by the Council and recommended the purchase of this parcel of land located at 24 S. College Avenue and further identified by Catawba County, NC Geospatial Information Services, as parcel identification number 373016939297 for the amount of \$65,000.

Council Member Jerry Hodge stated that the city is about to gain an asset and incur some expense, but consider it a parking lot, a way to generate in income in other ways and that the council was open minded and forward thinking.

Council Member Wes Weaver stated that this council did a good job and that plans are in place before it was even purchased, with things such as festivals and parking.

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

That the City Manager be allowed to Execute the Agreement for the Purchase of Real Property – 24 S College Ave

C. Consideration of the Purchase of Real Property – 201 N Main Ave

City Manager Todd Clark stated the City Council adopted a Strategic Growth Plan in June of 2015 which identified the need to develop additional public parking in the downtown core business district (Policy Action 2.1.2). City staff has worked to identify opportunities to create more parking and also enhance the appearance of existing lots.

Mr. Clark stated that currently, the City leases a parking lot located at 201 N. Main Avenue from the Newton Merchants Association (designated as the "Red Lot") at an annual cost of \$3,553.48. This includes a monthly lease rate of \$250 plus \$553.48 for annual property taxes. There are twenty-six total spaces located within the Red Lot and thirteen are presently leased by the City to various individuals.

Mr. Clark stated the condition of the Red Lot is in fair condition but improvements will likely be necessary within the next 3 years as determined by staff, if not sooner. Planning Director Randy Williams has prepared a site plan for this lot which includes a variety of new improvements including pavement overlay, striping, landscaping and drainage. Mr. Clark stated that funding has not been included in the FY 2017 budget for any of the improvement listed above.

Mr. Clark stated the present assessed tax value of the property is \$47,700. The purchase price of \$30,000 has been negotiated with Mr. Wayne Dellinger, a representative of the Newton Merchants Association, and all closing documents have been prepared by the City Attorney should the City Council decide to purchase the property. Additionally, the City Council will need to appropriate \$31,100 from the General Fund Balance in order to complete the sale of this property.

Mr. Clark stated the purchase of the property by the City ensures its future use will be under the City's control and that it will continue to be used for public parking until otherwise determined by the Council and that the recommendation of staff is to purchase this parcel of land located at 201 N. Main Avenue and further identified by Catawba County, NC Geospatial Information Services, as parcel identification number 374013041166 for the amount of \$30,000. Staff also recommends City Council adopt the attached Budget Ordinance appropriating \$31,100 from the General Fund Balance to complete the land transaction.

Council Member Wes Weaver asked if Mr. Clark has an estimate for improvements. Mr. Clark stated that he does not at this time.

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

That the City Manager be allowed to Execute the Agreement for the Purchase of Real Property – 201 N Main Ave

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

That Ordinance 2016-15 to Amend Revenues and Expenditures – Appropriating \$31,100 From General Fund Balance to Complete the Land Transaction for 201 N Main Ave

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

A. Consideration of Resolution for Asset Inventory and Assessment Grant

Public Works and Utilities Director Dusty Wentz stated the City engaged Wooten Engineering to submit two Asset Inventory and Assessment (AIA) grants for State funding. One is for the water system and one is for the sewer system. These grants will help fund technical assistance by Wooten on both projects. Both grants were submitted to the State in late May.

Mr. Wentz stated the water grant is for providing assistance with determining what assets are in place and the condition of those assets in the downtown area and the project will include above ground locating and use of ground-penetrating radar to determine the exact location of the utilities. Mr. Wentz explained the project will also include a review of old plans and information both at the Public Works office and the State office in order to determine pipe material type and approximate age. .

Mr. Wentz stated the sewer grant is for providing assistance with determining the cause of flow spikes at the wastewater treatment plant, as well as the cause of sanitary sewer overflows, during rain events. This project will focus on the middle section (from east to west) of the City's gravity collection system, which includes South Newton, downtown and part of North Newton. Mr. Wentz stated the project will help determine points of inflow and infiltration (I&I) as well as current pipe conditions, and provide a recommendation on priority of replacement.

Mr. Wentz explained that both grants are capped at \$150,000 each, and the City's responsibility will be determined during the application review process. The match could range from 10 percent to 50 percent of the final cost of the project.

Mr. Wentz stated once selection is determined, the State will assist Wooten and the City with determining the scope of the project, and Wooten will provide a final cost estimate. Staff intends to leverage any projects that are recommended as a result of this investigative work during the application process this fall. Mr. Wentz stated these grant applications this fall will determine how proceeds from the utility bond approved by state voters this year will be allocated.

Mr. Wentz stated the attached resolutions are required as part of the grant application process. Due to the short response time for authoring and submitting grant applications, the state is allowing applicants to submit council resolutions after the application deadline.

Mayor Stedman clarified that these are two separate Resolutions.

Council Member Jody Dixon asked if council would vote on these projects before they were to start. Mr. Wentz stated that each project would be brought to council. Mr. Clark stated that this would lead to more opportunities for grants.

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

That Resolution 8-2016 be – ADOPTED

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

That Resolution 9-2016 be – ADOPTED

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

**ITEM 8: City Manager's Report**

**Meetings & Events**

- June 8<sup>th</sup> – Town Hall Day
- June 13<sup>th</sup> – Newton Pool Opens
- June 14<sup>th</sup> – Rotary Presentation – Lou Wetmore, 11:30 a.m.
- June 16<sup>th</sup> – Committee Appreciation Dinner, 6:00 p.m. Newton Recreation Center
- June 17<sup>th</sup> – Retirement Celebration for Susan Jones, Telecommunicator, 11:30 a.m. in the Gantt Room
- June 30<sup>th</sup> – Mayors/ Chairmen/Managers at Mimosa Hills Country Club – 6:00 p.m.

**ITEM 9: Questions and Comments from Mayor and Council**

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

Council Member Jerry Hodge gave reports on the Western Piedmont Council of Governments Transportation Advisory Committee and the Western Piedmont Council of Governments Policy Board.

**ITEM 10: Closed Session to Consult with the City Attorney – G.S. 143-318-11(a)(4) and G.S. 143-318-11(a)(5)**

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

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

Council Member Wes Weaver made the motion to go back into open session, which was seconded by Council Member Robert C. Abernethy, Jr.,. All Ayes.

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Mayor Pro Tem John Stiver, it was unanimously RESOLVED;

That the Regular City Council Meeting Scheduled for June 21, 2016 be RESCHEDULED to June 28, 2016

**ITEM 11:     Adjournment**

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

That the Meeting be – ADJORNED

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Amy S. Falowski, City Clerk



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Anne P. Stedman, Mayor

# CITY OF NEWTON

## Sewer Adjustments

**TO:** E. Todd Clark, City Manager **DATE:** July 1, 2016

**RE:** Sewer Adjustments – July 12, 2016

**FROM:** Serina Hinson, Finance Director

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

<b>Account Number</b>	<b>Name</b>	<b>Service Address</b>	<b>Adjustment Period</b>	<b>Amount of Adjustment</b>
38001120-005	Jason Canary	209 W 23 <sup>rd</sup> St.	June (Pool)	\$70.92

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; and

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 2016 as Park and Recreation Month in the City of Newton



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Anne P. Stedman, Mayor  
July 12, 2016

#SUPERJULY

**PARK AND RECREATION MONTH**  
JULY 2016

**WHEN OUR POWERS COMBINE,  
WE CHANGE LIVES**



**SWIMMING POOL**  
Newton Swimming Pool, Newton, NC  
Lap Swim  
Monday-Friday: 12pm-1pm  
Open to the Public  
Monday-Saturday: 1:00pm-6:00pm  
Thursday: 6:00pm-8:00pm  
Daycares, Schools  
Monday-Friday: 10:00am-3:00pm  
Private Rentals Available



**DIVE-IN MOVIE**  
Thursday, June 30th-July 7th  
Movie Show Time: 8:30pm  
Cost: \$2.00-Per Person/\$5.00-Family of (4) Four



**MOVIES IN THE PARK**  
Fridays, July 1 & 8  
Southside Park, Newton, NC  
Movies Begin at 9:00pm  
Free Popcorn and Movie



**JULY 4TH SPLASH BLAST (POOL GAMES, KARAOKE,  
ICE CREAM & FAMILY FUN FOR ALL AGES)**



Monday, July 4  
Newton Swimming Pool, Newton, NC  
1:00pm-5:00pm  
Cost: \$1.00-Children 5 & Under  
(Must be accompanied by a paying adult)  
\$3.00-Children 6-17 years  
\$4.00-Adults 18-61 years  
\$2.00-Senior Citizens 62 & Older



**CATAWBA COUNTY HORNETS FOOTBALL SKILLS CLINIC**



Saturday, July 9  
Westside/Jaycee Park, Newton, NC  
9:00am-1:00pm  
Cost: Suggested Donation of \$5.00



**WATER AEROBICS**  
Monday & Wednesdays  
July 11-August 31 (Reunion Week No Classes)  
6:30pm-7:30pm  
\$3.00 Per Session



**CATAWBA COUNTY HORNETS FOOTBALL GAMES**



Saturday: July 16  
Westside/Jaycee Park  
8:00pm  
Cost: \$5.00-(13 years and Older)  
\$3.00-(6-12 years), Free-(5 & Under)



**NCHS-FOOTBALL SKILLS CLINIC**  
Saturday, July 23  
Westside/Jaycee Park, Newton, NC  
9:00am-12:00pm  
Cost: Suggested Donation of \$5.00



**MOTORCYCLE, TRUCK & CAR SHOW CLASSIC**  
Saturday, July 25  
Southside Park  
11:00am-6:00pm  
Admission Fee: \$2.00  
Vehicle Pre-Registration Fee: \$12.00  
Vehicle Registration Fee on Day of Event: \$15.00



For more information on any of these upcoming events in July, please contact the Newton Recreation Department at (828) 495-4317 or visit [www.newtonnc.gov](http://www.newtonnc.gov).



