

AGENDA

CITY OF NEWTON



September 6, 2016

AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING

September 6, 2016

7:00 p.m.

- | | | |
|------|-----|---|
| Page | 1. | <u>Call to Order – Mayor Anne P. Stedman</u> |
| | 2. | <u>Opening – Council Member Tom Rowe</u> |
| 1 | 3. | <u>Approval of Minutes from the August 2, 2016 Regular Meeting</u> |
| | 4. | <u>Consideration of Consent Agenda Items</u> |
| 9 | A. | Tax Releases |
| 11 | B. | Sewer Adjustments |
| 12 | C. | Proclamation – Kiwanis Club of Newton |
| 13 | D. | Proclamation – Fire Prevention Week |
| 14 | E. | Consideration of Firefighter Relief Fund – Board of Trustees Report |
| 16 | F. | Consideration to Accept Assistance to Firefighters Grant |
| 18 | G. | Consideration to Accept Contributions for Police Department Explorer Program |
| 24 | H. | Consideration of to Adopt Budget Ordinance – Police Department |
| 26 | I. | Consideration of Commission/Committee Membership Appointment:
Bradley Saine – Business Advisory Committee |
| | 5. | <u>Comments from the Public: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):</u> |
| | 6. | <u>Presentations</u> |
| | A. | Parks and Recreation Master Plan – Sara Burroughs with Sage Design |
| | 7. | <u>Public Hearing</u> |
| 28 | A. | Consideration of Agreement – Temprano Techvestors |
| 56 | B. | Consideration of Rezoning Application #2016-03 – Accent Industries, Inc. |
| | 8. | <u>New Business</u> |
| | A. | Presentation – Business Advisory Committee Report – Jennifer Stiver, Chairperson |
| 69 | B. | Consideration of Stormwater Enterprise Fund |
| 70 | C. | Consideration of Golf Cart Ordinance |
| | 9. | <u>City Manager’s Report</u> |
| | 10. | <u>Questions and Comments From Mayor and Council</u> |
| | A. | Reports from Appointed Representatives on Outside Boards – Council Member Tom Rowe |
| | 10. | <u>Closed Session to Consult with City Attorney-G.S.143-318-11(a)(5)</u> |
| | 11. | <u>Adjournment</u> |

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

August 2, 2016 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, August 2, 2016 at Newton City Hall.

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

ABSENT: Robert C. Abernethy, Jr.

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 Wes Weaver provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the July 12, 2016 City Council meeting be –
APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Upon motion duly made by Council Member Jerry Hodge, seconded by Council Member Tom Rowe, it was RESOLVED:

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Budget Ordinance Amendment to Carry Forward Outstanding Purchase Orders at June 30, 2016
- D. Approval of Mowing Bids for Highway 16
- E. Authorization for Fireworks Display – Hickory American Legion Fair Association

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

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

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

ITEM 6: Public Hearing

A. Special Use Permit – Bennett’s Funeral Home

Mayor Stedman opened the Public Hearing.

City Attorney John Cilley reminded everyone that this is a quasi-judicial hearing and everyone that wishes to speak during the public hearing must be sworn in.

Assistant Planner Alex Fulbright stated that 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. Mr. Fulbright stated 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.

Mr. Fulbright stated that 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.

Mr. Fulbright stated 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.

Mr. Fulbright explained 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.

Mr. Fulbright stated that 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.

Mr. Fulbright stated that 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.

Mr. Fulbright stated that a public notice was published in the Observer News Enterprise on July 22 and July 29, 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. Mr. Fulbright stated the Planning Department has received one written response to the special use application which is attached to this memo.

Mr. Fulbright stated 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. Mr. Fulbright stated the 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.

Mr. John Hass, property owner, stated that he is not opposed, but he is opposed to the process allowing it. He stated that if a funeral home is located in the R-20 district it is bad for property values. He stated that city council needs to look at the next 3-5 years for the corridor from I-40 to Dale Earnhardt Chevrolet, and he hopes they think of something other than the R-20 designation because things have changed.

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

Council Member Wes Weaver stated that he lives across the street from a funeral home with no problems.

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

That Public Hearing be – CLOSED.

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

That Finding Number One – The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application – be - APPROVED

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

That Finding Number Two – 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 – be - APPROVED

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

That Finding Number Three – The use will maintain or enhance the value of contiguous property, or that the use is a public necessity be – APPROVED

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

That Finding Number Four – The use 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 – be – APPROVED.

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

That Special Use Permit – Bennett’s Funeral Home be – APPROVED.

B. Economic Development Agreement – Peoples Bank

Scott Millar, Catawba County Economic Development Corporation President stated that Peoples Bank proposes to equip and up-fit its headquarters facility located at 510 West C Street. Mr. Millar stated that in an effort to accomplish this up-fit, Peoples Bank is seeking the assistance of the City of Newton to assist with an appropriation for the purpose of aiding and encouraging Peoples Bank in the proposed up-fit to its headquarters facility in Newton.

Mr. Millar stated that in order for the City of Newton to be able to authorize an appropriation such as that being requested by Peoples Bank, the applicant must demonstrate that there will be an actual investment in property located with or near its boundaries and that new jobs will be created as a result of the proposed investment.

Mr. Millar explained that Peoples Bank proposes to invest not less than Three Million Five Hundred Thousand dollars (\$3,500,000) in the location at 510 West C Street, Newton, NC, and to create a minimum of Twenty-Five (25) new jobs at the facility as well as maintain Seventy-Five (75) permanent jobs, with the improvements to be made and new jobs to be created between May 1, 2016, and December 31, 2017.

City Manager Todd Clark stated the proposed Economic Development Agreement between the City of Newton and Peoples Bank provides for the payment of Economic Development incentives for real and personal property investments and for job creation by the City of Newton to Peoples Bank in annual payments equal to fifty percent (50%) of the ad valorem taxes associated with the additional value as paid to the City for a five (5) year period, commencing with the taxes payable for the tax values January 1, 2017, and January 1 of the succeeding four (4) years for investments made pursuant to the Economic Development Agreement under consideration. Mr. Clark said that payments by the City shall be payable annually, beginning in 2018 and shall be payable through and including 2022.

Mr. Clark explained that in no event will the payments by the City exceed Ten Thousand Eight Hundred Dollars (\$10,800) per year, or the cumulative amounts of Fifty-Four Thousand Dollars (\$54,000) as provided in said agreement.

Mr. Clark stated that the suggested action is for City Council to enter into said Economic Development Agreement with Peoples Bank.

Council Member Jerry Hodge asked Mr. Millar to clarify “new job”. Mr. Millar stated that the jobs would be all newly created and not transferred from other locations. Mr. Hodge stated he was glad jobs weren’t just going to be transferred from West A Street. Mr. Millar stated that was also incorporated in the county agreement.

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

That Public Hearing be – CLOSED.

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

That it be determined that entering into the Economic Development Agreement with Peoples Bank as presented is a necessity for the expansion of the corporate headquarters by Peoples Bank to go forward and that said agreement shall increase the taxable value of real and personal property within the city, stimulate the local economy and result in the creation of a substantial number of new jobs in the City of Newton that pay at or above the median average wage in the city.

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

That the Economic Development Agreement between the City of Newton and Peoples Bank be – APPROVED.

ITEM 7: **New Business**

A. Consideration of Paving Bids

Public Works and Utilities Director Dusty Wentz stated the City’s 10-Year Capital Improvement Plan consisted of paving at six City of Newton facilities as approved by Council for Fiscal Year 2017: Police Complex, 24 S. College Ave. Parking Lot, Wastewater Treatment Plant, Southside Community Building, Southside Park, and Central Cemetery with a total budget for all paving of \$378,100.

Mr. Wentz stated that five RFP’s were submitted to the following vendors: Carolina Paving, Evans Bros., Maymead, Midstate, and J.T. Russell. He stated that the City received a bid/response from four of the five vendors. Midstate did not respond to the RFP. Maymead provided a “No Bid” for each project. Evans Bros. provided a “No Bid” for the Police Complex and South College Parking Lot projects. All other bids are noted on the attached spreadsheet.

Mr. Wentz stated the City has the option of awarding Contracts for these projects as a single contract or separate Contracts for each project.

Bidders were requested to provide a base bid plus 10% contingency. Bidders were also requested to provide the following bids in the event that a specific project did not meet certain specifications:

- **ABC Stone Sub-base** - Bid per ton to remove existing asphalt and install an ABC stone base (minimum may vary by project) if existing stone base is less than specified for each respective project.

- **Structural Backfill** - In the event any area of the paving project has insufficient structural sub-base, the bidder was requested to provide a bid per cubic yard to undercut and install structural backfill.
- **2” of Binder Asphalt and 2” of S9.5B Asphalt** – The bidder was requested to provide a bid per square yard to meet pavement thickness specifications.

Mr. Wentz stated that staff recommends accepting the lowest bidder based on the base bid plus contingency for each project. Staff also recommends awarding alternates to the vendor with the base bid award due to familiarity and continuity of the project which should prove to be seamless.

Mr. Wentz stated the motions to approve are as follows:

1. Award paving contract for Police Complex to J.T. Russell for \$61,000 plus 10% contingency for a total of \$67,100 and alternates if required.
2. Award paving contract for South College Parking Lot to Carolina Paving for \$61,085 plus 10% contingency for a total of \$67,193.50 and alternates if required.
3. Award paving contract for Wastewater Treatment Plant to J.T. Russell in the amount of \$35,838 for installation of 1,500 square yards and alternates if required.
4. Award paving contract for Southside Community Building to Evans Bros. for \$45,412 plus 10% contingency for a total of \$49,954 and alternates if required.
5. Award paving contract for Southside Park to J.T. Russell for \$98,000 plus 10% contingency for a total of \$107,800 and alternates if required.
6. Award paving contract for Central Cemetery to J.T. Russell for \$34,000 plus 10% contingency for a total of \$37,400 and alternates if required.

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

That Award paving contract for Police Complex to J.T. Russell for \$61,000 plus 10% contingency for a total of \$67,100 and alternates if required be – APPROVED.

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

That Award paving contract for South College Parking Lot to Carolina Paving for \$61,085 plus 10% contingency for a total of \$67,193.50 and alternates if required be – APPROVED.

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

That Award paving contract for Wastewater Treatment Plant to J.T. Russell in the amount of \$35,838 for installation of 1,500 square yards and alternates if required be – APPROVED.

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

That Award paving contract for Southside Community Building to Evans Bros. for \$45,412 plus 10% contingency for a total of \$49,954 and alternates if required be – APPROVED.

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

That Award paving contract for Southside Park to J.T. Russell for \$98,000 plus 10% contingency for a total of \$107,800 and alternates if required be – APPROVED.

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

That Award paving contract for Central Cemetery to J.T. Russell for \$34,000 plus 10% contingency for a total of \$37,400 and alternates if required be – APPROVED.

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

B. Presentation – Golf Cart Ordinance

Police Chief Don Brown gave a brief presentation concerning a Golf Cart Ordinance. Chief Brown asked for direction from City Council about the future of an ordinance for the use of golf carts downtown.

Council Member Wes Weaver asked Chief Brown to work on an ordinance and bring it back to city council. Council Member Jody Dixon thanked Chief Brown for his work on this project.

ITEM 8: City Manager's Report

Meetings & Events

- August 4th – Meeting with Patrick McHenry followed by Flag Presentation in honor of Captain Bradley Long, 9:00 a.m., Fire Headquarters
- August 11-13th – ElectriCities Annual Conference, Concord
- August 25th – Mayors/Chairmen/Managers Meeting, 6:00 p.m., Cedar Rock Country Club, Lenoir
- August 30th – Electric Cost of Service Study Informational Meeting, 5:30 p.m., City Hall Upstairs Conference Room
- August 31st – Community Engagement Breakfast, 8:00 a.m., Abernethy Laurels
- October 1st – Folk Art Festival
- October 19th – BAC Annual Meeting

» The BAC is accepting nominations for the 2016 Economic Development Award and the 2016 Economic Development Professional of the Year Award, both of which will be awarded at the BAC's annual meeting on Oct. 19. Nomination forms are available at www.newtonnc.gov/businessaward.pdf.

» The Appearance Commission is accepting applications for the Paint the Town Red, White and Blue contest through Aug. 10. Citizens and businesses are welcome to enter. Judging will be Aug. 12-13. Entry forms are at www.newtonnc.gov/paintthetown.pdf.

***Reminder – There is only one Regular City Council Meeting scheduled for the month of August**

***Written Report of Updates has been provided by the Planning Director**

***The RFP for Marketing and Branding has been advertised**

***The RFP for Site Grading at Danner Industrial Park has been advertised**

***Water and Sewer Rate Study Report from Dennie Martin of Martin-McGill Associates will be made at the September 6th meeting**

***Parks and Recreation Master Plan – A report is expected to be made by the city’s consultant at the September 6th meeting**

***Pedestrian Planning Grant – City Staff released a request for proposals and we have received 4 responses from different firms. City Staff will be making a selection in the month of August. The study will take approximately 6-9 months to complete.**

***Streetscape Demonstration Project – City Staff applied for and received a smart communities grant from ElectriCities to complete a streetscape demonstration project. The schedule for the demonstration project is tentatively set for mid-October.**

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 Tom Rowe gave a report on the Newton Depot Authority.

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

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

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

Council Member Wes Weaver made the motion to go back into open session, which was seconded by Mayor Pro Tem John Stiver. All Ayes.

ITEM 11: Adjournment

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

That the Meeting be – ADJORNED

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor

CITY OF NEWTON
Inter-office Correspondence

TO: E. Todd Clark, City Manager **DATE:** August 16, 2016

RE: Tax Releases – July 2016

FROM: Serina T. Hinson, Finance Director

The following tax releases have been received from the Catawba County Tax Collector. The reason for each release is annotated beside the name.

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2016	1	Braunsteiner, Aaron J.	Ownership change	\$714.42
2016	2	Calvary Fellowship of Huntersville, Inc.	Exempt property	\$82.62
2016	3	Calvary Fellowship of Huntersville, Inc.	Exempt property	\$1,946.70
2016	4	Calvary Fellowship of Huntersville, Inc.	Exempt property	\$85.32
2016	5	Calvary Fellowship of Huntersville, Inc.	Exempt property	\$645.84
2016	6	Carolina Farm Credit, ACA	Situs error	\$660.86
2016	7	Carrols, LLC #713	Assessed penalty in error	\$347.88

2016	8	Catawba Valley Hmong Baptist Church	Exempt property	\$936.36
2016	9	Catawba Valley Hmong Baptist Church	Exempt property	\$429.30
2016	10	Coulter, Trina	Ownership	\$232.98

		L	change	
2016	11	Daimler Trucks North America LLC	Assessed penalty in error	\$628.15
2016	12	Holland Trucking, Inc.	Over assessment	\$234.25
2015	13	Huffman, Jerry A	Small underpayment	\$0.15
2016	14	Lackey, Mary Helen	Value adjustment	\$0.54
2016	15	Lee, Bettie H.	Ownership change	\$310.50
2016	16	Loftin, Geneva P	Ownership change	\$165.75
2016	17	Midstate Contractors, Inc.	Assessed penalty in error	\$307.37
2016	18	Newton Depot Authority	Exempt property	\$281.34
2016	19	Newton Depot Authority	Exempt property	\$398.52
2016	20	Newton Depot Authority	Exempt property	\$416.88
2015	21	Ramseur, Requal	Small underpayment	\$0.41
2015	22	Rhinehardt, Mary L	Small underpayment	\$0.35
2016	23	Robinson Earline G	Ownership change	\$169.07
2016	24	Shuford, Emma E	Ownership change	\$290.60
2016	25	US National Bank Association	Ownership change	\$210.25
2016	26	White, Allene C	Ownership change	\$194.62
2016	27	Yount, David A	Value adjustment	\$6.16
2016	28	Reinhardt, Clarence J	Assessed penalty in error	\$0.81

Should you have any questions or need clarification, please notify. Releases are submitted as required by NCGS § 105-381(b).

CITY OF NEWTON

Sewer Adjustments

TO: E. Todd Clark, City Manager **DATE:** August 31, 2016

RE: Sewer Adjustments – September 6, 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.

