

AGENDA

CITY OF NEWTON



September 20, 2016

AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING

September 20, 2016
7:00 p.m.

- | | | |
|------|-----|---|
| Page | 1. | <u>Call to Order – Mayor Anne P. Stedman</u> |
| | 2. | <u>Opening – Council Member Jody Dixon</u> |
| 1 | 3. | <u>Approval of Minutes from the September 6, 2016 Regular Meeting</u> |
| | 4. | <u>Consideration of Consent Agenda Items</u> |
| 11 | A. | Sewer Adjustments |
| 12 | B. | Proclamation – National Surgical Technologist Week Proclamation |
| 13 | C. | Consideration of Amended Audit Contract for Fiscal Year 2016 |
| | D. | Consideration to Designate Council Member Jerry Hodge as Voting Delegate, and Mayor Anne Stedman as the Alternate Voting Delegate at the NCLM Annual Conference October 23-25, 2016 |
| 19 | E. | Consideration of Commission/Committee Membership Appointment:
Jody Dixon – Newton Depot Authority |
| | 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. | Comprehensive Economic Development Strategy (CEDS) - Anthony Starr |
| | B. | Catawba County Strategic Planning Presentation |
| | 7. | <u>Public Hearing</u> |
| 20 | A. | Text Amendment 2016-05 – Proposed Amendment to the Zoning Ordinance – B3 Sign Regulations |
| | 8. | <u>City Manager’s Report</u> |
| | 9. | <u>Questions and Comments From Mayor and Council</u> |
| | A. | Reports from Appointed Representatives on Outside Boards – Council Member Robert C. Abernethy, Jr. |
| | 10. | <u>Adjournment</u> |

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

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

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

September 6, 2016 – 7 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, September 6, 2016 at Newton City Hall.

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

ABSENT: Mayor Pro Tem John Stiver

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 Tom Rowe 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 Tom Rowe, it was unanimously RESOLVED:

That the Regular Minutes of the August 2, 2016 City Council meeting be –
APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

Council Member Jerry Hodge asked that Item 4F be removed from the consent agenda and added to New Business.

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

That the Consent Agenda, with Item 4F being removed and added to New Business be –
APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Proclamation – Kiwanis Club of Newton
- D. Proclamation – Fire Prevention Week
- E. Consideration of Firefighter Relief Fund – Board of Trustees Report
- F. Consideration to Accept Assistance to Firefighters Grant (moved to New Business)

- G. Consideration to Accept Contributions for Police Department Explorer Program
- H. Consideration to Adopt Budget Ordinance – Police Department
- I. Consideration of Commission/Committee Membership Appointment: Bradley Saine – Business Advisory Committee

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

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

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

ITEM 6: **Presentation**

- A. Parks and Recreation Master Plan

Parks and Recreation Director Sandra Waters introduced Sara Burroughs with Sage Design. Ms. Burroughs gave a power point presentation on the newly created Parks and Recreation Master Plan.

Mayor Stedman stated that it is nice to know that Southside Park is used so often. Council Member Jerry Hodge stated that with development Jacob Fork Park would be an even greater park. Ms. Burroughs stated that the public loves that park as well and would like to see more down there. Mr. Hodge stated that the park is far from downtown and doesn't have lights and wondered if that impacts the usage. He stated that taxpayers pay for the parks and should get full use of them. Mr. Hodge stated that softball could be a revenue stream for the city as well as AAU baseball.

Mayor Stedman stated that it sounds like there is a need for a Senior Center. Ms. Burroughs stated that there is a need to develop programs and see about space.

Council Member Robert C. Abernethy, Jr. stated that serving the current demographic is one thing, but target is another and that is something that council needs to discuss.

Council Member Wes Weaver stated that his kids like Northside, but it's a constant wrestling to keep them from the splash pad in Conover.

Mayor Stedman thanked Ms. Burroughs for her presentation.

ITEM 7: **Public Hearing**

- A. Consideration of Agreement – Temprano Techvestors

Mayor Stedman opened the Public Hearing.

City Manager Todd Clark stated that 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.

