

AGENDA

CITY OF NEWTON NEWTON CITY COUNCIL - REGULAR MEETING

October 4, 2011 – 7:00 P.M.

1. **Call to Order – Mayor Robert A. Mullinax**
2. **Opening – Council Member Bill Lutz**
3. **Approval of Minutes from the September 6, 2011 Regular and Closed Council Meetings**
4. **Consideration of Consent Agenda Items**
 - A. Tax Releases – August 2011
 - B. Sewer Adjustments
 - C. Consideration of Request to Schedule Work Session on Draft of Southwest Area Plan
 - D. Consideration of Public Fee Structure for ArtFest October 15, 2011
 - E. Consideration of Proclamation – Fire Prevention Week - October 9-15, 2011
 - F. Consideration of Resolution Proclaiming October 2-8, 2011 as Public Power Week
 - G. Consideration of Resolution to Authorize the Police Chief to Provide and Receive Assistance to Other Law Enforcement Agencies
 - H. Consideration of Resolution to Authorize the Governor’s Highway Safety Grant
 - I. Consideration of Budget Ordinance to Move Specific Capital Items from the Operating Fund to a Capital Project Fund
 - J. Consideration to Designate Anne Stedman as Voting Delegate and Mary Bess Lawing as the Alternate Voting Delegate at the NCLM Annual Conference October 22-25, 2011
5. **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):**
6. **Public Hearing**
 - A. Zoning Ordinance Text Amendment 2011-03 Martial Arts/Dance & Modeling Schools and Studios
 - B. Consideration of Modification to an Approved Planned Development Catawba Village Shopping Center

7. **Old Business**

None

8. **New Business**

- A. Consideration of Merchandise on City Sidewalks for the Purpose of Sale
- B. Consideration of Resolution to Establish and Offer Lighting Rebate Program
- C. Consideration of NCDOT Bike and Pedestrian Grant
- D. Consideration of Award of Contract with Carolina Tractor and Equipment Co.

9. **City Manager's Report**

10. **Questions and Comments From Mayor Council**

11. **Closed Session to Consult with City Attorney**
G.S. 143-318.11(a)(3)

12. **Adjournment**

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

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

September 6, 2011 – 7:00 P.M.

The regular meeting of the Newton City Council was held on Tuesday, September 6, 2011 at 7:00 p.m. in the Council Chambers at City Hall.

PRESENT: Mayor Robert A. Mullinax, Mayor Pro Tem Anne Stedman, Council Members Wayne Dellinger, Mary Bess Lawing, Bill Lutz, Tom Rowe, and Robert C. Abernethy, Jr.

STAFF: City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Amy S. Falowski, City Department Heads, and members of the Management Team.

ITEM 1: CALL TO ORDER – MAYOR ROBERT A. MULLINAX:

Mayor Robert A. Mullinax welcomed everyone, and called the meeting to order.

ITEM 2: OPENING – COUNCIL MEMBER TOM ROWE

Council Member Tom Rowe provided the invocation and led the Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES FROM THE AUGUST 2, 2011 REGULAR CITY COUNCIL MEETING:

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Mayor Pro Tem Anne Stedman, it was unanimously RESOLVED:

That the Minutes of the August 2, 2011 Regular City Council Meeting be – APPROVED.

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS:

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That Consent Agenda be – APPROVED.

- A. Proclamation – Always Remember 9-11 Day
- B. Tax Releases – July 2011
- C. Sewer Adjustments
- D. Report of Fire Conditions – Certificate of Eligibility

(Proclamations are hereby referenced and on file in the office of the City Clerk)

ITEM 5: 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):

Mayor Robert A. Mullinax asked if there was anyone present that would like to make any comments concerning non-agenda items.

No one appeared.

ITEM 6: Public Hearing:

A. Consideration of Special Use Permit 2011-01 Newton Fire Department

Mayor Mullinax recessed the Council Meeting and called to order a Public Hearing as scheduled to receive public input on Special Use Permit 2011-01 Newton Fire Department.

Planning Director/Assistant City Manager Glenn Pattishall reviewed the requirements for a quasi-judicial process that the Council must follow for considering Special Use Permits and asked if there were any objections to the exhibits offered by the staff and there were none. He stated that all persons making a statement, either for or against the Special Use Permit must be sworn in. Fire Chief Kevin Yoder and Glenn Pattishall were then sworn.

Mr. Pattishall stated that on May 30, 2011, the planning staff received an application from the City of Newton Fire Department requesting a Class A Special Use Permit be granted for a Mobile Live Burn Training Trailer and a storage trailer to be located at 210 North Ashe Avenue.

It was determined by the planning staff that the request by the Fire Department would create a Public Service Facility as defined by the Zoning Ordinance. Mr. Pattishall explained that such a use is allowed as a use by right in a B-4 and M-1 district; however, the site's zoning is B-3, Central Business District, which allows Public Service Facilities if a Class A Special Use Permit is granted by the Newton City Council, pursuant to Section 102-201(c).

Mr. Pattishall stated that the Special Use standards set forth in Article X of the Zoning Ordinance requires all applicants of a Special Use Permit meet the following four general standards:

1. The use will promote the public health, safety and general welfare.
2. The use complies with all required regulations and standards included in articles IV, V and VI of the Zoning Ordinance.
3. The use will maintain or enhance the value of contiguous property.
4. The use is in compliance with the general plans for future development of the City.

Mr. Pattishall went on to explain that a Public Service Facility is defined in the City of Newton Zoning Ordinance as the use of land, buildings, or structures by a public utility, railroad, or governmental agency, including water treatment plants, sewage treatment plants, telephone exchanges, resource recovery facilities, and other similar public service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Mr. Pattishall stated that the purchase of a mobile fire training trailer was made possible by the Assistance to Firefighters Grant Program and the City of Newton. He explained that the trailers and surrounding area will be used for training a total of 240 hours per year but only 10 hours per month would be live burn scenarios. The fuel for the fire inside of the trailer will be composed of straw and wood pallets, but approximately half of the smoke created within the trailer would be made by a Rosco Smoke Machine which uses nontoxic and nonhazardous materials to create smoke.