Account Number	Name	Service Address	Adjustment Period	Amount of Adjustment
11000580-011	Alman Furniture	118 E 1 st St	July	\$372.77
64000360-004	Anna Barber	1014 S Caldwell Ave	April - June	\$313.37
35000440-002	Robert Barnes	237 W 20 1/2 St	July (Pool)	\$ 97.68
34000220-002	Phyllis Fulghum	1327 N Main Ave	May - July	\$381.05
30000200-001	Elizabeth Williams	600 W 12 th St	June	\$ 26.66

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

PROCLAMATION

Recognizing the Kiwanis Club of Newton on its Ninety-fifth Anniversary

WHEREAS, on August 12, 2016, the Kiwanis Club of Newton celebrated its ninety-fifth anniversary of service to the community and children; and

WHEREAS, the Kiwanis Club of Newton currently sponsors key clubs at Newton-Conover High School and Bandys High School; and

WHEREAS, the Kiwanis Club of Newton also sponsors the Terrific Kids programs at South Newton Elementary, Shuford Elementary, North Newton Elementary, Conover School and Tuttle Elementary School; and

WHEREAS, the Kiwanis Club of Newton gives primacy to the human and spiritual rather than to the material values of life; and

WHEREAS, the Kiwanis Club of Newton encourages the daily living of the Golden Rule in all human relationships; and

WHEREAS, the Kiwanis Club of Newton promotes the adoption and the application of higher social, business and professional standards; and

WHEREAS, the Kiwanis Club of Newton develops, by precept and example, a more intelligent, aggressive and serviceable citizenship; and

WHEREAS, the Kiwanis Club of Newton provides a practical means to form enduring friendships, to render altruistic service and to build better communities; and

WHEREAS, the Kiwanis Club of Newton cooperates in creating and maintaining that sound public opinion and high idealism which make possible the increase of righteousness, justice, patriotism and goodwill;

NOW THEREFORE, BE IT RESOLVED that I, Anne P. Stedman, Mayor of the City of Newton, do hereby proclaim August 12, 2016, as the ninety-fifth anniversary of the Kiwanis Club of Newton, and I urge all people of Newton to attend and become a part of Kiwanis Club every second and fourth Thursday at the Newton Depot at 12 p.m.

This 6th day of September, 2016

Anne P. Stedman, Mayor



**PROCLAMATION
DESIGNATING THE WEEK OF OCTOBER 9-15, 2016 AS
FIRE PREVENTION WEEK IN THE CITY OF NEWTON**

WHEREAS, the City of Newton is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and

WHEREAS, nearly 3,000 people die each year as a result of home fires; and

WHEREAS, roughly two-thirds of home fire deaths resulted from home fires in which no smoke alarms or no *working* smoke alarms were present; and

WHEREAS, working smoke alarms cut the chance of dying in a reported fire in half; and

WHEREAS, the National Fire Protection Association recommends at least one smoke alarm on every level of the home (including the basement) outside all sleeping areas, and in all bedrooms; and

WHEREAS, informing the public about the importance of smoke alarm installation and maintenance serves as an essential step toward increasing the public's safety from home fires; and

WHEREAS, the City of Newton's Fire Department is dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

WHEREAS, the City of Newton's residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and

WHEREAS, the Fire Prevention Week 2016, October 9-15 theme, "Don't Wait Check the Date" actively works to motivate the City of Newton's residents to make sure they have working smoke alarms in their homes and test them monthly;

NOW THEREFORE, BE IT RESOLVED that I, Anne P. Stedman, Mayor of the City of Newton, do hereby proclaim October 9-15, 2016 as Fire Prevention Week throughout this City, and I urge all people of Newton to protect their homes and families by heeding the potentially life-saving messages of Fire Prevention Week 2016, and to support the many activities and efforts of the City of Newton's fire and emergency services.

This 6th day of September, 2016

Anne P. Stedman, Mayor



CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

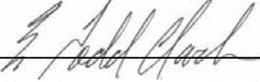
DATE: August 31, 2016

TO: Todd Clark, City Manager

FROM: Kevin Yoder, Fire Chief

CONSIDERATION OF: Approval of the 2016 “Firefighter’s Relief Fund Board of Trustees Report”

Approved for Council Consideration



1. The Newton Fire Department is eligible to receive funds to support a local Firefighter’s Relief Fund. This Relief Fund is primarily for the assistance of Firemen that are injured in the line of duty.
2. The Relief Fund is funded through a percentage of all fire insurance sold within the Fire District.
3. The Firefighter’s Relief Fund Board consists of five members. Two members are elected by the Fire Department, two members are appointed by the City Council, and one member is appointed by the Insurance Commissioner, at the recommendation of the Fire Chief. The two members appointed by the City Council are Wayne Dellinger and Tom Warlick.
4. One of the criteria that must be met to receive the Relief Funds from the State of North Carolina, is to submit the “Firefighter’s Relief Fund Board of Trustees Report”, formerly known as the “Report of Fire Conditions”, by October 31st of each year. The name of the report was changed last year to better reflect the information being reported.
5. The “Firefighter’s Relief Fund Board of Trustees Report” is a list of the members of the Newton Fire Department Firefighter’s Relief Fund Board.
6. The Relief Fund Board governs the distribution of funds from both the Firemen’s Relief Fund and the Newton Fire Department Supplemental Retirement Fund.
7. Attached is a copy of the 2015 “Firefighter’s Relief Fund Board of Trustees Report”. Staff is recommending the board members remain unchanged.

Action Suggested:

Approve the “Firefighter’s Relief Fund Board of Trustees Report” for the year 2016.

**NORTH CAROLINA CITY FIRE DISTRICT
2015 BOARD OF TRUSTEES REPORT**

The Firefighter Relief Fund Board of Trustees reports are due by October 31st There is a grace period to January 31st. Reports filed after January 31st, are in non-compliance and the fire department will not be eligible to receive any Firefighters Relief Funds for that year.

As required by General Statute 58-84-46 of North Carolina, I do hereby submit the following Fire Fighter Relief Fund Board of Trustees Report for the fire districts served by **Newton Fire Department (County of Catawba)**. This includes the following fire districts: **Newton, Newton Rural**.

LOCAL FIREFIGHTER'S RELIEF FUND BOARD

Firefighter's Relief Fund Trustees appointed by Fire Department (2)

- | | |
|--|---|
| 1. Mr. William "Bill" Powell (Chair)
232 West A Street
Newton, NC 28658
Phone: (828) 464-3829
Email: wdpcric@bellsouth.net
Date (Re)Elected: 01/01/2015 Expires: 01/01/2017 | 2. Mr. Alan Fox (Member)
PO Box 1212
Claremont, NC 28610
Phone: (828) 695-4314
Email: afox@newtonnc.gov
Date (Re)Elected: 01/01/2014 Expires: 01/01/2016 |
|--|---|

Firefighter's Relief Fund Trustees appointed by City Commissioners (2)

- | | |
|--|--|
| 3. Mr. Thomas W. Warlick (Treasurer)
PO Box 550
Newton, NC 28658
Phone: (828) 464-3930
Email: twwarlick@charter.net
(Re)Appointed: 01/01/2014 Expires: 01/01/2016 | 4. Mr. R. Wayne Dellinger (Member)
PO Box 768
Newton, NC 28658
Phone: (828) 612-4880
Email: wdellinger@newtonnc.gov
(Re)Appointed: 01/01/2015 Expires: 01/01/2017 |
|--|--|

Firefighter's Relief Fund Trustees appointed by the Insurance Commissioner (1)

- | | |
|---|--|
| 5. Mr. Melvin "Tony" Davis (Member)
2358 Coley Fish Pond Rd.
Newton, NC 28658
Phone: (828) 612-9882
Email: tdavis@tcbc.org
Appointed: 09/10/2014 | Same as last Year? Yes

If the 5th position has changed, please send in a copy of former Insurance Commissioner appointee's letter of resignation or an explanation as to why this is not available (moved, Death) AND a copy of Fire Chief's letter of recommendation for a replacement with all contact information. |
|---|--|

I do hereby certify that the foregoing is a true, full and correct Board of Trustees Report for the Fire Department Relief Fund, made by me as required under General Statute 58-84-46 of North Carolina.

Entry Date:

10/15/15

CITY OF NEWTON REQUEST FOR COUNCIL ACTION

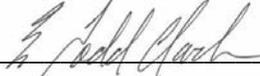
DATE: August 31, 2016

TO: Todd Clark, City Manager

FROM: Kevin Yoder, Fire Chief

CONSIDERATION OF: Acceptance of the 2015 Assistance to Firefighters Grant for the purchase of Self Contained Breathing Apparatus (Air Packs).

Approved for Council Consideration



1. The City of Newton Fire Department recently applied for the “2015 Assistance to Firefighters Grant” through the Federal Emergency Management Agency.
2. This grant is for the purchase of 45 new Self Contained Breathing Apparatus (SCBA).
3. This equipment is the primary air source for firefighters that enter burning buildings and other toxic atmospheres.
4. The grant application also included two other types of equipment. The first type of equipment enables a rescue team of firefighters known as a RIT Team (Rapid Intervention Team) to rescue downed firefighters that have depleted their air supply. This equipment recharges the air pack of the downed firefighter and enables their rescue. The second type of equipment assists in locating downed or disoriented firefighters and is known as a Pack Tracker.
5. The Fire Department has recently been notified by FEMA that the Grant application has been approved with a decrease in the amount of federal funding. **The additional equipment was not funded by the grant.**
6. This project is included in the Adopted Capital Improvement Plan.
7. The necessary funds to purchase this equipment will total \$304,270.00
8. The Federal portion of the Grant will total \$253,637.00.
9. The City of Newton’s portion of the project will be **\$50,633.00**, which consists of a Grant match of \$25,363.00 and funding of the additional equipment not funded by FEMA at a cost of \$25,270.00 as outlined in paragraph four.

Action Suggested:

Accept the 2015 Assistance to Firefighters Grant and associated budget ordinance amendment.

ORDINANCE # 2016-18

**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, the City Council would like to recognize a grant award for the 2015 Assistance to Firefighters Grant (AFG) issued by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) in the amount of \$253,637 with a 10% match of \$25,363 for a total of \$279,000; and

WHEREAS, there was additional equipment which was included as part of the grant application which was not funded by the grant in the amount of \$25,270 for equipment which enables a rescue team of firefighters to rescue downed firefighters that have depleted their air supply and equipment known as a Pac Tracker which will assist in located downed or disoriented firefighters.

WHEREAS, the City Council desires to recognize the grant award of \$253,637, fund balance appropriation for the match and additional equipment, and to authorize the related expenditure appropriation; and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

General Fund Revenues		
Federal Grants	11-0000.3400	\$253,650
Fund Balance Appropriated	11-0000.3990	\$ 50,650
General Fund Appropriations		
Other Equipment	11-4340.8500	\$304,300

Adopted this 6th day of September, 2016.

Attest:

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk



CITY OF NEWTON REQUEST FOR COUNCIL ACTION

DATE: August 30, 2016

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Adopt Budget Ordinance to recognize revenue and authorize expenditure appropriation within the Police Department Budget.

Approved for Council Consideration



Background:

In the summer of 2015 Officer Caleb Costner expressed interest in beginning a Police Explorer program for the City of Newton Police Department. The police department has been without an Explorer program since the mid 1990's. The previous Newton Police Department Explorer program developed several individuals throughout the 1990's who today have successful careers in local and state law enforcement. The Police Explorer program is designed to provide dedicated training and other activities to young people involved in the Law Enforcement Exploring. Participation is open to all candidates between the ages of 14-20.

Officer Costner spent the summer and winter months of 2015 gathering information and gauging support from interested participants. As word spread teenagers became interested in the program and registered for the first class which was held on January 5, 2016. The participants meet twice a month on Tuesday evenings at the Newton Police Complex where they are taught about law enforcement and related issues and receive training from Newton officers.

As a result of Officer Costner's hard work and dedication to this program, local resident and Catawba County Commissioner Sherry Butler donated \$200.00 which was reflected in the FY 2016 budget year. We are requesting this amount along with an additional \$577.94 of unspent funds from FY 2016 be moved forward to FY 2017.

In August of this year residents Ben and Debbie Huss donated \$200.00 and two local businesses also donated money, Jim's Wrecker Service \$250.00 and Huss Bail Bonds \$200.00 in FY 2017 to be used specifically for supporting the Newton Police Explorer program. These funds will be used to purchase uniforms and other equipment used by the Explorers for training, community service projects and possible statewide competitions.

Summary:

There is a total of \$777.94 in Explorer funds from FY 2016 that is being requesting to move forward to FY 2017. In addition, in August of 2016 the police received \$200.00 from Ben and Debbie Huss, \$200.00 from Huss Bail Bonds and \$250.00 from Jim's Wrecker Service to be used in support of the Newton Police Department Explorer program.

Requested Action:

Motion to adopt the attached budget ordinance to recognize revenue and authorize the expenditure appropriation in the Police Department operating budget.

ORDINANCE # 2016-19

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, the City Council desires to recognize contributions for the Police Explorer Program. The Police Explorer Program is designed to provide dedicated training and other activities to young people involved in the Law Enforcement Exploring. Participation is open to all candidates between the ages of fourteen and twenty. Local residents and businesses have donated funds to support this effort: Sherry Butler donated \$200 which was received and reflected in Fiscal Year 2016. In addition, Ben and Debbie Huss donated \$200, Jim’s Wrecker Service donated \$250, and Huss Bail Bonds donated \$200, all of which were received in Fiscal Year 2017. In addition to those contributions noted, \$850 in contributions was previously recognized by Council in Fiscal Year 2016 for total contributions to date of \$1,700. These funds were donated to be used specifically for supporting the Newton Police Explorer Program. These funds will be utilized to purchase uniforms and other equipment used by the Explorers for training, community service projects and possible statewide competitions; and

WHEREAS, unspent funds of \$777.94 from the Fiscal Year 2016 Explorer Program will be carried forward for budget appropriation in Fiscal Year 2017; and

WHEREAS, the City Council desires to recognize the contributions and authorize the related expenditure appropriation within the Police Department’s respective operating budget.

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

General Fund Revenues		
Special Project Contributions/Other Grants	11-0000.3845	\$ 650
Fund Balance Appropriated	11-0000.3990	\$ 800
General Fund Appropriations		
Miscellaneous	11-4310.7990	\$1,450

Adopted this 6th day of September, 2016.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk



HUSS BAIL BONDS, INC.

PH. 828-464-2127
P O BOX 906
2218 N MAIN AVE
NEWTON, NC 28658-0906

14012

66-486/531
11

DATE 8/11/16

PAY TO THE ORDER OF Newton Police Dept \$ 200.00
Two Hundred DOLLARS

Peoples Bank

MEMBER FDIC
Newton, NC 28658
peoplesbanknc.com

FOR Donation

Debbie Huss MP

⑆014012⑆ ⑆053104869⑆ 534766242⑆

DEBRA M. HUSS NCDL 3436312
PH. 828-464-9680
P O BOX 906
NEWTON, NC 28658

1251

66-486/531
BRANCH 11

Pay to the Order of Newton Police Dept \$ 200.00
Two Hundred Dollars

Peoples Bank

MEMBER FDIC
Newton, NC 28658
peoplesbanknc.com

For Donation

Debbie Huss MP

⑆053104869⑆ 533078946⑆ 1251

SHERRY E BUTLER
PO BOX 1316
NEWTON, NC 28658

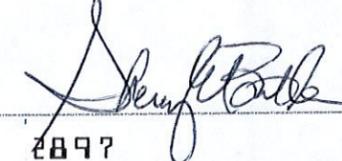
2897
66-486/531
11

May 17, 2016
Date

Pay to the Order of Newton Police Department \$ 200.00

Two hundred + 00/100 Dollars  Security Features Details on Back

Peoples Bank
MEMBER FDIC
Newton, NC 28658
peoplesbanknc.com

For Explorer Program 

⑆053104869⑆ 530446252⑈ 2897

JIM'S WRECKER & STORAGE

11090

50 YEARS OF SERVICE
PH. 828-466-1656
2160 MT OLIVE CHURCH RD.,
NEWTON, NC 28658

66-30/531
759

CHECK ARMOR

DATE 8-5-16

PAY
TO THE
ORDER OF

NEWTON Police Dept

\$ 250.00

DOLLARS

First Citizens Bank

FOR Explorers Program

Jessica

MP

⑆011090⑆ ⑆053100300⑆007591513545⑆

CITY OF NEWTON REQUEST FOR COUNCIL ACTION

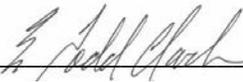
DATE: September 1, 2016

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Adopt Budget Ordinance amendment to utilize unspent grant revenue and authorize expenditure appropriation within the police department budget.