Mr. Clark stated that 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. Mr. Clark stated that 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.

Mr. Clark stated 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.

Mr. Clark explained that 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.

Mr. Clark recommended 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.

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

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

That Public Hearing be – CLOSED.

Council Member Jerry Hodge asked if there is eligibility for the grant such as geographic incentives, like the ETJ. City Attorney John Cilley stated that it could include the ETJ, but this is in the city limits. Mr. Abernethy stated that it was discussed years ago, but that council didn't want to limit it.

Council Member Wes Weaver stated that he is not a fan of these incentives, but in these times he feels he needs to, and will support.

Council Member Jody Dixon made a motion that it be determined by Newton City Council that entering into the Economic Development Agreement with Temprano Techvestors, Inc. as presented is a necessity for the establishment of Temprano Techvestors, Inc., in the City to go forward and that said agreement shall increase the taxable value of real and personal property within the city, promote and enhance business prospects with 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. The motion was seconded by Council Member Tom Rowe. All Ayes.

Council Member Wes Weaver made the motion that the city of Newton enter into the Economic Development Agreement with Temprano Techvestors, Inc., as presented and that the Mayor is hereby authorized to execute said agreement on behalf of the City of Newton, The motion was seconded by Council Member Tom Rowe. All Ayes.

B. Consideration of Rezoning Application #2016-03 – Accent Industries, Inc.

Mayor Stedman opened the Public Hearing.

Planner Alex Fulbright stated that 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. Mr. Fulbright stated that the proposed rezoning, if approved, will permit commercial uses and product assembly. The subject adjacent site is located in the southwestern quadrant of the intersection of Burriss Road and Ann Avenue. Accent Industries is the owner of the site.

Background:

Mr. Fulbright stated that the following is the 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

Mr. Fulbright stated that 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.

Mr. Fulbright stated the property was historically used for manufacturing use, but 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. Mr. Fulbright explained 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.

Mr. Fulbright stated the site has frontage along Ann Avenue, which is classified as a local access streets; and Burriss Road which is classified as Collector Street. There are no planned improvements to either street. City water and sewer are provided to the subject site. The site obtains power through Duke Energy.

Mr. Fulbright stated 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.

Mr. Fulbright stated that 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

Mr. Fulbright stated that 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.

Mayor Stedman asked if there was anyone present that would like to speak. Ms. Melissa Sigmon stated that she was thankful for someone to sign a three year lease on the building and make improvements.

Council Member Tom Rowe asked if any neighbors opposed the rezoning. Mr. Fulbright said that no one had.

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

That Rezoning Application #2016-03 – Accent Industries, Inc. be – APPROVED.

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

ITEM 8: **New Business**

- A. Presentation – Business Advisory Committee Report – Jennifer Stiver, Chairperson

Jennifer Stiver, Chair of the Business Advisory Committee gave a report of the committees' activities.

- B. Consideration of Stormwater Enterprise Fund

City Manager Todd Clark stated that 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. Mr. Clark stated 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.

Mr. Clark stated that 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. Mr. Clark stated that neither the Federal Government nor the State of North Carolina has provided any form of revenue to support the program, and 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.

Mr. Clark explained that 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. Mr. Clark stated that 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. Mr. Clark stated 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.

Mr. Clark stated that 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.

Council Member Wes Weaver asked how the city is going to fund the storm water enterprise. Mr. Clark explained that there would be a fee or tax on impervious surface and that it can be a flat fee or by square footage. Dusty Wentz stated that often industrial is based on square footage and residential is based on an average.

Council Member Jerry Hodge asked what will the study provide. Mr. Wentz stated that it depends on the fee structure. Mr. Weaver asked what reason is fee structure needed, Mr. Clark stated that this will generate revenue for expenses that we are forced to take on. Mr. Weaver asked where the rest of the money would come from, Mr. Clark said Powell bill and General funds.

Council Member Robert Abernethy stated that he was confused, and that he thought a large part of the problem was that stormwater infiltrated system and the city is treating it. Mr. Clark said that is correct, but that these are two separate issues. Mr. Wentz explained that these are two different costs; treating the water, wear and tear on equipment, etc.; and when a lot of water hits at one time it backs up and fines have to be paid.