# PROCLAMATION

## In recognition of the service and career of J. Thomas Lundy

**WHEREAS**, J. Thomas Lundy has announced his plans to retire from his duties as Catawba County Manager effective August 1, 2016, after serving for over 44 years with Catawba County Government and for more than 37 years as County Manager, making him the longest serving county manager in the State of North Carolina; and

**WHEREAS**, Mr. Lundy's dynamic and progressive leadership has had a significant positive impact on Catawba County and its municipal residents as well as on the local government profession across the State of North Carolina and around the nation; and

**WHEREAS**, in both prosperous and challenged economies, the policies and programs Mr. Lundy facilitated in collaboration with other governments, at the direction of the Board of Commissioners, have established regular cycles of school construction and other infrastructure to keep the County's tax rate as predictable and steady as possible, and produced budgets which consistently dedicated the largest portion of local revenue to education; and

**WHEREAS**, Mr. Lundy values inter-governmental collaboration between local governments within the County, as evidenced by partnerships with water-producing municipalities to extend water lines to customers in the unincorporated parts of the County, helping meet industrial expansion needs, and by technology-related partnerships that reduce the costs of providing critical infrastructure within the County, and by collaborative arrangements involving land development, fire inspections, tax billing and collections, voluntary agricultural district administration, and library services, among others; and

**WHEREAS**, Mr. Lundy's dedication to the importance and value of professionalism in local government has been reflected in career-long service to the International City/County Management Association, including a term as its president, the National Association of Counties, and North Carolina City/County Management Association in a variety of capacities; and

**WHEREAS**, Mr. Lundy's positive impact in the field of local government management will continue to bear fruit for decades to come through his work impacting future generations of local government practitioners as a professor in the UNC-Chapel Hill Master of Public Administration program and at Lenoir-Rhyne University, as well as his mentoring of dozens of younger local government professionals through the ICMA Fellows Program, summer internships and other similar initiatives; and

**WHEREAS**, Mr. Lundy has made a wealth of contributions to the betterment of the Catawba County community through his support of and service to community-based organizations such as the Catawba County United Way, Habitat for Humanity, Hickory Community Theater, Catawba Valley Youth Soccer Association, St. Luke's United Methodist Church in Hickory and First United Methodist Church in Newton, and many more;

**NOW, THEREFORE, BE IT RESOLVED THAT** the City of Newton extends its thanks and congratulations to J. Thomas Lundy for his outstanding career of service to his County, its schools, local governments and its people, and conveys its best wishes for his future endeavors as he prepares to enter into a new chapter of life

This 28th day of June, 2016

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

\_\_\_\_\_  
Mayor Pro Tem John M. Stiver

\_\_\_\_\_  
Council Member H. Tom Rowe

\_\_\_\_\_  
Council Member Jody M. Dixon



\_\_\_\_\_  
Council Member Jerry T. Hodge

\_\_\_\_\_  
Council Member Robert C. Abernethy Jr.

\_\_\_\_\_  
Council Member W. Wes Weaver

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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**DATE:** July 6, 2016

**TO:** City Council

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

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

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

Mary Bess Lawing – Recreation Committee

Aisha Hope – Recreation Committee

Jessica Hoffman – Business Advisory Committee

Jeff Kelley – Business Advisory Committee

# Board and/or Committee Application

City of Newton  
PO Box 550  
Newton, NC 28658  
828-695-4300



Name MARY BESS LAWING

Mailing Address 610 S. MAIN AVE., NEWTON, NC 28658

Home Address SAME AS ABOVE

Work Phone# 828-465-3434 Home# 828-464-2290 Cell# 828-612-3672

Resident of the city  Yes  No Number of Years ENTIRE LIFE

Business owner in the city  Yes  No Number of Years \_\_\_\_\_

1. Why are you interested in serving on the RECREATION Board/Committee?

INTERESTED IN PROVIDING QUALITY RECREATION PROGRAMS FOR THE CITIZENS OF NEWTON.

2. What is your professional and educational background?

FORMER LEGAL ASSISTANT; - OFFICE MANAGER. ACCOUNT MANAGER WITH ELLIOTT DESIGN, NEWTON, NC

3. Do you have special skills, experience or background which would assist you in working on this Board/Committee?

SERVING ON THE NEWTON CITY COUNCIL & BEING INVOLVED WITH THEIR RECREATION PROGRAMS -

4. How did you hear about this Board/Committee vacancy?

RECREATION DIRECTOR SANDRA WATERS

Mary Bess Lawing  
Signature

6-13-2016  
Date

Thank you for your interest in the City of Newton and specifically your interest in being considered for a city board or committee. You along with other applicants will be considered for any current vacancies. Upon submittal to the city this application and the information provided herein will be kept on file with the city and be considered public information

# Board and/or Committee Application

City of Newton  
PO Box 550  
Newton, NC 28658  
828-695-4300



Name Aisha Hope BB&T Claremont  
Mailing Address 2881A Old PO Box 429 Claremont NC 28610  
Home Address 2881A Old Conover Startown Rd Newton NC 2865  
Work Phone# 828-615-6018 Home# \_\_\_\_\_ Cell# 973-441-4512  
Resident of the city  Yes  No Number of Years 9  
Business owner in the city  Yes  No Number of Years \_\_\_\_\_

1. Why are you interested in serving on the COMMISSION Board/Committee?

TO ASSIST THE COMMUNITY AND DAUGHTER INVOLVED  
IN ACTIVITIES AND SPORTS & REC  
AWAY TO GIVE BACK TO THE CITY / COMMUNITY  
TO VOLUNTEER FOR COMMUNITY EVENTS w/ DEPT.  
BE MORE INVOLVED WITH SON & DAUGHTER IN PROGRAMS

2. What is your professional and educational background?

Branch Banker Team Leader @ BB&T

3. Do you have special skills, experience or background which would assist you in working on this Board/Committee?

Banking experience - GREW UP IN REC. PROGRAMS

4. How did you hear about this Board/Committee vacancy?

Branch manager

Aisha Hope  
Signature

4.21.16  
Date

Thank you for your interest in the City of Newton and specifically your interest in being considered for a city board or committee. You along with other applicants will be considered for any current vacancies. Upon submittal to the city this application and the information provided herein will be kept on file with the city and be considered public information

## Falowski,Amy

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**From:** pio@newtonnc.gov  
**Sent:** Monday, June 20, 2016 7:36 PM  
**To:** Falowski,Amy  
**Subject:** Board/Committee application

Name = JESSICA HOFFMAN

Address = 202 W 8TH ST

City\_Town = NEWTON

Stat\_Prov = NC

Zip\_Postal\_Code = 28658

Phone = 8282441496

Which board or committee? = BAC

Why are you interested? = I have a business in Newton and care about the direction the town is going.

Professional/educational background = I graduated from UNC Chapel Hill in 1999 with a BA in Psychology and again in 2005 with a PhD in Psychology. I own Stepping Stones of Newton where I am a pediatric psychologist.

Special skills, experience and background = I come from a long line of entrepreneurs and I know how to run a business.

How did you hear about vacancy? = friend-Jennifer Stiver

## Falowski,Amy

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**From:** pio@newtonnc.gov  
**Sent:** Friday, July 08, 2016 9:46 AM  
**To:** Falowski,Amy  
**Subject:** Board/Committee application

Name = Jeff Kelley

Address = 423 w 9th street

City\_Town = Newton

Stat\_Prov = NC

Zip\_Postal\_Code = 28658

Phone = (828) 217-5278

Which board or committee? = Business advisory committee

Why are you interested? = I enjoy living and working in Newton. I have owned a business in downtown Newton for the last 22 years. I think great things are happening in Newton and i want to be part of growing Newton and moving our community forward.

Professional/educational background = I have been fortunate enough to own and operate a business in the downtown area for the past 22 years.

Special skills, experience and background = Have served on the DNDA and Newton-Conover Education Foundation.