Approved for Council Consideration



Background:

In November of 2015 the Newton Police Department was notified of an opportunity to apply for a Strengthening Local Communities grant from the Walmart Foundation. The grants are available to local government Fire/Police/EMS. “The primary consideration for the Community Grant program is to support local organizations with programs that align with Walmart and the Foundation’s areas of giving.” During this grant cycle the police department applied for funding and was awarded a \$1000 grant in February of 2016.

Grant funds will be used to implement a special needs registry for citizens and to purchase the needed material for the program. However, the funds were not spent in the 2016 budget because of technical constraints. Those issues have now been resolved but the grant funds were not moved forward to the 2017 budget for the police department.

Summary:

The Police Department received \$1000 in the form of a Walmart Foundation Strengthening Local Communities grant. The police department will use their grant for special needs supplies. This program will enhance the quality of life for Newton residents.

Requested Action:

Motion to adopt the attached budget ordinance amendment to utilize unspent grant revenue from FY 2016 and authorize the expenditure appropriation in the 2017 police operating budget.

ORDINANCE # 2016-20

**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, the City Council has authorized a Strengthening Local Communities Grant from the Walmart Foundation in the amount of \$1,000 each for the Police Department on February 2, 2016. The primary consideration for the Community Grant Program is to support local organizations with programs that align with Walmart and the Foundation’s area of giving; and

WHEREAS, the Police Department will use the funds to implement a special needs registry for citizens and to purchase the necessary material. The funds were not spent in Fiscal Year 2016 due to technical constraints. Those constraints have now been resolved; therefore, the unspent funds will be appropriated in the Fiscal Year 2017 budget; and

WHEREAS, the City Council desires to utilize fund balance resulting from unspent grant funds and authorize the related expenditure appropriation within the Police operating budget.

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

General Fund Revenues		
Fund Balance Appropriated	11-0000.3990	\$1,000
General Fund Appropriations		
Law Enforcement Supplies	11-4310.5640	\$1,000

Adopted this 6th day of September, 2016.

Anne P. Stedman, Mayor

Attest:

Amy S. Falowski, City Clerk



**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

DATE: September 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 appointment:

Bradley Saine – Business Advisory Committee

Board and/or Committee Application

City of Newton
PO Box 550
Newton, NC 286
828-695-4300



Name: Bradley Saine

Mailing Address: 1878 Cordia Circle, Newton, NC 28658

bradsaine@renwoodmills.com

Home Address: 1878 Cordia Circle, Newton, NC 28658

Work Phone# 828-464-1611 x211 Home# _____ Cell# 828-446-2569

Resident of the city? No Number of Years (18) I grew up in the city of Newton

Business owner in the city? No Number of Years _____

1. Why are you interested in serving on the Business Advisory Committee?

I have lived in the Newton area most of my life. The majority of my family still lives here.

I currently, work as the Grain Merchandiser for Renwood Mills in Newton, NC. I would like to be involved more with the city. My employer has also encouraged my involvement.

2. What is your professional and educational background?

B.S. in Agriculture from Clemson University; MBA Lenoir Rhyne University

Sales & Management: Carolina CAT, Target, Daimler, and Renwood Mills

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

I have a lot of experiences and memories here in Newton. The Newton area is home for me.

I feel I have an understanding of the city and the people who live here. I also have a vested interest in seeing the city continue to grow.

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

I was approached by Jennifer Stiver when she learned I worked at Renwood Mills.

Jennifer and I were friends in high school and have kept in touch periodically.


Signature

8/10/16
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

CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

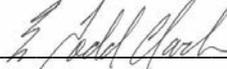
DATE: September 2, 2016

TO: Mayor Anne Stedman and Newton City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Local Economic Development Incentive for Temprano Techvestors

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. As part of this new business startup, Mr. Walling intends to create 21 new full time jobs with an average weekly wage of \$51,906. Furthermore, he intends to invest \$507,500 to renovate the building at this address.

In accordance with the City's Commercial and Small Business Economic Development Incentives Policy, the City Council may award a grant for qualifying projects for a period of up to five (5) years based on the amount of new capital investment. The amount of the grant is calculated based upon the actual net increase in taxable property value and the corresponding additional tax revenue collected by the City of Newton as a result of the project. A minimum real property investment of \$50,000 is required and there must be a commitment to job creation. A copy of the policy is provided with this Request for Council Action for City Council's review.

The City has worked with Mr. Walling for several months to secure funding for building renovations through the State of North Carolina Department of Commerce, Building Reuse Grant program. At this time, Mr. Walling is seeking a grant through the City's Commercial and Small Business Economic Development Incentive Program to further assist in the cost of building renovations and job creation in Newton.

A total grant of \$10,962 may be awarded over a five year period based on the proposed new investment in real property and the number of new full time jobs created as outlined and calculated in the City's Policy. The city staff has also worked with the City Attorney to prepare an Economic Development Agreement between the City of Newton and Temprano Techvestors, Inc. A copy of the agreement has been attached to this Request for Council Action for review and consideration.

Action Suggested:

The staff recommends awarding a grant to Temprano Techvestors, Inc. in accordance with the City of Newton's Commercial and Small Business Economic Development Incentives Policy and authorizing the Mayor of the City of Newton to execute the attached Economic Development Agreement with Temprano Techvestors, Inc.

Prepared by:
John H. Cilley
Attorney, City of Newton
P.O. Box 747, Newton, NC 28658

STATE OF NORTH CAROLINA

**CITY OF NEWTON AND TEMPRANO
TECHVESTORS, INC.
ECONOMIC DEVELOPMENT AGREEMENT**

COUNTY OF CATAWBA

This **JOINT ECONOMIC DEVELOPMENT AGREEMENT** (this "Agreement") is made and entered into this ___ day of _____, 2016, by and between **City of Newton** (the "City"), a North Carolina municipal corporation, having a mailing address of **Post Office Box 550, Newton, NC, 28658**, and **Temprano Techvestors, Inc.** ("Temprano Techvestors, Inc., or Company") a North Carolina corporation qualified to do business in the State of North Carolina, having a mailing address of 2105 Northwest Blvd., Newton, N.C., 28658, and **Walling Development, LLC**, (Walling Development, LLC) a North Carolina limited liability company qualified to do business in the State of North Carolina, having a mailing address of P.O. Box 492, Sherrills Ford, North Carolina, 28673.

WITNESSETH:

WHEREAS, Walling Development, LLC, will be responsible for some of the performance of Temprano Techvestors, Inc. under this Agreement, and, accordingly, references, to "Temprano Techvestors, Inc" and "Company" in this Agreement shall be deemed to include references to Temprano Techvestors, Inc. and/or Walling Development, LLC, as applicable; and

WHEREAS, North Carolina General Statute (NCGS) 158-7.1 authorizes City to make appropriations for the purpose of aiding and encouraging the location of business enterprises and industrial and commercial plants in or near its boundaries and Temprano Techvestors, Inc. is engaged in business enterprise within the meaning of NCGS 158-7.1, by providing marketing and technology services; and

WHEREAS, Temprano Techvestors, Inc. intends to lease, improve, equip and up-fit, or cause to have improved a facility ("Improvements") at Walling Development, LLC 2105 Northwest Blvd., Newton, North Carolina, 28658, Parcel ID # 373120812094 (the "Property"), at a cost of not less than Five Hundred and Seven Thousand Five Hundred Dollars (**\$507,500**) and intends to create a minimum of twenty-one (21) new jobs at the facility with the improvements to be made and new jobs to be created between September 1, 2016 and December 31, 2017 (the "Improvement Period"); and

WHEREAS, Temprano Techvestors, Inc. expects to be a community-oriented company and intends to participate in philanthropy, community events and programs intended to increase the health and happiness of their employees and the greater community as a whole; and

WHEREAS, Temprano Techvestors, Inc. is encouraged, to the reasonable extent possible, to purchase local services and supplies, such as, but not limited to, locally produced

**Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016**

products, local hotel, motel and hospitality services, local building and construction services, and other products and services;

NOW, THEREFORE, in consideration of the promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION I – TEMPRANO TECHVESTORS, INC.

1. On or before September 30, 2016, Temprano Techvestors, Inc. shall:
 - 1.1 Deliver to City a certificate confirming that Temprano Techvestors, Inc. has leased the real property on which it intends to install the Improvements that will result in the creation, maintenance and future availability of a minimum of 21 new jobs prior to December 31, 2017, and that the overall average weekly wage will equal or exceed 100% of the Average Weekly Wage established for Catawba County by the North Carolina Department of Commerce's Wage Standards for each year that City pays Temprano Techvestors, Inc. the economic development incentive provided for herein. Temprano Techvestors, Inc. affirms understanding of, and agrees to comply with, the Calendar of Responsibilities as outlined in Exhibit "A". Such certificate shall be in the form or substantially in the form of the certificate attached to this Agreement as Exhibit "A".
 - 1.2 Provide an Opinion of Counsel for Temprano Techvestors, Inc., in form and substance reasonably satisfactory to City, that this Agreement has been duly authorized, executed and delivered by Temprano Techvestors, Inc. and
 - 1.3 Provide an Opinion of Counsel for Temprano Techvestors, Inc., in form and substance reasonably satisfactory to City, stating that this Agreement is binding upon and enforceable against Temprano Techvestors, Inc., in North Carolina, in accordance with its terms.
2. In order to induce City to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives, Temprano Techvestors, Inc. represents and warrants that, as of the execution date hereof:
 - 2.1 Temprano Techvestors, Inc. is a North Carolina corporation qualified to do business in the State of North Carolina, has a place of business within the State of North Carolina, and is in good standing and authorized to do business in the State of North Carolina;
 - 2.2 Temprano Techvestors, Inc. has the corporate power and authority to own its properties and assets and to carry on its business as now being

**Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016**

- conducted and has the corporate power and authority to execute and perform this Agreement;
- 2.3 The undersigned representative of Temprano Techvestors, Inc. has the right, authority and duty to execute this Agreement in the name and on behalf of Temprano Techvestors, Inc.;
 - 2.4 This Agreement (i) is the valid and binding instrument and agreement of Temprano Techvestors, Inc., enforceable against Temprano Techvestors, Inc. in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on Temprano Techvestors, Inc., the charter documents or operating agreement of Temprano Techvestors, Inc. or any provision of any indenture, agreement or other instrument to which Temprano Techvestors, Inc. is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which Temprano Techvestors, Inc. is a party;
 - 2.5 There is no suit, claim, action or litigation pending, or to the knowledge of Temprano Techvestors, Inc. threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein;
 - 2.6 There is no impediment to the use of the Property for the purposes contemplated by this Agreement.
 - 2.7 Temprano Techvestors, Inc. is not engaged in a business that would be exempt from property taxes.
3. Temprano Techvestors, Inc. shall make or cause to be made investments to the Property and Improvements during the Improvement Period. Cumulative expenditures will meet or exceed Five Hundred Seven Thousand Five Hundred Dollars (**\$507,500**) by December 31, 2017, all of which will qualify and result in additional value for ad valorem tax purposes as determined by the Catawba County Tax Office, and further agrees to maintain in place, in good condition (ordinary wear and tear excepted), said improvements at said total assessed ad valorem tax valuation (exclusive of motor vehicles) (the Maintenance Level) during the term of the Agreement and for the three years after the final incentive payment. Notwithstanding the foregoing, the Company shall have the option of allowing the aggregate total assessed ad valorem tax valuation to fall below Five Hundred Seven Thousand Five Hundred Dollars (\$507,500.00) and paying an amount to the City equal to the difference between (a) the actual ad valorem taxes levied and (b) the amount which would have been levied if the assessment had been Five Hundred Seven Thousand Five Hundred Dollars (\$507,500.00,) such additional amount to be due and payable upon the same schedule as ad valorem taxes, which shall result in a reduced payment by City to Company as determined by the actual valuation therein.

Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016

4. Temprano Techvestors, Inc. shall create a minimum of 21 new jobs at the Property in Newton by December 31, 2017 and maintain or make available these jobs in place until three years after the final incentive payment. A job is defined as employment that provides 1600 hours or more of work in any 12 month period. Should Company fail to maintain or make available these jobs in place for three years after the final incentive payment, the percentage calculation of the incentive amount payable to Company shall be adjusted based upon the City's incentive rate scale for the actual number of new jobs created and maintained as described herein. Should the number of jobs contemplated within this Agreement not be maintained for the three year period after the final incentive payment, Company shall reimburse to City the total amount of incentives paid during the five year period of this Agreement.

SECTION II—CITY

5. On or before September 30, 2016 City shall deliver to Temprano Techvestors, Inc. an Opinion of Counsel for City, in form and substance reasonably satisfactory to Temprano Techvestors, Inc., that this Agreement has been duly authorized, executed and delivered by City; and stating that this Agreement complies with the terms and requirements of NCGS 158-7.1(a) and is binding upon and enforceable against City with its terms; and evidence in the form of a Resolution or Resolutions, or official minutes, which City duly adopted authorizing the economic development incentives set forth in this Agreement.
6. In order to induce Temprano Techvestors, Inc. to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives, City represents and warrants that, to the best of City's knowledge that, as of the execution date hereof:
 - a. City is a North Carolina municipal corporation existing under North Carolina law;
 - b. City has the power and authority to carry on its business as now being conducted and has the power and authority to execute and perform this Agreement;
 - c. The undersigned authorized representative of City has the right, authority and duty to execute this Agreement in the name and on behalf of City;
 - d. This Agreement (i) is the valid and binding instrument and agreement of City, enforceable against City in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on City, the charter documents of City or any provision of any indenture, agreement or other instrument to which City is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an

Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016

event of default, under any indenture, agreement or other instrument to which City is a party; and

- e. There is no suit, claim, action or litigation pending, or to the knowledge of City threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein.

7. Payment of Economic Development Incentives for Real and Personal Investments and for Job Creation in accordance with this Agreement shall be made as follows:

- 1. City will provide annual payments equal to eighty percent (80%) of the ad valorem taxes associated with the additional value (exclusive of motor vehicles) as paid to City for a five (5) year period, commencing with the taxes payable for the tax values on January 1, 2017, and January 1 of the succeeding four (4) years for investments made pursuant to paragraph 3 above with maximum payments as reflected in the chart below.
- 2. In no event will the payments by City exceed Two Thousand One Hundred Ninety-two Dollars and Forty Cents (\$2192.40) per year, or the cumulative amount of \$10,962.

Grant Y e a r	Maximum Payment By City by Year
1	\$ 2,192.40
2	\$ 2,192.40
3	\$ 2,192.40
4	\$ 2,192.40
5	\$ 2,192.40
Total	\$ 10,962.00

- a. Said amounts shall be payable annually for a period of Five (5) consecutive years beginning with the amount of taxes due without penalty on or before January 5, 2018 and ending with the taxes due and payable January 5, 2022.
- b. Upon payment of ad valorem taxes by Temprano Techvestors, Inc. to City on or before January 5, 2018 for tax year beginning in January 2017 and each year thereafter, through tax year, January, 2021, with final payment in January, 2022 and certification by Temprano Techvestors, Inc. in the form or substantially in the form of the certificate attached hereto as Exhibit B, of Improvements made, proof of payment of taxes, verification that Company has created and maintained jobs as agreed herein, City will, within sixty (60) days, pay to Company an Economic Development

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Incentive payment the amount of which is calculated by multiplying by eighty percent (.80) times the total ad valorem tax revenue received by City attributable to the value of the Improvements made by Company pursuant to this Agreement in excess of the assessed tax value on the site and Temprano Techvestors, Inc.'s personal property values (exclusive of motor vehicles) as of January 1, 2017. This same process will be followed by City and Company in each of the immediately following four (4) years.

- c. Company shall furnish to City on or before March 5th of each calendar year, following and corresponding to the previous July 1st when taxes are billed, the certifications required by this Section 7 and proof of payment of all applicable taxes. If requested, Company shall provide City, at City's expense, independent certification as to such expenditures and number of existing jobs.

