

# **AGENDA**

## **CITY OF NEWTON**



**October 18, 2016**

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

**October 18, 2016**

**7:00 p.m.**

- |      |  |
|------|--|
| Page | <b>1. <u>Call to Order – Mayor Anne P. Stedman</u></b>   |
|      | <b>2. <u>Opening – Council Member Robert C. Abernethy, Jr.</u></b>   |
| 1    | <b>3. <u>Approval of Minutes from the October 4, 2016 Regular Meeting</u></b>  |
|      | <b>4. <u>Consideration of Consent Agenda Items</u></b>   |
| 7    | A. Sewer Adjustments   |
| 8    | B. Consideration of Budget Ordinance Amendment to Recognize Previously Accepted Grant Funds  |
| 10   | C. Consideration of Budget Ordinance Amendment - \$1,000 Contribution to the Police Department   |
| 13   | D. Consideration of of Budget Ordinance to Establish Capital Project Fund for Westside Drive Sewer Rehabilitation Project  |
| 16   | E. Consideration of Budget Ordinance Amendment – Repairs to Wastewater Pump  |
|      | <b>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></b> |
|      | <b>6. <u>Presentation – Taylor Dellinger, Western Piedmont Council of Governments</u></b>  |
|      | <b>7. <u>New Business</u></b>  |
| 18   | A. Consideration of a Street Naming Request for an Existing Road on the Catawba County Government Center Campus  |
| 21   | B. Consideration of Resolution Declaring Official Intent to Reimburse Expenditures   |
| 24   | C. Consideration to Accept Asset Inventory and Assessment Grants, Resolutions and Related Budget Ordinance Amendments  |
|      | 1. Water Asset Inventory and Assessment  |
|      | 2. Wastewater Inventory and Assessment   |
|      | <b>8. <u>Old Business</u></b>  |
|      | A. Consideration of Stop Signs on 6 <sup>th</sup> Street   |
|      | <b>9. <u>City Manager’s Report</u></b>   |
|      | <b>10. <u>Questions and Comments From Mayor and Council</u></b>  |
|      | A. Reports from Appointed Representatives on Outside Boards – Council Member Jody Dixon  |
|      | <b>11. <u>Adjournment</u></b>  |

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

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

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

**October 4, 2016 – 7 p.m.**

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, September 20, 2016 at Newton City Hall.

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

**ABSENT:** Council Member Wes Weaver

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

**ITEM 1: CALL TO ORDER**

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

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

Council Member Jerry Hodge provided the invocation and Pledge of Allegiance. Mr. Hodge commended everyone that was involved in a successful Folk Art Festival. He stated that it took collaboration, cooperation, and communication to make this event successful. He thanked the city employees, the DNDA, the vendors and the merchants for all of their cooperation.

**ITEM 3: APPROVAL OF MINUTES**

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

That the Regular Minutes of the September 20, 2016 City Council meeting be –  
APPROVED

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

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

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Budget Ordinance Amendment – ElectriCities Smart Communities Grant
- D. Consideration of a Proposed Easement at 201 North Main Avenue
- E. Presentation of the Annual Electric Safety Award

David Young, Supervisor of Safety and Training at ElectriCities presented the Safety Award for “No Lost Work Day Cases” for 2015 to Doug Wesson and thanked him and told him what a pleasure it is to work with the City of Newton.

(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.

Mr. James Cannon of 1120 Shannonbrook stated that he was having a problem with pigs in the back of his neighbor's property. He stated that there are free range chickens and nothing has been done. He stated that in August 2015 he went to Chief Brown and told him that he wouldn't want these animals in his back yard. He asked that the City Attorney and City Manager go over and take care of it when then Animal Control Officer said that the city couldn't afford a lawsuit and that he would do what he could. Then Mr. Miller left the city's employment. He stated that there is an odor and that the owners were supposed to take care of the odor. He stated that he was told nothing could be done because they had the right amount of acreage per the ordinance. Mr. Cannon asked if the city could direct the staff to prevent the Schmuckers from increasing the size of the pen/stable. He asked if Council would reconsider this and take some action.

Mayor Stedman thanked Mr. Cannon and said that the city will contact Mr. Schmucker the property owner.

Council Member Robert Abernethy, Jr. asked Mr. Cannon if he and the neighbor had tried to work this problem out on their own. Mr. Cannon stated that he had reached out to Mr. Schmucker many times before. Mr. Abernethy stated that he wanted to make sure that they had tried to come to a resolution on their own. Mr. Cannon stated that they had been friends with the Schmuckers for 1 or 2 years prior to this, and now the Schmuckers have installed an ugly fence as well.