Council Member Tom Rowe stated that if \$225,000 is used from Powell Bill then you have only \$175,000 to pave roads with and the city needs to use Powell Bill to pave roads. Council Member Robert Abernethy stated that he agrees with Tom on paving and that if the city moves forward not to take money from one pocket and put it in to another.

Council Member Weaver asked if there were any initial forecasts. Mr. Wentz stated that he would like to recover \$425,000 and that the fee is not exempt for nonprofits. Mr. Rowe asked if that means nonprofits will pay. Mr. Wentz stated that they would.

Council Member Jerry Hodge asked if there are other municipalities that have done this. Mr. Wentz stated that in 2011 60 cities had this fund and he is sure that this number has grown.

Council Member Jody Dixon stated that the city has to spend \$425,000 because the state says we have to, plus the water that goes in to sewer. He stated that staff is asking for engineering that will tell us what to charge customers. Mr. Wentz stated that is corrected.

Council Member Jody Dixon stated that he will make a motion for city council to approve this request. Council Member Jerry Hodge seconded the motion.

Mayor Stedman asked if there were any more concerns.

Council Member Tom Rowe stated that storm water costs go up every year and Mr. Wentz agreed. Mr. Weaver stated that he believes the quote is low and what about a flat fee. Mr. Wentz said these are all things to talk about when the council adopts an ordinance.

Mr. Abernethy stated the point is to protect natural resources. The concept is to ensure clean water. The city just has to do it in a way not to scare people and businesses away. Mr. Rowe said we need to be fair to businesses and schools but also need to be fair to streets. Mr. Weaver said it seems like another fee on citizens.

Mr. Abernethy stated that the money will really be coming from the general fund. Mr. Weaver stated that he didn't want to impose another fee, Mayor Stedman said that it was already being paid. Mr. Abernethy stated that if the city does this then it can be given back. Mr. Rowe asked how can it be given back when there are so many needs. Mr. Weaver said the city does a lot of good things and he doesn't want to price

us out of the market.

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

That the Procurement of Engineering Services Leading to the Creation of a Storm Water Enterprise be – APPROVED.

4F - Consideration to Accept Assistance to Firefighters Grant (moved to New Business)

Council Member Jerry Hodge stated that he wanted to move this item from consent so that it could be read because of the amount need for the match he felt that there was a need for discussion for transparency. Mr. Hodge asked Chief Yoder if the replacements were essential. City Manager Todd Clark stated that they were. Chief Yoder stated that the city will have to pay with or without the grant.

Chief Yoder explained that the grant is for the purchase of 45 new Self Contained Breathing Apparatus (SCBA). This equipment is the primary air source for firefighters that enter burning buildings and other toxic atmospheres.

Chief Yoder stated 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.

Chief Yoder stated 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.

Chief Yoder explained that the project is included in the Adopted Capital Improvement Plan, and the necessary funds to purchase this equipment will total \$304,270.00. The Federal portion of the Grant will total \$253,637 Chief Yoder stated that the City of Newton's portion of the project will be \$50,633, which consists of a Grant match of \$25,363 and funding of the additional equipment not funded by FEMA at a cost of \$25,270.

Council Member Robert Abernethy stated that the only way to save is to leave off the tracker for the Rapid Intervention Team which is the extra \$25,000. Chief Yoder said that yes, that could be left off. Mayor Anne Stedman stated that there would also be savings by piggy backing with another agency, Chief Yoder said that is correct. Council Member Robert Abernethy asked where the \$50,000 would be coming from. City Manager Todd Clark stated that we knew we would have to go to Fund Balance.

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

That Assistance to Firefighters Grant be – ACCEPTED.

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

C. Consideration of Golf Cart Ordinance

Police Chief Don Brown stated that 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.

Chief Brown stated that based upon review of other municipal golf cart ordinances from across the state, staff has created an ordinance that addresses both compliance and operation. He stated 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. Chief Brown explained that 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.

