AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING
September 18, 2018
7:00 p.m.

Page 1. Call to Order – Mayor Anne P. Stedman
2. Opening – Council Member Anne Wepner
3. Approval of Minutes from the September 4, 2018 Regular Meeting
4. Consideration of Consent Agenda Items
   A. Tax Releases
   B. Sewer Adjustments
   C. Consideration of Budget Ordinance Amendment – Marketing and Branding
   D. Consideration of Budget Ordinance Amendment – Data Processing Equipment
   E. Consideration of Budget Ordinance Amendment – Water/Wastewater Fund Equipment
   F. Consideration of Resolution for Uniform Guidance Procurement Standards Policy Amendment
   G. Consideration of Resolution for Appointment of Deputy Finance Director
   H. Consideration of Resolutions to Recognize Planning Commission Members
5. Comments from the Public: (IF YOU WOULD LIKE TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS PLEASE SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):
6. Public Hearing
   A. Consideration of Rezoning by James River Equipment
7. Old Business
   A. Consideration of Ordinance Change – Golf Carts
8. New Business
   A. Consideration of Resolution in Support of a State Park
   B. Consideration of Amendment of FY 2019 Fees and Charges - Sanitation
9. City Manager’s Report
10. Questions and Comments From Mayor and Council
    A. Reports from Appointed Representatives on Outside Boards – Mayor Anne Stedman
11. Closed Session - Per North Carolina General Statutes 143-318.11(a)(6)
12. Adjournment

PERSONS WANTING TO SPEAK ON AN AGENDA ITEM MUST SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING. PERSONS WANTING TO BE PLACED ON THE AGENDA FOR THE NEXT MEETING MUST CONTACT THE CITY MANAGER AT LEAST SEVEN WORKING DAYS BEFORE THE MEETING.
MINUTES
REGULAR MEETING OF THE NEWTON CITY COUNCIL
September 4, 2018 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, September 4, 2018 at Newton City Hall.

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

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

ITEM 1: CALL TO ORDER

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

ITEM 2: OPENING Invocation and Pledge of Allegiance

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

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the August 7, 2018 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Tax Releases

B. Sewer Adjustments

C. Proclamation – Constitution Week, September 17-23, 2018

D. Consideration of Street Closure – Folk Art Festival, October 6, 2018

E. Consideration of Budget Ordinance Amendment for 2018 Water and Wastewater Financial Analysis and Rate Update

F. Consideration of Budget Ordinance Amendment for Contribution Received in Fiscal Year 2018

G. Consideration to Designate Mayor Anne Stedman as Voting Delegate, and Mayor Pro Tem John Stiver as the Alternate Voting Delegate at the NCLM Annual Conference

(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. Consideration of Special Use Permit for Bed & Breakfast

Planning Assistant Alex Fulbright stated that Mr. David Hayes, the applicant has filed an application for a special use permit for bed and breakfast at 603 N Main Ave. The 1.15 ac. site is also known as Catawba County Pin # 3647-13-24-0308. The property is zoned R-11 Single and Two Family Residential.

Mr. Fulbright stated the City’s zoning ordinance allows bed and breakfasts as a special use in the R-11 zoning district. A special use is a use that would not be appropriate generally without special study throughout the zoning district, but which if controlled by the number, size, location or relationship to the neighborhood, would promote the public health, safety, and welfare. Mr. Fulbright explained that the conditions that a special use permit for a Bed and Breakfast has to meet are as follows:

Sec. 102-462. - General standards.

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

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

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

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

(4) The use is in compliance with the general plans for the physical development of the city as embodied in these regulations. The board of adjustment or the council, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use.

Sec. 102-468. - Standards applicable to individual special uses.

In addition to the general standards contained in section 102-462, the following specific standards for individual special uses shall be used in deciding upon applications for special uses:

(2) Bed and breakfast operation. The following specific standards shall be used in deciding an application for these uses:

a. All required off-street parking shall be located outside of required yards. In addition to parking for the operator, one additional parking space per bedroom shall be provided.

b. The operators shall be full-time residents of the premises.

c. Signs shall be limited to one nonilluminated sign of not more than six square feet.

d. The serving of meals to transients shall be limited to breakfast only.
e. A permit must be issued to the operator for occupancy as a bed and breakfast inn by the county health department.

Mr. Fulbright stated that Mr. Hayes’s application includes a site plan and documentation to describe how he intends on complying with the City’s ordinance.

Mr. Fulbright stated that public notice for this case has been performed as follows:

Newspaper: published on August 22 & 29, 2018
Posted on-site: posted July 20, 2018
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. 18 letters were sent on August 23, 2018.