How did you hear about vacancy? = Mayor Stedman



**CITY OF NEWTON PUBLIC FEE STRUCTURE**

The City Council of the City of Newton requires a Statement of Intent from organizations planning to charge fees during public events in the City of Newton. The Statement of Intent must be submitted to the City Clerk fifteen (15) days prior to the event and must comply with city regulations. Authorization of requested public fee structure is subject to approval by the Newton City Council.

**STATEMENT OF INTENT**

Applicant: Newton Merchants Assoc. / Legion Post #14 Date: July 1, 2015

Authorized Representative/Title: Wayne Dellinger - Co-Chairperson

Address: PO Box 768 Newton NC 28658

Telephone Number: 828-466-2695

Location Requested: Downtown Business District

Estimated Attendance: 15,000 - 22,000 Day and Date requested: Aug 15 - 21, 2015

Beginning and Ending Time: Saturday - Friday 9am - 11pm

Explain proposed fee schedule for event: See Below

<u>Type</u>	<u>Booth/Space/Rental Fee</u>
Commercial Food Vendors	\$ <u>35.-</u>
Non-profit Food Vendors	\$ <u>35.-</u>
Arts and Crafts Vendors	\$ <u>25.-</u>
Amusement Devices	\$ <u>N/A</u>

Estimated Income will be used for Soldiers Reunion Activities And Promotions

**\*\*\*FOR OFFICE USE ONLY\*\*\*** Newton City Council approved 2015 Soldiers Reunion  
(event) on Aug 15 - 21, 20 15.

Authorized signature Anne D Steadman

Signature of Mayor of the City of Newton  
Approved as to form - 3-18-1992 - updated 03/08/2007

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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**DATE:** July 7, 2016

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

**FROM:** Alex Fulbright, Assistant Planning Director

**CONSIDERATION OF:** Special Use Permit 2016-02 – Robbie Bennett.

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

Attached with this memo is a copy of an application filed by Robbie Bennett. Mr. Bennett is seeking a Special Use Permit to allow him to locate a Funeral Parlor on NC Hwy 16. The subject site is located on the eastside of NC Hwy 16 just south of NC Hwy 10. The site comprises of two adjacent lots that are approximately 4 acres combined. According to Catawba County Tax Records the properties are identified as parcel number 3740-20-82-4491 and 3740-20-82-4131. The site is zoned R-20 and Funeral Parlors are permitted as a Class A Special Use within the R-20 District, with approval by the City Council.

**Review:**

A Special Use is a use that would not be appropriate generally without special study throughout the zoning district, but which is controlled by the number or size of location or relationship to adjoining neighborhood and which would promote the public health, safety, and welfare.

The applicant is proposing to construct a 14,000 square foot main building and a 4,800 office building. The site is located outside the City Limits but within the ETJ. The proposed facility would be served with city water and on-site septic system.

The zoning ordinance as it applies to Funeral Parlors as a special use in residential districts requires that the following standards be met.

- **Funeral parlors are permitted in residential districts that are zoned R-20 Single Family Residential.** The site which the applicant is applying for is zoned R-20.
  
- **The site shall have direct access to an arterial street as shown on the thoroughfare plan and the collector street plan.** The site fronts on NC 16 Hwy which is classified as an arterial street on the collector street plan.
  
- **All applicable state regulations governing Funeral establishments have been met.** The state regulation cannot be met until zoning approval has been granted.

- **Signage is subject to article VII of the Zoning Ordinance as it pertains to Churches and Civic Organizations.** Sign permits have not been applied for the proposed funeral parlor at this time. If a special use permit is granted all sign would have to comply with article VII of the Zoning Ordinance as it pertains to Churches and Civic Organizations.

Also, the use would have to comply with all required city regulations and standards; unless greater or different regulations are recommended and approved. Based on the site plan which is considered conceptual in nature; building appearance, landscaping, parking, stormwater, soil erosion, buffers & screening, and signage would be reviewed and approved when construction plans are submitted in order to obtain permits to begin construction. The attached site plan is provided to show buildings, relationship to the adjoining properties, and general position on the site, but is not considered to be complete for site plan development review for construction.

In addition to City regulations, the site will have to comply with all applicable Federal, State, and County regulations. Specifically, the proposed on-site septic system would have to be approved by the NC Board of Funeral Service and the State and County Environmental Health Departments.

**Public notification:**

Public notification procedures have been conducted in compliance to the City's Zoning Ordinance. A public notice was published in the Observer News Enterprise on July 1 and July 8, 2016. A notice was mailed to 24 property owners, including all owners of adjacent properties and those properties which fall within 100 feet of the adjacent tracts. In addition to the published notices and mailings, signs were placed at the site and will remain in place until Council takes action on this item.

The Planning Department has received one written response to the special use application which is attached to this memo.

**Recommendation action:**

The Planning Commission unanimously recommends to the City Council approval of this special permit as presented with the condition that the exterior lighting is limited to full cut off fixtures to minimize light spill onto adjoining properties.

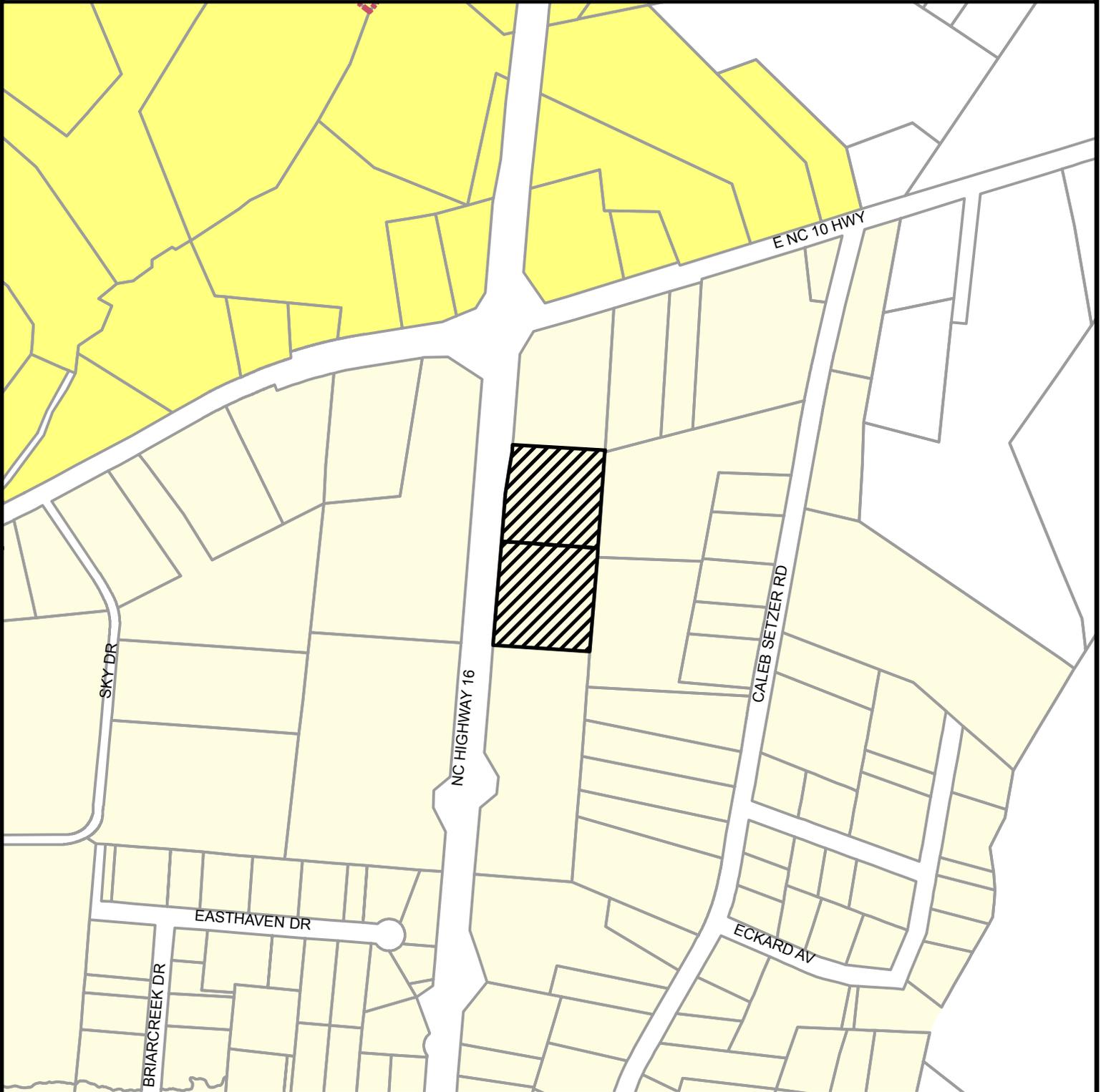
A review of the attached site plan should be discussed during the meeting and potentially further recommend conditions that are necessary to mitigate any potential negative impacts such a use might have on the surrounding area. Site conditions for this application could include, but not limited to, screening/buffering; landscaping; access management; signage; lighting; appearance and compliance with all associated development codes and regulations. This development is one of the first along NC 16 and will set a precedent on future development along the corridor.