Mayor Stedman asked about seat belts and grab bars. Council Member Tom Rowe asked which one is better. Chief Brown stated that seat belts are better and that a horn could also be required.

Council Member Robert Abernethy stated that he is concerned about congruency with one law to the next, such as scooters. Chief Brown stated that you could be 16, with no license required to drive a scooter. City Attorney John Cilley stated that the state allows cities to create their own ordinances concerning golf carts.

Council Member Wes Weaver stated that he is not concerned with the number of seats on the golf carts. Council Member Jody Dixon stated that he wouldn't want to add more costs with seat belts and turn signals. Council Member Jerry Hodge stated that he would like to err on the side of safety and he would like to see the turn signals. Council Member Tom Rowe agreed.

Mayor Stedman stated that the motion would be to adopt the ordinance with the language to require the age to be 18 years old. Also no seat belt added, and removal of the turn signal requirement would be added to the ordinance.

Council Member Jody Dixon stated that he would make that motion. Council Member Robert C. Abernethy, Jr. seconded the motion. All Ayes.

Council Member Tom Rowe asked if there were state laws on turn signals or seat belts. Chief Brown said that there are not.

Council Member Abernethy asked how citizens would be notified. He asked if information could be sent in the newsletter and utility bills. Chief Brown stated that it would be sent out that way and on social media as well.

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

ITEM 9: City Manager's Report

Meetings & Events

- September 7th – Meeting with Thom Tillis' staff in Charlotte

- September 9th – Chamber of Commerce Briefing for Catawba County’s Top Business Leadership, 8:00 a.m. at CVCC Corporate Development Center
 - September 10th – Cruisin’ Newton, 3:00 p.m.
 - September 15th 1940 Flood Exhibit Reception, 5:30 p.m. at the History Museum of Catawba County
 - September 20th - ElectriCities Regular Quarterly Board Mtg., 10:00 a.m., Concord
 - September 30th – Foothills Folk Art Festival Preview Night at Newton-Conover Auditorium at 6:00 p.m. Tickets are \$30 and are available from the auditorium
 - October 1st – Folk Art Festival
 - October 4th – Water/Sewer Rate Study Workshop, 6:00 p.m.
 - October 12-19th – Streetscape Project Demonstration update
 - October 19th – BAC Annual Meeting
 - October 23-25th NCLM Annual Conference, Raleigh
 - Newton 101 has been cancelled. Program will be re-scheduled when enough participants have registered
- Newton has been awarded the 2016 NADO Innovation Award which recognizes Newton’s Strategic Growth Plan
 - CivicLive Messaging System—In the coming weeks, Newton will unveil a new messaging system to let residents know about meetings, events and programs. Residents will sign up on the city’s website and be able to choose whether to receive only certain categories of messages or all messages. Messages will be sent by voicemail, email and text, and residents will be able to choose the method by which they receive messages.
 - Asset Inventory and Assessment Grant
 - Marketing and Branding Plan - Update
 - Pedestrian Plan - Update
 - Electric Cost of Service Study – Update
 - LAPP Grant - Update
 - SAFR Grant

» 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.

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

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

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

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

ITEM 12: **Adjournment**

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

That the Meeting be – ADJORNED

Amy S. Falowski, City Clerk



Anne P. Stedman, Mayor

CITY OF NEWTON

Sewer Adjustments

TO: E. Todd Clark, City Manager **DATE:** September 14, 2016

RE: Sewer Adjustments – September 20, 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
6000290-004	Michael E. Morgan	401 S. Cedar Ave.	Aug (Pool)	\$ 57.55
14001140-001	Freida Winkler	219 W. E St.	July - Aug	\$ 58.08

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

NATIONAL SURGICAL TECHNOLOGIST WEEK PROCLAMATION

Proclamation

WHEREAS, for over 60 years, surgical technology has grown to meet the ever-increasing demand for well-educated, highly-skilled and versatile surgical technologists;

WHEREAS, surgical technologists are entrusted with the lives and well-being of patients and provide a critical service during surgical procedures;