Mr. Pattishall stated that at the address of 210 North Ashe Avenue there is a concrete pad upon which the Fire Training Trailer will be placed. To the south of the Fire Training Trailer a second trailer will be placed to the rear of 202 North Ashe Avenue and this trailer will be painted to blend with its surroundings and will house the straw and pallets that are used to create fire in the live burn scenarios.

Mr. Pattishall stated that the central location of the site is one of its advantages to the Fire Department. He explained that when conducting a class, the Department has to pull members of each station to one location and that in order to maintain short response times the central location is ideal.

Mr. Pattishall stated that at its July meeting, the Planning Commission voted three to one to favorably recommend the Special Use Permit to the City Council

Mayor Mullinax stated that this concerns putting the fire training trailer in the old A&P parking lot and that he would need a motion and a second on each finding in Exhibit H.

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

That the use will promote the public health, safety and welfare if the fire training trailer is located where proposed and developed and operated according to the application.

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Mary Bess Lawing, it was unanimously RESOLVED:

That the use which is listed as a Special Use in the district in which it is proposed to be located, complies with all regulations and standards, including the provisions of Articles 4, 5, and 6 of the Zoning Ordinance unless greater or different regulations are contained in the individual standards for that Special Use.

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Wayne Dellinger, it was unanimously RESOLVED:

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

Upon motion duly made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Mary Bess Lawing, it was unanimously RESOLVED:

That the use is in compliance with the General Plans for the physical development of the City as embodied in these regulations.

Upon motion duly made by Mayor Pro Tem Anne Stedman, seconded by Council Member Wayne Dellinger, it was unanimously RESOLVED:

That Special Use Permit 2011-01 Newton Fire Department be APPROVED.

ITEM 7: Old Business:

A. Stormwater Permit Update

Assistant Planning Director Alex Fulbright stated that the City's initial National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit was effective July 1, 2005 for a five-year period ending June 30, 2010. The City is currently in the process of renewing its permit for an additional five-year period that was supposed to be effective July 1, 2010.

Mr. Fulbright explained that the permit is being reviewed by the United States Environmental Protection Agency (EPA) but the EPA has yet to approve the permit language so there is uncertainty as to when a final permit will be issued and what will be included.

Mr. Fulbright stated that the draft permit that is under consideration is considerably longer and more stringent than the prior effective permit, and that is due to the addition of permit language required by the United States Environmental Protection Agency (EPA). The draft permit requires additional written procedures, more documentation, and financial records for every activity covered by the permit. He explained that the written procedures and record keeping would also extend to every department that performs any work on the street rights-of-way, maintains city owned property, or facilities owned or leased by the City (Fire; Parks and Recreation; Police; Off-street Parking; and Public Works and Utilities).

Mr. Fulbright stated that the Planning Department and Public Works Department have reviewed all draft permits that have been developed and have provided comments and feedback to DWQ on the matter as needed. These comments were developed working with the Phase II municipalities served by the Western Piedmont Council of Governments. In addition, the City has worked with the North Carolina League of Municipalities and other Phase II municipalities throughout the state to provide feedback to DWQ. Once the permit language is finalized pending the EPA's review, City Staff will begin working to determine the potential financial impacts to the current and future years' budgets.

Mayor Mullinax asked if everything has been completed that needs to be. Mr. Fulbright answered that it had.

B. Consideration of Capital Budget Ordinance Amendment – Target CDBG

City Manager Todd Clark stated that in July 2011 Council took action to authorize staff to submit a CDBG Project Budget Revision request to the NC Dept. of Commerce for the purpose of creating a new electrical line item in the CDBG Project Budget to reallocate remaining funds for electrical improvements which the City determined it wanted to make. The specific improvements were street lighting along with the Federal EPA NESHAPS modification expenses related to the two generators located on the Target site.

Mr. Clark explained that staff submitted the proposed revision to the NC Dept. of Commerce on July 13, 2011 and received approval on July 25, 2011 and is now seeking Council adoption of the attached Capital Project Budget Ordinance Amendment to establish a new line item for the Electrical improvements indicated above. He stated that the amendment will allocate remaining funds from the water and sewer line items to a new electric line item in the amount of \$111,600 and that once the budget ordinance amendment has been adopted by Council, staff can proceed with the proposed work elements.

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, it was unanimously RESOLVED:

That Capital Budget Ordinance Amendment – Target CDBG be – ADOPTED.

(Ordinance 2011-22 is hereby referenced and on file in the office of the City Clerk)

Ordinance 2011-22
City of Newton's Project Budget Ordinance
Amendment for the 2006 Community Development Block Grant
(Target Distribution Center Economic Development Project)

Be it ordained by the City Council of the City of Newton that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#06-E-1556) and the Industrial Development Fund Grant Agreement (#I-347) between this unit and the Department of Commerce. This project is more familiarly known as the Target Distribution Center Economic Development Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. As the City nears completion of this capital project, the Budget Ordinance Amendment will establish a new Electrical Line item and appropriate \$111,600 of remaining funds, (savings), in the Water and Sewer line items to the Capital Outlay – Electrical line item.

Section 4. The following amounts are appropriated for the project:

Expenditures

Target Distribution Center Economic Development Project:

Capital Outlay – Sewer Lines	22.7100.8942	\$318,650
Capital Outlay – Water Lines	22.7100.8951	(\$430,250)
Capital Outlay – Electrical	22.7201.8961	\$111,600

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund or Water/Wastewater Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this, the 6th day of September, 2011

ITEM 8: New Business:

A. Presentation of Public Power Awards of Excellence

Mr. Matt Schull, Division Director of NCMAPA1, presented Public Power Awards of Excellence to the City of Newton.

Mr. Schull stated that the City of Newton was among more than 20 cities and towns that received Public Power Awards of Excellence during the ElectriCities Annual Conference awards banquet on August 26. Newton earned five awards this year in the following categories: competitive business environment, energy efficiency, financial stability, legislative involvement, and service excellence.

Mr. Schull also thanked the City of Newton for sending crews to Rocky Mount to help with electrical outages after Hurricane Irene.

