AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING

October 17, 2017
7:00 p.m.

1. Call to Order – Mayor Anne P. Stedman
2. Opening – Council Member Robert C. Abernethy, Jr.
3. Approval of Minutes from the October 3, 2017, Regular Meeting
4. Consideration of Consent Agenda Items
   A. Tax Releases
   B. Sewer Adjustments
5. Comments from the Public: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE ASKED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):
6. Presentation
   A. Presentation from the Western Piedmont Council of Governments
7. New Business
   A. Consideration of TKC CCXLIX, LLC (Room & Board) Petition for Non-Contiguous Annexation
      1. Investigating the Petition
      2. Setting the Public Hearing Date
      3. Certificate of Sufficiency
8. City Manager’s Report
9. Questions and Comments From Mayor and Council
   A. Reports from Appointed Representatives on Outside Boards – Council Member Jerry Hodge
10. 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.

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 Sean Hovis, ADA Coordinator, at least 48 hours prior to the scheduled meeting.
The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, October 3, 2017 at Newton City Hall.

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

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

ITEM 1: CALL TO ORDER

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

ITEM 2: OPENING Invocation and Pledge of Allegiance

Council Member Jerry Hodge and Boy Scout Troop 903 provided the invocation and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Regular Minutes of the September 19, 2017 City Council meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

A. Sewer Adjustments

B. Consideration of Commission/Committee Membership Appointments
   Elliot L. Alderman to Appearance Commission
   David Hayes to Appearance Commission

C. Resolution Promotion Public Power Week – October 1-7, 2017

(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.

Assistant City Manager Sean Hovis presented the Planning Department and Planning Director Randy Williams with the Marvin Collins Planning Award. Mayor Stedman thanked Mr. Williams for all his and the department’s hard work.
Mr. Ed Sain commended Intern Jaylen Johnson, from Discovery High School, on the great job that he has been doing.

**ITEM 6: New Business**

A. Consideration of Lease of Property Located at 201 West 4th Street to Carolina West

Assistant City Manager Sean Hovis stated that the City of Newton was contacted by Carolina West and asked to enter into a lease agreement for space on the city’s water tank located at 201 West 4th Street. Carolina West conducted a structural analysis of the tank which shows the tank is capable of withstanding additional equipment. Mr. Hovis stated Carolina West is offering to pay the City of Newton $2,000.00 a month and is requesting to renew the lease agreement for up to 180 months. Each initial lease is for 60 months with up to two renewals with the City of Newton being guaranteed 120 months. Mr. Hovis said Carolina West is offering a 10 percent escalation rate every five years.

Mr. Hovis ask that City Council agree to the terms of the lease with Carolina West allowing the City Manager to sign the contract after language within the contract is agreed upon.

Council Member Wes Weaver asked how this contract will affect relationships with the other cellular carriers located on the tower. Mr. Hovis said it shouldn’t affect them at all. Mr. Weaver asked how much space is available for others. Mr. Hovis said that a structural analysis will have to be done. Council Member Robert Abernethy asked if the contract is consistent with AT&T. Mr. Hovis said the terms are consistent but the amount of the contract is not. Mr. Weaver said that he doesn’t think we can offer this to Carolina West for less than AT&T pays. Mr. Hovis said this is their offer based on the amount of equipment and the fact that they are much smaller than AT&T. Mr. Abernethy stated that it could affect where the city stands in the future with other companies leasing space, and that the contract is public record so all companies can see the rates. He stated that he has been at the front of the push for revenue, and that is the other side of this for him. Mr. Weaver said if we consider $2,000 a month versus $3,300 a month, the city risks losing $3,300 per month. He said that the city needs to be consistent and not ruin relationships. Council Member Jerry Hodge asked if there are alternative spaces. Mr. Hovis said the company approached the city with this request of location. Mayor Pro Tem John Stiver stated that he hates to give up the opportunity for revenue. Council Member Jody Dixon agreed. Mr. Dixon asked how long the other cellular companies have been leasing space on the tower. City Manager Clark said that it has been close to ten years. Mr. Hodges stated that he would like to see more research done and to receive more information. He said just because a price is offered doesn’t mean the city has to accept, and he would decline at this point.

Motion was made by Council Member Wes Weaver to deny this contract with Carolina West with an invitation to renegotiate. Council Member Jerry Hodge seconded the motion.