The above recommendation is subject to the City of Newton City Council making the required findings as mentioned in the review. Also attached is a form entitled "Decisions on Special Use Permit, Newton City Council"; this should be resource in making a decision on the Special Use Permit.



# Special Use #2016-02

Robbie Bennett  
NC Highway 16



 City Limits     Single Family Residential (R-20)     Single Family and Manufactured Home Residential (R-20A)



NOT TO SCALE

**SPECIAL USE PERMIT APPLICATION**  
**CITY OF NEWTON, NORTH CAROLINA**

Application #: 2016-02 Date: 5/27/2016

Application for CLASS A **SPECIAL USE PERMIT** (Circle either)

To the CITY COUNCIL, Newton, NC:

I, (We) the undersigned, so hereby petition the City Council of Newton to issue a **CLASS A** **SPECIAL USE PERMIT** in the name (s) of Robert F. & Rhonda L. Bennett

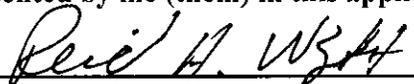
for the use of property located at 1855 E NC 10 Hwy, Newton, NC 28658  
also known as Catawba County Tax Parcels 374020824491 & 374020824131  
permitted by Section \_\_\_\_\_ of the Newton Zoning Ordinance.

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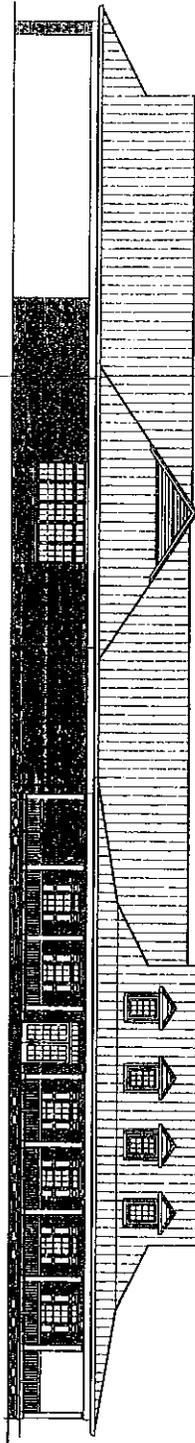
<u>NAME OF APPLICANTS</u>	<u>ADDRESS</u>	<u>TELEPHONE NO.</u>
<u>Robert F. Bennett</u>	<u>PO Box 234 Newton NC 28658</u>	<u>828 465 2111</u>
<u>Rhonda L. Bennett</u>	<u>PO Box 234 Newton NC 28658</u>	<u>828 465 2111</u>

On behalf of the above listed applicants, I do hereby certify that all of the information presented by me (them) in this application is true to the best of my knowledge.

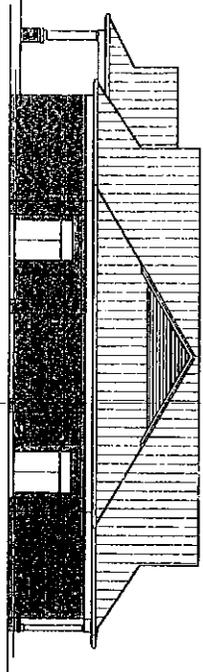
 5/27/2016  
Authorized Applicant Date

- (1) This application must be accompanied by a site plan based upon survey prepared by a Registered Land Surveyor showing the exact location of all property lines, corner stakes, buildings, signs, parking spaces, loading areas as well as full and accurate description of the proposed use including its location, appearance and operational characteristics.
- (2) In addition, this application must include all relevant information needed to show compliance with the general and specific standards governing the Special Use in which is the subject of this application.
- (3) If title to the above described property is not in the same name of the applicant, then a letter from the owner signifying approval must also be submitted.

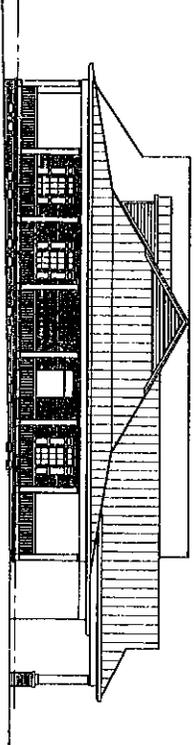




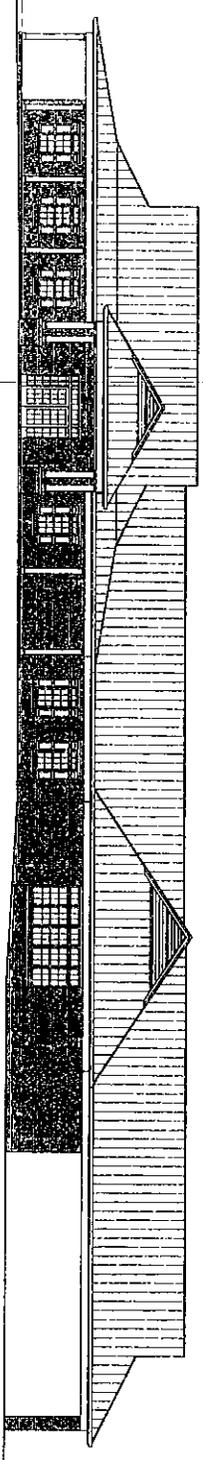
FRONT ELEVATION - BUILDING A  
BUSINESS, RECEIVING & CHAPEL  
SCALE: 1/8"=1'-0"



LEFT SIDE ELEVATION - BUILDING A  
BUSINESS, RECEIVING & CHAPEL  
SCALE: 1/8"=1'-0"



RIGHT SIDE ELEVATION - BUILDING A  
BUSINESS, RECEIVING & CHAPEL  
SCALE: 1/8"=1'-0"



REAR ELEVATION - BUILDING A  
BUSINESS, RECEIVING & CHAPEL  
SCALE: 1/8"=1'-0"

SPECIAL USE PERMIT  
FOR PROPOSED NEW FACILITY

# BENNETT'S FUNERAL SERVICES

1855 EAST NC HIGHWAY 10  
NEWTON, NORTH CAROLINA 28601



NO.	DATE	DESCRIPTION
1	10/15/10	PRELIMINARY
2	11/15/10	REVISED
3	12/15/10	REVISED
4	01/15/11	REVISED
5	02/15/11	REVISED
6	03/15/11	REVISED
7	04/15/11	REVISED
8	05/15/11	REVISED
9	06/15/11	REVISED
10	07/15/11	REVISED
11	08/15/11	REVISED
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98	11/15/18	REVISED
99	12/15/18	REVISED
100	01/15/19	REVISED

A3.0

1225 Caleb Setzer Road  
Newton, NC 28658  
828-464-8417

June 22, 2016

Dear Sirs:

This letter is in response to the notice concerning the Newton Planning commission's Public Hearing on June 28, 2016. We will be unable to attend due to major back surgery for Sue at Presbyterian Hospital in Charlotte on that same day. We would like to express our concerns regarding the Special Use permit filed by Robbie Bennett for a funeral parlor near our home of 50 years.

First of all, please note that we are against the permit to build and operate a funeral parlor – the reasons are as following:

We oppose the permit because this is Residential; it is not an appropriate use of residential land. If it is re-zoned, then it opens the door to all commercial businesses. This funeral parlor will be extremely detrimental to our property value as well. Funeral homes have a certain connotation about them and would detract from the value of the surrounding land. People move and purchase land for many reasons, but no one wants to live next to a funeral home, which would make selling property in this area extremely difficult. It will hurt our investment we have made through the years and completely change our so-called "Golden Years"!

Having to look at a funeral home out my sliding glass door would certainly be depressing. We are use to seeing nature out that door; deer, turkeys, squirrels, rabbits, etc. Now, we know that funerals are a part of life, but seeing it so close and knowing there are corpses right there is something we don't think we can endure each and every day. As we aged, we thought we would enjoy our years right here in this residential neighborhood, a place we have loved for years. But the news of the possibility of this rezoning has already had a depressing influence on our life. The taking in and out of dead bodies, the simple thought of the embalming, and the thought of all of this is more than we can handle being right next to our house. There is a psychological 'ick' factor associated with living next door to a funeral parlor. We simply do not know what we will do now if this is rezoned to

allow this construction. To be reminded daily of our mortality when simply looking out a door is a very emotional issue for us.

We also think about the constant going and coming of the traffic created from this proposed parlor on Highway 16. The traffic would certainly be affected with the funeral services, the funeral processions pulling out and so on from this proposed parlor. Not only the pulling out of the processions, but the traffic from the "receiving" could also create traffic snarls. The traffic flow of this highway will most certainly be affected.

There will be added congestion to this "new" highway.

We have been told that there will be no crematorium, but we know that will be the next step. We have spent a whole day researching issues to go along with this permit, and from Canada to across the United States; folks do not want to live near one of these. Even though funeral home owners state that they are safe for the environment, my research did not pull up one publication that proved that fact. It is stated that fumes are to be clear, odorless and invisible, but later they all proved to be harmful. All have reported that mercury vapor is emitted from these and have had profound health effects on those living near them.