B. Consideration of Awarding Contract for Police Records Management System, Computer-Aided Dispatch, and Field Reporting

City Manager Todd Clark stated City Council approved an appropriation of funds for a Records Management System (RMS), Computer Aided Dispatch (CAD), and Field Reporting System (FRS) for the Police Department during the fiscal year 2011-12. He explained that as part of the budget process, City Staff considered several different vendors but determined that SunGard/OSSI was the only company capable of providing a product compatible for the conversion of the department's existing data and programs. Furthermore, the City's current system (HTE, AS 400) is presently owned by SunGard. Mr. Clark stated that the fact that SunGard owns 50% of the software used by the department offers two advantages. First, the data conversion success rate is much higher. SunGard offers a 90-95% success rate of data conversion whereas one of the other two vendors offered a 50% success rate and the other vendor did not offer a success rate at all. The data to be captured and converted is vital to future operations of the department because data bases take many years to build and the information can be used in many ways such as crime analysis, mug shot photos and suspect/victim information just to name a few. Secondly, by owning the current system SunGard is more familiar with the current systems configuration, operational processes and has more proprietary rights so that any upgrade to the current system should be much more seamless than other vendors. Mr. Clark stated that additionally, the upgrade with SunGard will bring all police records, data, and information under one umbrella in an expedient and timely manner as compared with other vendors.

Mr. Clark stated that of the three quotes SunGard/OSSI offered the lowest quote of \$359,652.81 and recommended to approve and award the contract for the RMS, CAD and FRS to SunGard Public Sector based on sole source provider.

City Attorney Larry Pitts stated that there would be consequential liability, but the advantages of this vendor outweigh the risk.

Police Chief Don Brown stated that Hickory Police Department uses this system with no issues. Council Member Bill Lutz asked how long HPD has been using this system. Chief Brown replied around 10 years or more, and that they are very pleased.

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

That Contract for Police Records Management System, Computer-Aided Dispatch, and Field Reporting be – APPROVED.

C. Consideration of Resolution of Intent to Reimburse Expenses Related to Equipment and Services

City Manager Todd Clark stated that as part of the City's Fiscal Year 2011-12 budget, Council approved a Records Management System, which includes software and hardware to store and maintain all records by the Police Department, including Computer Aided Dispatch (CAD) and Field Reporting System (FRS) and various Water and Wastewater Projects. He stated that the implementation process from the current antiquated system to the new Records Management System will be a lengthy process and that staff would like to begin the implementation as soon as possible in an effort to expedite this process; otherwise, it will be January before the city would

be ready to begin due to the financing. Mr. Clark explained that there are also numerous Water and Wastewater Projects identified in the FY 2011-12 budget which will require the City to incur engineering costs prior to the financing process.

Mr. Clark stated that in an effort to begin implementation on the Records Management System and to begin engineering on the Water and Wastewater Projects, he recommends that the City Council approve Resolution 40-2011 in order to incur costs prior to the issuance of debt from funds currently available with the intent to reimburse those funds once the proceeds from borrowing (financing) are available at a future date.

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

That Resolution 40-2011 - Intent to Reimburse Expenses Related to Equipment and Services be – ADOPTED.

(Resolution 40-2011 is hereby referenced and on file in the office of the City Clerk)

D. Presentation of DNDA Second Quarter Report – Jeremy Petty, DNDA

Jeremy Petty was absent from the meeting.

E. Presentation on Downtown Wi-Fi Project

Information Systems Director Jason Clay gave a presentation concerning free Wi-Fi in downtown.

Mr. Clay explained that the first phase of the downtown Wi-Fi project is up and running and that it has been very successful. He stated that the first phase has only cost \$3,000 and that it is more secure than other open networks. He also said and that it acknowledges the City's internet user policy.

Michael Willard, Publisher of The Observer News Enterprise stated that he was able to use the free Wi-Fi when his Charter Communications connection went down.

F. Consideration of Approval of an "Assistance to Firefighters Grant"
Application for Additional 800 MHz Radios

City Manager Todd Clark stated that The City of Newton Fire Department has recently participated with other Fire Departments, Rescue Squads, and Catawba County to apply for and to receive a regional grant under the Assistance to Firefighters Grant program, for funding to purchase communications equipment.

Mr. Clark explained that the City of Newton Fire Department received approximately 29 portable radios with the Grant and that this is approximately one third of the total equipment needed to completely change over to the new FCC compliant 800 MHz radio system. Mr. Clark stated that the AFG application period has opened for 2011 and closes on September 16, 2011 and that the Fire Department is requesting authorization from Council to apply for a

local grant to fund the remaining two thirds of the equipment necessary to comply with the new FCC guidelines effective 2017.

Council Member Bill Lutz asked if that the Fire Department has until 2017 to comply. Fire Chief Kevin Yoder stated that is correct, but that the grant applicant process is very competitive, and Newton may not even be awarded the grant.

Council Member Wayne Dellinger asked if there would be a savings in this budget to match the grant if awarded. Chief Yoder answered that there would.

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, it was unanimously RESOLVED:

That "Assistance to Firefighters Grant" Application for Additional 800 MHz Radios be – APPROVED.

G. Consideration of Scheduling a Work Session on Revisions to the Draft Manual of Specifications

Mayor Mullinax stated that the Work Session on Revisions to the Draft Manual of Specifications will be at 6:00 p.m. on October 4, 2011.

ITEM 9: CITY MANAGER'S REPORT:

City Manager Todd Clark reported on the following:

- Newton 101 will begin Thursday, September 15, 2011
- September 13, 2011 – 4 p.m. Tour of the Western Piedmont Council of Governments new facility
- NCLM Annual Conference – October 22-25, 2011

ITEM 10: QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

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

There were none.

ITEM 11: ADJOURNMENT:

Upon motion duly made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., the meeting was ADJOURNED at 8:04 p.m.