Council Members Wes Weaver, Tom Rowe, Robert C. Abernethy and Jerry Hodge voted in favor of the motion. Council Member Jody Dixon and Mayor Pro Tem John Stiver voted against. Motion PASSED that the city Deny Contract with Carolina West and Offer an Invitation to Renegotiate.

**ITEM 7: City Manager’s Report**

**Meetings & Events**

- October 7th Folk Art Festival, 10:00 a.m. – 4:00 p.m.
- October 20th – 7th Annual Chili Cook-off at Fire Department Headquarters, 11:30 a.m. – 1:00 p.m.
- October 26th Business Appreciation Event, Old Post Office Playhouse, 5:30 p.m. – 7:00 p.m.
- October 28th Halloween Spooktacular, downtown, 5:00 p.m. – 8:00 p.m.
Newton 101 Information

- Session 5 (Oct. 5): Finance, Human Resources and Information Systems at the Historic Newton Depot. Participants will learn about the inner workings of municipal government finance, personnel, and information systems.
- Session 6 (Oct. 12): Newton Parks and Recreation and Planning at the Newton Recreation Center. Participants will learn about the many activities and resources offered at the Newton Recreation Department. This session also will explore the Planning Department and economic development projects.
- Session 7 (Oct. 19): Graduation at Newton City Hall. Participants will enjoy a brief social event, followed by a question-and-answer session with the Mayor, City Council, City Manager and Department Heads. Each participant will receive a certificate of completion at the final session.

ITEM 8: Questions and Comments from Mayor and Council

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

Council Member Jody stated that the Branding and Marketing Initiative is moving along. He stated that the Depot had an event at Murray’s Mill last weekend and that a Fall Festival event is planned. Mr. Dixon also stated that the Auditorium will have a Foothills Folk Art Festival Preview on Friday night, and also mentioned the new floors that have been installed there.

Council Member Jerry Hodge stated that there is an article in the Charlotte Business Journal for September 29th titled “Newton Readies for Growth”. He stated the article features Mayor Stedman and that there is also an article about Catawba Farms. He thanked them for their investment and vision.

ITEM 9: Closed Session – Per North Carolina General Statutes 143-318.11(a)(3), 143-318.11(a)(4) and 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 City Council enter CLOSED SESSION per General Statutes 143-318.11(a)(3), 143-318.11(a)(4) and 143-318.11(a)(5)

Motion was then made by Council Member Wes Weaver to return to open session, seconded by Council Member Robert C. Abernethy, Jr.. All Ayes.

ITEM 10: Adjournment

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

That the Meeting be – ADJOURNED

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk
The following tax releases have been received from the Catawba County Tax Collector. The reason for each release is annotated beside the name.

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Tax Release Number</th>
<th>Name</th>
<th>Reason</th>
<th>Amount of Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>14</td>
<td>Canon Financial Service Inc.</td>
<td>Corrected depreciation schedules for equipment</td>
<td>$4.85</td>
</tr>
<tr>
<td>2017</td>
<td>15</td>
<td>Ford Motor Company Tooling</td>
<td>Penalty assessed in error</td>
<td>$55.08</td>
</tr>
<tr>
<td>2016</td>
<td>16</td>
<td>Gibbs, Floyd Jr.</td>
<td>Small underpayment</td>
<td>$0.07</td>
</tr>
<tr>
<td>2017</td>
<td>17</td>
<td>Ryder Truck Rental Inc.</td>
<td>Penalty assessed in error</td>
<td>$932.08</td>
</tr>
<tr>
<td>2017</td>
<td>18</td>
<td>Sigmon, Wanda J</td>
<td>Property sold rebilled correct owner</td>
<td>$419.85</td>
</tr>
<tr>
<td>2017</td>
<td>19</td>
<td>Smith, Donald J Jr.</td>
<td>Situs error</td>
<td>$108.81</td>
</tr>
</tbody>
</table>

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

Sewer Adjustments

TO: E. Todd Clark, City Manager  DATE: October 12, 2017
RE: Sewer Adjustments – October 17, 2017
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.