SECTION III - OTHER

- 8. Force Majeure. Notwithstanding the provisions of Paragraph 9, in the event Temprano Techvestors, Inc. is unable to meet the requirements of this agreement as a result of (i) an event of force majeure, including but not limited to fires, explosions, acts of God, acts of public enemy, insurrections, riots, terrorism, embargoes, labor disputes, including strikes, lockouts and job actions, or boycotts; (ii) the inability to obtain the governmental permits or approvals (including zoning) necessary for the acquisition of the land or undertaking and operating the Improvements after a good faith effort to obtain same has been made; (iii) shortages of materials or energy; (iv) changes in laws; or (v) other causes beyond the control of and arising without the fault or negligence of Temprano Techvestors, Inc.; then, in such event, the Improvement Period shall be extended for a period equal to the delay caused by any of the foregoing events so long as Temprano Techvestors, Inc. shall (a) have furnished City on a timely basis, upon the occurrence of such event, a notice thereof, and (b) take all commercially reasonable steps necessary to relieve the effect of such event and to resume completion of the Improvements. In accord with the foregoing, should the Temprano Techvestors, Inc. be unable to meet the requirements as described above as a result of a force majeure, the obligation of the City to pay as provided in Section II above, shall be suspended until such time as Temprano Techvestors, Inc. is relieved from the effect of an event of force majeure and resumes completion of the improvements.
- 9. It shall be an Event of Default if any one or more of the following events shall occur for any reason whatsoever (and whether such occurrence shall be voluntary or involuntary or come about or be effected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

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- a. Temprano Techvestors, Inc., except in the event of force majeure, shall commit a material breach of a material obligation hereunder (including without limitation, the obligation to meet the investment goals and the creation of a minimum of 21 jobs as set forth herein) and such breach shall continue for a period of sixty (60) or more days following receipt of written notice from City;
- b. If Temprano Techvestors, Inc. fails to timely file Exhibit A, or Exhibit B on or before March 5 of each year, following and corresponding to the previous July 1st when taxes are billed, and any qualifying incentive would be due to Temprano Techvestors, Inc. this shall be deemed a breach of the Agreement and notwithstanding paragraph 10 below, the sole remedy will be that City will not owe Temprano Techvestors, Inc. any incentive that may have otherwise been due had those filings properly been made when due.
- c. If any material representation, warranty or other statement of fact contained in this Agreement or in any final writing, certificate, report or statement furnished by Temprano Techvestors, Inc. to City in connection with the transaction described in this Agreement, shall, to Temprano Techvestors, Inc.'s knowledge, to be false or misleading in any material respect at the time given;
- d. If Temprano Techvestors, Inc. shall be unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of a receiver, trustee, liquidator or conservator of themselves or of the whole or any substantial part of their property; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or any state;
- e. If City, except in the event of force majeure, fails to pay Temprano Techvestors, Inc. when such payment is due or is otherwise unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of an emergency manager, receiver, trustee, liquidator or conservator or any similar entity; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or North Carolina;
- f. If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of Temprano Techvestors, Inc. or of the whole or any substantial part of their properties, or approves a petition filed against Temprano Techvestors, Inc. seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors,

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a court of competent jurisdiction shall assume custody or control of Temprano Techvestors, Inc. or of the whole or any substantial part of their properties;

- g. If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing an emergency manager, custodian, receiver, trustee, liquidator, or conservator or any similar entity for City, or approves a petition filed against City seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of City; or
 - h. If Temprano Techvestors, Inc. shall allow its taxable assets, employment and average wage amounts to fall below the minimum values agreed upon in this Agreement, as each of the same pertain to the facility contemplated by this Agreement.
10. **City Remedy:** If Temprano Techvestors, Inc. fails to cure an Event of Default for which it receives written notice from City, the obligation of City as set out herein shall terminate, and Temprano Techvestors, Inc. shall immediately refund to City all economic development incentive payments paid to Temprano Techvestors, Inc. prior to the date of the Event of Default plus interest at the rate of prime plus one percent (1%). The date the prime interest rate shall be determined shall be the date Temprano Techvestors, Inc. receives the notice of the Event of Default and prime will be the prime rate as published in the *Wall Street Journal (WSJ)*. Temprano Techvestors, Inc. shall, as it relates to an Event of Default, have sixty (60) days after receipt of the notice required above, or such longer period to which the parties agree in writing to cure the Event of Default.
11. **Temprano Techvestors, Inc. Remedy:** If City fails to cure an Event of Default for which it receives written notice from Temprano Techvestors, Inc., the obligations of Temprano Techvestors, Inc. as set out herein shall terminate. City shall, as it relates to an Event of Default, have sixty (60) days after receipt of the notice required above, or such longer period to which the parties agree in writing to cure the Event of Default.
12. Temprano Techvestors, Inc. and City acknowledge that any monies appropriated and expended by City for economic development incentives, as provided in this Agreement, are for a bona fide public purpose and are expended in good faith reliance on NCGS 158-7.1. In the event a Court of competent jurisdiction rules to which either Temprano Techvestors, Inc. or City is a party, that all monies expended by City pursuant to this Agreement were not offered and accepted in good faith and in compliance with NCGS 158-7.1 and, further, that such monies must be repaid, Temprano Techvestors, Inc. will make such repayment to City. In the event one or more lawsuits are brought against City or any City elected official, officer, agent or employee, or Temprano Techvestors, Inc., challenging the legality of this Agreement, then City and Temprano Techvestors, Inc. shall exercise their best efforts to defend against any and all such lawsuits, at their own cost and expense. In any event, if Temprano Techvestors, Inc. is required to

repay funds to City pursuant to this paragraph 12, the benefit of this Agreement to Temprano Techvestors, Inc. will have been lost and all further obligations of Temprano Techvestors, Inc. hereunder shall terminate.

13. All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed given or served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, properly addressed as follows:

City of Newton: City of Newton
 Attn: Todd Clark, City Manager
 PO Box 550
 Newton, NC 28658

Copy to: City Attorney
 Attn: John H. Cilley, City Attorney
 P.O, Box 747
 Newton, NC 28658

Company: Temprano Techvestors, Inc.
 2105 Northwest Blvd.
 Newton, N.C. 28658
 Attn: Luke Walling

City or Temprano Techvestors, Inc. may, by notice given to the other, designate any further or different addresses to which notices, certificates, requests or other communications shall be sent.

14. This Agreement shall inure to the benefit of, and is binding upon, City and Temprano Techvestors, Inc. and their respective successors and assigns. However, neither this Agreement, nor any rights, privileges, nor claims created by this Agreement may be transferred by Temprano Techvestors, Inc. without the prior, written approval of City, which approval will not be unreasonably withheld.
15. Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified or altered except by written agreement of the parties.
16. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of this Agreement.
17. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be

necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.

- 18. Controlling Law and Venue. This Agreement is governed by and shall be construed in accordance with the laws of the State of North Carolina; venue of any action shall be in the general courts of justice in Catawba County, or if in Federal court in the Western District of North Carolina.
- 19. The term of this Agreement shall commence on the date of execution and expire upon payment by City of all payments due to Temprano Techvestors, Inc. and Temprano Techvestors, Inc. fulfilling all of its requirements including real and personal property investments and the creation and maintenance of jobs, unless earlier terminated as provided herein.
- 20. Both Temprano Techvestors, Inc. and City acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been reviewed by Counsel for both Temprano Techvestors, Inc. and City. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

City of Newton,
A North Carolina Municipal Corporation

Attest:
(SEAL)

By: _____ **(Seal)**
Anne P. Stedman, Mayor

Amy Falowski, City Clerk

WALLING DEVELOPMENT, LLC

TEMPRANO TECHVESTORS, INC.

By: _____ **(Seal)**

By: _____ **(Seal)**

(Title)

(Title)

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016

I, _____ a Notary Public of said county and state, certify that Amy Falowski personally came before me this day and acknowledged that she is City Clerk of the City of Newton, a North Carolina municipal corporation and that by authority duly given and as the act of the City the foregoing instrument was signed in its name by its Mayor, sealed with its seal, and attested by herself as City Clerk.

Witness my hand and seal this _____ day of _____, 2016.

(Seal)

Notary Public

My commission expires: _____

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

I, _____ a Notary Public of said county and state, certify that _____, _____ (Title) of Walling Development, LLC, personally appeared before me this day and acknowledged on behalf of Walling Development, LLC, the voluntary due execution of the foregoing, all for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 2016.

(Seal)

Notary Public

My commission expires: _____

**Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016**

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, _____ a Notary Public of said County and State, do certify that _____, _____ (Title) of, Temprano Techvestors, Inc. personally appeared before me this day and acknowledged on behalf of Temprano Techvestors, Inc.. the voluntary due execution of the foregoing document, all for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 2016.

[Seal]

Notary Public

My commission expires: _____

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Serina Hinson, City of Newton Finance Director

Approved as to form on behalf of City of Newton only:

John H. Cilley, City Attorney

**Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016**

EXHIBIT A
Joint Economic Development Agreement
Between CITY OF NEWTON and TEMPRANO TECHVESTORS, INC..

CERTIFICATE

TO: City of Newton

This Certificate is delivered pursuant to Paragraph 1.1 and Paragraph 9 of the Joint Economic Development Agreement (the "Agreement"), dated _____, 2016, between City of Newton ("City") and Temprano Techvestors, Inc. ("Temprano Techvestors, Inc."). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

I, _____, do hereby certify, for and on behalf of Temprano Techvestors, Inc., that:

- (a) Temprano Techvestors, Inc. has, or has caused to be, acquired or leased the real property necessary for the construction of the Facility and the Improvements; and
- (b) Temprano Techvestors, Inc. will create, maintain and make available a minimum of 21 new jobs prior to December 31, 2017 and the overall average weekly wage will equal or exceed the 100% Average Weekly Wage established for Catawba County by the North Carolina Department of Commerce's Wage Standards for each year that City pays Temprano Techvestors, Inc. the economic development incentive provided for herein.; and
- (c) Temprano Techvestors, Inc. agrees to comply with the Calendar of Responsibilities listed below.

Calendar of Responsibilities:

- By January 5: Temprano Techvestors, Inc. makes payment to City via the Catawba County Tax Office according to Tax Listing filed by January 31st of the previous year unless extension is requested and approved for April 15th. Any extension request must be filed by January 31st.
- By March 5: Temprano Techvestors, Inc. must provide Exhibit A and Exhibit B and, supporting documents and proof of payment and/or compliance as required within Agreement.
- By April 15: Temprano Techvestors, Inc. must provide Real/Personal Property Tax listings to Catawba County Tax Office.
- By April 22: Catawba County Tax Office to provide Tax Listing on Specified Accounts.*

*Note: This is not a company responsibility.

Dated at City of Newton, North Carolina, this _____ day of _____, 20____.

TEMPRANO TECHVESTORS, INC.

BY: _____

TITLE: _____

EXHIBIT B

Joint Economic Development Agreement
Between City of Newton and Temprano Techvestors, Inc.

CERTIFICATE

TO: City of Newton

This Certificate is delivered pursuant to Paragraph 7 and Paragraph 9 of the Joint Economic Development Agreement ("the "Agreement") dated _____, 2016, between City of Newton ("City") and Temprano Techvestors, Inc.. ("Temprano Techvestors"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

Temprano Techvestors, Inc. does hereby certify that:

- (a) The following improvements were made during the 20__ Calendar Year: _____;
- (b) The following jobs were created during the 20__ Calendar Year: _____ (please attach the most recent quarterly Form NCUI 101);
- (c) The average wage of all of those employed at the Newton facility during the 20__ Calendar Year is as follows: (Wage Forms Total Payroll divided by number of employees) _____;
- (d) Total cumulative personal property valuation installed at the _____ facility during the 20__ Calendar Year _____; and
- (e) Proof of taxes paid is attached to this certificate.

Dated at City of Newton, North Carolina, this ____ day of _____, 20__.

TEMPRANO TECHVESTORS, INC.

BY: _____

TITLE: _____

Attachments (required):

Current Year City of Newton personal and real property Tax Listing information as reported to Catawba County Tax Office, Most recent quarterly Form NCUI 101, Proof of taxes paid in full and documentation as required by (f).

Calendar of Responsibilities:

- By January 5: Temprano Techvestors, Inc. makes payment to City via the Catawba County Tax Office according to Tax Listing filed by January 31st of the previous year unless extension is requested and approved for April 15th. Any extension request must be filed by January 31st.
- By March 5: Temprano Techvestors, Inc. must provide Exhibit B proof of payment of taxes and supporting documentation as required the Agreement and this Exhibit B.
- By April 15: Temprano Techvestors, Inc. must provide Real/Personal Property Tax listings to Catawba County Tax Office.
- By April 22: County Tax Office to provide Tax Listing on Specified Accounts.*

*Note: This is not a Company responsibility.

**Joint Economic Development Agreement
Between CITY OF NEWTON and Temprano Techinvestors, Inc.
September, 2016**

**CITY OF NEWTON
NOTICE OF PUBLIC HEARING
PURSUANT TO NORTH CAROLINA GENERAL STATUTE
158-7.1
LEGAL NOTICE**

The City of Newton proposes to appropriate and expend City funds over a Five (5) year period commencing in January, 2017 for an economic development project pursuant to North Carolina General Statute 158-7.1. The Newton City Council intends to consider entering into an economic development agreement with Temprano Techvestors, Inc. and Walling Development, LLC. The City of Newton believes this project will help stimulate and stabilize the local economy. The Economic Development Agreement will result in the investment of up to Five Hundred and Seven Thousand, Five Hundred Dollars (\$507,500.00) and the creation of a minimum of Twenty-One (21) new jobs. A contractual agreement has been developed to insure performance by Temprano Techvestors, Inc. and Walling Development, LLC.

The Newton City Council will hold a public hearing on the City's proposed appropriations and expenditure of funds for this project on Tuesday, September 6, 2016, at 7 p.m. in the City Council Chambers, Newton City Hall, 401 North Main Avenue, Newton, NC.

All interested persons are invited to attend this meeting and present their comments.

Amy S. Falowski, City Clerk

Publish: _____

CITY OF NEWTON

NORTH CAROLINA

COMMERCIAL AND SMALL BUSINESS

ECONOMIC DEVELOPMENT

INCENTIVES POLICY



Adopted November 6th, 2012

CITY OF NEWTON, NORTH CAROLINA

COMMERCIAL AND SMALL BUSINESS ECONOMIC DEVELOPMENT INCENTIVES POLICY

It is the policy of the City of Newton to provide economic development grants for companies seeking to relocate and expand business within the city limits of Newton. The Economic Development Incentives Policy is designed to stimulate private sector investment, economic growth and job creation in the City by offering grants consistent with the intent of this policy and contingent upon the availability of funds. Moreover, it establishes a consistent manner for the City's participation in the development of business activity which will have a significant and positive effect on the economic health of the community.

It is a requirement of this policy that a business must be a for-profit business locating within the city limits of Newton to be eligible for a grant. The business must be able to demonstrate that a net increase in real property tax values and/or business property tax values will occur as a result of the project. Investments must be for business property and not for residential real property or an individual's personal property. The applicant must be the owner of record of the real property or the business fixtures and equipment. A business seeking a grant must complete an application, enter into a performance contract with the City of Newton, fulfill all the annual requirements of the contract, and pay all tax and utility liabilities to the City of Newton for the year before any incentives will be paid. The applicant must state in the application that without City assistance, the company would not make the investment in Newton. Projects that are already underway or completed are not eligible for incentives.

The size of the potential grant will be based on a number of factors, including the location of the site, the amount of capital investment in the project, and the net number of new jobs created. A major component of the grant policy is to create quality, head-of-household jobs that will further stimulate the local economy.

Applications are to be submitted to the City of Newton Commercial Development Coordinator. City staff will review each application, prepare a performance contract for the grant application, and will make a recommendation to Newton City Council. City staff, after consideration of the facts as presented, may recommend to City Council that the grant application be approved as presented, modified and approved, or denied. Newton City Council must approve any grant and the associated performance contract.

An application for grant payment must be filed in each year during the term of the grant agreement in order for the grant to be paid in each year. Improvements, renovations and/or additions to property shall not qualify for grants under the Commercial and Small Business Economic Development Incentive Policy for any year in which one or more of the following disqualifying factors exist:

- 1) The subject property is a nonconforming use for the zoning district in which it is located, as determined by the City of Newton Planning Department;
- 2) The subject property is in violation of any applicable County or City Code or Ordinance or is the subject of an unresolved code enforcement action, as determined by the relevant government jurisdiction; or
- 3) Any owner of the subject property is delinquent in the payment of any taxes, assessments, fees or other debts owed to the County or the City of Newton, and such tax delinquency is not resolved to the satisfaction of the designated County and /or City tax official.