Mr. Fulbright stated that the Planning Commission found the request to be consistent with adopted land use plans and unanimously recommended approval to the City Council of this special permit as submitted.

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

That Public Hearing be – CLOSED

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

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

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

That 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.

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

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

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

That the use is in compliance with the general plans for the physical development of the city as embodied in these regulations. The board of adjustment or the council, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use.
ITEM 7: New Business

A. Consideration of Resolution Declaring Official Intent to Reimburse Expenditures for Distribution Automation

Public Works and Utilities Director Dusty Wentz stated that the approved FY 2018-2019 Budget includes $184,050 for the purchase of Distribution Automation equipment such as fiber materials, electronic reclosers and relay controls. Due to time constraints, staff is asking to move this project up due to the installation time on installing the fiber network and getting the communication protocols established. Mr. Wentz explained that by moving this forward, we will be able to use the fiber network to communicate with our generators faster and have a more stable environment for operation, and assist IT in some of their issues with cameras at the parks.

Mr. Wentz stated that staff recommends that City Council approve the attached resolution regarding the intent to reimburse expenditures related to purchase of Distribution Automation equipment.

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

That Resolution Declaring Official Intent to Reimburse Expenditures for Distribution Automation be – ADOPTED.

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

B. Consideration of Property Condemnation

Public Works and Utilities Director Dusty Wentz stated that staff has been working with the property owners of 740 Westside Dr. for approximately 12 months in an effort to obtain an easement to construct a storm water drainage ditch on the property. The property in question is unimproved. Currently, storm water runoff drains on top of a ditch cut by erosion directly on top of a sanitary sewer main located on the property line between 740 and 846 Westside Dr.

Mr. Wentz stated that the erosion on the sanitary sewer is in violation of the City’s Sewer Collection permit, which does not allow for exposed sanitary sewer except in very limited situations and that this location does not meet those exceptions. The condemnation will proceed as part of the City’s responsibility to health, safety and welfare.

Mr. Wentz stated that he, along with staff, the streets superintendent, and the City Attorney, have made multiple attempts to contact and discuss the easement with the property owners. So far all attempts and discussions have been unsuccessful.

Mr. Wentz explained that once the easement is filed, staff will complete the construction of the drainage ditch with minimal anticipated material costs and will also maintain the ditch as part of our normal operations.

Mr. Wentz stated that staff recommends council approve a motion “authorizing the institution of condemnation proceedings against Johnny Alan Hull to acquire an easement for a storm drainage ditch for protection of the adjacent gravity sewer main as shown on the exhibit attached to the easement agreement.”

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

That the institution of condemnation proceedings against Johnny Alan Hull to acquire an easement for a storm drainage ditch for protection of the adjacent gravity sewer main as shown on the exhibit attached to the easement agreement be – AUTHORIZED.
ITEM 8: City Manager’s Report

Meetings & Events

- September 5th, NCMPA1 Rate Committee Meeting
- Sept 19-21, NCLM – CityVision, Hickory Metro Convention Center
- September 20th – Host City
- September 25th – NCMPA1 Board of Commissioners Mtg
- Sept 26th, Water Treatment Plant Dinner and Tour with Energy United, 5:30 p.m. – 8:00 p.m.

Newton 101

- Session 1 - Sept. 13
- Session 2 - Sept. 20
- Session 3 - Sept. 27
- Session 4 - Oct. 4
- Session 5 - Oct. 11
- Session 6 - Oct. 18
- Session 7 - Oct. 25

Other Projects

- Reunion Week Information – Counts for the week
- West A Street Project – Finishing up design
- Lighting on Jacob Fork Ballfield to begin mid October
- Elevated Water tank
- Hwy 16, Buffalo Shoals Rd, Balls Creek Waterline Projects
- Recreation Department Report (hand out)
- Medical First Response Report

ITEM 9: Questions and Comments from Mayor and Council

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

Council Member Ed Sain gave a report on the Appearance Committee and the Recreation Commission.

Council Member Jody Dixon asked if staff would take a look at the golf cart ordinance, specifically concerning the permit for larger golf carts, and present something to council at the September 18 meeting.

ITEM 10: Closed Session – Per North Carolina General Statute 143-318.11(a)(6) and 143-318.11(a)(5)

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

That City Council enter CLOSED SESSION per General Statute 143-318.11(a)(6) and 143-318.11(a)(5)

Motion was then made by Council Member Jody Dixon, seconded by Mayor Pro Tem John Stiver to return to open session.