Mayor Stedman asked if there was anyone else that would like to speak.

Becca Bleich of Eastern Catawba County Christian Ministries gave an update on the fall events happening at ECCCM. She mentioned, among other things, the Transportation Program which helps people that need car repairs and auto insurance. She also talked about the Hunger Walk that is Sunday, October 16<sup>th</sup> in Downtown Newton starting at 1:00 p.m.

**ITEM 6:**      **New Business**

- A. Consideration of Resolution Authorizing the Rural Economic Development Division Building Reuse Program – Newton Urgent Care Building Reuse Application

Planning Director Randy Williams stated that Newton Urgent Care proposes to utilize a vacant building located at former Dollar General site located at 1358 S NC 16 Business Hwy Newton for a new urgent care medical office. In an effort to renovate the property, Newton Urgent Care is seeking the assistance of the City of Newton to access grant funding through the State of North Carolina Department of Commerce, Building Reuse Grant program.

Mr. Williams stated in order to access these funds, the applicant must be a unit of local government located in either a Tier I or Tier II economically distressed County. Mr. Williams explained the proposed project must be a priority industry with a business classification of manufacturing, warehousing, wholesale trade, courier services, central administrative offices, electronic mail order services, computer

systems design, software publishers, software reproducing, medical or data processing services. Newton Urgent Care meets the industry test and the City of Newton is located within a Tier II economically distressed county.

Mr. Williams stated the applicant must also demonstrate that new jobs are being created and the amount of the grant award is tied to the number of jobs created. He said that Newton Urgent Care is committed to the creation of 7 new full time jobs at or above the average weekly wage required by the grant.

Mr. Williams stated that The City of Newton will be required to provide a minimum 5% match for an estimated \$70,000 grant request, if approved for a grant.

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

Council Member Robert C. Abernethy, Jr. stated that this fills a need, that the emergency room is a poor option and that it will serve rural areas as well. He stated it is the city's job to ensure the health and safety of all people, not just the citizens of Newton.

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

That Resolution Authorizing the Rural Economic Development Division Building Reuse Program – Newton Urgent Care Building Reuse Application be – ADOPTED.

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

A. Consideration of AT&T Lease Extension

Assistant City Manager Sean Hovis stated The City of Newton entered into a Lease Agreement with AT&T to lease space on the city's water tank located at 201 West 4<sup>th</sup> Street on December 14, 2010 which is set to expire December 13, 2020. Mr. Hovis said that AT&T is requesting to renew the lease now because if they have to move sites it can take up to 3 years to get new leases and move equipment. Also the current rates for leases are not sustainable due to current competition in the industry. Mr. Hovis stated the current lease amount is \$3,583.33 per month and AT&T is requesting the per month amount be reduced to \$3300.00. AT&T is offering a 10% escalation rate every 5 years, and is requesting to renew the lease agreement for up to 15 years. Each initial lease is for 5 years with up to two renewals with the City of Newton being guaranteed 10 years.

Mr. Hovis asked that City Council consider a motion to accept the terms of the amendment and direct the city manager to enter in to a contract approved as to form by the city attorney.

Council Member Jerry Hodge wondered if this rate is established if it will affect other renter's fees in the future. Mayor Pro Tem John Stiver stated that something is better than nothing. Mr. Abernethy asked how many cell towers are up now. Mr. Hovis and Public Works Director Dusty Wentz said they would have to check.

Council Member Robert C. Abernethy, Jr. stated that maintenance and painting of the water tower is a big expense and he would like to see this revenue segregated for the maintenance of the water tank. Council Member Abernethy stated that he would make the motion with this stipulation. Mayor Pro Tem John Stiver seconded the motion, and it was unanimously RESOLVED:

That the AT&T Lease be – Extended and that all revenue made from the rental be segregated for maintenance of the water tank.

B. Consideration of Ordinance Amendment to Sections 93 and 99 of the Newton Code of Ordinances

1. Amending Ordinance 93.22, Section 1

Major Tim Hayes stated that in August of 2014 Discovery High School moved to 301 West 18<sup>th</sup> Street, site of the former Thornton Elementary School, to create Discovery High School at the Thornton Educational Center. This move was needed to accommodate the steady growth of Discovery High School. With the growth of Discovery, parking needs of staff and students have not been met. Major Hayes said that since the Discovery campus was originally an elementary school there is little room for staff parking and the driving student population and that many staff and students must park in places not normally used for parking or walk extended distances to reach the campus.