Robert A. Mullinax, Mayor

Amy S. Falowski, City Clerk

CITY OF NEWTON

Inter-office Correspondence

TO: E. Todd Clark, City Manager **DATE:** September 8, 2011

RE: Tax Releases – August 2011

FROM: Serina T. Hinson, Finance Director

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

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2011	3	Coley, Scott	Boat located/listed in Alexander County	\$12.67
2011	4	Curz, Lorena	Billed in error – business closed in 2010	\$1.35
2011	5	Duke Energy	Wrong value entered	\$479.42
2009	6	Mason, John	Sold property in 2008	\$6.89
2010	7	Mason, John	Sold property in 2008	\$5.97

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

CITY OF NEWTON

Inter-office Correspondence

TO: E. Todd Clark, City Manager **DATE:** September 27, 2011

RE: Sewer Adjustments – October 4, 2011

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
33000100-001	Abernethy Memorial Methodist Church	109 W. 13 th St	Aug	357.35
54003270-006	Dianna Richmond Clark	609 Mt. Olive Church Road	June	16.28
21001120-002	Cynthia Garcia Dishmon	1621 Brentwood Dr.	July-Sept	92.54
20000450-001	Michael K. Jackson	843 W. J Street	June-Aug	378.69
50002015-012	Rob McCoy	1512 Farmington Hills Dr.	July	60.45
19000351-002	Earl William Yates III	2588 Touchstone Circle #47	July-Aug	224.66

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

MEMO TO: MAYOR & CITY COUNCIL

FROM: GLENN J. PATTISHALL, AICP, PLAN. DIR./ASST. CITY MGR.



DATE: SEPT. 23, 2011

SUBJECT: REQUEST TO SCHEDULE A WORK SESSION ON DRAFT SOUTHWEST AREA PLAN

The Planning Commission has completed its work on the draft Southwest Area Plan including a public hearing and has voted to recommend approval of the plan to the City Council.

Please accept this memo as a request that Council schedule a work session on the draft plan for 6:00 pm prior to the regularly scheduled October 18, 2011 Council meeting.

Copies of the draft plan will be handed out at the October 4, 2011 meeting so that Council will have time to review the plan prior to the work session.



CITY OF NEWTON PUBLIC FEE STRUCTURE

The City Council of the City of Newton requires a Statement of Intent from organizations planning to charge fees during public events in the City of Newton. The Statement of Intent must be submitted to the City Clerk fifteen (15) days prior to the event and must comply with city regulations. Authorization of requested public fee structure is subject to approval by the Newton City Council.

Artfest

STATEMENT OF INTENT

Applicant: Newton Merchants Group, Inc Date: 20 Sep 2011

Authorized Representative/Title: Wes Weaver

Address: PO Box 1071 Newton, NC 28658-1071

Telephone Number: 828-446-7080

Location Requested: Courthouse and surrounding streets

Estimated Attendance: 3,500 Day and Date requested: 15 Oct. 2011

Beginning and Ending Time: ~~10:00~~ 7:00 AM - 8:00 pm

Explain proposed fee schedule for event: _____

Type	Booth/Space/Rental Fee
Commercial Food Vendors	\$ <u>20.⁰⁰</u>
Non-profit Food Vendors	\$ <u>20.⁰⁰</u>
Arts and Crafts Vendors	\$ <u>20.⁰⁰</u>
Amusement Devices <u>WINE VENDORS</u>	\$ <u>60.⁰⁰</u>

Estimated Income will be used for Promoting Downtown

FOR OFFICE USE ONLY Newton City Council approved Artfest. 2011
_____ (event) on _____, 20____.

Authorized signature _____
Signature of Mayor of the City of Newton
Approved as to form - 3-18-1992 - updated 03/08/2007

September 27, 2011

Mr. Sam Nichols, PE
12th Division Traffic Engineer
N.C.D.O.T.
P.O. Box 47
Shelby, NC 28151-0047

RE: Street Closings NC Hwy. 16 Business in Newton

Dear Sam:

Please find enclosed a sketch that shows **proposed closings of NC Hwy. 16 (Main and College Avenues)** in Newton, North Carolina. This street closing has to do with the "Art Fest" chalk art festival and car show event that will occur on **Saturday, October 15th, 2011** in downtown Newton.

The City will take the appropriate steps to handle detours. Please accept this as a formal request for NCDOT approval of the proposed closures as indicated on the attached sketch. As proposed, Main Avenue will be closed from just south of the intersection with West 1st Street to just north of the intersection with West C Street from 6:00 a.m. until 7:00 p.m. on October 15th. College Avenue will be closed from just north of the intersection with East B Street to just south of the intersection with East 1st Street for the same time period.

Feel free to contact me if I can be of further assistance.
I look forward to your response.

Sincerely,



Rob Powell
Commercial Development Coordinator

Enclosure

cc: Mark Amedio, Street Superintendent
Don Brown, Chief of Police
Wes Weaver, President, Newton Merchants
Wilce Martin, Public Works Director
Glenn J. Pattishall, Planning Director/Assistant City Manager

CITY OF NEWTON

REQUEST FOR COUNCIL ACTION

TO: E. Todd Clark, City Manager

DATE: September 7, 2011

FROM: Kevin Yoder, Fire Chief

ACTION REQUESTED: Proclamation designating the recognition of Fire Prevention Week.

Approved for Council Consideration



A handwritten signature in black ink, appearing to read "E. Todd Clark", is written over a solid horizontal line.

1. Each year the Fire Service recognizes the week of October 9th as Fire Prevention Week.
2. This date commemorates the anniversary of the "Great Chicago Fire".
3. During this week each year, Fire Departments nationwide double their efforts to educate the public on the dangers of fire and stress the importance of fire safety to school children and other members of the public.
4. The City of Newton Fire Department recognizes this week by providing a large number of Station Tours and Fire Prevention programs within our local schools, in order to increase our efforts to provide the highest level of Fire Prevention Education.

Action Suggested: Proclamation designating the recognition of Fire Prevention Week.

***PROCLAMATION
DESIGNATING FIRE PREVENTION WEEK***

Whereas, it is estimated that there are over 500,000 structure fires each year in the United States, and approximately 17,000 people are injured and over 3,000 persons lose their lives in fires each year; and

Whereas, more than 85% of all fire deaths in the United States occur in the home; and

Whereas, knowledge of proper evacuation procedures and escape routes reduces the chances of lost lives in residential fires, and

Whereas, the members of the fire service as well as other concerned citizens of our city, area schools, businesses, clubs and organizations are very interested in the safety and well being of all citizens of Newton; and

Whereas, inspired by one of the worst fires in our nation's history, the Great Chicago Fire of 1871, which took 250 lives and destroyed 17,430 buildings, in 1911 the Fire Marshals Association of North America first designated the anniversary of this tragedy as Fire Prevention day to encourage fire safety.