All ayes.
ITEM 11: Adjournment

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

That the Meeting be – ADJOURNED

________________________________________
Anne P. Stedman, Mayor

_____________________________
Amy S. Falowski, City Clerk
CITY OF NEWTON

Inter-office Correspondence

TO: E. Todd Clark, City Manager

DATE: September 11, 2018

RE: Tax Releases – August 2018

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.

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Tax Release Number</th>
<th>Name</th>
<th>Reason</th>
<th>Amount of Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>24</td>
<td>Brown, Carolyn N</td>
<td>Property sold rebilled correct owner</td>
<td>$265.41</td>
</tr>
<tr>
<td>2018</td>
<td>25</td>
<td>Byrd, Marcel D</td>
<td>Property sold rebilled correct owner</td>
<td>$507.06</td>
</tr>
<tr>
<td>2018</td>
<td>26</td>
<td>Byrd, Marcel D</td>
<td>Property sold rebilled correct owner</td>
<td>$750.06</td>
</tr>
<tr>
<td>2018</td>
<td>27</td>
<td>CIT Finance LLC</td>
<td>Value correction</td>
<td>$51.63</td>
</tr>
<tr>
<td>2018</td>
<td>28</td>
<td>Cranford, Charlotte T</td>
<td>Property sold rebilled correct owner</td>
<td>$252.99</td>
</tr>
<tr>
<td>2018</td>
<td>29</td>
<td>Dalrymple, Sharon M</td>
<td>Property reclassified elderly exemption classification</td>
<td>$950.94</td>
</tr>
<tr>
<td>2018</td>
<td>30</td>
<td>Newton Drug Co., LLC</td>
<td>Small underpayment</td>
<td>$0.26</td>
</tr>
<tr>
<td>2018</td>
<td>31</td>
<td>Ryder Truck Rental Inc.</td>
<td>Value appealed</td>
<td>$274.15</td>
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<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>2018</td>
<td>32</td>
<td>Smith, Barbara R</td>
<td>Property sold rebilled correct owner</td>
<td>$116.10</td>
</tr>
<tr>
<td>2018</td>
<td>33</td>
<td>Sprinkle, James A</td>
<td>Property tagged in another state</td>
<td>$213.03</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Name</th>
<th>Service Address</th>
<th>Adjustment Period</th>
<th>Amount of Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>48000840-001</td>
<td>Jackie Barlow</td>
<td>1720 N. Davis Ave</td>
<td>July</td>
<td>$ 19.99</td>
</tr>
<tr>
<td>2000330-001</td>
<td>Robert Gibbs Jr.</td>
<td>321 S. Church Ave</td>
<td>Aug</td>
<td>43.85</td>
</tr>
<tr>
<td>20001400-001</td>
<td>Eric W. Hasque</td>
<td>866 Ridge Dr</td>
<td>Aug</td>
<td>25.53</td>
</tr>
<tr>
<td>19000530-003</td>
<td>James Morgan</td>
<td>2745 Touchstone Cir</td>
<td>Aug</td>
<td>24.43</td>
</tr>
<tr>
<td>30000320-007</td>
<td>Faith M. Race</td>
<td>631 W. 12th St</td>
<td>Feb</td>
<td>90.30</td>
</tr>
</tbody>
</table>

Backup documentation to support each adjustment is on file in the Finance Department. Should you have questions or require further clarification, please notify.
DATE: September 12, 2018

TO: Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Budget Ordinance Amendment for Marketing and Branding Efforts.

Approved for Council Consideration

Background:

On August 7, 2018, City Council approved the carry forward of outstanding purchase orders for Fiscal Year 2018. The purchase order for the purchase of reflective vinyl signs and equipment decals related to the unveiling of the City’s new logo was inadvertently closed at year end in the amount of $12,613 in lieu of being carried forward.

The $12,613 reverted to fund balance at June 30, 2018; and, we are recommending approval to utilize those funds in Fiscal Year 2019 for their intended purpose of fulfilling the City’s marketing and branding efforts.

Action Suggested:

Motion to approve the attached Budget Ordinance Amendment to continue the City’s marketing and branding efforts.
ORDINANCE # 2018-30

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2018-2019 FOR THE CITY OF NEWTON

WHEREAS, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2018, and ending June 30, 2019, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, on August 7, 2018, the City of Newton City Council approved the carryforward of outstanding purchase orders for Fiscal Year 2018. Since that time, it has come to our attention that a portion of purchase order 2018-823 was inadvertently closed and should have been included in that carryforward process in the amount of $12,650. This purchase order is for reflective vinyl signs and equipment decals related to the unveiling of the City’s new logo; and,

WHEREAS, the unspent funds reverted to fund balance at June 30, 2018; and,

WHEREAS, the City of Newton City Council desires to appropriate fund balance and the related expenditure appropriation for the purchase of reflective vinyl signs and equipment decals; 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
   Fund Balance Appropriated 11-0000.3990 $12,650

General Fund Appropriations
   Marketing/Promotion 11-4120.6710 $12,650

Adopted this 18th day of September, 2018.