There is also the issue of no water and sewer available and that would have to be added at your expense? We don't know how that works, but we know these services are not there now. Also, how can you guarantee the disposal of the fluids from that business would not have an added determinable affect on the land. We understand special underground containers are used, but we also know that there are exceptions to everything, and leakage could be a possibility.

If you, as a commission, pass this re-zoning to allow this permit to be issued, you will take the "Golden" out of our "years". Please take our concerns under consideration and do not rezone nor issue this permit.

Sincerely,

Handwritten signature of Eddie Travis in cursive script.

Edward (Eddie) Travis

Laura (Sue) Travis

**DECISIONS ON SPECIAL USE PERMIT  
NEWTON CITY COUNCIL**

Application # \_\_\_\_\_

Date of Consideration \_\_\_\_\_

Requested Action \_\_\_\_\_

The Zoning Ordinance imposes the following **GENERAL REQUIREMENTS** on the use requested by the Applicant:

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Based upon the following **FINDINGS OF FACT**, the Council concludes that the proposed use as indicated by the Applicant will meet the **GENERAL REQUIREMENTS** as follows:

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The Zoning Ordinance also imposes the following **SPECIFIC REQUIREMENTS** on the use requested by the Applicant. The Council finds as a fact that if the Applicant uses the land in a manner consistent with the plans, specifications, and other information presented to the Council, the proposed use will comply with each of the following specific requirement imposed by the Ordinance:

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THEREFORE, because the Council concludes that all of the general and specific conditions precedent to the issuance of a SPECIAL USE PERMIT have/have not been satisfied, the application for the permit is hereby GRANTED/DENIED:

The granting of the SPECIAL USE PERMIT is expressly made conditional upon the observance by the Applicant of the following requirements, in addition to all of the specific requirements listed above:

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DATE: \_\_\_\_\_

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Mayor

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City Clerk

## **Special Uses Chapter 102. Article X.**

### **Sec. 102-462. - General standards.**

The following general standards shall be met by all applicants for approval at special uses:

(1)

The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application.

(2)

The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of articles IV, V and VI of this chapter, unless greater or different regulations are contained in the individual standards for that special use.

(3)

The use will maintain or enhance the value of contiguous property, or that the use is a public necessity.

(4)

The use is in compliance with the general plans for the physical development of the city as embodied in these regulations. The board of adjustment or the council, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use. (Code 1972, § 26-11.2; Ord. No. 91.53, 10-16-1991; Ord. No. 2002.31, 8-21-2002)

### **Sec. 102-466. - Contents of application for approval.**

The application for approval of a special use shall be submitted on forms provided by the planning director. Such forms shall be prepared so that, when completed, a full and accurate description of the proposed use, including its location, appearance, and operational characteristics shall be disclosed. Additionally, the forms shall, when completed by the applicant, disclose the name(s) and address(es) of the owner(s) of the property involved, the name(s) and address(es) of the applicant, if different from the owner(s), and all relevant information needed to show compliance with the general and specific standards governing the special use which is the subject of the application. (Code 1972, § 26-11.6; Ord. No. 91.53, 10-16-1991)

*Child and adult care center.* The following specific standards shall be used in deciding an application for approval of these uses:

a.

A fenced outdoor playing area for children shall be provided in the rear yard and may be provided within side yards.

b.

Uses designed to accommodate more than 30 children shall have a minimum lot size of 30,000 square feet.

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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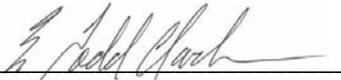
**DATE:** July 6, 2016

**TO:** Mayor and City Council

**FROM:** Todd Clark, City Manager

**CONSIDERATION OF:** Consideration to Accept Offer to Purchase Property Located at 1000 N Ashe Ave

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

The Newton City Council has formally declared a parcel of land located at 1000 N Ashe Ave in Newton as surplus property.

Mr. James E. Brackett submitted a bid on May 12, 2016 in the amount of \$2,200. In accordance with North Carolina General Statute §160A-269, “when an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer.”

Additionally, the Statute requires that the public notice include a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. If an upset bid is offered, the bidder must deposit (5%) of his increased bid with the City Clerk and the Clerk must re-advertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The Statute also provides that the Council may at any time reject any and all offers.

As per City Council action on May 17<sup>th</sup>, City Staff began the procedures set forth in NCGS §160A-269 for the upset bid process. No other offers were made during the 10 day upset bid period.

**Recommendation:**

The City staff recommends City Council formally accept the bid of \$2,200 to purchase the parcel located at 216 7<sup>th</sup> W St. (PIN #373012961001) from James E. Brackett.

**ORDINANCE # 2016-16**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES  
FOR FISCAL YEAR 2016-2017 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, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, City Council desires to recognize \$2,200 for the sale of land located at 1000 N Ashe Ave. North Carolina General Statute 160A-269 permits the City to sell property by upset bid, after receipt of an offer. The City received an offer by Mr. James E. Brackett in May 2016 in the amount of \$2,200 followed by a 5% deposit of \$110. A notice of the offer was subsequently published for 10 days with no offers presented; and,

WHEREAS, the Statute requires that the public notice include a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. If an upset bid is offered, the bidder must deposit (5%) of his increased bid with the City Clerk and the Clerk must re-advertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The Statute also provides that the Council may at any time reject any and all offers.

WHEREAS, The City Council desires to recognize the sale of surplus property located at 1000 N Ashe Ave.

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		
Sale of Surplus Property	11.0000.3730	\$ 2,200
Fund Balance Appropriated	11.0000.3990	\$(2,200)

Adopted this 12th day of July, 2016.

Attest:

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

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



**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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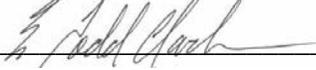
**DATE:** July 1, 2016

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

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

**CONSIDERATION OF:** Locally Administered Projects Program (LAPP) Sidewalk Grant Application

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

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

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

**Review:**

Over the last year, the City Council has adopted the Streetscape Master Plan and Strategic Growth Plan which detail the improvements and priorities for the City of Newton for the future. Within those plans are design and implementation recommendations to enhance and reinforce the city's downtown as an attractive and active place.

The selected project is the A Street corridor location due to its connection to Catawba County Government and Justice Center, Pin Station and Expo Center, Honey's IGA Supermarket and Downtown Newton combined with the high traffic counts. This sidewalk and bikelane improvement project was identified in this application was chosen based on the connections to the existing sidewalk network, closing gaps in the sidewalk network, providing a sidewalk on a street with a high traffic volume, connecting business centers notably the County Government Center and Downtown Newton, and serving adjoining neighborhoods.

As quoted in the Streetscape Master Plan, "It is essential to Newton's economic future that...visitors arrive in downtown Newton and, once there, find an attractive and vibrant downtown. Likewise vehicular wayfinding and pedestrian and bike connections to and from the adjacent neighborhoods and to and from the nearby Catawba County Government Center will all encourage increased downtown visitation and increased economic activity."

Planning staff outlined the potential project and working closely with the Public Works staff, determined the required improvements necessary and a cost estimate for the project. The project consists of the planning, design, engineering, and administration to construct a combination of a protected bikeway and bike lane improvements, sidewalk construction and ADA improvements with connections in the gaps to the partial sidewalk network will allow users a more safe multi-modal connection between the areas. It also includes the replacement of waterlines and moving the utility poles for power lines which must be relocated as a part of these improvements and to conform to the federal standards for construction.

The overall project cost estimate is \$1,900,000.00. The grant fund request to be submitted is \$1,520,000 and City required 20% match is \$380,000.

**Action Suggested:**

Planning Staff requests the City Council to endorse the project and authorize submission of the grant application to GHMPO for funding.



Greater Hickory Metropolitan Planning Organization  
STP-DA Funding Request Submittal Form – Background Information



Submission Date (mm/dd/yyyy):

**Project Information:**

Project Name:

Project Location:

TIP ID (if applicable):

Primary Applicant:

Secondary Applicant:

Managing Agency:

**Costs:**

Local Match (Percentage):

Total Local Match (Amount):

Cost of NEPA/Design Phase:

Cost of Right-of-Way Phase:

Cost of Construction Phase:

**Total Cost of Project:**

**Contact Details:**

Full Name:

Title:

Email Address:

**Project Description:**

**Problem Statement:**

# STP-DA Funding Request Submittal Form

## Bicycle and Pedestrian Projects

**Adopted Plan Status:**

- a.  Project is referenced on this page is adopted in a local or regional plan.
- b.  Project is not is not adopted in a local or regional plan.