NOW THEREFORE, BE IT RESOLVED that I, Robert A. Mullinax, Mayor for the City of Newton, in cooperation with the City of Newton Fire Department, do hereby proclaim the week of October 9th through the 15th, 2011, as Fire Prevention Week in the City of Newton.

Be it also resolved that all citizens of Newton are urged to participate in Fire Prevention Week activities at home, work, and school, and to heed the message; **“Protect Your Family From Fire!”**.

This 4th day of October, 2011.

Robert A. Mullinax, Mayor

Resolution 41-2011
Promoting NC Public Power During
Public Power Week, October 2-8, 2011

WHEREAS, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service and prompt restoration;

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country;

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years;

WHEREAS, public power meets the electric needs of 40 million Americans, almost 15 percent of electricity consumers;

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and,

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community; now, therefore be it

RESOLVED, that the week of October 2-8, 2011, is the 25th annual Public Power Week, a week to promote North Carolina's public power cities and towns for their contributions to their communities;

BE IT FURTHER RESOLVED, that NC Public Power communities join with all public power systems in the United States in this celebration of public power.

Adopted this the 4th day of October, 2011

Robert A. Mullinax, Mayor

Amy S. Falowski, City Clerk

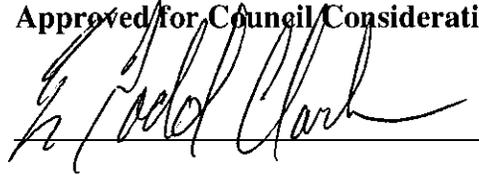
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

TO: City Manager, Todd Clark DATE: October 04, 2011

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Consideration of a resolution to allow the Chief of Police to enter into mutual aid agreements with other law enforcement agencies for the purpose of requesting assistance and providing assistance.

Approved for Council Consideration



Background:

Historically law enforcement agencies have assisted one another for various reasons under extenuating circumstances by providing officers, equipment and supplies upon request. The assistance has been provided under mutual aid agreements signed by the Chiefs and Sheriffs of each agency. General statute requires a resolution from the governing board of each entity authorizing the Chief or Sheriff to enter into mutual aid agreements with other entities.

Summary:

In order to continue to provide and/or receive assistance in the future it is required that the Chief of Police be granted authorization by the City Council to enter mutual aid agreements

Requested Action:

Motion to approve a resolution to authorize the Chief of Police to enter into mutual aid agreements with other law enforcement agencies.

RESOLUTION 42-2011

TO AUTHORIZE THE POLICE CHIEF TO PROVIDE ASSISTANCE TO OTHER LAW ENFORCEMENT AGENCIES

WHEREAS, pursuant to NCGS 160A-288, the City of Newton is authorized to adopt guidelines and conditions by which the Police Chief may provide assistance to other North Carolina law enforcement agencies; and

WHEREAS, pursuant to the law the Police Chief is authorized to temporarily provide assistance which may comprise of allowing officers of the agency to work temporarily with officers of the requesting agency (including in an undercover capacity) and lending equipment and supplies; and

WHEREAS, it is in the best interest of the citizens of the City, Catawba County, other municipalities, and this State to have law enforcement agencies assist one another in times of need;

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

1. The Police Chief of the City of Newton has the General Authority to enter into Mutual Aid Agreements with other municipal and county law enforcement agencies.

2. Any Mutual Aid Agreement shall be in compliance with NCGS 160A-288 and specifically must require the head of the agency requesting assistance put the request in writing. The Police Chief must first make an assessment of the needs within the City before providing assistance under any Mutual Aid Agreement.

3. While working with the requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those he normally possesses.

4. While on duty with the requesting agency, the officer shall be subject to the lawful operation commands of their superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of their own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits when acting pursuant to this section to the same extent as though the officer were functioning within the normal scope of their duties.

This the 4th day of October, 2011.

Robert A. Mullinax, Mayor

Amy S. Falowski, City Clerk

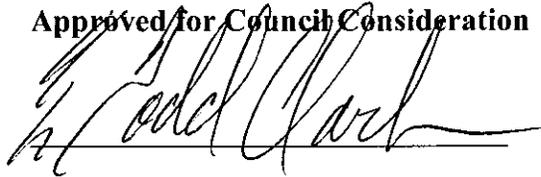
CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

TO: City Manager, Todd Clark DATE: October 04, 2011

FROM: Donald G. Brown II, Chief of Police

CONSIDERATION OF: Consideration of a resolution to approve matching funds for the Governor's Highway Safety Program grant.

Approved for Council Consideration

A handwritten signature in black ink, appearing to read "Todd Clark", is written over a horizontal line.

Background:

On July 13, 2010 Newton City Council adopted a resolution approving matching funds for a Governor's Highway Safety Program for the purpose of hiring a traffic safety officer. The grant has a life of four years therefore a resolution to approve matching funds will be required each fiscal year until the expiration of the grant. For fiscal year 2011-2012 the match is 30% for a total of \$13,833.00. The matching funds are included in the approved budget for fiscal year 2011-2012.

Summary:

As a requirement of the North Carolina Governor's Highway Safety Program a resolution must be approved by the Newton City Council in order to receive reimbursement for salaries and benefits for the police department's traffic safety officer.

Requested Action:

Motion to approve a resolution authorizing the matching funds for the North Carolina Governor's Highway Safety Program grant.

Resolution 43-2011
North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the City of Newton Police Department (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Newton City Council (The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Newton City Council _____ IN OPEN
(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Newton, NORTH CAROLINA, THIS DAY OF _____, 20____, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Donald G. Brown II is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 32,277.00 to be made to the Governing Body to assist in defraying

(Federal Dollar Request)

the cost of the project described in the contract application; and

3. That the Governing Body has formally appropriated the cash contribution of \$ 13,833.00 as required by the project contract; and

(Local Cash Appropriation)

4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and

5. That certified copies of this resolution be included as part of the contract referenced above; and

6. That this resolution shall take effect immediately upon its adoption.

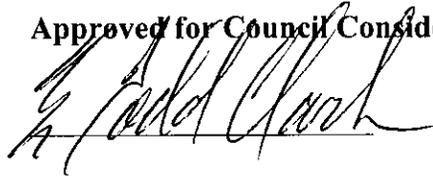
DONE AND ORDERED in open meeting by _____ (Chairperson/Mayor)

ATTESTED BY _____ SEAL
(Clerk)

CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

TO: Todd Clark, City Manager
FROM: Serina Hinson, Finance Director
DATE: 09/28/11
SUBJECT: Budget Ordinance to establish Capital Project Funds for Specific Capital Items
Approved and Appropriated within the Operating Fund

Approved for Council Consideration

A handwritten signature in black ink, appearing to read "Todd Clark", is written over a horizontal line.