Anne P. Stedman, Mayor

Attest:

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

DATE: August 30, 2018

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Consideration of Budget Ordinance Amendment for Data Processing Equipment

Approved for Council Consideration

Background:

In July of 2018, the Newton Police discovered that the current telephone call logging system used to record both 911 radio and telephone communication was not functioning properly. As a result of the call logging system failure, 911 telephone recordings have been lost. This information is necessary during call response playback and valuable during criminal investigations. The current call logging system was installed approximately 5 years ago with no professional installation or annual support. Personnel from the Police Department, Information Systems and Purchasing staff have been meeting with vendors seeking replacement options for this system. Staff has selected a vendor that is currently used by Catawba County Emergency Communications and Hickory Police Department to provide a new call logging system to include annual maintenance and support.

The purchase of a new call logging system is currently an allowable expense for 911 funds. Staff is requesting the allocation of $19,000.00 from the Emergency Telephone System Fund Balance to General Fund Capital Outlay Data Processing for the purchase of a new call logging system.

Summary:

Allocate $19,000.00 from the Emergency Telephone System Fund Balance to the current fiscal year General Fund Capital Outlay Data Processing for the purchase of a new call logging system.

Requested Action:

Motion to adopt the attached budget ordinance to authorize additional expenditures from the Emergency Telephone System Fund.
AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES
FOR FISCAL YEAR 2018-2019 FOR THE CITY OF NEWTON

WHEREAS, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal
year beginning July 1, 2018, and ending June 30, 2019, in accordance with the General Statutes of
the State of North Carolina; and

WHEREAS, City Council desires to purchase a new telephone call logging system
utilizing funds from the Emergency System Telephone Fund. And, the call logging
system is an allowable expenditure of the Emergency System Telephone Fund. The
City’s current telephone call logging system used to record both 911 radio and telephone
communication in no longer functioning properly; and,

WHEREAS, the City of Newton City Council desires to appropriate fund balance and
the related expenditure appropriation for a new telephone call logging system from the
Emergency Telephone System Fund; and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY
APPROVED.

<table>
<thead>
<tr>
<th>Emergency System Telephone System Fund Revenues</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance Appropriated</td>
<td>23-0000.3990</td>
</tr>
<tr>
<td></td>
<td>$19,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Emergency System Telephone System Fund Appropriations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital outlay – Data Processing Equipment</td>
<td>23-4310.8200</td>
</tr>
<tr>
<td></td>
<td>$19,000</td>
</tr>
</tbody>
</table>

Adopted this 18th day of September, 2018.

Anne P. Stedman, Mayor

Attest:

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

DATE: September 13, 2018

TO: E. Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Budget Ordinance Amendment for Equipment Attachments

Approved for Council Consideration

Background:

The City’s annual financing in Fiscal Year 2018 included the purchase of a Kubota Mini-Excavator for the Water/Wastewater Fund. Borrowed funds are based on bids, State Contract or Co-op amounts obtained prior to financing. With this particular piece of equipment, the City borrowed $112,919 based on NJPA Co-op. A required change in the equipment specifications ended up being in the favor of the City with a savings of $5,500.

In an effort to close out those borrowed funds, we would like to recommend utilization of those savings to purchase attachments for the Kubota Mini-Excavator: a 36” trench bucket which will help with job efficiency when digging out large pipe and manholes and an 18” trench bucket which will increase productivity by reducing the utilization of hand shovels. The standard bucket size is 24”. The total amount for these two trench buckets is $4,664.

Action Suggested:

1) Adopt the attached Budget Ordinance Amendment to utilize savings from financing proceeds related to the purchase of the Kubota Mini-Excavator.
ORDINANCE # 2018-31

AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2018-2019 FOR THE CITY OF NEWTON.

WHEREAS, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2018 and ending June 30, 2019, in accordance with the General Statutes of the State of North Carolina; and

WHEREAS, City Council desires to approve the utilization of savings from our Fiscal Year 2018 financing which is related to the purchase of the Kubota Mini-Excavator. There is a savings of $5,500 which will be used for the purchase of a 36” trench bucket and an 18” trench bucket. These two trench buckets have been quoted at $4,664; and,

WHEREAS, the City Council desires to appropriate fund balance and to authorize the related expenditure appropriation within the Water/Wastewater Fund.