In the event any of the above factors exists in a year in which the owner(s) of the property would otherwise qualify for a grant under the Commercial and Small Business Economic Development Incentive Policy, the grant funds will be withheld by the City of Newton until such time as the City of Newton determines that a satisfactory resolution has been achieved.

In addition, the City of Newton may, in its sole discretion, choose to deny grants for all of the grant term or for any year of the grant term for a property, improvement, renovation, and/or addition project to a property which the City deems in its sole discretion to be inconsistent with the best interest of the City. In this regard, the grants described in this Commercial and Small Business Economic Development Incentive Policy are not vested rights of any owner(s) of property, but instead are in the discretion of and subject to an annual appropriation by the City of Newton Council.

I. General Business Development Grant (GBDG)

A. Overview

The GBDG program is a contract between the City and a new or existing business where the City would make a grant to the business for a period of up to five (5) years based on the amount of new capital investment. The grant is calculated and based upon the actual net increase in taxable property value and the corresponding additional tax revenue collected by the City of Newton due to the project. After the business has "paid in full" its annual City property tax and met all other criteria as outlined in the grant document, the City will pay the business the annual installment of the grant required in the grant document. Each project or grant application will be analyzed on an individual basis using this policy for guidance. This policy shall be subject to period review by City Council. Changing economic conditions may cause the City Council to modify, amend or even terminate the grant program.

B. Jurisdiction

This program shall apply to private investment that takes place inside the corporate limits of the City of Newton. A petition for voluntary annexation must accompany any grant

request where the improvements are currently outside the City limits. Activities performed under this program shall be consistent with North Carolina General Statutes for Local Economic Development and all relevant standards and laws required by the State or the City of Newton.

C. Scope

The following criteria will be utilized by City staff to determine whether a particular applicant for a grant is eligible. Additional criteria may be applied to a specific project based upon the terms of the agreement between the grantee and the City of Newton.

1. A minimum investment creating a net new taxable property value of \$50,000 is required to be eligible for grant funds.
2. There must be a commitment to increase the current labor force of the business within the city limits of Newton by at least 1 fulltime employee by the project completion date or other date as approved by City Council. Business investments which are not accompanied by an increase in the business's total employment within the city limits of Newton are not eligible for an incentive.
3. The location and type of business must be consistent with the City's long-range plans and development policies as determined by Newton City Council.
4. Grant funds may be used to acquire or reduce the cost of real property and/or improvements; create or improve public infrastructure and site improvements, such as roads, sidewalks, water lines or sanitary sewer lines; acquire or upgrade existing fixtures and/or equipment; and/or any capital investment used in the daily operations of the existing business. The City investment in public roads, sidewalks, water lines and sanitary sewer lines will be publicly owned.
5. In addition to the above criteria, the staff in making a recommendation to the City Council to approve or disapprove of a grant will consider the following information:
 - The size of the project based upon investment in the site development, buildings and infrastructure;
 - The total number of jobs and types of jobs created;
 - The relationship between jobs development and total investment;
 - Potential for future expansion and increased employment;
 - Site specific issues that impact local infrastructure responsibilities of the City;
 - Site specific initiatives that may be pursued to stimulate other development areas that the City may deem of significant benefit to the community;

- Economic development initiatives from other local governments and/or the State;
- The availability of funds.

D. Eligibility

To be eligible for GBDG funding, a business must be for-profit and engaged in one or more of the following activities:

1. Retail Warehousing and Distribution
2. Retail or Service Business Offices
3. Transportation Facilities
4. Tourism Industry
5. Business Services
6. Retail Sales/Shoppers Goods
7. Professional Services
8. Personal Services
9. Restaurants and Eating Establishments
10. Building/Home Maintenance Services
11. Repair Services
12. Building/Home Maintenance Stores
13. Auto Sales and Service
14. Hotels/Lodging/Hospitality Industry
15. For-profit Schools and Training Facilities
16. Other activities as determined and approved by Newton City Council

Mixed-use retail/business property or a planned development which includes a residential real estate component may be considered for a grant under this policy, except that the residential portion of the project is not eligible for a grant. The value of the project for purposes of calculating the grant will be based on the non-residential property values only. In the absence of separate tax values for the residential and non-residential sections of the project, the square footage for the residential versus non-residential sections may be used to establish the eligible percentage. Home offices and businesses located inside residential units are not eligible for grants.

Incentive payments for businesses in the retail sales category are capped at a net new taxable property value of \$2,000,000 for businesses selling retail non-perishable goods and \$1,500,000 for businesses selling retail perishable goods.

E. Grant Levels

GBDG funding will be made based on the following schedule:

<u>New Jobs Created</u>	<u>Grant Factor</u>	<u>Term of Grant</u>
1 to 2	.5	5 years
3 to 5	.6	5 years
6 to 14	.7	5 years
15 and up	.8	5 years

The net increase in real property taxes and/or business property taxes will be multiplied by the applicable grant factor to determine the annual amount of the grant.

General Example:

Tax Value Before Development = \$50,000 Annual Property Tax at .48 rate = \$240

Tax Value After Development = \$150,000 Annual Property Tax (.48 rate) = \$720

Applicable Grant Factor (.8) times the added tax revenue (\$720-\$240) = \$384 grant payment per year (.8 example is for 15 and higher new job creation)

F. Other Considerations

In addition to the criteria outlined above, the staff, in making the recommendation to the Newton City Council, will note the following issues:

1. A grant will not be awarded to any new or expanding business which lowers the net tax payments paid to the City to a level less than the property taxes paid in the prior year.
2. Grant payments will not be made unless the applicable business is current in all required payments to the City, including property taxes.
3. Grant benefits may not be transferred or otherwise conveyed to another party without the specific consent and prior approval of the City of Newton.
4. Grant documents (contract) will include, but not be limited to, the following:
 - a. A commitment from the business to complete the project within a specific period of time.
 - b. A description of the proposed use of the grant funds, including a description of fixtures and/or equipment, and a description of the facility or operation to

be developed. The description should include the building, site size and plans; number of employees (current and projected); wage levels (current and projected); a description of the type of goods to be sold or traded and/or services to be provided; a timetable of project performance; and any other item connected with the business project as deemed necessary by the City. The City may require the submission of a business plan as a condition of approval for a grant.

- c. Other provisions in the agreement may be added by the City as deemed appropriate.

II. Downtown Business Development Grant (DBDG)

It is the policy of the City of Newton to provide additional incentives for economic development in the downtown district. The City recognizes that an active downtown business district is a vital component of the overall economic and social health of the City. The downtown district for purposes of the Downtown Business Development Grant is defined by the map in Exhibit "A" of this Incentives Policy. The purpose for the Downtown Development Grant program is to encourage locally-owned businesses, support a strong downtown commercial district, and to prevent or reduce downtown blight.

A. Overview

The DBDG program is a contract between the City and a new or existing business where the City would make a grant to the business for a period of up to five (5) years based on the amount of new capital investment. The grant is calculated and based upon the actual net increase in taxable property value and the corresponding additional tax revenue collected by the City of Newton due to the project. After the business has "paid in full" its annual City property tax and met all other criteria as outlined in the grant document, the City will pay the business the annual installment of the grant required in the grant document. Each project or grant application will be analyzed on an individual basis using this policy for guidance. This policy shall be subject to period review by City Council. Changing economic conditions may cause the City Council to modify, amend or even terminate the grant program.

B. Scope

The following criteria will be utilized by City staff to determine whether a particular applicant for a grant is eligible. Additional criteria may be applied to a specific project based upon the terms of the agreement between the grantee and the City of Newton.

1. A minimum investment creating a net new taxable property value of \$50,000 is required to be eligible for grant funds.

2. The location and type of business must be consistent with the City's long-range plans and development policies as determined by Newton City Council. The business must be located within the Municipal Service District.

3. Grant funds may be used to acquire or reduce the cost of real property and/or improvements; create or improve public infrastructure and site improvements, such as roads, sidewalks, water lines or sanitary sewer lines; acquire or upgrade existing machinery and/or equipment; and/or any capital investment used in the daily operations of the existing business. The City investment in public roads, sidewalks, water lines and sanitary sewer lines will be publicly owned.

4. In addition to the above criteria, the staff in making a recommendation to the City Council to approve or disapprove of a grant will consider the following information:

- Potential for future expansion and increased employment;
- Site specific issues that impact local infrastructure responsibilities of the City;
- Economic development initiatives from other local governments and/or the State;
- The availability of funds.

C. Eligibility

To be eligible for DBDG funding, a business must be a for-profit business. Mixed-use retail/business property, commercial buildings which include upper-floor residential units or a planned development which includes a residential real estate component may be considered for a grant under this policy, except that the residential portion of the project is not eligible for a grant. The value of the project for purposes of calculating the grant will be based on the non-residential property values only. In the absence of separate tax values for the residential and non-residential sections of the project, the square footage for the residential versus non-residential sections may be used to establish the eligible percentage. Home offices and businesses located within primarily residential units are not eligible for grants. Storefront buildings with main floor space used for residential purposes are not eligible for this grant.

D. Grant Levels

Qualified businesses locating in or expanding in the downtown district may be qualified for incentives based on the following table:

Business locating/expanding in downtown district

<u>Jobs</u>	<u>Grant Factor</u>	<u>Term of Grant</u>
0	.7	5 years
1 to 2	.8	5 years
3 and up	.9	5 years

The net increase in real property taxes and/or business property taxes will be multiplied by the applicable grant factor to determine the annual amount of the grant.

General Example:

Tax Value Before Development = \$50,000 Annual Property Tax at .48 rate = \$240

Tax Value After Development = \$150,000 Annual Property Tax (.48 rate) = \$720

Applicable Grant Factor (.9) times the added tax revenue (\$720-\$240) = \$432 grant payment per year (.9 example is for 3 and higher new job creation)

A special incentive for development within the downtown district is offered for the following situations, independent of any associated new job creation:

- 1) Investments resulting in the occupancy of formerly vacant buildings
- 2) Investments in owner-occupied buildings
- 3) Investments resulting in the establishment of pedestrian-oriented businesses*
(see definition below)

For businesses qualified under (1), (2), or (3) above, the incentive will be calculated based on a grant factor of .9 (90%) of the net increase in tax for a term of five (5) years.

* A "Pedestrian Oriented Retail Businesses" is the type of retail business that generates foot traffic downtown, such as a restaurant, deli, coffee shop, tea house, café, art gallery, art supply store, toy store, pet store, pet supply store, comic book store, hobby shop, toy store, electronics/computer store, antique store, furniture store, hardware store, flower shop, garden center, home and hearth store, clothing store, fabric store, shoe store, kitchen store, movie theater, entertainment venue, tavern/pub, pet store, book store, greeting card shop, bike shop, jewelry store, dance studio, exercise studio, antique store, gift shop, second-hand store, thrift store, salon, day spa, barber shop, candy store, ice cream shop, bakery, grocery/market, or specialty food store. The entire investment for combined service and retail businesses will be included in the grant calculation if the retail floor space is at least 25% of the total space. A pedestrian-oriented business must be open to the public for at least 20 hours per week.

E. Other Considerations

In addition to the criteria outlined above, the staff, in making the recommendation to the Newton City Council, will note the following issues:

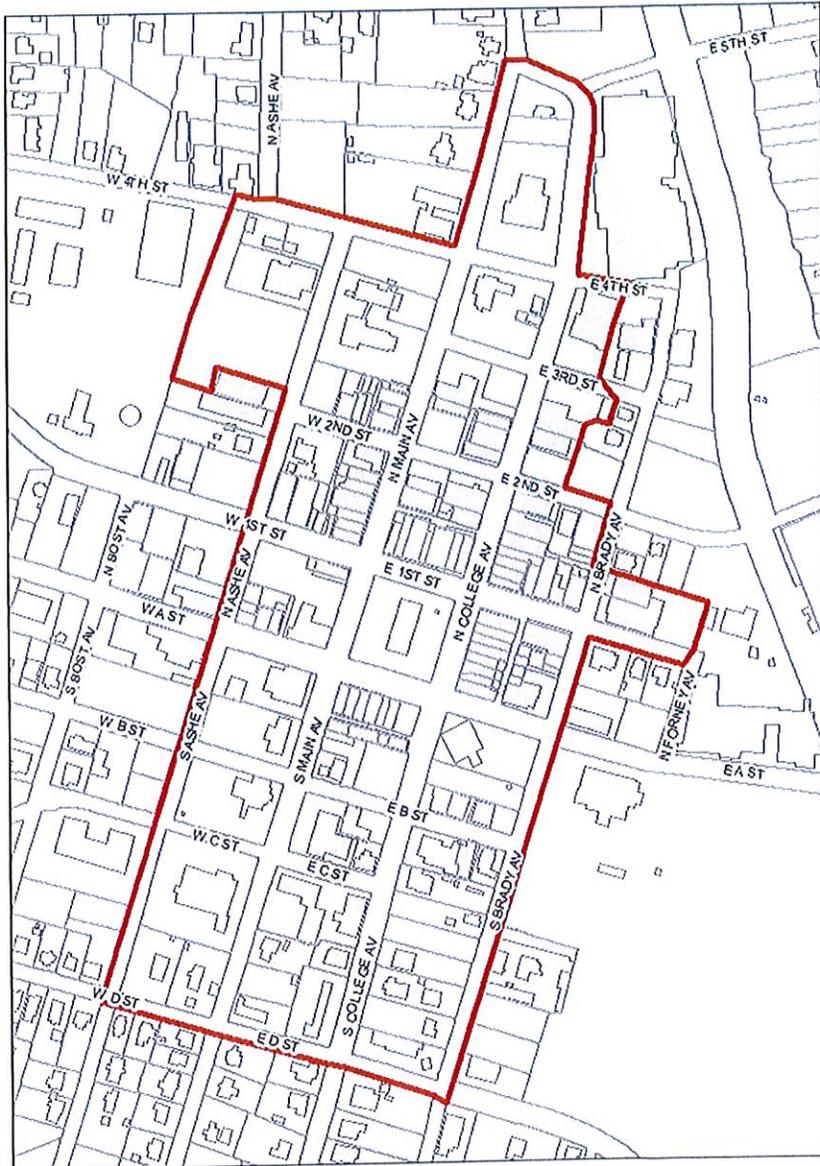
1. A grant will not be awarded to any new or expanding business which lowers the net tax payments paid to the City to a level less than the property taxes paid in the prior year.
2. Grant payments will not be made unless the applicable business is current in all required payments to the City, including property taxes.
3. Grant benefits may not be transferred or otherwise conveyed to another party without the specific consent and prior approval of the City of Newton.
4. Grant documents (contract) will include, but not be limited to, the following:
 - a. A commitment from the business to complete the project within a specific period of time.
 - b. A description of the proposed use of the grant funds, including a description of fixtures and/or equipment, and a description of the facility or operation to be developed. The description should include the building, site size and plans; number of employees (current and projected); wage levels (current and projected); a description of the goods to be offered for sale and/or services to be provided; a timetable of project performance; and any other item connected with the business project as deemed necessary by the City. The City may require the submission of a business plan as a condition of approval for a grant.
 - c. Other provisions in the agreement may be added by the City as deemed appropriate.

III. Alternative Programs

At the discretion of City Council, and in accordance with N.C.G.S. [section] 158-7.1, other incentives outside of this policy may be provided on a case by case basis. This may serve to reduce or preclude any incentive amount normally granted through the programs listed above.

EXHIBIT "A"

DOWNTOWN BUSINESS DEVELOPMENT GRANT DISTRICT

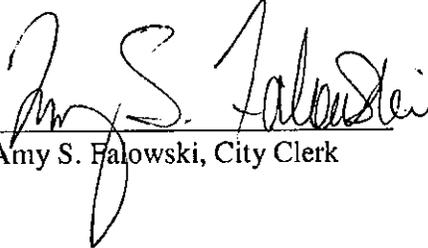


CITY OF NEWTON, NORTH CAROLINA
COMMERCIAL AND SMALL BUSINESS ECONOMIC DEVELOPMENT
INCENTIVES POLICY

Adopted this 6th day of November, 2012, by action of Newton City Council.



Anne P. Stedman, Mayor



Amy S. Falowski, City Clerk



**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

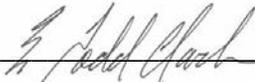
DATE: August 31, 2016

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Rezoning 2016-03 – filed by Accent Industries, Inc.