The City of Newton periodically establishes capital project ordinances for endeavors that involve construction activities. In most cases, the duration of a construction project will extend from one fiscal year into another. Consequently, the adoption of a capital project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding on a fiscal year basis.

There are specific capital items which were approved and appropriated within the operating budget as part of the Fiscal Year 2012 Budget which have been identified as capital projects. It has been the City's practice to move those budgeted funds from the respective operating budget into a Capital Project Fund after the annual budget has been adopted.

Action Suggested: Motion to approve the attached Budget Ordinance to establish Capital Project Funds for specific capital items approved and appropriated within the respective operating budget for FY 2011-12.

Ordinance 2011-23

AN ORDINANCE TO ESTABLISH CAPITAL PROJECT FUNDS FOR SPECIFIC CAPITAL ITEMS AND TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2011-2012 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, 2011, and ending June 30, 2012, in accordance with the General Statutes of the State of North Carolina, and

WHEREAS, The City of Newton has identified specific capital items which were approved and appropriated within the operating budget as part of the Fiscal Year 2011-12 Budget which should be reflected within a Capital Project Fund Budget.

WHEREAS, The City Council desires to establish Capital Project Funds for numerous Water Rehabilitation Projects; Sewer Rehabilitation Projects; 8.0 MGD Pump within the Water Filtration Plant; 336 ACSR Line Extension, Reconductor Electric Line, 4KV Conversion and Generator Modifications; and Startown Fire Station Renovations.

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.

Appropriation

Transfer to Capital Project Fund	11.9100.9930	79,500.00
Capital Outlay - Building Improvements	11.4340.8800	<u>(79,500.00)</u>
		<u>0.00</u>

General Capital Project Fund

Revenue

Transfer from General Fund	30.0000.3911	<u>79,500.00</u>
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Appropriation

Startown Fire Station Renovations	30.4340.5950	<u>79,500.00</u>
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Water & Wastewater Fund

Appropriation

Transfer to Capital Project Fund	61.9100.9947	2,942,900.00
Capital Outlay - Sewer Lines	61.7100.8942	(528,100.00)
Capital Outlay - Water Lines	61.7100.8951	(1,814,800.00)
Capital Outlay - Other Equipment	61.7130.8500	(600,000.00)
		0.00

Water & Wastewater Capital Project Fund

Revenue

Transfer from Water/Wastewater Fund	47.0000.3961	2,942,900.00
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Appropriation

Water Rehabilitation Projects	47.7100.5957	
Shannonbrook		387,000.00
Hwy 70 W Conover		117,000.00
N. College		200,000.00
Ervin Ave - B St to Caldwell		190,900.00
Davis Ave - B St to Caldwell		113,500.00
E. E St - Ervin to Saunders		250,000.00
Boundary		55,000.00
S. Brady - 4th to D St		185,500.00
S. Brady - N St to K St		125,000.00
College St - E St to K St		190,900.00
Sewer Rehabilitation Projects	47.7100.5958	
Snow Creek to Fall Line		345,000.00
S. Cline to S. Main Ave		95,600.00
N. Frye Ave - 13th St to 15th St		87,500.00
8.0 MGD Pump - Water Filtration Plant	47.7130.5959	600,000.00
		2,942,900.00

Electric Fund

Appropriation

Transfer to Capital Project Fund	63.9100.9930	1,799,500.00
Capital Outlay - Distribution	63.7201.8960	(1,799,500.00)
		0.00

Electric Capital Project Fund

Revenue

Transfer from Electric Fund	38.0000.3963	<u>1,799,500.00</u>
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Appropriation

336 ACSR Line Extension	38.7201.5984	128,700.00
Reconductor Electric Line	38.7201.5986	220,800.00
Electric System Conversion Continuation	38.7201.5983	400,000.00
Generator Modifications	38.7201.5988	<u>1,050,000.00</u>
		<u>1,799,500.00</u>

CITY OF NEWTON

REQUEST FOR COUNCIL ACTION

To: E. Todd Clark, City Manager Date: September 29, 2011

From: Alex Fulbright, AICP, Assistant Planning Director *ASF*

Consideration of: Zoning Ordinance Text Amendment 2011-03 Martial Arts/ Dance & Modeling schools and studios

Approved for Council Consideration



Background:

It has come to the attention of the Planning Staff that Ordinance 2000.8 which made Martial Arts Studios, Dance Schools and Studios, and Modeling Schools and Studios a permitted use in the B-1, B-2, B-3, and B-4 Districts was inadvertently omitted from the from the current City's Zoning Ordinance when the entire City Code was recodified in 2005 and adopted by City Council in January 16, 2007.

Ordinance 2000.8 was drafted as result of a text amendment filed by Roosevelt Moss to include martial arts studios in the B-1 Zoning Districts. The scope of the amendment was broadened to include Dance Schools and Studios, and Modeling Schools and Studios in addition to martial arts studios and to include all three in the B-1, B-2, B-3, and B-4 Zoning Districts. The amendment was unanimously recommended for approval by the Planning Commission at its January 25, 2000 meeting, and was adopted by the Newton City Council on February 16th, 2000 as the result of an unanimous vote. Attached is a copy of the Ordinance 2000.8 and the accompany memo that was included when it was submitted for council consideration.

Notification:

The Public notification procedures have been conducted per City policy. A public notice was published in the Observer News Enterprise on September 23, 2011 and September 30, 2011. A copy of the Public Notice is attached for reference.

Recommendation:

It is the recommendation of the Planning Commission that City Council approve this text amendment as shown on the attached ordinance. Attached is a copy of the draft minutes from the August 23, 2011 Planning Commission Meeting.