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.

| Water/Wastewater Fund Revenues | Fund Balance Appropriated | 61-0000.3995 | $4,700 |
| Water/Wastewater Fund Appropriations | Non-Capital | 61-7100.7900 | $4,700 |

Adopted this 18th day of September, 2018.

____________________________
Anne P. Stedman, Mayor

Attest:

____________________________
Amy S. Falowski, City Clerk
DATE: September 13, 2018

TO: E. Todd Clark, City Manager

FROM: Serina T. Hinson, Finance Director

CONSIDERATION OF: Uniform Guidance Procurement Standards Policy Amendment

On June 19, 2018, City Council adopted the Uniform Guidance Procurement Standards Policy which was required to be in place by July 1, 2018. On June 20, 2018, the Office of Management and Budget (OMB) released an addendum. Those changes are as follows:

- Micro Purchase Threshold has increased from $3,500 to **$10,000**
- Simplified Acquisition Threshold increased from $150,000 to **$250,000**

Unless the City adopts the amendment, the City would continue to be subject to the most restrictive guidelines adopted on the June 19 policy despite the increase in the thresholds authorized by the OMB. Therefore, the recommendation is to increase the thresholds noted above to be consistent with federal law.

**Background:**

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

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

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

**ACTION SUGGESTED:**

Motion to approve the attached Resolution approving the Amendment to the Uniform Guidance Policy for the City of Newton.
Resolution # 31-2018

Resolution on Uniform Guidance Procurement Standards Policy Amendment
(Becomes Part of Purchasing Policy)

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

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

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

WHEREAS, City Council adopted the Uniform Guidance Procurement Policy on June 19, 2018 which was effective July 1, 2018; and,

WHEREAS, on June 20, 2018, the Office of Management and Budget (OMB) released an addendum as follows: increase thresholds for the Micro Purchase from $3,500 to $10,000 and for the Simplified Acquisition from $150,000 to $250,000; and,

NOW, THEREFORE BE IT RESOLVED by the governing body of the City of Newton, North Carolina in its regular session duly assembled, that it does hereby adopt the Amendment to the Uniform Guidance Procurement Standards Policy which will become part of the City’s Purchasing Policy.

Adopted this 18th day of September, 2018.

______________________________
Anne P. Stedman,, Mayor

______________________________
Amy S. Falowski, City Clerk
DATE: September 12, 2018

TO: Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Resolution for Appointment of Deputy Finance Director

Approved for Council Consideration

Background:

By North Carolina General Statute 159-25, the Finance Director is responsible for the City’s financial affairs. Examples of a Finance Director’s duties under these statutes include:

• Keep the accounts of the City in accordance with generally accepted principles of governmental accounting;
• Disburse all funds of the City in strict compliance with this statute, the budget ordinance, and each project ordinance;
• Prepare and file with the City Council a statement of financial condition of the City;
• Pre-audit obligations and disbursements;
• Receive and deposit all monies accruing to the City;
• Supervise the receipts and deposit of money by other duly authorized officers/directors or employees;
• Supervise the investment of idle funds and maintain the City’s debt obligations;
• Sign all checks and drafts; and,
• Perform such other duties as may be assigned by law, the city manager or governing board.

North Carolina General Statute allows the City Council to designate a Finance staff member as a Deputy Finance Director to execute documents in the absence of the Finance Director.

The Assistant Finance Director position already includes the responsibility of serving in the absence of the Finance Director; therefore, the recommendation is to appoint Kelsie Mease to serve in the capacity of Deputy Finance Director in the absence of the Finance Director.

Action Suggested:

Motion to approve the attached Resolution Appointing Deputy Finance Director for the City of Newton.
Resolution # 30-2018
City of Newton
Resolution Appointing Deputy Finance Director

WHEREAS, By North Carolina General Statute 159-25, the Finance Director is responsible for the City’s financial affairs. Examples of a Finance Director’s duties under these statutes include:

- Keep the accounts of the City in accordance with generally accepted principles of governmental accounting;
- Disburse all funds of the City in strict compliance with this statute, the budget ordinance, and each project ordinance;
- Pre-audit obligations and disbursements;
- Receive and deposit all monies accruing to the City;
- Supervise the receipts and deposit of money by other duly authorized officers/directors or employees;
- Supervise the investment of idle funds and maintain the City’s debt obligations;
- Sign all checks and drafts; and,
- Perform such other duties as may be assigned by law, the city manager or governing board; and,

WHEREAS, North Carolina General Statute allows the City Council to designate a Finance staff member as a Deputy Finance Director to execute documents in the absence of the Finance Director; and,

WHEREAS, the Assistant Finance Director position already includes the responsibility of serving in the absence of the Finance Director; and,

WHEREAS, City Council desires to appoint Kelsie Mease, current Assistant Finance Director, to serve in the capacity of Deputy Finance Director in the absence of the Finance Director for the City of Newton.