Approved for Council Consideration



Request:

Melissa Sigmon on behalf of Accent Industries, Inc. is requesting that the property located at 230 Ann Avenue, containing 1.73 acres be rezoned from an existing EM-1 Exclusive Manufacturing District to M-1 General Manufacturing District. The proposed rezoning if approved will permit commercial uses and product assembly. The subject adjacent site is also known as Catawba County Pin # 3741-19-50-5341 and is located in the southwestern quadrant of the intersection of Burriss Road and Ann Avenue. Accent Industries is the owner of the site.

Background:

Surrounding Zoning and Land Use:

	ZONING	LANDUSE
Subject	EM-1 Exclusive Manufacturing	Auto repair and wholesale auto sales
North	EM-1 Exclusive Manufacturing	Warehousing and Distribution
South	EM-1 Exclusive Manufacturing	Vacant and Manufacturing
East	R-9 Multifamily Residential	Residential
West	EM-1 Exclusive Manufacturing	Manufacturing

Zoning History:

The area under consideration has been zoned EM-1 Exclusive Manufacturing since the adoption of the City’s 1966 Zoning Map. At that time the site was in the City’s Extraterritorial Jurisdiction. The property was annexed into the City in the late 80’s as part of the Eastside annexation. There have not been any zoning map amendments to the subject site or adjoining properties.

The property was historically used for manufacturing use. Currently, the site is being used by Performance Auto Exchange. Performance Auto Exchange is using the 35,000 square foot building for vehicle repair, wholesale vehicle sales, and vehicle storage with major vehicle repair being the primary use of the site. This use is not permitted in the Exclusive Manufacturing district and no certificate of occupancy was applied for or was issued. If the rezoning request is approved the tenant of the building intends to continue operating his business at that location as he has since 2015.

Transportation:

The site has frontage along Ann Avenue, which is classified as a local access streets; and Burris Road which is classified as Collector Street. There are no planned improvements to either street.

Utilities:

City water and sewer are provided to the subject site. The site obtains power through Duke Energy.

Consistency and Conclusion:

The proposed request **is consistent** with the 2005 Eastside Area Plan's Future Land Use. The plan shows the area as industrial but it does not differentiate between M-1 and EM-1.

Public Notice:

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

Newspaper: published on August 26 and September 2, 2016.

Posted on-site: posted July 14, 2016

Mailed notices: sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 27 letters were sent on August 25, 2016

Recommendation:

It is the Newton Planning Commission's recommendation that the Newton City Council approve the request as submitted as it was found to be **consistent** with the Eastside Area Plan that was adopted by City Council in 2005.

PUBLIC HEARING

The Newton City Council will hold a Public Hearing beginning at 7:00 p.m. on September 6, 2016 in the Council Chambers at Newton City Hall, 401 North Main Avenue, on the following matter:

Rezoning Application #2016-03 filed by **Accent Industries, Inc.** The Applicant is seeking to rezone the properties located 230 Ann Avenue from an EM-1 Exclusive Manufacturing District to a M-1 General Manufacturing District. The property requested to be rezoned is 1.73 acres and are identified as Catawba County Parcel ID# 3741-19-50-5341.

The file for this Application is available for viewing between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday in the Planning Department, City Hall.

All interested persons are urged to attend and provide comment.

Alex S. Fulbright
Assistant Planning Director

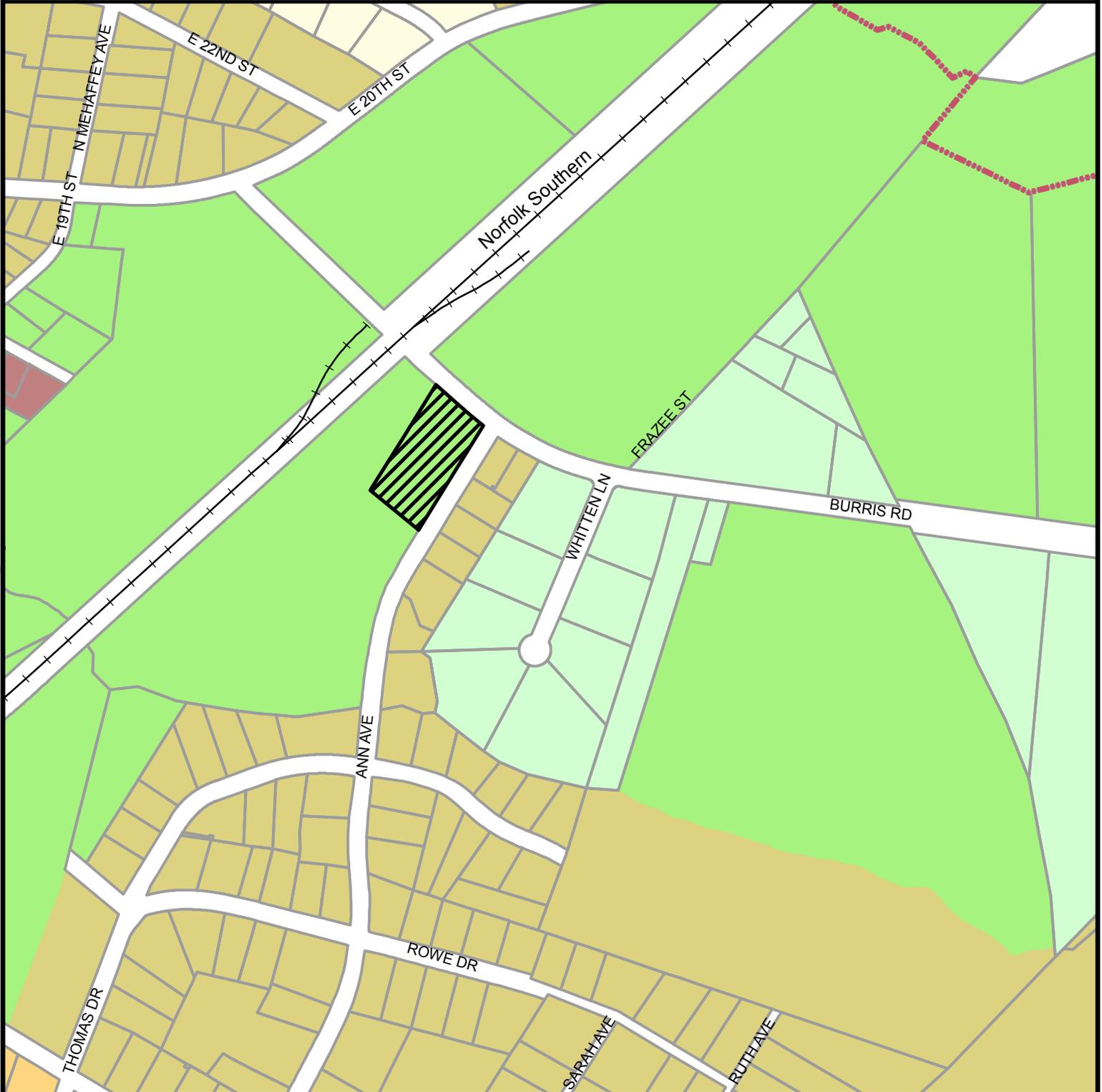
The City of Newton does not discriminate on the basis of disability in the provision of its services as charged by the Newton City Council. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the City of Newton ADA Coordinator at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

Publish: August 26 and September 2, 2016

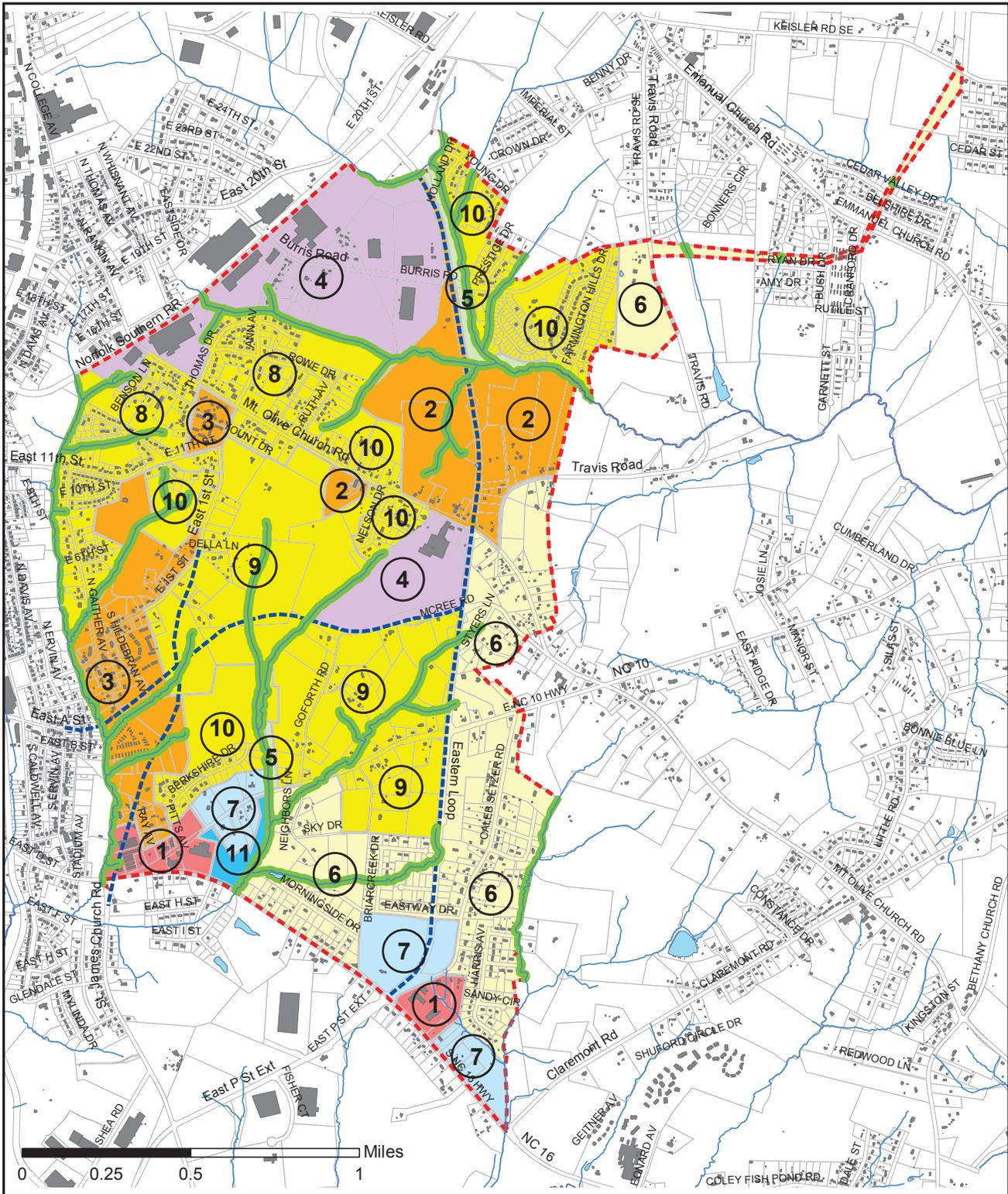


Rezoning #2016-03

Accent Industries, Inc.
230 Ann Ave



- | | | | | | |
|--|--------------|---|--|---|------------------------------------|
|  | Subject Site |  | Multifamily and Manufactured Home Residential (R-7A) |  | General Manufacturing (M-1) |
|  | City Limits |  | Multifamily Residential (R-9) |  | Exclusive Manufacturing (EM-1) |
|  | |  | Single Family Residential (R-20) |  | Planned Development Housing (PD-H) |
| | |  | General Business (B-4) | | |



**MAP 11
EASTSIDE AREA PLAN
Future Landuse**



- HDR - High Density Residential (more than 7 units/acre)
- MDR - Moderate Density Residential (3 to 6 units/acre)
- LDR - Low Density Residential (less than 2 units/acre)
- PKS - Parks and Open Space
- COM - Commercial
- IND - Industrial
- CIVIC - Government and Civic Uses
- MXD - Mixed-Use
- SB - Stream buffer
- Future Roads
- Hydrology
- Structures
- SAP Boundary
- Parcels

- ① Commercial
- ② High Density Residential under Planned Development.
- ③ High Density Residential.
- ④ Industrial
- ⑤ Linear Greenway - use of flood plain for recreation and stream buffer.
- ⑥ Low Density Single-family Residential.
- ⑦ Mixed Use under Planned Development
- ⑧ Moderate Density Residential - single-family, duplexes, multifamily, condominiums.
- ⑨ Moderate Density Residential under Planned Development.
- ⑩ Moderate Density Single-family Residential.
- ⑪ Proposed Future Fire Station and Recreation area.

**CITY OF NEWTON, NC
APPLICATION FOR AMENDMENT TO THE OFFICIAL ZONING ATLAS**

Application # 2016-03

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

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

1. The property for which this Zoning Atlas Amendment is requested is shown as Atlas Sheet (*see note below) Block _____ Parcel **374119505341** PIN _____ . (If more than one parcel is involved, attach a list of all other properties, the nature of the proposed amendment, and a legal description for each).

***the property is located at 230 Ann Avenue**

2. The present zoning classification of the property for amendment is EM-1 .

3. The proposed zoning classification of this property is M-1 .

4. Property owner (s): Name: **Accent Industries, Inc. , Melissa Sigmon, President**
Address: **1425 Brentwood Drive, Newton, NC 28658**
Phone: **(828) 455-0209**

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

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

****as this is a regular rezoning request, Mr. Fulbright noted that he would accept a tax map and copy of the deed to the property. Both are attached.**

 X A legal description of each parcel proposed for amendment.

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

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

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

Melissa Sigmon

Signature *

6-30-16

Date of Filing

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

R-1

To the members of the City of Newton Zoning Commission:

Accent Industries, Inc. is requesting rezoning of the property located at 230 Ann Avenue. The building on this property was built in 1955, and to the best of my knowledge, was originally built as a furniture manufacturing business. Accent Industries purchased the building from Colony House Furniture in 1978 and the building was rented by a furniture manufacturing plant from that time until 2009.

Accent Industries was incorporated solely for the purpose of ownership of this property. The original officers of Accent Industries were my father, Bill Seagle, and Eugene Punch, who have both passed away. The current officers are myself and Mrs. Rebecca Punch, the widow of Eugene Punch. This property is the only asset of the corporation.

Since 2009, the property has been listed for sale or lease, however, we found that the building is no longer acceptable for manufacturing of any type due to the height of the ceilings, which do not allow for current manufacturing machinery and equipment.

The building has remained occupied by various tenants since 2009, however, most have been unable to maintain rent payments and have had to leave. In late 2014, we began the process of evicting the tenants for non-payment of rent. In 2015, we retained a property manager to assist us, and in August 2015 the tenants were evicted.

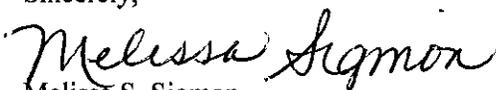
In October 2015, the property manager found another tenant for the building who purchases used cars at auctions, brings them inside the building, and does whatever repairs are needed to make the cars marketable. The cars are then delivered to used car dealers for sale. No car sales take place on the property. This tenant has made improvements to the exterior of the building, is keeping the yard mowed and neat, and is paying rent on time every month. He is happy in the building and has signed a 3-year lease.

In the spring of this year, we learned that the building was not zoned for the use of our current tenant. I spoke several times to Mr. Alex Fulbright, who explained that the current zoning designation is for exclusive manufacturing. My position was that the tenant is doing what any manufacturing company does - taking raw materials (an unmarketable vehicle) and doing whatever it takes to make it a marketable product. While Mr. Fulbright agreed that my point was worth consideration, he recommended that we request rezoning to M-1, which would allow for use by the current tenant while still remaining consistent with the approved land use plan for that area.

With the current economic situation in our city, and the large number of former manufacturing buildings standing vacant, I believe that we need to do whatever we can do in order to encourage reuse and repurposing of some of the buildings. It is much better to have a building occupied and cared for than to have deteriorating, dilapidated buildings, which not only detract from the neighborhood, but could discourage new businesses and residents from moving to Newton. I believe that this zoning request will allow for more flexibility in use of the property for any tenants or new owners in the future.

I appreciate your time and consideration in this request, and I will be happy to answer any questions you may have about this property.

Sincerely,



Melissa S. Sigmon
President, Accent Industries, Inc.

Mail To:

CORPORATION WARRANTY DEED-Form CWD-402. 3457 Printed and for sale by James Williams & Co., Inc., Yadkinville, N. C.