Enclosures

CITY OF NEWTON

REQUEST FOR COUNCIL ACTION

TO: CITY MANAGER Ed Burchins DATE: February 8, 2000
FROM: Glenn Pattishall/AICP/Planning Director/Assistant City Manager
CONSIDERATION OF: TEXT AMENDMENT ON ARTICLE 5, SECTION 26-5.12 (FIGURE 5-1) OF THE ZONING ORDINANCE ALLOWING MARTIAL ARTS IN B-1 NEIGHBORHOOD SHOPPING NEIGHBORHOOD DISTRICT

Approved for Council Consideration

Background:

Attached with this memo is a copy of an application filed by Roosevelt Moss, seeking to amend Article 5, Section 26-5.12 (Figure 5-1) of the Zoning Ordinance to provide for Health Clubs as a permitted use in the B-1 Neighborhood Shopping District, so he can establish a Martial Arts Studio in that district.

Under the category of Health Clubs, we have interpreted it to include Martial Arts Studios in the past. At this time it is a **Permitted Use** in the B-2, B-3, B-4 and a **Special Use** in the P-1 district.

Review:

Zoning gives us the ability to regulate the location of uses that could be undesirable to neighborhoods. The B-1 Neighborhood shopping district is intended to provide for the sale of goods and a limited number of personal services to the surrounding neighborhood. The B-1 district allows dance and modeling studios as a special use, however it does not allow dance schools or classes. Both of those uses are similar to the use that Mr. Moss is requesting.

Recommendation:

The Planning Commission, at its January 25, 2000 meeting, voted unanimously that the Zoning Ordinance be amended to add Martial Arts Studios, Dance Schools Studios, and Modeling Studios as **Permitted Uses** in the B-1, B-2, B-3, and B-4 Districts.

Motion:

I move that the Board adopt an Ordinance to amend Article 5, Section 26-5.12 (Figure 5-1) "Schedule of Permitted and Permissible Special Uses by District" of the Zoning Ordinance to add Martial Arts Studios, Dance Schools and Studios, and Modeling Schools and Studios as Permitted uses in the B-1, B-2, B-3, and B-4 Districts.

dwb

Enclosures

1. Copy of Roosevelt Moss Application
2. DRAFT Text Amendment Ordinance

AN ORDINANCE AMENDING CHAPTER 26,
 "ZONING"
 OF THE CITY CODE OF THE CITY OF NEWTON, NORTH CAROLINA

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON,
 NORTH CAROLINA THAT:

Section 1:

Chapter 26 "ZONING" of the Newton City Code shall be amended by deleting from Section 26-5.12 (d) Figure 5-1 "Schedule of Permitted and Permissible Special Uses By District" Amusement Services--Dance Schools and Classes, Modeling and Dance Studios in its entirety and inserting the following uses to Figure 5-1 in lieu thereof to read as follows:

FIGURE 5-1

USE	B-1	B-2	B-3	B-4
Martial Arts Schools and Studios	X	X	X	X
Dance Schools & Studios	X	X	X	X
Modeling Schools and Studios	X	X	X	X

Section 2:

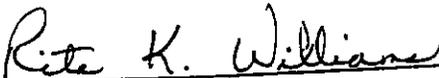
This Ordinance shall become effective from and after the date of its adoption.

Adopted this the 16th day of February, 2000.



 Wayne Dellinger, Mayor

ATTEST:



 Rita K. Williams, City Clerk

(SEAL)

PUBLIC NOTICE

The Newton City Council will hold a Public Hearing beginning at 7:00 p.m. on October 4, 2011 in the Council Chambers at Newton City Hall, 401 North Main Avenue to consider the following matter:

Text Amendment 2011-03, which proposes to amend Section 102-201 Table 4-1 "Schedule of Permitted and Permissible Special Uses by District" of the Zoning Ordinance to add Martial Arts Studios, Dance Schools and Studios, and Modeling Schools and Studios as Permitted uses in the B-1, B-2, B-3, and B-4 Districts.

The file on the above Text Amendment is available for viewing between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, prior to the Hearing in the Planning Department, lower level of City Hall.

All interested persons are urged to attend.

Alex Fulbright, AICP
Assistant Planning Director

Publish: September 23rd and September 30th

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 Glenn J. Pattishall, ADA Coordinator at least 48 hours prior to the scheduled meeting.

Conover High School Boosters. He asked the Planning Commission to consider changing the temporary sign ordinance so as to give relief to citizens. He said that he would bring this matter to the City Council even if the Planning Commission did not want to address the issue. He asked that the sidewalk sign ordinance be addressed in addition to the temporary signs and that he was in favor of sidewalk signs. He expressed concern that there was not uniform enforcement and that that it needed to be consistent. He said that staff was directed by Council to do code enforcement and that he has no fault with the enforcement, but that he wanted to suggest changing the code in a way that would not put staff in an awkward position with selective enforcement. He asked for a report from the Planning Commission after their September meeting, wherein he asked that they consider changes to the temporary sign ordinance.

Mr. Setzer thanked the Mayor, he said the Planning Commission was trying to do the right thing, but they wouldn't know things unless citizens let them know. **The Mayor** responded that he had an equal number of calls that were pleased with code enforcement, particularly as it relates to housing, junked vehicles and overgrown vegetation.

Mr. Granny said that he was in favor of sidewalk signs, but he was not in favor of random signs. He said that he could go along with limiting the size, providing that they were taken in each day for temporary signs, similar to what the Planning Commission was considering for sidewalk signs.

Mayor Mullinax stated that he respectfully disagreed. He said it was kind of like political signs. He specifically requested that the ordinance be revised to not require permits for temporary signs and to give people an opportunity to have on premise and off premise temporary signs. He requested that Planning Commission consider a change to the ordinance to make it more palatable with citizens.

Item 3: Public Hearing – Zoning Ordinance Text Amendment #2011-03 Martial Arts/Dance and Modeling Studios

Chairman Simmons called to order a Public Hearing as scheduled and advertised, and recognized Mr. Fulbright to make a presentation to the Planning Commission.

Mr. Fulbright read from his August 17, 2011 memo to the Planning Commission. He explained that in 2007, a prior Zoning Ordinance text amendment was adopted that included the proposed wording that he has submitted to Planning Commission for consideration. He stated that as a result of the 2007 recodification, this particular ordinance was not included and felt like this was an error, an omission or oversight by the codification company. He asked the Planning Commission to consider favorable action on the proposed amendment.