Adopted this 18th day of September, 2018.

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk
RESOLUTION -2018
CERTIFICATE OF APPRECIATION
CITY OF NEWTON
14 YEARS OF SERVICE

WHEREAS, KEN SIMMONS HAS SERVED THE CITY OF NEWTON AS A COMMITTED AND DEDICATED MEMBER OF THE PLANNING COMMISSION FOR THE CITY OF NEWTON FOR THE PAST FOURTEEN YEARS; AND

WHEREAS, NINE OF THESE YEARS WERE SEVERED AS CHAIRMAN OF THE BOARD; AND

WHEREAS, THESE YEARS OF SERVICE HAVE BEEN MARKED BY EXEMPLARY PARTICIPATION VITAL FOR THE SUSTAINABLE OPERATION OF THE BOARD; AND

WHEREAS, HIS YEARS OF SERVICE HAVE BEEN CHARACTERIZED BY A COMMITMENT TO IMPROVE THE COMMUNITY IN WHICH HE LIVES AND THE PUBLIC HE HAS SERVED; AND

WHEREAS, HE REPRESENTED THE NEWTON COMMUNITY FAITHFULLY WITH CANDOR AND INTEGRITY THROUGH HIS WORK ON THE BOARD.

NOW, THEREFORE, BE IT RESOLVED, THE CITY OF NEWTON GRATEFULLY ACKNOWLEDGES AND COMMENDS KEN SIMMONS FOR HIS FOURTEEN YEARS OF FAITHFUL SERVICE TO THE PLANNING COMMISSION.


__________________________________
Anne P. Stedman, Mayor

__________________________________
Amy S. Falowski, City Clerk
RESOLUTION - 2018
CERTIFICATE OF APPRECIATION
CITY OF NEWTON
12 YEARS OF SERVICE

WHEREAS, MARK STALNAKER HAS SERVED THE CITY OF NEWTON AS A COMMITTED AND DEDICATED MEMBER OF THE PLANNING COMMISSION FOR THE CITY OF NEWTON FOR THE PAST TWELVE YEARS; AND

WHEREAS, THESE YEARS OF SERVICE HAVE BEEN MARKED BY EXEMPLARY PARTICIPATION VITAL FOR THE SUSTAINABLE OPERATION OF THE BOARD; AND

WHEREAS, HIS YEARS OF SERVICE HAVE BEEN CHARACTERIZED BY A COMMITMENT TO IMPROVE THE COMMUNITY IN WHICH HE LIVES AND THE PUBLIC HE HAS SERVED; AND

WHEREAS, HE REPRESENTED THE NEWTON COMMUNITY FAITHFULLY WITH CANDOR AND INTEGRITY THROUGH HIS WORK ON THE BOARD.

NOW, THEREFORE, BE IT RESOLVED, THE CITY OF NEWTON GRATEFULLY ACKNOWLEDGES AND COMMENDS MARK STALNAKER FOR HIS TWELVE YEARS OF FAITHFUL SERVICE TO THE PLANNING COMMISSION.


________________________________________
Anne P. Stedman, Mayor

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

DATE: September 12, 2018

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Rezoning Application #2018-01 as filed by James River Equipment

Approved for Council Consideration

Request:

Clyde Phillips representing James River Equipment has requested to rezone property located at 2612 & 2616 Northwest Blvd from R-20 Single Family Residential to B-4 General Business. The subject site includes 2 parcels, which consist of a 5.7 acre tract identified as Catawba County Pin 3731-16-83-1458 and a 2.61 acres tract identified as 3731-16-83-4417. 2612 Northwest Blvd is owned by Mark and Melissa McCloud and 2616 Northwest Blvd is owned by Rowe and Anita Bollinger. If approved James River Equipment will purchase the property and use for the sales, service, and repair of equipment and tractors.