Major Hayes stated that in May of 1993 the Board of Alderman of the City of Newton passed ordinance #93.22 Section #1, restricting traffic flow on West 18<sup>th</sup> Street. The traffic flow restrictions created a “One-Way” traffic flow west to east on school days between the hours of 7:30 - 8:30 am in the morning and from 2:30 - 3:30 in the afternoon. He explained that Ordinance #93.22 Section #2 was also enacted to prohibit parking on the south side of West 18<sup>th</sup> Street between N. Ashe Ave and N. Stewart Ave between the hours of 8:00 am and 4:00 pm.

Major Hayes stated after careful evaluation and review with staff of Discovery High School and Newton-Conover City Schools administration, it is the recommendation of the Newton Police Department to change ordinance #93.22 Section #1 to reflect a time of 7:00 - 8:00 am in the morning and from 2:00 - 3:00 in the afternoon.

It is also recommended that Ordinance #93.22 Section #2 be changed to reflect the time of 7:30 am and 3:30 pm.

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

That Ordinance #93.22 Section #1 to reflect a time of 7:00 - 8:00 in the morning and from 2:00 - 3:00 in the afternoon be – ADOPTED.

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

That Ordinance #93.22 Section #2 be changed to reflect the time of 7:30 am and 3:30 p.m. be – ADOPTED.

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

2. Amending Ordinance 99.36, Section 1

Major Hayes stated that for the same reasons mentioned before, staff is asking Council to look at Ordinance 99.36, Section 1. He explained that in April of 1999 the Board of Alderman of the City of Newton passed ordinance #99.36 Section #1 restricting parking on North Ashe Avenue between West 15<sup>th</sup> Street and West 18<sup>th</sup> Street. The parking restrictions created a “No Parking Zone” on both sides of N. Ashe Ave that applies to school days between the hours of 7:00 am and 4:00 pm.

Major Hayes stated that after careful evaluation and review with staff of Discovery High School and Newton-Conover City Schools administration, it is the recommendation of the Newton Police Department

to change ordinance #99.36 Section #1 allowing for unrestricted parking on the east side of N. Ashe Ave between the entrance to Newton-Conover High School and West 18<sup>th</sup> Street. This change will allow staff and students to take advantage of the 37 marked parking spaces on the east side of N. Ashe Ave.

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

That Ordinance #99.36 Section #1 to allow for unrestricted parking on the east side of N. Ashe Ave between the entrance to Newton-Conover High School and West 18<sup>th</sup> Street be  
- ADOPTED

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

**ITEM 7:**        **Old Business**

A. Consideration of Stop Signs on 6<sup>th</sup> Street

City Manager Todd Clark stated that the Newton City Council voted on April 19, 2016 to erect stop signs on West 6<sup>th</sup> Street at the intersections of North Spring Avenue and North Cline Avenue. The decision to erect the signs was in response to neighborhood concerns for safety due to the volume and speed of motorists traveling the street.

Mr. Clark stated that members of City Council have since received feedback from citizens. In order to review the public feedback and overall effectiveness of the signs, city staff has been asked to place this matter on the September 30<sup>th</sup> agenda for discussion.

Council Member Tom Rowe stated that between Frye and Spring you barley get started before you have to stop again.

Council Member Tom Rowe made a motion that the stop sign at the intersection of Frye and 6<sup>th</sup> be removed. Mayor Pro Tem John Stiver seconded the motion.

Council Member Robert C. Abernethy stated that he would like to discuss the matter more.

Mayor Stedman stated that the signs could be more equally spaced. Council Member Jerry Hodge asked if there was anyone from 6<sup>th</sup> Street present, and if they should have input to speak. City Attorney John Cilley stated that a Public Hearing is not required. Council Member Robert Abernethy stated that it is not so pressing that the matter can't wait so that others can be involved. He stated that he would have thought the sign at N. Spring would be the one to be removed. Council Member Rowe said it is good to have a stop sign there because of sight distance. Planning Director Randy Williams stated that it would be good to have a broader conversation with citizen involvement. Mr. Hodge agreed that it would be good if they could become part of the decision.

Mayor Stedman asked if it would be okay to postpone until the next meeting so that more citizens could be there. Mr. Rowe said that would be fine and withdrew his motion. Mayor Stedman asked staff to include this item on the October 18<sup>th</sup> agenda.

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

**Meetings & Events**

- October 12-19th – Streetscape Project Demonstration
- October 19<sup>th</sup> – BAC Business Appreciation Night, 5:30 p.m.

- October 23-25<sup>th</sup> NCLM Annual Conference, Raleigh
- October 26<sup>th</sup> – North Carolina Municipal Power Agency Number 1 Board of Commissioners Meeting
- WWTP
- Pedestrian Plan Project Survey - There is a link on the city's website about the plan and has a link to a survey

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

Mayor Anne P. Stedman asked if any Council Members would like to make any comments.