<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>12000550-001</td>
<td>Beth Eden Lutheran Church</td>
<td>400 N. Main Ave.</td>
<td>Jul–Sept</td>
<td>$323.67</td>
</tr>
<tr>
<td>4000020-003</td>
<td>Ashley Gaither</td>
<td>1071 S. Brady Ave.</td>
<td>Aug–Sept</td>
<td>$348.17</td>
</tr>
<tr>
<td>19000020-001</td>
<td>Harris M Jones</td>
<td>1045 Merrywood Dr.</td>
<td>Aug–Sept</td>
<td>$ 95.20</td>
</tr>
<tr>
<td>4000180-011</td>
<td>Jessee L Mendoza</td>
<td>1023 S Brady Ave.</td>
<td>Sept-Oct</td>
<td>$362.84</td>
</tr>
<tr>
<td>19000530-003</td>
<td>James Morgan</td>
<td>2745 Touchstone Cir.</td>
<td>Sept</td>
<td>$246.43</td>
</tr>
<tr>
<td>19000270-004</td>
<td>Kasie Morgan</td>
<td>1023 Thistle Ct</td>
<td>Aug–Sept</td>
<td>$ 85.95</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: October 11, 2017

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Petition for Non-Contiguous Annexation - TKC CCXLIX, LLC.

Approved for Council Consideration

BACKGROUND:

TKC CCXLIX, LLC. doing business as The Keith Corporation, has filed a petition seeking a non-contiguous annexation to the City. They are seeking to annex property located at 1971 Stover Ct which is on the south side of NC 10 Hwy West just west of Stover Ct. The site consists of a 41.91 acre tract based on a survey submitted to the city and identified as Catawba County Pin # 3619-03-20-5632. The property is owned by TKC CCXLIX, LLC. and is the location of the Room and Board distribution center which is currently under construction. Attached are copies of the petition, annexation map, and related documents.

ADDITIONAL INFORMATION:

This annexation is outside the City’s extraterritorial planning jurisdiction; because of this the City will need to establish zoning of the annexed parcel after completing the annexation. This will be on the agenda for the Council’s November 21, 2017 meeting along with adoption of the annexation ordinance. Planning staff is recommending that the zoning district to be established in the annexed area will be similar to the existing county zoning in the area.

REQUESTED ACTION:

The Council will need to do the following in order to start the annexation process:

1. Adopt a resolution directing the City Clerk to investigate the petition. (attached)
2. Receive Clerk’s Certification of Sufficiency. (attached)
3. Adopt a resolution fixing the date of public hearing on the question of annexation. (attached)

The staff is recommending that the Council fix the date of the public hearing for 7:00 p.m. November 21, 2017 in the Council Chambers of City Hall.
PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

TKC CCXLIX, LLC, a North Carolina limited liability company

Date: August 1, 2017

To the City Council of the City of Newton, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Newton as of February 1, 2018.

2. The area to be annexed is non-contiguous to the City of Newton and the boundaries of such territory are as follows:

BEING all of the Existing Tract consisting of 43.63 acres of the Plat entitled “Johnny A. & Eunice L. Punch & Target Corporation” dated October 30, 2006 and recorded in Plat Book 64, Page 199, Catawba County Registry.

LESS AND EXCEPTING any portions in the Road Rights of Way as shown in Plats recorded in Plat Book 67, Page 67 and Plat Book 67, Page 68, Catawba County Registry.

Also being described as follows:

Beginning at a 5/8" rebar in the southern right of way line of NC Highway 10 and the western right of way line of Stover Court, said rebar being located N 59°18'03" E 192.73' from N.C.G.S. monument “Target”, thence from said beginning point and with the western line of Stover Court S 72°49'59" E 60.24' to a 5/8" rebar, thence continuing with the western right of way line of Stover Court for the next (7) calls: (1) S 29°12'32" E 421.65' to a computed point, (2) with the arc of a circular curve to the right having a chord bearing of S 27°22'42" E a chord distance of 61.68' and a radius of 960.00' to a computed point at the northeast corner of a drainage easement, (3) with the arc of a circular curve to the right having a chord bearing of S 24°56'25" E a chord distance of 20.00' and a radius of 960.00' to a computed point on the southeast corner of said drainage easement, (4) with the arc of a circular curve to the right having a chord bearing of S 19°14'46" E a chord distance of 170.59' and a radius of 960.00' to a computed point the northeast corner of a drainage easement, (5) with the arc of a circular curve to the right having a chord bearing of S 13°33'06" E a chord distance of 20.01' and a radius of 960.00' to a computed point on the southeast corner of said drainage easement, (6) with the arc of a circular curve to the right having a chord bearing of S 09°25'18" E and a chord distance of 118.32' and a radius of 960.00' to a computed point the northeast corner of a slope easement, (7) with the arc of a circular curve to the right having a chord bearing of S 01°47'57" E a chord distance of 136.92' and a radius of 960.00' to a 1/2" rebar the northeast corner of Target Corporation (DB 2864 PG 622), thence leaving the western right of way line of Stover Court and with the northern line of Target Corporation for the next (5) calls: (1) N 71°31'29" W 46.06' to a computed point the northwest corner of a slope easement, (2) continuing the same call 68.45' to a 1/2" rebar, (3) S 53°52'46" W 501.80' to a 1/2" rebar, (4) N 83°15'34" W 195.17' to a 1/2" rebar, (5) S 70°48'09" W 132.43' to a 1/2" rebar, thence with the western line of Target Corporation S 00°01’28" W 342.38' to a 1° angle iron the southwest corner of Target Corporation and the northern corner of Charlie Wyant (DB 718 PG 306), thence leaving Target Corporation and with the northern line of Charlie Wyant S 60°00'49" W 923.77' to a 1° angle iron in the line of Charlie Wyant and the southeast corner of Jerry Whisnant (DB 1109 PG 816), thence leaving the line of Charlie Wyant and with the eastern line of Jerry Whisnant N 11°11'59" W 739.65' to a 5/8" rebar in the line of Jerry Whisnant, thence with the line of Jerry Whisnant and with the eastern line of Ralph Mitchem (DB 3009 PG 1875) N 11°11'59" W 427.75' to a computed point at the southwest corner of a drainage easement in the line of Ralph Mitchem, thence with western line of said drainage easement and with the line of Ralph Mitchem N 11°11'59" W 15.20' to a 5/8" rebar in the line of Ralph Mitchem and on the southern right of way line of NC Highway 10, thence leaving Ralph Mitchem and with the southern
right of way line of NC Highway 10 N 68°58'13" E 26.13' to a computed point the northeast corner of a drainage easement, thence continuing with the southern right of way line of NC Highway 10 for the next (9) calls: (1) N 68°58'13" E 162.14' to a computed point, (2) with the arc of a circular curve to the left having a chord bearing of N 63°13'28" E a chord distance of 581.20' and a radius of 2899.80' to a computed point, (3) N 57°28'23" E 248.53' to a computed point the northwest corner of a drainage easement, (4) N 57°28'23" E 61.00' to a computed point the northeast corner of a drainage easement, (5) N 57°28'23" E 339.62' to a computed point the northeast corner of a sewer easement, (6) N 57°28'23" E 40.45' to a computed point the northeast corner of a sewer easement, (7) S 32°31'37" E 2.80' to the southeast corner of a sewer easement, (8) S 32°31'37" E 7.20' to a computed point, (9) N 57°31'18" E 233.15' to the point and place of beginning. Containing 41.91 acres as shown on a map by Honeycutt Land Surveying, PA. dated 4/11/2017. File No: C-608.

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City.

4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof).

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Do you declare</th>
<th>Vested rights</th>
<th>(Indicate yes or no)</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>TKC CCXLIX, LLC</td>
<td>c/o The Keith Corporation</td>
<td>Yes</td>
<td>Site Plan Approval</td>
<td>Building Permit</td>
<td>Erosion &amp; Sedimentation Control</td>
</tr>
<tr>
<td></td>
<td>4500 Cameron Valley Parkway</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Suite 400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Charlotte, NC 28211</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This the 1st day of August, 2017

By: [Signature]

Title: [Title]
RESOLUTION 14-2017
DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1

(TKC CCXLIX, LLC)

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 1, 2017, by the CITY COUNCIL OF THE CITY OF NEWTON; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Newton deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton that;

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her/his investigation.

______________________________
Mayor

______________________________
City Clerk
CERTIFICATE OF SUFFICIENCY

(TKC CCXLIX, LLC)

To the City Council of the City of Newton, North Carolina:

I, Amy S. Falowski, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Newton, North Carolina this 17th day of October, 2017.

(SEAL)

__________________________________________

City Clerk

NC-3
WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the City Hall Council Chambers, 401 North Main Avenue, Newton, North Carolina, beginning at 7:00 p.m. on Tuesday, November 21, 2017.