Background:

Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>Subject(s)</th>
<th>ZONING</th>
<th>LANDUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-20 Single Family Residential</td>
<td>vacant</td>
</tr>
<tr>
<td></td>
<td>B-4 General Business</td>
<td>Single family homes and the former site of Slimline truck covers.</td>
</tr>
<tr>
<td>South</td>
<td>R-20 Single Family Residential</td>
<td>vacant</td>
</tr>
<tr>
<td>East</td>
<td>M-1 General Manufacturing</td>
<td>Distillery and consignment market</td>
</tr>
<tr>
<td></td>
<td>B-4 General Business</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>R-20 Single Family Residential</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

Zoning History:

The area requested to be rezoned is currently zoned R-20. According to the current, 1982, and 1966 Zoning Map the area has been zoned R-20 and before that it was zoned R-15, the predecessor to the R-20 district. The portions of the property that is currently zoned B-4 General Business was zoned that way on both the 1966 and 1982 zoning map.
Transportation:

The property has access off of Northwest Blvd, which is a four-lane road with a turn lane and an unopened right of way on the south side. The most recent ADT on Northwest Blvd is 22,000. There are no proposed projects that will have an immediate impact on the subject.

Utilities:

City water and sewer are available.

Consistency and Conclusion:

The 1988 Land Development Plan Map shows the area being zoned commercial. The plan mentions that the city should avoid sprawling strip development and to encourage development at intersection of major thoroughfares and arterials or collector streets; however this is an expansion of existing commercial zoned area. The request is consistent with the 1988 Land Development Plan.

Public Notice:

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

Newspaper: published on September 6 & 13, 2018.
Posted on-site: posted August 17, 2018
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. 18 letters were sent on September 7, 2018.

Recommendation:

The Planning Commission unanimously recommends to the City Council approval of this rezoning request. The request is inconsistent with the 2008 Southeast Area Plan, but the request is consistent with existing use of the property and would not adversely impact nor hamper the development of the adjoining areas.

Recommendation:

The Planning Commission unanimously recommends to the City Council approval of this rezoning request and that the Southeast Area Plan is recommended to be amended to reflect the proposed land use.
CITY OF NEWTON, NC
APPLICATION FOR AMENDMENT TO THE OFFICIAL ZONING ATLAS

Application # ____________________________

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

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

1. The property for which this Zoning Atlas Amendment is requested is shown as Atlas Sheet 731-16-83-1458, Block _____, Parcel _____, PIN 731-16-83-4417. (If more than one parcel is involved, attach a list of all other properties, the nature of the proposed amendment, and a legal description for each).

2. The present zoning classification of the property for amendment is ______ R-20 ________.

3. The proposed zoning classification of this property is ______ B-4 ________.

4. Property owner(s): Name: James E. Edwards
Address: 2421 U.S. 70 Business, Enfield, NC 27205
Phone: (336) 302-2278 (H), (336) 302-2212 (W)

5. As required by Article 13 of the Zoning Ordinance, I have attached the following material related to the proposed amendment herein referenced above:
   ______ A fully dimensional survey map at a scale of not less than 100 feet nor more than 20 feet to the inch showing all land, structures and uses covered by this proposed amendment.
   ______ A legal description of each parcel proposed for amendment.
   ______ A description of the changed or changing conditions, if any, in the jurisdiction of the City of Newton, which makes the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
   ______ A description of how the proposed amendment will carry out the purpose and intent of the adopted Land Development Plan.

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

Signature * ____________________________ Date of Filing 7/7/18

* 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.
Clyde Phillips
James River Equipment
Asheboro, NC 27203

To Whom It May Concern:

James River Equipment has 2 tracts of land under contract to purchase in Newton, NC at 2612 and 26116 Northwest Blvd. JRE is requesting these tracts be rezoned in their entirety to a B-4 classification.

Though the majority of the 2.61 acre tract is already B-4 we need both tracts in their entirety B-4 in order for us to use the property as a John Deere equipment dealership. If approved we hope to add approximately 20 full time jobs at the location once established.

Thank you for your consideration.

Clyde Phillips
I, Mark E. McCloud and Melissa M. McCloud, give permission for James River Equipment to apply for a rezoning application on the property known as 2612 Northwest Bivd. Newton ND 58658.

Mark E. McCloud
Melissa M. McCloud
City of Newton  
401 N. Main Ave.  
Newton, NC 28658

To Whom it May Concern,

James River Equipment has our permission to request a re-zoning hearing for our property at 2616 Northwest Blvd., Newton, NC 28658. Parcel ID # 373116834417.

We are under contract with James River Equipment for the purchase of this property.

The small portion of our property that is zoned R-10 needs to be rezoned B-4 like the rest of the parcel.

Sincerely,

Rowe F. Bollinger

Anita L. Bollinger
DATE: September 13, 2018

TO: E. Todd Clark, City Manager

FROM: Donald G. Brown II, Chief of Police


Background:

During the September 4, 2018 Council meeting, a request was made by Council to review the current Golf Cart ordinance as it relates to limits on rows of seating. The request specifically deals with reviewing Section 54-275 Registration and Permit Requirements (d) (7) which currently states: Must be limited to a maximum of three (3) rows of seats.