WHEREAS, over 90,000 surgical technologists nationwide are an integral part of the surgical team committed to providing the highest quality of surgical care to patients;

WHEREAS, surgical technologists are responsible for the application of sterile and aseptic technique in the operating room, ensuring that equipment functions properly and facilitating safe and effective conduct during invasive surgical procedures;

WHEREAS, surgical technologists strive to prevent life-threatening surgical site infections and maximize patient safety;

WHEREAS, Certified Surgical Technologists graduate from an accredited program and receive certification conferred by the National Board of Surgical Technology and Surgical Assisting based upon passage of the national examination;

WHEREAS, the surgical technologist's motto "Aeger Primo, the patient first" reflects total commitment to patient safety and advocacy;

The people of the City of Newton are honored to join with our nation in recognizing National Surgical Technologist Week. NOW, THEREFORE, I, Anne P. Stedman, Mayor of the City of Newton do hereby proclaim September 18 – 24, 2016, as

Surgical Technologist Week

and I and urge all my fellow citizens to join me in acknowledging the important role of surgical technologists in the care and recovery of their patients. We honor these men and women.

This 20th day of September, 2016



Anne P. Stedman, Mayor

CITY OF NEWTON REQUEST FOR COUNCIL ACTION

DATE: September 14, 2016

TO: E. Todd Clark, City Manager

FROM: Serina Hinson, Finance Director

CONSIDERATION OF: Amended Audit Contract for Fiscal Year 2016

Approved for Council Consideration



The City is currently in the process of the Fiscal Year 2016 audit. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS); Government Auditing Standards by the State Single Audit Implementation Act, as codified in G.S. 159-34; and OMB Circular A-133, if required. Those standards require that the audit be planned and performed to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, if any, as well as evaluating the overall presentation of the financial statements.

In addition, the City's compliance over major federal and State award programs will be audited which will be conducted in accordance with the requirements of the Single Audit Act, as amended; the Uniform Guidance, and the State Single Audit Implementation Act as required based upon the amount of federal and/or State financial assistance expended (federal requirements \$750,000 or more / State requirements \$500,000 or more).

It is staff's recommendation that City Council approve the amended contract with Martin Starnes & Associates, CPAs to increase the scope of the audit to include a single audit for Fiscal Year 2016 in the amount of \$1,500 for single audit procedures in addition to the original contract of \$25,200 for an amended contract amount of \$26,700.

Action Suggested:

Approve the attached amended contract with Martin, Starnes & Associates, CPAs to increase the scope of the audit to include single audit procedures as part of the audit services provided for Fiscal Year 2016 for an amended contract amount of \$26,700.

AMENDMENT TO CONTRACT TO AUDIT ACCOUNTS

Whereas, Martin Starnes & Associates, CPAs, P.A. and City of Newton, NC
Audit Firm Primary Governmental Unit

and N/A entered into a contract dated February 15, 2016,
Discretely Presented Component Unit (DPCU) if applicable

in which the auditor agreed to audit the accounts of City of Newton, NC and
Primary Governmental Unit

N/A for fiscal year ended June 30, 2016
Discretely Presented Component Unit (DPCU) if applicable

and to render its audit report on or before October 31, 2016. It is now necessary that the audit completion and report submission be delayed past this date for the following reason (s):

N/A - There is no change in the due date of October 31, 2016.

Additional fees of \$1,500 will be charged for single audit procedures. These services and fees were not included in the original contract.

Fees will now be as follows:

Audit - \$20,250 plus \$1,500 for single audit procedures

Preparation of the annual financial statements - \$4,950

Total fees - \$26,700

The auditor, the Governmental Unit, and DPCU if applicable, agree that the time for completion of the audit and submission of the audit Report by the auditor to the Governmental Unit and the Local Government Commission is extended to

October 31, 2016.

Contract to Audit Accounts (cont.)

City of Newton, NC

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

Audit Firm Signature:

Martin Starnes & Associates, CPAs, P.A.