**Name of adopted plan:**

**1. Local Match: (20 point max)**

- |    |                          |                             |             |
|----|--------------------------|-----------------------------|-------------|
| a. | <input type="checkbox"/> | <b>20% Match</b>            | (0 points)  |
| b. | <input type="checkbox"/> | <b>25% Match</b>            | (5 points)  |
| c. | <input type="checkbox"/> | <b>30% Match</b>            | (10 points) |
| d. | <input type="checkbox"/> | <b>35% Match</b>            | (15 points) |
| e. | <input type="checkbox"/> | <b>40% Match or Greater</b> | (20 points) |

**(GHMPO INTERNAL USE ONLY) Total Points:**

**2a. Crash Exposure (sidewalk facilities only): (15 point max)**

- |    |                          |                              |             |
|----|--------------------------|------------------------------|-------------|
| a. | <input type="checkbox"/> | <b>All other projects</b>    | (0 points)  |
| b. | <input type="checkbox"/> | <b>AADT ≤ 2,000</b>          | (5 points)  |
| c. | <input type="checkbox"/> | <b>AADT = 2,001 ≤ 4,999</b>  | (10 points) |
| d. | <input type="checkbox"/> | <b>AADT = 5,000 ≤ 10,000</b> | (15 points) |

<b>Roadway AADT:</b>	
----------------------	--

**(GHMPO INTERNAL USE ONLY) Total Points:**

**2b. Crash Exposure (bicycle facilities only): (15 point max)**

- |    |                          |                              |             |
|----|--------------------------|------------------------------|-------------|
| a. | <input type="checkbox"/> | <b>All other projects</b>    | (0 points)  |
| b. | <input type="checkbox"/> | <b>AADT = 5,000 ≤ 10,000</b> | (5 points)  |
| c. | <input type="checkbox"/> | <b>AADT = 2,001 ≤ 4,999</b>  | (10 points) |
| d. | <input type="checkbox"/> | <b>AADT ≤ 2,000</b>          | (15 points) |

<b>Roadway AADT:</b>	
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**(GHMPO INTERNAL USE ONLY) Total Points:**

**3. ROW Available (15 point max)**

a.	<input type="checkbox"/>	<b>25% or less</b>	(0 points)	<b>% ROW Acquired:</b>	
b.	<input type="checkbox"/>	<b>26% - 50%</b>	(5 points)		
c.	<input type="checkbox"/>	<b>51% - 75%</b>	(10 points)		
d.	<input type="checkbox"/>	<b>76% - 100%</b>	(15 points)		

(GHMPO INTERNAL USE ONLY) Total Points:

**4. Closing a Gap: (15 point max)**

a.	<input type="checkbox"/>	<b>All other projects.</b>	(0 points)	<b>Total Length:</b>	
b.	<input type="checkbox"/>	<b>Closing an internal gap and creating a total facility length less than 1 mile.</b>	(5 points)		
c.	<input type="checkbox"/>	<b>Closing an internal gap and creating a total facility length 1 – 2 miles.</b>	(10 points)		
d.	<input type="checkbox"/>	<b>Closing an internal gap and creating a total facility length greater than 2 miles.</b>	(15 points)		

(GHMPO INTERNAL USE ONLY) Total Points:

**5. Economic Development: (5 point max)**

a.	<input type="checkbox"/>	<b>All other projects</b>	(0 points)
b.	<input type="checkbox"/>	<b>Project that is within 1/2 mile of a retirement community, central business district, shopping center, park, hospital, or major employment cluster of 100+ employees.</b>	(5 points)

(GHMPO INTERNAL USE ONLY) Total Points:

**6. Total Cost: (10 point max)**

a.	<input type="checkbox"/>	<b>More than \$200,000,001</b>	(0 points)	<b>Total Cost:</b>	
b.	<input type="checkbox"/>	<b>\$1,000,001 ≤ \$2,000,000</b>	(5 points)		
c.	<input type="checkbox"/>	<b>\$200,000 ≤ \$1,000,000</b>	(10 points)		

(GHMPO INTERNAL USE ONLY) Total Points:

**7. Proximity to School: (10 point max)**

- a.  All other projects. (0 points)
- b.  1 mile from a school. (5 points)
- c.  1 mile and connects to a school. (10 points)

(GHMPO INTERNAL USE ONLY) Total Points:

**8. New Project: (5 point max)**

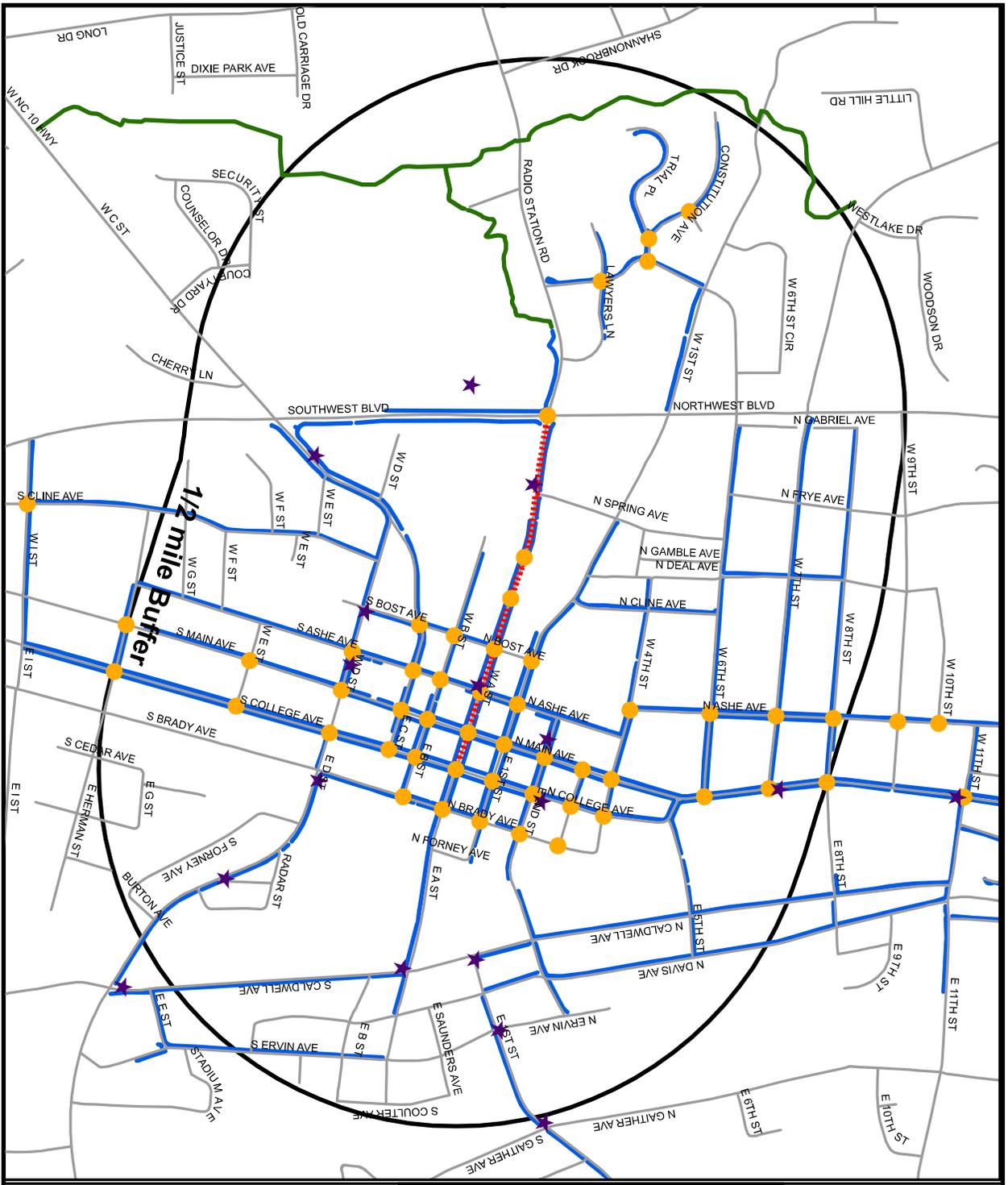
- a.  All other projects. (0 points)
- b.  This is the first time this project has been submitted for funding. (5 points)

(GHMPO INTERNAL USE ONLY) Total Points:

**9. Congestion Management Air Quality (CMAQ): (5 point max)**

- a.  This project *is* eligible for CMAG funding. (0 points)
- b.  This project *is not* eligible for CMAG funding. (5 points)

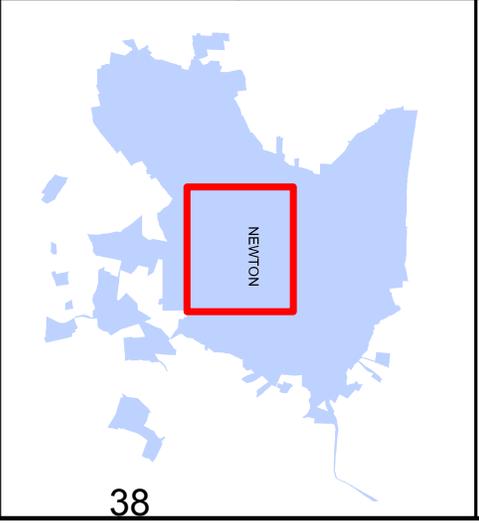
(GHMPO INTERNAL USE ONLY) Total Points:



**Legend**

- Greenway
- Existing Bus Stops
- Existing Crosswalks
- Proposed Project
- Roads
- Existing Sidewalks
- Buffer

0 500 1,000 1,500 Feet



**LAPP FUNDING APPLICATION**  
**CITY OF NEWTON, NC**  
**Map of Proposed Project**  
 Downtown - County Government  
 Center Connection

**City of Newton  
Resolution 11-2016**

**Authorizing City of Newton, NC to submit an application to the Greater Hickory Metropolitan Planning Organization in the Amount of \$1,900,000 for Surface Transportation Program - Direct Appointment Funds for the Downtown – County Government Center Connection Project**

**LEGISLATIVE INTENT/PURPOSE:**

**On March 25, 2015 the Greater Hickory Metropolitan Planning Organization (GHMPO) issued a call for projects to agencies in its jurisdiction for Surface Transportation Program- Direct Appointment Funding (STP-DA). A total of \$2.7 million is available to award among four transportation modal buckets: bicycle and pedestrian, intersections, roadway, and transit. STP-DA is comprised of a collection of discretionary programs including bicycle/pedestrian improvement for sidewalks lacking connections. Each agency may submit no more than three (3) projects of not less than \$200,000 each for possible reward. The funding requires a minimum 20% local cash match.**

**WHEREAS,** Certain areas lacking sidewalks in the city were highlighted in the City of Newton Strategic Plan, and in particular three potential projects became priority during the citizen participation meetings, and;

**WHEREAS,** The sidewalk project which was identified for this application was chosen based on the connections to the existing sidewalk network, closing gaps in the sidewalk network, providing a sidewalk on a street with a high traffic volume, connecting business centers notably the County Government Center and Downtown Newton, and serving adjoining neighborhoods, and;

**WHEREAS,** The selected project is the A Street corridor location due to its connection to Catawba County Government and Justice centers, Pin Station and Expo Center, Honey’s IGA Supermarket and Downtown Newton combined with the high traffic counts, and;

**WHEREAS,** Planning staff outlined the potential project and working closely with the Public Works staff, determined the required improvements necessary and a cost estimate for the project, and;

**WHEREAS,** The project consists of the planning, design, engineering, and administration to construct a combination of a protected bikeway and bike lane improvements, sidewalk construction and ADA improvements with connections in the gaps to the partial sidewalk network will allow users a more safe multi-modal connection between the areas., and;

**WHEREAS,** The overall project cost estimate is \$1,900,000.00. The grant fund request to be submitted is \$1,520,000 and City required 20% match is \$380,000.

**THEREFORE, BE IT RESOLVED:** That, the City Council approves that Randolph S. Williams, AICP, City of Newton Planning Director is hereby authorized to submit a STP-DA application in the amount of \$1,900,000 and will commit \$380,000 as a cash match for the Downtown – County government Center Connection Project.

Adopted this the 12<sup>th</sup> day of July, 2016

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Amy S. Falowski, City Clerk



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Anne P. Stedman, Mayor

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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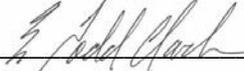
**DATE:** July 9, 2015

**TO:** Mayor Anne Stedman and Newton City Council

**FROM:** Todd Clark, City Manager

**CONSIDERATION OF:** Authorizing Resolution 10-2016 for A Building Reuse Grant Application

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

Mr. Luke Walling proposes to utilize a vacant building located at 2015 Northwest Boulevard for a new business startup called Temprano Techvestors, Inc. In an effort to renovate the property, Mr. Walling is seeking the assistance of the City of Newton to access grant funding through the State of North Carolina Department of Commerce, Building Reuse Grant program.

In order to access these funds, the applicant must be a unit of local government located in either a Tier I or Tier II economically distressed County. Additionally, the proposed project must be a priority industry with a business classification of manufacturing, warehousing, wholesale trade, courier services, central administrative offices, electronic mail order services, computer systems design, software publishers, software reproducing, or data processing services. Temprano Techvestors meets the priority industry test and the City of Newton is located within a Tier II economically distressed county.

The applicant must also demonstrate that new jobs are being created and the amount of the grant award is tied to the number of jobs created. Mr. Walling is committed to the creation of 21 new full time jobs with an average weekly wage of \$51,906. Attached to this request for Council action is a copy of the Pre-Application Form that includes a complete list of the jobs being created and the associated gross annual wages associated with each.

The City Council is advised that a 5% local match is required for the grant. A complete break-down of costs associated with this \$520,188 renovation project is included on the Pre-Application Form which includes a 5% match of \$12,688 from the City of Newton, \$253,750 from the Building Reuse Grant, and \$253,750 from Temprano Techvestors, Inc. The City Council will need to make an appropriation of \$12,688 from Fund Balance if and when, a grant is awarded

**Action Suggested:**

The suggested action is for City Council to adopt Resolution 10-2016 authorizing the City Manager to execute and file an application of behalf of the City of Newton with the NC Department of Commerce Rural Economic Development Division for a Building Reuse Grant and furnishing any further information to the State of North Carolina as outlined in the Resolution.

**City of Newton**  
**Authorizing Resolution 10-2016**  
**The Rural Economic Development Division**  
**North Carolina Department of Commerce**  
**Building Reuse Program**  
**Temprano Techvestors**  
**Building Reuse Application**

**WHEREAS,** the North Carolina General Assembly authorized in 2013 funds to the North Carolina Department of Commerce Rural Economic Development Division to stimulate economic development and job creation. A portion of the funding authorized the making of grants to aid eligible units of government to stimulate the creation of jobs through the expansion and renovation of buildings that will spur economic activity; and

**WHEREAS,** The City of Newton desires to assist through grant funding the economic renovation of the former AVG Technologies building located at 2015 Northwest Blvd, Newton; and

**WHEREAS,** The City of Newton intends to request from NC Department of Commerce Rural Economic Development Division grant assistance for the project from the Building Reuse Program for the “up-fitting” and renovation of the facility:

**NOW THEREFORE BE IT RESOLVED, BY THE NEWTON CITY COUNCIL:**

That the City of Newton will provide a minimum 5% match for an estimated \$253,750 grant request, if approved for a grant.

That Todd Clark, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Newton with The NC Department of Commerce Rural Economic Development Division for a grant to assist in the pre-development of the project described above.

That Todd Clark, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as The NC Department of Commerce Rural Economic Development Division may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Newton has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 12<sup>th</sup> day of July, 2016 at Newton, North Carolina



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Anne P. Stedman, Mayor

## **CERTIFICATE OF RECORDING OFFICER**

The undersigned duly qualified City Clerk Amy Falowski, the City of Newton does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with The NC Department Rural Economic Development Division, as adopted at a legally convened meeting of the City of Newton duly held on the 12<sup>th</sup> day of July, 2016; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Amy Falowski, City Clerk



**North Carolina Department of Commerce  
Rural Economic Development Division  
Rural Grants/Programs**

**2015-2016 Building Reuse Pre-Application Form**

**Program Statement**

The Building Reuse Program under the Rural Grants/Programs Section of the North Carolina Department of Commerce will provide grants to local governments. Three categories of funding are available for 1) the renovation of vacant buildings, 2) the renovation or expansion of a building occupied by an existing North Carolina company wishing to expand in their current location and 3) the renovation, expansion or construction of health care entities that will lead to the creation of new, full-time jobs.

**Pre-Application Process**

The first step in the Building Reuse grant application process is the submittal of the pre-application form and completion of the pre-application conference call. The local government applicant is responsible for scheduling the call, arranging a call-in number and/or calling the participants. Meetings are available upon request and must also be arranged by the applicant. **The pre-application conference call/meeting must be completed at least seven (7) business days prior to the full application deadline date.**

Once the call/meeting is complete, applicants may submit a full application. The Pre-Application Form is available on the NC Department of Commerce website at <http://www.nccommerce.com/rd/rural-grants-programs/building-reuse>

**Local project partners that should be on the call or present at the meeting include an authorized representative from the local government applicant, the job-creating company that will locate in the building, and the property owner (if applicable). Please list three dates and times when the local project partners are available for the pre-application conference call:**

1. June 30, 2016 9 Am
2. June 30, 2016 10 AM
3. June 30, 2016 2 PM

**Full Application Information**

The Guidelines and Application for the Building Reuse Program can be found under separate cover. All grant materials are available on the NC Department of Commerce website at [www.nccommerce.com/rd/rural-grants-programs/building-reuse](http://www.nccommerce.com/rd/rural-grants-programs/building-reuse)

**Pre-Application Deadlines and Submittal Requirements**

Last Day to Complete Pre-App Conference Call	Application Deadlines	Date of Award
March 1, 2016	March 8, 2016	April 21, 2016
April 26, 2016	May 3, 2016	June 23, 2016
July 1, 2016	July 8, 2016	August 18, 2016
September 13, 2016	September 20, 2016	October 20, 2016
October 25, 2016	November 1, 2016	December 15, 2016