Section 2. The area proposed for annexation is described as follows:

BEING all of the Existing Tract consisting of 43.63 acres of the Plat entitled "Johnny A. & Eunice L. Punch & Target Corporation" dated October 30, 2006 and recorded in Plat Book 64, Page 199, Catawba County Registry.

LESS AND EXCEPTING any portions in the Road Rights of Way as shown in Plats recorded in Plat Book 67, Page 67 and Plat Book 67, Page 68, Catawba County Registry.

Also being described as follows: Beginning at a 5/8" rebar in the southern right of way line of NC Highway 10 and the western right of way line of Stover Court, said rebar being located N 59°18'03" E 192.73' from N.C.G.S. monument "Target", thence from said beginning point and with the western line of Stover Court S 72°49'59" E 60.24' to a 5/8" rebar, thence continuing with the western right of way line of Stover Court for the next (7) calls: (1) S 29°12'32" E 421.65' to a computed point, (2) with the arc of a circular curve to the right having a chord bearing of S 27°22'42" E a chord distance of 61.68' and a radius of 960.00' to a computed point at the northeast corner of a drainage easement, (3) with the arc of a circular curve to the right having a chord bearing of S 24°56'25" E a chord distance of 20.00' and a radius of 960.00' to a computed point on the southeast corner of said drainage easement, (4) with the arc of a circular curve to the right having a chord bearing of S 19°14'46" E a chord distance of 170.59' and a radius of 960.00' to a computed point the northeast corner of a drainage easement, (5) with the arc of a circular curve to the right having a chord bearing of S 13°33'06" E a chord distance of 20.01' and a radius of 960.00' to a computed point on the southeast corner of said drainage easement, (6) with the arc of a circular curve to the right having a chord bearing of S 09°25'18" E and a chord distance of 118.32' and a radius of 960.00' to a computed point the northeast corner of a slope easement, (7) with the arc of a circular curve to the right having a chord bearing of S 01°47'57" E a chord distance of 136.92' and a radius of 960.00' to a 1/2" rebar the northeast corner of Target Corporation and the...
northern corner of Charlie Wyant (DB 718 PG 306), thence leaving Target Corporation and with the northern line of Charlie Wyant S 60°00'49" W 923.77' to a 1" angle iron in the line of Charlie Wyant and the southeast corner of Jerry Whisnant (DB 1109 PG 816), thence leaving the line of Charlie Wyant and with the eastern line of Jerry Whisnant N 11°11'59" W 739.65' to a 5/8" rebar in the line of Jerry Whisnant, thence with the line of Jerry Whisnant and with the eastern line of Ralph Mitchem (DB 3009 PG 1875) N 1 1'11'59" W 427.75' to a computed point at the southwest corner of a drainage easement in the line of Ralph Mitchem, thence with western line of said drainage easement and with the line of Ralph Mitchem N 11°11'59" W 15.20' to a 5/8" rebar in the line of Ralph Mitchem and on the southern right of way line of NC Highway 10, thence leaving Ralph Mitchem and with the southern right of way line of NC Highway 10 N 68°58'13" E 26.13' to a computed point the northeast corner of a drainage easement, thence continuing with the southern right of way line of NC Highway 10 for the next (9) calls: (1) N 68°58'13" E 162.14' to a computed point, (2) with the arc of a circular curve to the left having a chord bearing of N 63°13'28" E a chord distance of 581.20' and a radius of 2899.80' to a computed point, (3) N 57°28'23" E 248.53' to a computed point the northwest corner of a drainage easement, (4) N 57°28'23" E 61.00' to a computed point the northeast corner of a drainage easement, (5) N 57°28'23" E 339.62' to a computed point the northeast corner of a sewer easement, (6) N 57° 28' 23" E 40.45' to a computed point the northeast corner of a sewer easement, (7) S 32°31'37" E 2.80' to the southeast corner of a sewer easement, (8) S 32°31'37" E 7.20' to a computed point, (9) N 57°31'18" E 233.15' to the point and place of beginning. Containing 41.91 acres as shown on a map by Honeycutt Land Surveying, PA. dated 4/11/2017. File No: C-608

Section 3. Notice of the public hearing shall be published in The Observer News Enterprise, a newspaper having general circulation in the City of Newton, at least ten (10) days prior to the date of the public hearing.

Adopted on October 17, 2017

___________________________________________
Mayor

___________________________________________
City Clerk