Name of Audit Firm

By Amber Y. McGhinnis, Senior Audit Manager

Authorized Audit firm representative name: Type or print

Amber Y. McGhinnis

Signature of authorized audit firm representative

Signature Date September 8, 2016

amcghinnis@martinstarnes.com

Email Address of Audit Firm

By N/A

Chair of Audit Committee - Type or print name

N/A

**Signature of Audit Committee Chairperson

Signature Date N/A

*** If Governmental Unit has no audit committee, mark this section "N/A"*

N/A

Governmental Unit Signatures:

City of Newton, NC

Name of Primary Government

By Anne P. Stedman, Mayor

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Signature Date

Date Primary Government Governing Body Approved Amended Audit Contract - G.S. 159-34(a)

Pre-Audit Certificate to be completed if the Primary Government audit fee is changed in the Amended Contract:

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By Serina T. Hinson, Finance Director

Primary Governmental Unit Finance Officer:

Type or print name

Primary Government Finance Officer Signature

Date

(Pre-audit Certificate must be dated.)

shinson@newtonnc.gov

Email Address of Finance Officer

Contract to Audit Accounts (cont.) City of Newton, NC
Governmental Unit
N/A
Discretely Presented Component Units (DPCU) if applicable

**** This page to be completed by Discretely Presented Component Unit named in this Audit contract****

DPCU Governmental Unit Signatures:

N/A
Name of Discretely Presented Government

By N/A
DPCU Board Chairperson: Type or print name and title

N/A
Signature of Chairperson of DPCU governing board

Signature Date N/A

By N/A
Chair of Audit Committee - Type or print name

N/A **
Signature of Audit Committee Chairperson

Signature Date N/A

*** If Discretely Presented Government Unit has no audit committee, mark this section "N/A"*

Date DPCU Governing Body Approved Audit Contract - G.S. 159-34(a)

N/A

Pre-Audit Certificate to be completed if the DPCU audit fee is changed in the Amended Contract:

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

By N/A
DPCU Finance Officer:
Type or print name

N/A
DPCU Finance Officer Signature

Date N/A
(Pre-audit Certificate must be dated.)

N/A
Email Address of Finance Officer

Governmental Unit

N/A

Discretely Presented Component Units (DPCU) if applicable

Steps to Completing the Amended Audit Contract

1. **Complete all parts of the Header Information** – Include the audit firm name, Unit name, Discretely Presented Component Unit (DPCU) name if applicable (indicate N/A if not applicable), original contract date, fiscal year end date, and original audit report due date.
2. **Explanation for Amending Audit contract** - Previously we required a separate letter of explanation to accompany amended audit contracts. The explanation is now to be included in the body of the amended audit contract detailing the reason for the extension of time request and the steps the unit and auditor will take to prevent a recurrence of lateness with subsequent year's audits.
3. **Signature Area** – The same people that signed the original audit contract must also sign the amended audit contract. If there has been a change in staff of the person(s) who signed the original audit contract, indicate this in the explanation area of the amended contract. Make sure all applicable signatures are evident and properly dated. NOTE - If the original audit contract named and included auditing a DPCU that is a *Public Authority under the Local Government Budget and Fiscal Control Act*, the Board chairperson (and finance officer if there is a fee change) of the DPCU **must also sign** the amended audit contract in the areas indicated on Page 3.
4. **Governing Board Approval** - Amended audit contracts must ALSO be approved by the Unit's governing board pursuant to G.S. 159-34(a). Indicate this new date on the amended contract under the signatures on Page 2. This includes the date the DPCU governing board approved the amended audit contract (if applicable) on page 3.
5. **Pre-Audit Certificate** is to be completed by the finance officers if there is a change in fee. This should be noted in the explanation.
6. **Reminders:**
 - a. Provide correct email addresses for the audit firm and Unit finance officer as these will be used to communicate official approval of the audit contract.
 - b. Has the name and title of the Mayor or Chairperson of the Unit's Governing Board and the DPCU's Chairperson (if applicable) been typed or legibly printed on the contract and has he/she signed in the correct area directly under the Auditor's signature?
7. **Sending amended audit contract** - After all the signatures have been obtained and the amended audit contract and is complete, please convert the signed contract into PDF form and submit it for LGC approval. Send the amended audit contract using the most current audit contract submission process. The current process will be found at the NC Treasurer's web site at the following link – <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.