STATE OF NORTH CAROLINA, Catawba County. THIS DEED, Made this 30th day of September, 1978, by and between Colony House Furniture, Inc.

a Corporation of Catawba County and State of North Carolina, hereinafter called Grantor, and ACCENT INDUSTRIES, INC., West H St., Newton of Catawba County and State of North Carolina, hereinafter called Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has given, granted, bargained, sold and conveyed, and by these presents does give, grant, bargain, sell, convey and confirm unto the Grantee, his heirs and/or successors and assigns, premises in Newton Township, Catawba County, North Carolina, described as follows:

FIRST TRACT: Lying East of the City of Newton. BEGINNING at a stake, the intersection of Houck Road and Ann Avenue (in the George L. Rowe Subdivision); extending thence with the margin of Houck Road North 47°57' West 200 feet to a stake in the margin of Houck Road which point is South 47°57' East 200 feet from the intersection of Houck Road with the center line of the Southern Railroad; thence two new lines as follows: South 31°40' West 200 feet to a stake; thence South 47°57' East 200 feet to a stake on the margin of Ann Avenue; thence with the said Ann Avenue, North 31°40' East 200 feet to the point of BEGINNING, containing 0.92 of an acre, more or less.

SECOND TRACT: BEGINNING at an iron pin in the present Southwest corner of the lands of Seagle, and runs thence with the present southern line of Seagle South 47°57' East 230 feet to a point in the center of Ann Avenue; thence with the center line of Ann Avenue, South 31°40' West 192 feet to a point in the center of Ann Avenue, a new corner; thence a new line North 47°57' West 230 feet to an iron pin, a new corner; thence a new line North 31°40' East 192 feet to the BEGINNING. Containing one (1) acre.

For reference to chain of title, see deed dated October 11, 1974 from C.A. Cloninger, Jr. to William J. Seagle and wife, Joyce L. Seagle, recorded in Book 1060 on Page 316 in the Office of the Register of Deeds of Catawba County, North Carolina. Also see Deed Book 1117 at Page 567, Catawba County Public Registry.

But this conveyance is made subject to that certain prior Deed of Trust dated August 19, 1977, from Colony House Furniture, Inc. to Richard A. Williams, Trustee, securing an indebtedness to First National Bank of Catawba County, Newton, N.C., in the principal sum of \$150,000.00, which said Deed of Trust is recorded in Book 1140 at Page 915 in the Office of the Register of Deeds of Catawba County, N.C., and the parties of the second part by the acceptance of this Deed assume and agree to pay the Note secured by said Deed of Trust, all in accordance with the terms and conditions of said Note and Deed of Trust.

Rev. \$119.00

The above land was conveyed to Grantor by See Book No. Page TO HAVE AND TO HOLD The above described premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantee, his heirs and/or successors and assigns forever. And the Grantee covenants that he is seized of said premises in fee, and has the right to convey the same in fee simple; that said premises are free from encumbrances (with the exceptions above stated, if any); and that he will warrant and defend the said title to the same against the lawful claims of all persons whatsoever.

When reference is made to the Grantor or Grantee, the singular shall include the plural and the masculine shall include the feminine or the neuter. IN WITNESS WHEREOF the Grantor has caused this deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

SEAL of COLONY HOUSE FURNITURE, INC. By: James E. Blount, Secretary, President

STATE OF NORTH CAROLINA, Catawba County. I, Sandra H. Williams, a notary public, do hereby certify that William J. Seagle personally came before me this day and acknowledged that he is Secretary of Colony House Furniture, Inc. and that, by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary. Witness my hand and official seal this 6th day of October, 1978. My Commission expires: 1-16-83 Sandra H. Williams, Notary Public

STATE OF NORTH CAROLINA, CATAWBA COUNTY. The foregoing certificate(s) of Sandra H. Williams, Notary Public of Catawba County, N.C. is (are) certified to be correct. This instrument was presented for registration this 9th day of October, 1978, at 11:10 A.M., P.M., and duly recorded in the office of the Register of Deeds of Catawba County, North Carolina, in Book 1181, Page 597.

On the 9th day of Oct., A.D., 1978. RUTH MACKIE, Register of Deeds. This Deed drawn by Richard A. Williams, Attorney, P.O. Box



Zoom In

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Identify

Select by

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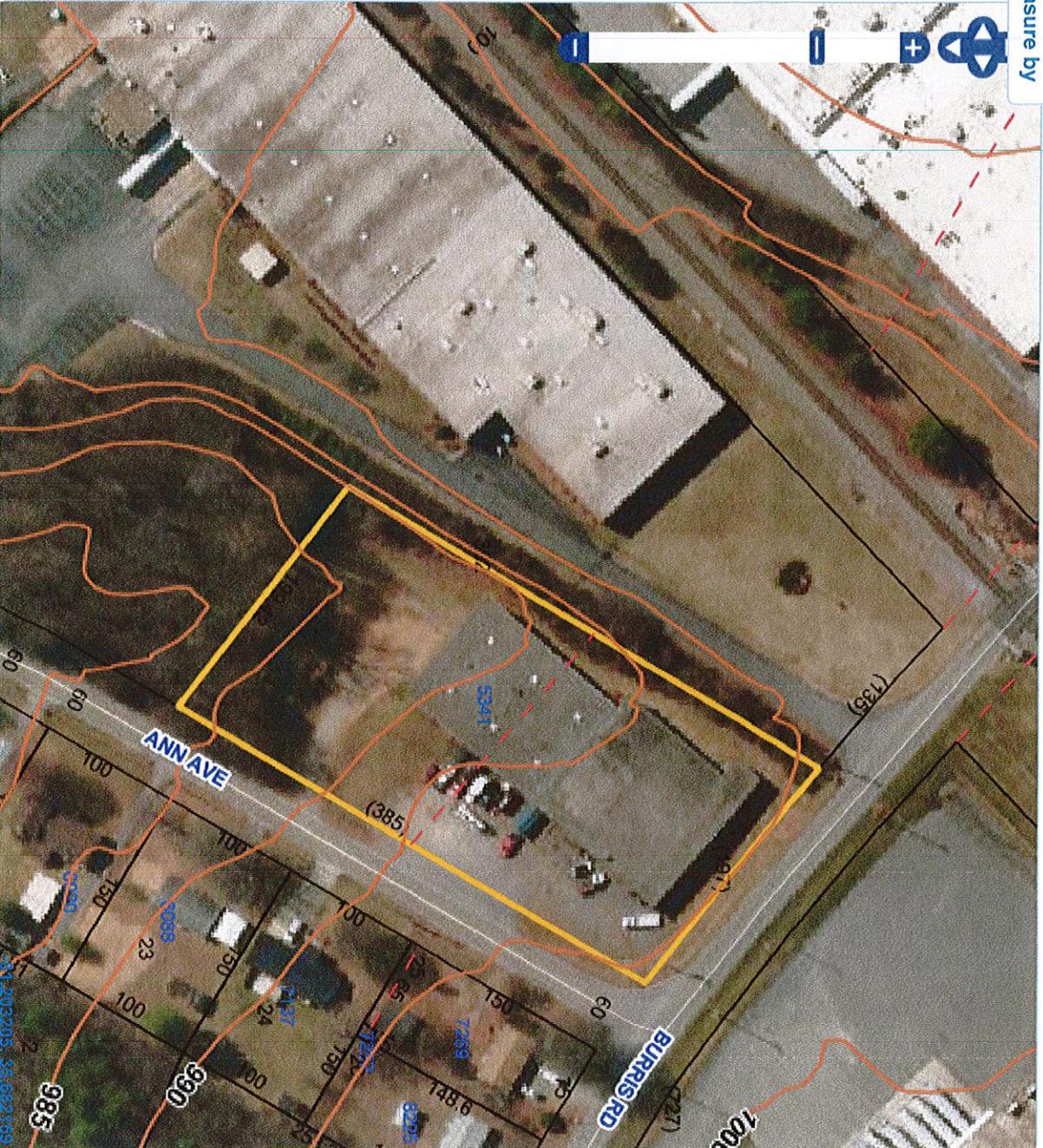
Search

Last Search

Search by

- Address
 - Owner Name
 - Owner Name (any portion)
 - Subdivision
 - Parcel ID
 - LRK/REID
 - Plat
 - Book/Page
 - Business/Landmark
- [help](#)

Measure by



Print Scale:
1in=150ft

Parcel ID:
374119505341
LRK/REID: 34423
230 ANN AVE
NEWTON, 28658
ACCENT
INDUSTRIES, INC
Parcel Report
List all owners
Deed History Report
Assessment Report
[google](#) [bing](#) [osm](#)

Map Layers

- Selected
- Parcels
- Parcel Dimensions
- 4 Digit Pinc
- Lot #
- Misc. Lines
- Aerial 2014
- Aerial 2010
- Structures
- Addresses
- Contours

[Quick Tips/Help](#)
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Parcel Report - Catawba County NC

Parcel Information:

Parcel ID: 374119505341
Parcel Address: 230 ANN AVE
City: NEWTON, 28658
LRK(REID): 34423
Deed Book/Page: 1181/0597
Subdivision:
Lots/Block: /
Last Sale:
Plat Book/Page:
Legal:
Calculated Acreage: 1.730
Tax Map: 061N 01001B
Township: NEWTON
State Road #: 1746

Tax/Value Information: Tax Rates(pdf)

City Tax District: NEWTON
County Fire District: All in City
Building(s) Value: \$230,100
Land Value: \$75,400
Assessed Total Value: \$305,500
Year Built/Remodeled: 1955/
Current Tax Bill

Miscellaneous:

Building Permits for this parcel.
Building Details
WaterShed:
Voter Precinct: P25
Parcel Report Data Descriptions

List all Owners

Owner Information:

Owner: ACCENT INDUSTRIES INC
Owner2:
Address: 1425 BRENTWOOD DR
Address2:
City: NEWTON
State/Zip: NC 28658-3604

School Information:

School District: NEWTON CONOVER
Elementary School: NORTH NEWTON
Middle School: NEWTON CONOVER
High School: NEWTON CONOVER
School Map

Zoning Information:

Zoning District: NEWTON
Zoning1: EM-1
Zoning2:
Zoning3:
Zoning Overlay:
Small Area:
Split Zoning Districts: /
Zoning Agency Phone Numbers

Firm Panel Date: 2007-09-05
Firm Panel #: 3710374100J
2010 Census Block: 1071
2010 Census Tract: 011300
Agricultural District:

Deed History Report

Assessment Report

Assessment Report - Catawba County NC as of January current year

Property Assessment Information:

Card: 1 of 1 Class: 1

Parcel Information:

Parcel ID: 374119505341
 Property Address: 230 ANN AVE
 LRK(REID): 34423

Revaluation Date: January 1, 2015
 Next Previous Card

Owner Information:
 Name: ACCENT INDUSTRIES INC
 Name2:
 Address: 1425 BRENTWOOD DR
 City/State/Zip: NEWTON, NC 28658-3604

Assessment Information:

Market Building(s) Value: \$230,100
 Total Market Value: \$305,500

Market Land Value: \$75,400
 Use Total Value: \$0

Sales Data:

Date: 1978-09-01

Type: LAND & BLDG

Price: \$119,000

Source: FEE

Validity: NOT OPEN MARKET

Property Factors:

Topography: LEVEL

Utilities: ALL PUBLIC

Street or Road: PAVED

Building Permit Data:

Issue Date

Number

Amount

Purpose

Notes: Note 1: LAURENT LEATHER

General Building Data

Building #: 1

Units: 1
 Year Built: 1955

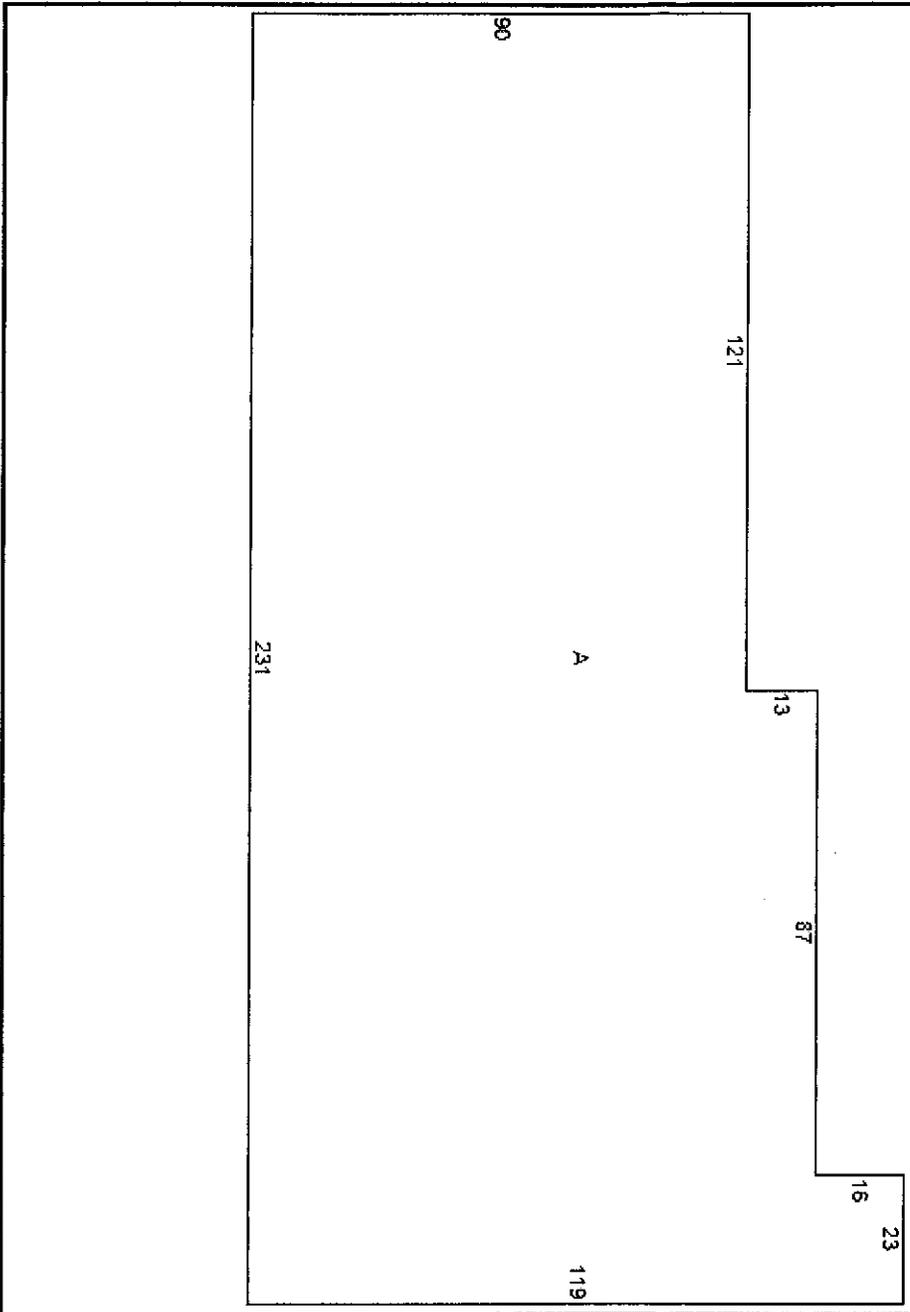
Type: MANUF PROCESSING

Interior-Exterior Description

Levels	Use Type	Ht	Walls	Construction	Heating	Air Cond	Size
B1 to B1	MULTI-USE STORA	12	BRICK/STUCCO	FIRE RESIST.	HOT AIR	NONE	10892
01 to 01	LIGHT MANUFACTUR	12	BRICK/STUCCO	FIRE RESIST.	HOT AIR	NONE	22598
E1 to E1	ENCLOSURE	9	ENCLOSURE	WOOD FRAME	HOT AIR	CENTRAL	1650

Last Update: 2015-03-20

ID Code	Description	Area
A 44	LIGHT MANUFACTURING	22588



Parcel ID: 374119505341 Card: 1 Footprint Structure Codes Download Sketch

* The square footage of houses having excessive cathedral ceiling areas may exceed actual square footage. This is considered in the final reconciliation of value. Independent verification of all data in this report is recommended.