Council Member Robert C. Abernethy, Jr. gave a report on the Appearance Commission which included:

- Yard of the Week recipients
- Appearance Commissions Booth during Reunion Week
- The fact that the commission is one member short and looking for a new appointment

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

He explained that the Policy Board works on administrative grants, they work with HUD housing and assisting with mortgage payments to name a few. He stated that they are a tremendous resource. Mr. Hodge stated how fortunate the COG is to have Anthony Starr and also the city's non-elected member to the board Mary Bess Lawing.

Mr. Hodge stated that the Transportation Advisory Committee currently has two projects in the area:

- 4 lane, 8.2 miles on Hwy 16
- Widening of Hwy 150, Sherrills Ford

Council Member Abernethy asked if there were completion dates. Mr. Hodge said late 2019 for the Hwy 16 project.

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

Upon motion duly made by Mayor Pro Tem John Stiver, 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)(4)

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

**ITEM 11: Adjournment**

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

That the Meeting be – ADJORNED

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Amy S. Falowski, City Clerk




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Anne P. Stedman, Mayor

# CITY OF NEWTON

## Sewer Adjustments

**TO:** E. Todd Clark, City Manager **DATE:** October 10, 2016

**RE:** Sewer Adjustments – October 18, 2016

**FROM:** Serina Hinson, Finance Director

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

<b>Account Number</b>	<b>Name</b>	<b>Service Address</b>	<b>Adjustment Period</b>	<b>Amount of Adjustment</b>
56000600-002	Sharon Cloer	705 E. 10 <sup>th</sup> St.	Jun - Aug	\$176.43
61000580-025	Warren England	155 McDaniels Circle	Aug	\$ 75.50
54000140-006	Karietine Harper	710 Sandalwood Ct #A	Jun - Aug	\$ 48.40

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

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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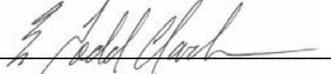
**DATE:** April 15, 2015

**TO:** Todd Clark, City Manager

**FROM:** Serina Hinson, Finance Director

**CONSIDERATION OF:** Budget Ordinance Amendment to Recognize Previously Accepted Grant Funds from NCDOT

**Approved for Council Consideration**

  
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**Background:**

On May 3, 2016 Council approved the grant award from the North Carolina Department of Transportation (NCDOT), Division of Bicycle and Pedestrian Transportation, for a city-wide pedestrian plan. This is a matching grant program that encourages municipalities to develop comprehensive pedestrian plans. This plan will assist the City to address not only infrastructure needs but also to develop project priorities; review local policies and guidelines; and identify opportunities for implementation, education and safety programs. The initial grant award was up to \$42,000 with a 30 % match of \$18,000 for a total of \$60,000. On that same date, Council approved Budget Ordinance Amendment 2016-9 to recognize the grant award and establish the budget for this project.

Staff would like to re-establish the budget for the city-wide pedestrian plan in Fiscal Year 2017. No expenditures were obligated or incurred in the prior year; and, the total project cost has been revised to reflect the actual contract amount with Alta Planning and Design, Inc. for a total of \$49,500. Therefore, the grant award would be \$34,650 with a match from the City of \$14,850 totaling \$49,500.

**Action Suggested:**

Motion to approve the attached Budget Ordinance Amendment for the city-wide pedestrian plan.

**ORDINANCE # 2016-28**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES  
FOR FISCAL YEAR 2016-2017 FOR THE CITY OF NEWTON.**

**WHEREAS**, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and,

**WHEREAS**, the City Council approved on May 3, 2016, the grant award from the North Carolina Department of Transportation (NCDOT), Division of Bicycle and Pedestrian Transportation, for a city-wide pedestrian plan. This is a matching grant program that encourages municipalities to develop comprehensive pedestrian plans. This plan will assist the City to address not only infrastructure needs but also to develop project priorities; review local policies and guidelines; and identify opportunities for implementation, education and safety programs. The grant award was up to \$42,000 with a 30% match of \$18,000 for a total of \$60,000; and,

**WHEREAS**, the City Council also approved the Budget Ordinance Amendment 2016-9 to recognize the grant award and the related expenditure appropriation; and,

**WHEREAS**, the City Council desires to re-establish the budget for the city-wide pedestrian plan in Fiscal Year 2017. No expenditures were obligated or incurred in the prior year; and, the total project has been revised to reflect the contract with Alta Planning and Design, Inc. for a total of \$49,500 which is more attractive than the initial \$60,000.