SYSTEM REVIEW REPORT

To the Partners of Martin Starnes & Associates, CPAs, P.A.
and the Peer Review Committee of the North Carolina Association
of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2014. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2014, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 21, 2015

Raleigh
4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619
919 782 9265
919 783 8937 FAX

Durham
3511 Shannon Road
Suite 100
Durham, North Carolina 27707
919 354 2584
919 489 8183 FAX

Pittsboro
10 Sanford Road
Post Office Box 1399
Pittsboro, North Carolina 27312
919 542 6000
919 542 5764 FAX

CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: September 15, 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:

Jody Dixon – Newton Depot Authority

CITY OF NEWTON REQUEST FOR COUNCIL ACTION

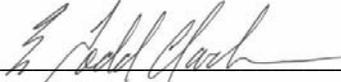
DATE: September 15, 2016

TO: E. Todd Clark, City Manager

FROM: Randolph S. Williams, AICP, Planning Director

CONSIDERATION OF: Text Amendment 2016-05 B-3 Sign Regulations

Approved for Council Consideration



Background:

Earlier this year, the City and DNDA sponsored a workshop for downtown merchants depicting easy design and marketing options. The workshop included a presentation by Buzz Bizzell in which he made several suggestions for visual appearance, signage, and storefront design. After the presentation, a merchant asked if they could implement a couple of Mr. Bizzell's ideas for their store. Unfortunately because of the city's existing ordinance, it was not permitted. After discussing the options that are available to the downtown merchants, a revision of the zoning regulations was suggested.

Review:

Reviewing the sign regulations, presently merchants in the B-3 zoning district are allowed one (1) sign per façade that faces a public street. Area of the sign (or square footage) is determined based on the building frontage. One of the suggestions Mr. Bizzell recommended is to allow multiple signs, carrying specific messages about the store, but limit the overall square footage. In other words, if a merchant is allowed 50 square feet of sign area, why is it restricted to one sign?

There are a few instances where it can be advantageous including multiple tenants in a building. However, there are also cases where existing (historical) signage is in presently place where it could not be replaced if damaged or taken down for repair since they are nonconforming signs. In looking at other downtowns, multiple signs fit into the architecture and the use of the building rather than a single sign. This idea also allows flexibility in design. Additionally, signage in downtown serves a dual purpose for vehicles and pedestrian, which require different placement and visibility.

The Planning Commission, in its review of the proposed ordinance discussed various options but ultimately decided this to be the better approach. The Commission also indicated that a comprehensive rewrite/update of the entire code should be done, however that is not a viable option at this time.

The adoption of the ordinance should be viewed to assist the City's existing and future downtown operations and provide an opportunity for recruitment. The goal should be to preserve, enhance, strengthen and enliven the city's valuable resource; the downtown core. Newton's downtown is unique from those in surrounding cities and there is a need to reinforce its character. If you cannot differentiate your town from any other, there is no competitive edge.

Recommendation:

The Planning Commission voted 5-1 to recommend the proposed ordinance revision as presented to the City Council.

ORDINANCE 2016-__

**AN ORDINANCE AMENDING CHAPTER 102
“ZONING”**

**OF THE CITY CODE OF THE CITY OF NEWTON, NORTH CAROLINA
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, NORTH
CAROLINA THAT:**

Section 1:

Chapter 102, “Zoning” of the City Code of the City of Newton shall be amended by modifying “Table 7-1. Schedule Of Permitted Area And Number Of Signs” located within *Article VII. Signs, Section 102-356.* to read as follows:

TABLE 7-1. SCHEDULE OF PERMITTED AREA AND NUMBER OF SIGNS

District	Number	Maximum Area (square feet)	Illuminated
R-20 ⁴	1	16	No
R-20A ⁴	1	16	No
R-11 ⁴	1	16	No
R-9 ⁴	1	16	No
R-7 ⁴	1	16	No
R-7A ⁴	1	16	No
P-1	See note 1, 2	2 per linear ft. of bldg. ftg.	Yes
B-1	See note 1, 2	2 per linear ft. of bldg. ftg.	Yes
B-2	See note 1, 2	3 per linear ft. of bldg. ftg.	Yes
B-3	See note 1, 2 3	2 per linear ft. of bldg. ftg.	Yes
B-4	See note 1, 2	3 per linear ft. of bldg. ftg.	Yes
M-1	See note 3	3 per linear ft. of bldg. ftg.	Yes
EM-1	See note 3	3 per linear ft. of bldg. ftg.	Yes

Notes:

1. One sign which is to be attached to a building meeting these requirements is permitted for each side of the building fronting on a public street, except that freestanding signs are limited to one per lot. The maximum area of the free-standing sign shall not exceed the applicable linear footage for the largest amount of building frontage.
2. Where two or more establishments are located on the same zoning lot and free-standing signs are to be used, the individual signs identifying the premises and its occupants shall be combined in one sign of unified design. The maximum area of the free-standing sign shall not exceed the applicable linear frontage or the largest amount of building frontage.
3. There is no limit to the total number of signs permitted, regardless of their placement upon the building, subject to the maximum total area limits. Free-standing signs are limited to no more than one per abutting street. The maximum area of the free-standing sign shall be per notes 1 and 2.

4. Signs incidental to churches and civic organizations located in residential districts shall be permitted subject to the following limitations: Maximum area: 0.2 square feet per linear footage of lot frontage on public streets, not to exceed 100 square feet. For church and civic organizations which occupy lots with less than 80 feet of street frontage, a sign of not more than 16 square feet in area is permitted. Maximum number: One free standing sign per abutting public street. Maximum height: Six feet above adjacent grade. Illumination: Internal only.

NOTE: Items to be added are indicated with an underscore and items to be deleted are indicated with ~~strikethroughs~~.

Section 2:

This Ordinance shall become effective from and after the date of its adoption.

Adopted on the ___ day of _____, 2016.

Anne P. Stedman, Mayor

ATTEST:

Amy Falowski, City Clerk

(SEAL)



City of Newton

Planning Commission

23 August 2016



Downtown Signage

Examples of Recommendations

City of Newton
Planning Department



We look at your store front from an architectural perspective.
We discuss your business, your goals and ideas for growth.
We formulate ways you can connect your business to your neighbors
to form a "destination"



Then we apply the ideas developed by our research.

This is a destination that will bring life to your streetscape.





Two successful business are located within this block but with the exception of window signage there is little graphic expression.



Add
Descriptive
Graphics

Pedestrian
Oriented
Sign

Second Story
Perpendicular
Sign

Add
Descriptive
Graphics

Civic Art

Civic Art

We can revitalize the block and create a destination.



What do you see



Using basic signage techniques, a mural and a formula for graphic expression we can immediately change the impression of Downtown Newton.

A listing of what is offered inside will give all visitors and residents an understanding of what you do.

Projecting signs create a walkable streetscape environment & convey craftsmanship associated with the business.

Logo and sign create the expectation of an authentic experience. Early Bird Cafe is more memorable.



Invitation to experience something good will convince most visitors to stop in.

Uniform plantings have a welcoming effect and dress up the entry.





H&W Drug
H&W Drug
H&W Drug

The opportunity to say much more will improve the experience for customers and visitors.



This before and after illustration shows how applying simple graphic style techniques to only two buildings can create a destination effect.







PUBLIC HEARING

The Newton City Council will hold a Public Hearing beginning at 7:00 p.m. on September 20, 2016 in the Council Chambers at Newton City Hall, 401 North Main Avenue, on the following matter:

Text Amendment 2016-05 is a proposed amendment to the Zoning Ordinance, which pertains to sign regulations within the B-3 Central Business District (downtown).

All interested persons are urged to attend and provide comment. Amendments will be considered in response to comments received. 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 at Newton City Hall located at 401 N Main Ave.

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: September 9 and September 20, 2016.