**Please submit Building Reuse Pre-Application by mail or email to:**

Hazel Edmond  
Building Reuse Program  
Rural Economic Development Division  
North Carolina Department of Commerce  
4346 Mail Service Center  
Raleigh, NC 27699-4346  
[hazel.edmond@nccommerce.com](mailto:hazel.edmond@nccommerce.com)

# 2015-2016 Rural Grants/Programs Building Reuse Pre-Application Form

New Pre-Application  Resubmittal  Revised

Vacant Building  Existing Business Building  Rural Health Care

## GENERAL INFORMATION

Legal Name of Local Govt Applicant: City of Newton County: Catawba Tier # 2

Name of Chief Elected Official: Anne P. Stedman Title: Mayor

Mailing Address: PO Box 550 Street Address: 401 North Main Avenue

City: Newton State: NC Zip: 28658

Primary Telephone(s): (828)695-4300 Fax: (828)465-7405

Email: tclark@newtonnc.gov Federal Tax ID #: 56-6001301

### Local Government Contact:

Name: Todd Clark Title: City Manager

Primary Telephone: (828)695-4265 Email: tclark@newtonnc.gov

Person Who Prepared this Pre-Application: (Organization Name): Western Piedmont Council of Governments

Mailing Address: PO Box 9026 Street Address: 1880 2<sup>nd</sup> Ave NW

City: Hickory State: NC Zip: 28603/28601

Name: Sherry Long Title: Assistant Executive Director

Primary Telephone: (828)485-4251 Email: sherry.long@wpcog.org

## PROJECT INFORMATION

Project Title: Temprano Techvestors, Inc. Building Reuse Project

Grant Amount Requested (\$) \$253,750

Proposed Project START Date: 9/1/16 Proposed Project END Date: 8/30/18

Will the company relocate from and/or close any other facility in NC? Yes  No

Is the property owned  or leased  by the company locating in the building?

Please provide the name and a brief description of company involved in project:

Temprano Techvestors helps software and SaaS focused emerging market enterprises and startups take their products to market. Our founder and prospective leadership team consists of experts in the field who have "done it before" in the small business and corporate world, we have the expertise necessary to build brand, execute public relations, build online and offline sales channels, as well as tools and systems that are required to bring it all together for multiple brands.

Please provide a brief description of the proposed building renovations with a justification as to why it is needed to serve the project company:

Temprano Techvestors proposes to locate in the old AVG building located in downtown Newton. The building has been vacant for 3 months and previously housed a software sales company. Renovations to the building include: new doors & windows, interior remodeling, bathroom renovations, installation of a new HVAC system, upgrade electrical system and install new light fixtures. The building is owned by Walling Development LLC. In order for the company to locate in the building and create 21 jobs within the next 24 months, renovations are necessary.

# 2015-2016 Rural Grants/Programs Building Reuse Pre-Application Form

## PROPERTY OWNER INFORMATION

Property Owner Legal Name: Walling Development LLC

Property Owner Rep Name (First, MI, Last): Luke Walling  
(authorized by Property Owner to sign Loan Performance Agreement & Promissory Note)

Property Owner Address: PO Box 492 City: Sherrills Ford State: NC Zip: 28673

Property Owner Phone(s): (828)461-7494 Email: Luke.walling@walling.us

Tax Value of Property Before Renovation: 575,200 Date of County's Next Tax Revaluation: 2019

Project Building Address: 2015 Northwest Blvd City: Newton State: NC Zip: 28658

Year Building Was Constructed: 2008 # of Months Building Vacant: 3 Sq Ft of Bldg: 7,524

## BUSINESS INFORMATION

**BUSINESS 1** Name Temprano Techvestors, Inc. Federal ID Tax #: 47-4222203

Business Rep Name (First, MI, Last): Luke Walling NAICS Code: 454110, 54151, 511210

Business Rep Phone: (828)461-7494 Business Rep Email: luke.walling@walling.us

Check ONE box below for the Industry Type of the Business:

- Data & Call Services     Healthcare     Manufacturing     Processing     Warehouse/Distribution  
 Professional     Service     Restaurant     Retail     Non-Profit

Is the proposed Business a startup?    Yes     No     If NO, how many years in business in NC? \_\_\_\_\_

Number of Existing Part-Time employees in NC: \_\_\_\_\_ Will the Business Provide Benefits?    Yes     No

Number of Existing Full-Time employees in NC: \_\_\_\_\_ What % of Health Benefits is Employer Paid?    up to 100 %

Number of New Full-Time Jobs Committed: 21 Average Weekly Wage of the New Full-Time Jobs Committed? \$51,906  
*(Please use the weekly wage computation to calculate)*

**BUSINESS 2** Name \_\_\_\_\_ Federal ID Tax #: \_\_\_\_\_

Business Rep Name (First, MI, Last): \_\_\_\_\_ NAICS Code: \_\_\_\_\_

Business Rep Phone: \_\_\_\_\_ Business Rep Email: \_\_\_\_\_

Check ONE box below for the Industry Type of the Business:

- Data & Call Services     Healthcare     Manufacturing     Processing     Warehouse/Distribution  
 Professional     Service     Restaurant     Retail     Non-Profit

Is the proposed Business a startup?    Yes     No     If NO, how many years in business in NC? \_\_\_\_\_

Number of Existing Part-Time employees in NC: \_\_\_\_\_ Will the Business Provide Benefits?    Yes     No

Number of Existing Full-Time employees in NC: \_\_\_\_\_ What % of Health Benefits is Employer Paid? \_\_\_\_\_ %

Number of New Full-Time Jobs Committed: \_\_\_\_\_ Average Weekly Wage of the New Full-Time Jobs Committed? \_\_\_\_\_  
*Please use the weekly wage computation to calculate)*

If more than two businesses will locate in the building, copy this page and complete for the additional business(es).

Are you planning to apply or have you applied/received other funds from the Department of Commerce for this project?

Yes     No     If YES, provide name of program? \_\_\_\_\_





**CITY OF NEWTON**  
**REQUEST FOR COUNCIL ACTION**

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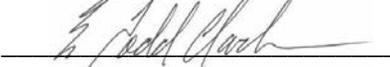
**DATE:** July 8, 2016

**TO:** Todd Clark, City Manager

**FROM:** Dusty Wentz, Director of PWU

**CONSIDERATION OF:** Adopt a Resolution of Intent to Reimburse for Engineering Services and Construction

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

Inspection of the existing gravity sewer from W. K St., cross country headed southwest, and off of Westside Dr. has revealed failure of the clay 12” sewer line. Two particularly concerning points of failure is the section of gravity sewer under Southwest Blvd and a section behind the homes on the south side of Westside Dr. This realignment project is listed on the 10 year CIP for FY 2023-2024. However, due to the existing condition of the sewer line, emergency replacement is required.

Currently, closed circuit television camera (CCTV) inspection indicates that between half and three quarters of the dry conditions flow is exiting the sewer main. Staff cannot currently find any evidence of sewer entering State waters, and is unsure where the escaping sewer is flowing. Conversely, given the location of the sewer adjacent to Westside Dr., this section of pipe is almost certainly a point of a very large amount of inflow during wet weather conditions.

The project consists of survey, engineering, and replacement of approximately:

- 2,500 LF of 10” Sewer
- 500 LF of 8” sewer
- 12 Manholes
- 24 residential sewer taps
- 60 LF of steel encasement inside of the NCDOT right-of-way

Staff released an RFQ in June, and has selected McGill and Associates as the most qualified firm from the respondents.

**Action Suggested:**

Multiple actions are requested.

First, staff requests that council approve the attached Intent to Reimburse from borrowing for the full amount of the project, estimated at \$1,100,000.

Second, staff requests that council approve the provided contract with McGill and Associates in order to begin survey and engineering design services immediately. Staff will return to council once design is complete, bids have been received, and a construction contract is ready for consideration.

**Resolution 12-2016**  
**A Resolution Declaring Official Intent**  
**to Reimburse Expenditures**

**WHEREAS**, the City of Newton desires to incur certain capital expenditures prior to the issuance of debt; and

**WHEREAS**, the City of Newton intends to reimburse such expenditures from the proceeds of debt to be issued; and

**WHEREAS**, this is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section; and

**WHEREAS**, the undersigned is authorized to declare the official intent of the City of Newton, North Carolina with respect to the matters contained herein.

**NOW, THEREFORE, BE IT RESOLVED** The City's 10-Year Capital Improvement Plan reflects the Westside Drive to Main Avenue Wastewater Rehabilitation Project in Fiscal Year 2024; however, inspection of this 12' line has revealed a failure of this line. Due to the existing condition of this wastewater line, it has now progressed to an emergency replacement. The City will move forward with the replacement at this time in lieu of waiting until mid-January when the financing is complete.

The cost is estimated to be \$1.1 million for the capital project outlined above.

The City of Newton intends to finance the cost of the Project with the proceeds of debt to be issued, the interest on which is to be excluded from gross income for Federal income tax purposes,

The maximum principal amount of the Borrowing to be incurred by the City of Newton to finance the Project noted above is \$1.1 million.

The City of Newton hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 12th day of July, 2016

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



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