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

ORDINANCE _____

**ORDINANCE AMENDING OFFICIAL ZONING ATLAS
(Accent Industries, Inc.)**

WHEREAS, the City of Newton City Council, at a scheduled public hearing on September 6, 2016 reviewed a request from Melissa Sigmon on behalf of Accent Industries, Inc. for rezoning of property from an EM-1 Exclusive Manufacturing Zoning Classification to M-1 General Manufacturing Zoning Classification; and

WHEREAS, the public hearing was duly held as scheduled, advertised, and posted; and

WHEREAS, the City of Newton Planning Commission and the City of Newton City Council found the request to be consistent with the current land use plan for the area:

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

Section 1: The Property is a 1.73 acre parcel located at 230 Ann Avenue, also known as Catawba County Pin #3741-19-50-5341.

Section 2: The Zoning Atlas and records of the City are hereby amended to show the foregoing changes and amendments.

Section 3: This ordinance shall become effective from and after its adoption.

Adopted this 6th day of September, 2016.

Anne P. Stedman, Mayor

ATTEST:

Amy Falowski, City Clerk

(SEAL)

**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

DATE: September 2, 2016

TO: Mayor Anne Stedman and Newton City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: Creation of a Storm Water Enterprise

Approved for Council Consideration



Background:

The City of Newton and other municipalities across the country have been responsible for the maintenance and control of storm water control systems for many years. In accordance with the Federal Clean Water Act of 1972 and subsequent amendments, the City of Newton was required to comply with a state issued Storm Water Permit that was first issued in 2005. The provisions set forth in the issued permit are intended to protect water quality, ensure the public health, and safeguard the natural environment from harmful pollutants.

In order to comply with the mandates of the Clean Water Act, the City of Newton expends approximately \$425,000 each year for compliance purposes. Approximately \$225,000 of this cost is expensed through the Powell Bill and \$200,000 through the General Fund. Unfortunately, neither the Federal Government nor the State of North Carolina has provided any form of revenue to support the program. In fact, the City has been forced to absorb the full cost of the program using funds that were previously used to support other service delivery areas.

In response to the rising cost of compliance, the city staff reported to City Council that some jurisdictions are turning to the creation of storm water enterprises to help fund the cost of this federally mandated program. Additionally, the staff sought approval from the Council to appropriate \$100,000 in the FY 2017 budget to fund engineering studies leading to the creation of a storm water enterprise. In response, the Council authorized \$100,000 in the FY 2017 budget but with the caveat that City Council take up the idea for further discussion before final authorization was granted. Consequently, a workshop was held on August 2, 2016, at which time the staff provided a report to City Council. At the conclusion of the workshop, members of City Council asked for the matter to be placed on an upcoming City Council agenda for consideration.

Action Suggested:

The staff respectfully asks for direction from City Council concerning the procurement of engineering services leading to the creation of a storm water enterprise that includes a public fee structure designed to recover costs associated with the implementation of permits issued pursuant to mandates from the state and federal government.

CITY OF NEWTON REQUEST FOR COUNCIL ACTION

DATE: August 30, 2016

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Adopt changes to the Code of Ordinances to add, Chapter 54 – Motor Vehicles and Traffic: Article VIII – Golf Carts.

Approved for Council Consideration



Background:

On August 2, 2016, City Council was presented a power point presentation concerning the use of golf carts on city streets. Council was advised that current state statute allows municipalities to create their own ordinance to address the operation of golf carts on local streets and roadways with certain restrictions such as age of the operator begin a minimum of 16 and operation on streets with a speed limit of 35 MPH or less. Council then gave direction to Chief Brown seeking the creation of a golf cart ordinance for the City of Newton.

Summary:

Based upon review of other municipal golf cart ordinances from across the state, staff has created an ordinance that addresses both compliance and operation. The recommended golf cart ordinance also contains language to address registration and inspection of each golf cart. The recommended initial registration fee is \$50.00 to include a safety inspection and issuance of a registration plate. Annual registration renewal will be \$20.00 for inspection and registration plate. The new ordinance will bring the city in line with other municipalities in our area and across the state in addressing the safe use of golf carts on local streets and roadways.

Requested Action:

Motion to approve and adopt new ordinance Chapter 54 – Motor Vehicles and Traffic: Article VIII – Golf Carts.



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

JANUARY 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

FEBRUARY 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

MARCH 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

APRIL 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

MAY 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

JUNE 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

JULY 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

AUGUST 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

SEPTEMBER 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

OCTOBER 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

NOVEMBER 2017



CITY OF NEWTON
 NORTH CAROLINA
 GOLF CART
 ANNUAL INSPECTION

DECEMBER 2017

ARTICLE VIII. - GOLF CARTS

Sec. 54-270. - Purpose, disclaimer, and assumption of risk.

- (a) The purpose of this article is to provide a means of travel that is convenient, cost-effective, and energy efficient. In order to promote the safety of drivers, passengers, and the general public in the City of Newton, the operation of golf carts must comply with applicable state laws and City of Newton regulations pertaining to the operation of traditional motor vehicles, and must also comply with the specific provisions included in this article.
- (b) Golf carts are not designed for nor manufactured to be used on public streets and the City of Newton neither advocates nor endorses the golf cart as a safe means of travel on public streets. The City of Newton shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.
- (c) Any person who owns, operates, or rides on a golf cart on a public street within the City of Newton does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.
- (d) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal limits or on any property owned or leased by the city.
- (e) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway."

(NCGS § 160A-300.6)

Sec. 54-271. - Golf cart, golf cart operator defined.

- (a) A golf cart is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) mph. A golf cart operator refers to the individual driving or in physical control of a golf cart that is moving or has its key inserted and in the on position.
- (b) "Conventional golf cart" means either a fleet golf cart or a personal golf cart.
- (c) "Fleet golf cart" means a golf cart used solely to carry one or more people and golf equipment to play golf. These are sold to golf courses.
- (d) "Personal golf cart" means a golf cart used to carry one or more people and may carry golf equipment to play golf. These are sold to individual people who may use them to travel on public roads to and from golf courses and to play golf, to travel on public roads on purposes unrelated to golf, or for all of these purposes.

(49 CFR Part 571)

Sec. 54-272. - Operation of golf carts permitted.

- (a) The operation of golf carts on public streets with a posted speed limit of thirty-five (35) mph or less within the City of Newton and on property owned or leased by the City of Newton in compliance with the provisions of this article shall be permitted. However, it shall be unlawful to operate any golf cart that is not properly registered with and permitted by the City of Newton or to operate any golf cart at any place or in any manner not authorized herein.
- (b) The operation of golf carts in the following circumstances is exempt, and is not subject to the provisions of this article:
 - (1) The operation of golf carts on private property, with the consent of the owner,
 - (2) The operation of golf carts on private streets,
 - (3) The use of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and provided the golf cart is only used during such event, and
 - (4) The use of golf carts by City of Newton personnel, other governmental agencies, and/or public service agencies on official business.

Sec. 54-273. - Golf carts do not qualify as electric personal mobility devices.

- (a) Golf carts do not qualify as electric personal mobility devices designed to assist handicapped or elderly individuals. All golf carts operated in the City of Newton on public streets must be properly registered with and permitted by the City of Newton.

Sec. 54-274. - Fee.

- (a) There shall be paid at the time of filing for golf cart registration a fee of \$50.00.
- (b) There shall be paid annually at the time of inspection and registration renewal a fee of \$20.00

Sec. 54-275. - Registration and permit requirements.

- (a) No golf cart may be operated on any public street within the City of Newton or on any property owned or leased by the City of Newton unless the golf cart has first been registered with the City of Newton and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.
- (b) The owner shall complete an application provided by the City of Newton and the golf cart shall be inspected by the City of Newton Police Department for compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart. To evidence the registration, the owner shall be issued a unique license plate and annual registration decal which shall be displayed on the rear of the golf cart. The city council may establish, and amend from time to time, an annual registration fee for golf carts.

(c) In order to register a golf cart and secure an annual permit, the owner and golf cart must meet the following basic requirements:

- (1) The owner must be at least eighteen (18) years old and possess a valid driver's license,
- (2) The owner must possess and maintain liability insurance in an amount not less than required by state law for traditional motor vehicles operated on public streets in the state,
- (3) The golf cart must not have been modified to exceed a speed of twenty (20) mph, and
- (4) The golf cart must have an identifiable identification number.

(d) In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:

- (1) Two (2) operating front headlights, visible from a distance of at least two hundred fifty (250) feet,
- (2) Two (2) operating tail lights, with brake lights and turn signals, visible from a distance of at least two hundred fifty (250) feet,
- (3) A rear vision mirror,
- (4) At least one (1) reflector per side,
- (5) A parking brake,
- (6) A windshield, and
- (7) Must be limited to a maximum of three (3) rows of seats.

(e) Prior to the issuance of an initial permit or annual renewal, the City of Newton Police Department shall inspect the golf cart for compliance with the requirements of this article. No golf cart shall be registered and permitted unless it is in compliance with all requirements.

(f) Prior to the issuance of an initial permit or annual renewal, the owner shall sign an acknowledgment that he/she has read and understands the provisions of this article.

(g) All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles which are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of a golf cart may not be registered as a golf cart under this article nor shall such vehicles be operated on public streets within the City of Newton, unless such vehicles are registered and permitted under the motor vehicle laws of the state.

Sec. 54-276. - Standards of operation.

(a) It is unlawful to operate a golf cart on a public street within the City of Newton unless the following requirements are met:

- (1) A golf cart must display a valid City of Newton issued golf cart license plate and annual registration decal.
- (2) A golf cart may be operated on all public streets in the City of Newton, with the exception of the entire length of US 321, US 70, NC 10 and NC 16. Golf carts shall be allowed to operate on those portions of NC 10 and NC 16 that are posted at a speed limit of 35 mph or lower. Golf carts are permitted to cross directly in a straight line from one side of US 321 and to the other side.
- (3) No person may operate a golf cart unless that person is at least eighteen (18) years of age and is licensed to drive upon the streets, roads, and highways of the state and then, only in accordance with such driver's license. An operator of a golf cart must be a licensed driver as required by the laws of their home state. The operator must have the valid driver license in his/her possession while operating the golf cart. The operator must be a resident, property owner, authorized guest, or tenant of property with a physical address in the City of Newton.
- (4) The driver and passengers must be properly seated while the golf cart is in motion, and may not be transported in a negligent manner. The seating capacity shall not be exceeded.
- (5) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than twenty (20) miles per hour.
- (6) No golf cart may be operated in a careless or reckless manner.
- (7) Golf carts must be operated in accordance with all applicable state and local traffic laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and consumption of alcoholic beverages.
- (8) Golf carts are subject to the same parking regulations as traditional motor vehicles, and may only be parked in the same manner and in the same places designated for the parking of traditional motor vehicles.
- (9) Golf carts are permitted to park in specially designated "golf-cart-only" parking spaces as may be provided by the City of Newton in various locations.
- (10) Golf carts may only park in handicapped parking spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.
- (11) Golf carts may not be operated on any sidewalk or bicycle path, except for golf carts operated by governmental or public service agencies for official purposes.
- (12) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.
- (13) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited.

(14)The operator of a golf cart shall yield the right-of-way to traditional motor vehicles.

Sec. 54-277. - Penalties and remedies.

- (a) Any person violating the motor vehicle laws of the state, which shall also apply to golf carts registered under this article, shall be subject to the penalties prescribed in state law for said violation.
- (b) Any person who knowingly allows an underage driver to operate a golf cart shall be charged and subject to the penalties prescribed in state law for contributing to the delinquency of a minor.
- (c) Any person violating the provisions of this article or failing to comply with any of its requirements shall be required to pay a civil violation in the amount of fifty dollars (\$50.00).
- (d) Any person violating the City of Newton's parking ordinances shall be subject to the penalties outlined for parking violations in this chapter.
- (e) Operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public street is a violation of state law, and is punishable as provided therein.

The City of Newton may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is involved in three (3) or more violations of this article and/or violations of state law within a three-year time period. Said revocation and/or denial of a permit shall be effective for one (1) year.

The City of Newton may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and reckless manner. Said revocation and/or denial of a permit shall be effective for one (1) year, unless the charge is dismissed or the owner and/or operator is acquitted, in which event the permit shall either be immediately reinstated or the application for the permit shall be approved if the conditions of the ordinance have been met.

All revocation periods shall be effective from the date of the notification of revocation letter, provided that the revoked registration plate is surrendered to the police department within fourteen (14) days of the date of notification. If the revoked registration plate is not surrendered within fourteen (14) days, then the revocation shall be effective, however the one (1) year period shall not begin until the date the plate is surrendered to, or seized by, the police department.

(Reference § 20-138.1. Impaired driving. § 20-4.01. Definitions.)



CITY OF NEWTON
GOLF CART SAFETY INSPECTION FORM

Owner Name: _____ Owner Phone #: _____

Owner Address: _____

Golf Cart Make: _____ Golf Cart Serial #: _____

(Check One)

Inspection Item	Pass	Fail	Comments (All marks of "fail" should be explained in detail in the areas below):
Two operating front headlights visible from a distance of at least 250 ft.			
Two operating tail lights visible from a distance of at least 250 ft.			
Two operating brake lights visible from a distance of at least 250 ft.			
Two operating turn signals visible from a distance of at least 250 ft.			
Rear Vision Mirror			
Reflectors (at least one per side)			
Parking brake.			
Windshield.			
Does not exceed three rows of seats:			

I certify that I have conducted an inspection of the above referenced vehicle and that the conditions of the Inspection Items are accurately reported.

Inspector's Printed Name

Inspection Date

Inspector's Signature

Golf carts shall not be licensed or operated if any inspection item fails, until such time as the inspection item has been repaired by a qualified technician. A copy of the repair bill must be attached to this inspection form as proof of correction.



CITY OF NEWTON

GOLF CART PERMIT DECAL AND REGISTRATION APPLICATION

GC-1 (Rev. 9/16)



Select the service type below:

- First-time Applicant \$50.00 – the Golf Cart is not currently registered
Renewal \$20.00 – Golf Cart annual registration renewl

GOLF CART IDENTIFICATION

Table with 3 columns: Vehicle Identification Number (if applicable), Make, Year Make

OWNER INFORMATION

I certify that this golf cart is owned by:

Table with 3 columns: Owner Complete Legal Name (Last, First, Middle), NC Customer Number, Driver License Number; Co-Owner Complete Legal Name (Last, First, Middle), Co-Owner NC Customer Number, Co-Owner Driver License Number

Residential Street Address:

Table with 3 columns: City, State, Zip Code

Additional Operating Address:

Table with 3 columns: City, State, Zip Code

INSURANCE CERTIFICATION

Under penalties of perjury, I declare this vehicle is insured with the company named below and I will maintain liability insurance throughout the registration period.

Name of Insurance Company; Signature of Owner; Date

OPERATING RESTRICTIONS

- Operator must have a valid driver's license and must be at least eighteen years of age.
The driver's license must be in the operator's possession.
May be driven on a highway or street for which the posted speed limit is thirty-five miles an hour or less.
May cross a highway or street at the most direct route where the highway has a posted speed limit of more than thirty-five miles an hour.
Upon sale of the golf cart, immediately notify the City of Newton Police Department in writing giving the name and address of the new owner, with date of sale.
Remove the assigned permit decal from the golf cart upon sale.

Owner's Signature; Date

DO NOT WRITE IN THIS SPACE

Officer Name; Officer Signature; Date of Issue

CITY OF NEWTON FEES & CHARGES
POLICE DEPARTMENT
FISCAL YEAR 2016 – 2017

Police Report	No Charge
Finger printing (for other agencies)	\$ 10.00
Violation of Motor Vehicles and Traffic Ordinance	\$ 10.00
Parking over allowed time	\$ 10.00
Parking 25 ft. of street corner	\$ 10.00
Parking on left side of curb	\$ 10.00
Double Parking	\$ 10.00
Obstructing Traffic	\$ 10.00
Illegal use of Loading Zones, Bus Stops, and Taxi Stands	\$ 10.00
Parking at Entrance of Alley or Driveway	\$ 10.00
Parking more than 12" of curb	\$ 10.00
Parking in a non-parking space	\$ 10.00
Parking over white lines	\$ 10.00
Parking 15 ft. of fire hydrant	\$ 10.00
Parking on Sidewalk	\$ 10.00
Parking in a Leased Space	\$ 20.00
Parking in Handicap Space	\$ 100.00
Parking in or otherwise obstructing marked fire lanes except for unloading supplies or merchandise temporarily in a shopping center or mall parking lot while attended. (Fire inspectors are authorized to issue citations for violation of this provision while on duty.)	\$ 50.00
 <u>Golf Cart Registration</u>	
Registration	\$ 50.00
Annual Inspection and Registration Renewal	\$ 20.00