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

General Fund Revenues		
Federal Grants	11-0000.3400	\$34,650
Fund Balance Appropriation	11-0000.3990	\$14,850
General Fund Appropriations		
Professional Services – Other	11-4910.4990	\$49,500

Adopted this 18th day of October, 2016.

Attest:

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

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



# CITY OF NEWTON REQUEST FOR COUNCIL ACTION

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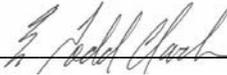
**DATE:** October 4, 2016

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

**FROM:** Donald G. Brown II, Chief of Police

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

**Approved for Council Consideration**

  
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**Background:**

In light of recent events around the country the police department has recognized a need for additional protective gear for officer safety. The recent events that occurred in Charlotte, North Carolina reinforce the mindset that these events can happen close to home.

As a result of these events it is the desire of the Newton Police Department to begin outfitting each officer with riot gear. Currently, the Newton Police Department has no such gear to protect officers and there is a limited amount of gear available from outside resources. Lisa Sigmon Holloway, sister of Newton Police Lieutenant David Sigmon, gave a donation to the Newton Police Department in the amount of \$1,000 to be used for the purchase of riot gear. It is the desire of the Newton Police Department to use these funds to purchase two complete sets of riot gear for Newton officers.

**Summary:**

Use the specified donated funds of \$1,000 to begin purchasing riot gear and equipment for police officers.

**Requested Action:**

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

ENVISION REAL ESTATE, LC 02-08 1435  
OPERATING ACCT  
3022 LINCOLN AVE.  
RICHMOND, VA 23228-4210

DATE September 27, 2016 68-1/510 VA 1150

PAY TO THE ORDER OF Newton Police Department \$ 1,000.00  
one thousand DOLLARS

Bank of America  
ACH R/T 051000017

FOR Riot Gear Lisa Sigmon Followay MP

⑈001435⑈ ⑆051000017⑆ 435004274300⑈

Dear Chief Brown,  
Please accept this  
donation to help purchase  
riot gear for NPD.  
Warm regards,  
Lisa

**ORDINANCE # 2016-25**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR  
FISCAL YEAR 2016-2017 FOR THE CITY OF NEWTON.**

**WHEREAS**, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and

**WHEREAS**, the City Council desires to recognize the generous contribution of a \$1,000 from Lisa Sigmon Holloway, sister of Newton Police Lieutenant David Sigmon, and owner of Envision Real Estate and Lisa & Company Resident and Commercial Contractors in Richmond, Virginia. The contribution is to be used for the purchase of riot gear. The \$1,000 will enable the Police Department to purchase two complete sets of riot gear for Newton officers; and

**WHEREAS**, the City Council desires to recognize the contribution and authorize the related expenditure appropriation within the Police Department operating budget.

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

General Fund Revenues		
Spec. Project Contrib/Other Grants	11-0000.3845	\$1,000
General Fund Appropriations		
Safety and Uniform Supplies	11-4310.5300	\$1,000

Adopted this 18th day of October, 2016.

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

Attest:

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



**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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**DATE:** October 13, 2016

**TO:** Todd Clark, City Manager

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

**CONSIDERATION OF:** Adopt a Budget Ordinance to Establish a Capital Project Fund for the Westside Dr. Sewer Rehabilitation project.

**Approved for Council Consideration**

  
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**Background:**

In July of 2016, council approved an intent to reimburse the Water and Sewer Fund for expenditures related to the Westside Dr. Gravity Sewer Replacement Project. The budget for this project is \$1.1 million and will fund engineering, survey, bidding, permits, and construction for replacement of the 3,000 linear feet of gravity sewer line currently failing adjacent to Westside Dr.

Currently, the project is at 95% design with our engineering firm of McGill and Associates. Bids are expected to be opened on November 17<sup>th</sup>, 2016. Staff expects construction to immediately follow.

The City is now expending funds and receiving invoices related to this project.

**Action Suggested:**

Staff request council consider approval of the attached Budget Ordinance establishing a capital projects fund for the Westside Dr. Sewer Replacement project.