Summary:

Review Section 54-275 Registration and Permit Requirements (d) (7) of Chapter 54 - Motor Vehicles and Traffic: Article VIII – Golf Carts. If Council chooses to remove this restriction, line (7) of section (d) would be stricken from the current Ordinance.

Requested Action:

Proceed at the direction of Council.
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.
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, 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.
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.)
DATE: September 14, 2018

TO: Mayor Anne Stedman and Newton City Council

FROM: Todd Clark, City Manager

CONSIDERATION OF: A New State Park along the Henry Fork River and Jacobs Fork River

Background:

The City of Newton has been asked to consider supporting a cooperative effort to create a new state park along the Henry Fork River and Jacobs Fork River. State Senator Andy Wells has been working for several months to facilitate discussions with the City of Hickory, Town of Long View, Catawba County and the City of Newton on the benefits of a partnership with the State of North Carolina. If successful, this would be the first and only state park located within Catawba County.

At the present time, the cities of Hickory and Newton operate municipal parks along each of the rivers. The creation of a state park that incorporates each of these parks, along with potential property acquisitions, would garner significantly more use if added to the state park system. Consequently, the intended outcome would be to improve the area’s quality of life through land conservation, education, and the creation of additional recreational activities. Additionally, it would have a significant impact on the economic viability of our region through increased levels of tourism, enhanced property values, added jobs, as well as an enhanced ability to attract and retain businesses to the region.

A resolution of support has been provided with this Request for Council Action for consideration by City Council.

Action Suggested:

The Council is asked to consider adopting the Resolution of Support.
RESOLUTION NO. 32-2018

RESOLUTION OF SUPPORT FOR
A NEW STATE PARK ALONG THE HENRY FORK AND JACOBS FORK RIVERS

WHEREAS, the City of Newton is committed to maintaining and enhancing the quality of life for its citizens and recognizes that a new North Carolina State Park along the Henry Fork and Jacobs Fork rivers in western Catawba County will contribute to our area’s quality of life by providing land conservation, education, and additional recreational activities; and

WHEREAS, there are few existing State Parks within the Piedmont region of the state, a new State Park in our area would provide equitable and increased access to North Carolina’s State Park system to local citizens, as well as serve visitors from across the region; and

WHEREAS, State Parks have a significant impact on the economic viability of a region through increased levels of tourism, enhanced property values, added jobs, as well as enhanced ability to attract and retain businesses to the region due to improved quality of life; and

WHEREAS, State Parks are freely accessible community assets, providing key recreational amenities and safe areas for our citizens to exercise, play, and connect with nature away from heavily trafficked areas; and

WHEREAS, a new State Park in our area will lend visibility to and make accessible the local area’s historic and natural resources and will create significant opportunities for local public-private partnerships and investment; and

NOW, THEREFORE, BE IT RESOLVED that the City of Newton supports a new State Park along the Henry Fork and Jacobs Fork Rivers, that will enhance our community’s wellness and recreational opportunities, provide increased tourism, and care for our land and natural resources for years to come.

Adopted this the 18th day of September, 2018

The City of Newton
In the State of North Carolina

By: _____________________________
    Anne P. Stedman, Mayor

_________________________________
Amy S. Falowski, City Clerk

Approved as to form this ____ day of _____________, 2018

_________________________________
Attorney for the City of Newton
DATE: September 14, 2018

TO: Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Changes to FY 2019 Fees and Charges for Sanitation

Approved for Council Consideration

We are recommending a correction to the City’s FY 2019 Fees and Charges.

Background:

Catawba County has historically accepted, managed, and disposed of solid waste collected with Newton’s municipal jurisdiction. On June 8, 2018 the City renewed the contract with Catawba County to continue this service. Tipping Fees assessed by the County have not changed since July 2008. And prior to that, the previous rate was remained unchanged back to 1995. Our previous contracts with the County allowed for annual CPI increases; however, the County never imposed an increase in all those years.

Our FY 2019 Fees and Charges should be amended to coincide with the contract. Those changes are as follows:

**Landfill Fees:**
- Mixed Trash from $33 to $35 per ton Minimum $16 plus tax
- Construction and Demolition from $23 to $25 per ton Minimum $11 plus tax
- Grindable Brush from $15 to $17 per ton
- Non-grindable Brush from $23 to $25 per ton

Action Suggested:

Motion to approve the amendment to the FY 2019 Sanitation Fees and Charges.