**ORDINANCE # 2016-26**

**AN ORDINANCE TO ESTABLISH CAPITAL PROJECT FUND  
FOR WESTSIDE DRIVE WASTEWATER REHABILITATION PROJECT**

**WHEREAS**, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and

**WHEREAS**, the City of Newton periodically establishes capital project ordinances for endeavors that involve infrastructure/construction activities in which the duration of the project will extend from one fiscal year into another; and,

**WHEREAS**, the City’s 10-Year Capital Improvement Plan reflects the Westside Drive to Main Avenue Wastewater Rehabilitation Project in Fiscal Year 20224; however, inspection of the 12’ line revealed a failure in June/July 2016 of this line. At that time, the wastewater line progressed to an emergency replacement due to the condition of the line. Resolution 12-2016 was approved on July 12, 2016 Declaring Official Intent to Reimburse Expenditures for this project and to move forward with the engineering; and,

**WHEREAS**, the City has estimated the project cost to be \$1.1 million; and,

**WHEREAS**, the City Council desires to establish a Capital Project Fund for the Westside Dr. Sewer Rehabilitation Project; and,

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

THE FOLLOWING SOURCE OF REVENUES AND APPROPRIATIONS ARE HEREBY APPROVED.

**Water/Wastewater Capital Project Fund**

Revenues

Proceeds from Borrowing	47-7100.3900	\$1,100,000
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Appropriations

Sewer Rehabilitation Projects	47-7100.5994 (104)	\$1,100,000
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Adopted this 18th day of October, 2016.

Attest:

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

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



**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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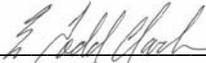
**DATE:** October 13, 2016

**TO:** Todd Clark, City Manger

**FROM:** Dusty Wentz, Public Works and Utilities Director

**CONSIDERATION OF:** Budget Ordinance Amendment for Replacement and Installation of Pumps at the Waste Water Treatment Plant Influent Pump Station.

**Approved for Council Consideration**

  
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**Background:**

The City of Newton sustained influent pump failures at our wastewater treatment plant during the week of October 2nd, with all three pumps going down. The cause of these failures was due to mechanical and several electrical failures. Given the age of the pump motors and controls (35+ years), replacement of the failing parts was required.

An emergency purchase order in the amount of \$27,000 (\$9,000 per pump) was issued in order to affect repairs and resume operation as quickly as possible. All repairs have been completed.

The equipment repair line item in the waste water treatment plant budget for FY 2017 is \$18,000. In consideration of the expenses so far this fiscal year and repair expenses anticipated for the remainder of the year, the staff is requesting an appropriation of fund balance.

**Action Suggested:**

Staff requests council approve the budget ordinance amendment attached for \$27,000 for the cost of replace vital components of the three pumps at the waste water treatment plant influent pump station.

**ORDINANCE # 2016-27**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2016-2017 FOR THE CITY OF NEWTON.**

**WHEREAS**, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and

**WHEREAS**, the City Council desires to approve \$27,000 for the emergency repair of three pumps at the Wastewater Treatment Plant. Pumps one and three at the same location ceased operation on October 4 due to a mechanical failure and possible electrical failures. The pump motors and controls are thirty-five plus years old. An emergency purchase order has been issued to complete repairs and resume operations as quickly as possible; and,

**WHEREAS**, the City Council desires to utilize fund equity and to authorize the related expenditure appropriation within the Wastewater Treatment Plant operating budget.

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

Water/Wastewater Fund Revenues		
Fund Equity Appropriated	61-0000.3995	\$27,000
Water/Wastewater Fund Appropriations		
Equipment Repair/Maintenance	61-7141.6520	\$27,000

Adopted this 18th day of October, 2016.

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

Attest:

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



# CITY OF NEWTON REQUEST FOR COUNCIL ACTION

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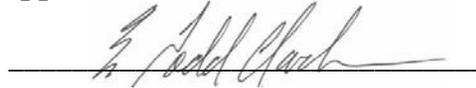
**DATE:** October 13, 2016

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

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

**CONSIDERATION OF:** Street Naming Request for an existing access road on the Catawba County Government Center Campus

**Approved for Council Consideration**

  
\_\_\_\_\_

**Request:**

Attached with this memo is a copy of a letter from Catawba County requesting that an internal access road be named “Government Drive”. The access road intersects Radio Station Road just west of Southwest Blvd and is also access off of Southwest Blvd.

**Review:**

The access road requested to be named was built when the County Government Center was established in the late 70’s. There is no record of this access road ever being officially named. The access road is maintained by Catawba County and is entirely on their property so no other property owners are impacted by this request.

In accordance with Section 86-14 of the city code, City Council may change the names of streets and roads within the jurisdiction of the city.

**Recommendation:**

It is the Newton Planning Department’s recommendation that the City Council approve the request made by Catawba County to name their existing internal access road “Government Drive”.



Catawba County Legal Department  
Debra Bechtel, County Attorney  
Jodi Stewart, Assistant County Attorney  
Amanda Bentley, NC Certified Paralegal

October 5, 2016

Alex Fulbright  
Newton Assistant Planning Director  
Post Office Box 550  
Newton, North Carolina 28658

Dear Alex:

As Catawba County is expanding the courthouse to better serve the citizens of Catawba County, reviewing the addressing within the government complex is a part of the process. Based on input from Catawba County GIS and you a plan has been developed.

On behalf of Catawba County I respectfully request that the road internal to the government complex be named Government Drive. Catawba County GIS has also identified appropriate building numbers. This information is depicted in the attached map.

The County believes these changes will make it easier for citizens, visitors and emergency personnel to locate addresses within the government complex.

Thank you for your consideration.

Very truly yours,

Debra Bechtel  
County Attorney

Post Office Box 389  
100-A South West Boulevard  
Newton, North Carolina 28658  
Telephone: (828) 465-8483 Fax: (828) 465-8465



# CITY OF NEWTON REQUEST FOR COUNCIL ACTION

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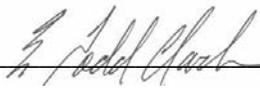
**DATE:** October 7, 2016

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

**FROM:** Donald G. Brown II, Chief of Police

**CONSIDERATION OF:** Official Intent to Reimburse Capital Purchase in FY 2016-2017 Budget with Borrowed Funds.

**Approved for Council Consideration**

  
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**Background:**

In the 2016-2017 FY budget Newton City Council approved \$315,300 to purchase and equip (6) new vehicles for the Newton Police Department. Once financing has been arranged by the finance department, ordering of new vehicles takes place in late January or early February of the following calendar year using borrowed funds. The current estimated delivery time for patrol vehicles is between 90 – 120 days, sometimes later depending on disruptions, pushing back delivery to May or June. This time frame does not include vehicle up-fitting requiring an additional 30 - 60 days.

Currently, some frontline vehicles are experiencing mechanical failures that have removed some of them from service. The concern of the police department is that mechanical failures will continue to increase in the future placing an additional strain on police resources. It is the desire of the police department to pre-order vehicles and equipment necessary to install and up-fit vehicles for duty with an “Intent to Reimburse”. Using this option, the current expected delivery date for pre-ordered vehicles is February of 2017. Vehicles could be up-fitted and placed into service prior to June 30, 2017 pending no supply or installation issues. This option would reduce the current burden placed on the police fleet for the short term until additional vehicles can be purchased in future years.

**Summary:**

Use an “Intent to Reimburse” to move forward with the purchase of (6) police department vehicles including equipment and installation necessary for up-fitting.

**Requested Action:**

Motion to adopt the attached “Intent to Reimburse” resolution authorizing the Newton Police Department to purchase (6) vehicles and equipment to include installation and complete up-fitting.

Newton Police Department  
Justification for Intent to Reimburse

In the 2016-2017 FY budget Newton City Council approved \$315,300 to purchase and equip (6) new vehicles for the Newton Police Department. Ordering of new vehicles takes place in late January or early February of the following year once financing has been arranged by the finance department. The current estimated delivery time for vehicles is between 90 – 120 days pushing back delivery to May or June if vehicles are ordered as soon as possible. This time does not allow for vehicle up-fitting requiring an additional 30 - 60 days.

Currently, some frontline vehicles are experiencing mechanical failures that have removed some of them from service.

Examples of current frontline vehicle with mechanical issues:

- #20 a 2006 Crown Victoria – transmission, over 92,000 miles. Out of service.
- #4 a 2001 Crown Victoria – check engine light, over 97,000 miles. Unknown problem. Issues with annual state inspection.
- #47 a 2002 Crown Victoria – check engine light, over 113,000 miles. Unknown problem. Issues with annual state inspection.
- #26 a 2008 Crown Victoria – bad electrical system, unknown mileage because of electronics failure.
- #7 a 2008 Crown Victoria – bad electrical system, dash warning lights remain on, over 84,000 miles.
- #27 a 2008 Crown Victoria – driver’s side window is inoperable, over 90,000 miles.
- #11 a 2010 Crown Victoria– transmission, over 50,000 miles. Just repaired at a cost of \$2,100.00.

The concern of the police department is that mechanical failures will continue to increase in the future placing an additional strain on police resources. It is the desire of the police department to pre-order vehicles with an “Intent to Reimburse” after financing has been secured. Using this option, the current expected delivery date for pre-ordered vehicles is February of 2017. Vehicles could be up-fitted and placed into service prior to June 30, 2017 pending no supply or installation issues. This option would reduce the current burden placed on the police fleet for the short term until additional vehicles can be purchased in future years.

**Resolution 16-2016**  
**A Resolution Declaring Official Intent**  
**to Reimburse Expenditures**

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** The City's 10-Year Capital Improvement Plan and Fiscal Year 2017 Budget reflect \$315,300 for the purchase of six police vehicles. Due to time constraints, it has become necessary to order the six police vehicles and related equipment prior to the completion of the annual financing. Once ordered, the delivery time for the vehicles and equipment is 90 – 120 days and 30 – 60 days, respectively. Mechanical issues with existing police vehicles, more specifically the older fleet of Crown Victoria's, have become a concern. Thus, expediting the purchasing process by ordering in advance of the financing will help alleviate the concern due to the extended delivery time of the new vehicles.

The cost is estimated to be \$315,000 which includes equipment upfitting as well.

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

The maximum principal amount of the Borrowing to be incurred by the City of Newton to finance the Project noted above is \$315,000.

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

Adopted this 18th day of October, 2016

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



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

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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**DATE:** October 14, 2016

**TO:** Todd Clark, City Manager

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

**CONSIDERATION OF:** Adopt a Resolution of Acceptance of State Reserve Grant funds for Asset Inventory and Assessment of the Water and Wastewater System

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

In June of this year, Council authorized staff to submit two Asset Inventory and Assessment grant applications to the State, one for the water systems and one for the sewer system. Those applications were both successful, and the State has offered grant funding for both in the amount of \$150,000 each (\$300,000 total) with a 10% match (\$30,000).

Briefly, the work on the water system will include, among other things, location of a 16" water main along Northwest Blvd. (including connections to adjacent mains), and recommendations for valve placement or replacement to allow staff to isolate the 16" main as needed for repairs. The work on the sewer system consist of flow monitoring in manholes, CCTV cameraing, and smoke testing to identify possible sources of inflow and infiltration for the middle section of the gravity collection system.

Currently, staff has released a Request for Proposals (RFP) to select the best qualified engineering firm to complete this work. Staff anticipates selection of a firm in the next four weeks and for the engineering work to begin immediately following.

The attached resolutions are required by the State for the City to formally accept the grant funds.

**Action Suggested:**

The staff requests that separate motions be made for the following:

- a) Council approve the attached resolution accepting the State Reserve Grant for the Water Asset Inventory and Assessment; and,
- b) Council approve the attached resolution accepting the State Reserve Grant for the Wastewater Asset Inventory and Assessment; and,
- c) Council approve the attached budget ordinance amendment.

Resolution 14-2016

**RESOLUTION BY GOVERNING BODY OF RECIPIENT**

**WHEREAS**, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform water asset inventory and assessment work, and

**WHEREAS**, the City of Newton intends to perform said project in accordance with the agreed scope of work,

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

That City of Newton does hereby accept the State Reserve Grant offer of \$150,000.

That the City of Newton does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That E. Todd Clark, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this 18th day of October, 2016 at Newton, North Carolina.

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



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

Resolution 15-2016

**RESOLUTION BY GOVERNING BODY OF RECIPIENT**

**WHEREAS**, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform wastewater asset inventory and assessment work, and

**WHEREAS**, the City of Newton intends to perform said project in accordance with the agreed scope of work,

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

That City of Newton does hereby accept the State Reserve Grant offer of \$150,000.

That the City of Newton does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That E. Todd Clark, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this 18th day of October, 2016 at Newton, North Carolina.

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



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

**ORDINANCE # 2016-29**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES  
FOR FISCAL YEAR 2016-2017 FOR THE CITY OF NEWTON.**

**WHEREAS**, the City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2016, and ending June 30, 2017, in accordance with the General Statutes of the State of North Carolina; and,

**WHEREAS**, City Council desires to accept the State Reserve Grant by the North Carolina Department of Environmental Quality, Division of Water Infrastructure, for a Water Asset Inventory and Assessment in the amount of \$150,000 plus a 10% match for a total of \$165,000; and,

**WHEREAS**, City Council also desires to accept the State Reserve Grant by the North Carolina Department of Environmental Quality, Division of Water Infrastructure, for a Wastewater Asset Inventory and Assessment in the amount of \$150,000 plus a 10% match for a total of \$165,000; and,

**WHEREAS**, the project will consist of determining what infrastructure is in place and the condition of those assets for both water and wastewater infrastructure, the approximate age and the priority of replacement of infrastructure; and,

**WHEREAS**, City Council desires to recognize the grant awards, utilization of fund equity for the 10% match and to authorize the related expenditure appropriation.

**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		
State Grants	61-0000.3410	\$300,000
Fund Equity Appropriation	61-0000.3995	\$ 30,000
General Fund Appropriations		
Professional Services – Other	61-7100.4990	\$330,000

Adopted this 18th day of October, 2016.

Attest:

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

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