Mr. Smith asked why the request. **Mr. Fulbright** stated that there was recently someone looking at a dance studio, but could not do because it was not specifically addressed in the ordinance and this was necessary to clean it up.

With no further discussion, **Chairman Simmons** closed the Public Hearing and asked for a motion. Motion made by **Mr. Granny**, second by **Mr. Stalnaker** to accept the proposed text amendment as presented by Staff. There was no discussion on the motion, and the motion was adopted unanimously.

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 26 "ZONING" of the Newton City Code shall be amended by deleting from Section 102-201 Figure 4-1 "Schedule of Permitted and Permissible Special Uses By District" Amusement Services-- Dance Schools and Classes, Modeling and Dance Studios in its entirety and inserting the following uses to Figure 4-1 in lieu thereof to read as follows:

FIGURE 4-1

USE	B-1	B-2	B-3	B-4
Martial Arts Schools and Studios	X	X	X	X
Dance Schools & Studios	X	X	X	X
Modeling Schools and Studios	X	X	X	X

Section 2:

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

Adopted this the 4th day of October, 2011.

Robert A. Mullinax, Mayor

ATTEST:

Amy Falowski, City Clerk (SEAL)

CITY OF NEWTON

REQUEST FOR COUNCIL ACTION

To: E. Todd Clark, City Manager Date: September 29, 2011

From: Alex Fulbright, AICP, Assistant Planning Director *ASF*

Consideration of: Modification To An Approved Planned Development – Catawba Village Shopping Center

Approved for Council Consideration



Background:

Kendell Kuhn on behalf of Ricki's 24 Ice, LLC has submitted the attached letter and associated documentation, including a survey and photographs of a self-contained, fully automatic ice vending machines proposed to be located at 825 US Hwy 70. The proposed location is located within the Catawba Village Shopping Center, which is known as Catawba County Tax Map #3731-15-54-3606 and has a zoning of Planned Development Shopping Center Major. He is requesting that the Newton City Council approve a modification to the Plan to allow the ice vending machine as proposed.

Review:

According to Catawba County Tax Records, Catawba Village Shopping Center consist of 3 structures located on US Hwy 70. The large building on the southside of the site and the smaller building that currently occupied by Subway was built in 1979. In 1987, an additional building was built which the structure that is in between the large building and the subway. The zoning at the time all three of the structures were built was B-2 Highway Business.

Because of the 1991 Zoning Ordinance rewrite, the Catawba Village Shopping Center property along with other shopping centers was rezoned to Planned Development Shopping Center Districts (PD-SC) in 1992. Catawba Village was zoned PD-SC-Community based on the characteristics at the time, primary size and uses with in the center. In 1994, it was requested that the zoning be changed to PD-SC-Major to allow for automobile sales. The request was recommended by the Planning Commission and adopted by the City Council.

Section 102-502 of the City Code changes in approved preliminary plans states specifically in subsection (b)(1) that any increase in intensity of use shall constitute a modification requiring Council action. An increase in intensity of use shall be considered to be an increase in usable floor area.

In looking at the location of the ice vending machines, it does not impede pedestrian movement or vehicular movement.

Comment:

Section 102-506 (1) states the intent of Planned Development Shopping Center Districts which are to include carefully related buildings, parking and service areas and landscaped open space that will serve clearly demonstrated public need, reduce marginal traffic friction below that which would result from strip commercial development, to protect property values in surrounding neighborhoods and to provide a broad range of facilities and services appropriate to the general need of the area served.

The overall intent of the ordinance has been met in the sense that a preliminary plan for development of a shopping center and the zoning to govern that has been established. The bigger question is whether the Council wants to allow this exterior storage building to be placed in the location as indicated.

Given the health, safety and welfare related issues, this does not appear to be a health, safety or welfare matter.

Requested Action:

That the City Council make determination of what it will or will not allow and direct staff to respond accordingly to its decision.

Attachments

RICKI'S 24 ICE, LLC
2047 SIGMON DAIRY ROAD
NEWTON, NC 28658
828-291-9075

August 29, 2011

City of Newton
Attn: Planning Department
401 N. Main Avenue
Newton, North Carolina 28658

Re: Catawba Village Site Plan Amendment Request
825 US 70 Hwy
PIN # 373115543906

This is to request amendment to the current site plan of the Catawba Village shopping plaza located at 825 US 70 Hwy, PIN #373115543906. Ricki's 24 Ice, LLC desires to place an ice house in the parking lot to be located along US Hwy 70 frontage utilizing approximately three (3) parking spaces. The location site of the proposed ice house will not affect the required parking capacity or visibility of other businesses located in the shopping plaza, nor will it affect current traffic flow. This is a portable building unit and will be anchored in accordance with the NC State building code.

With regard to signage, we request the signage that comes standard with the unit be approved. The signage on the building is attractive from the factory and draws the customer eye. (See Photo A) The building as planned with the added metal screening around the mechanicals also adds to the appearance of the ice house. (See Photo B) We feel Ricki's 24 Ice, LLC will not only look good but increase traffic flow into this plaza. The success of this initial ice house will enable us to locate other ice houses in the Catawba area.

Therefore, Ricki's 24 Ice, LLC requests approval of said site plan amendment and approval of the signage that comes standard with the unit.

Kendell Kuhn
Ricki's 24 Ice, LLC



Photo A



Photo B

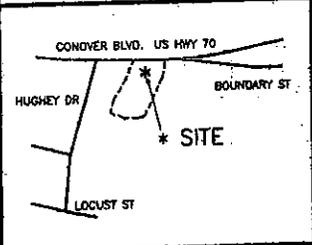
79 RINK DAM ROAD
 P.O. BOX 6184
 HICKORY, N.C. 28603

KEVIN D. HEFNER & ASSOCIATES
SURVEYING & MAPPING

PH: 828-495-7377
 FAX: 828-495-7378
 hefner@vwi.net

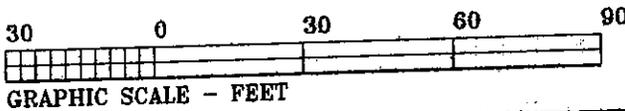
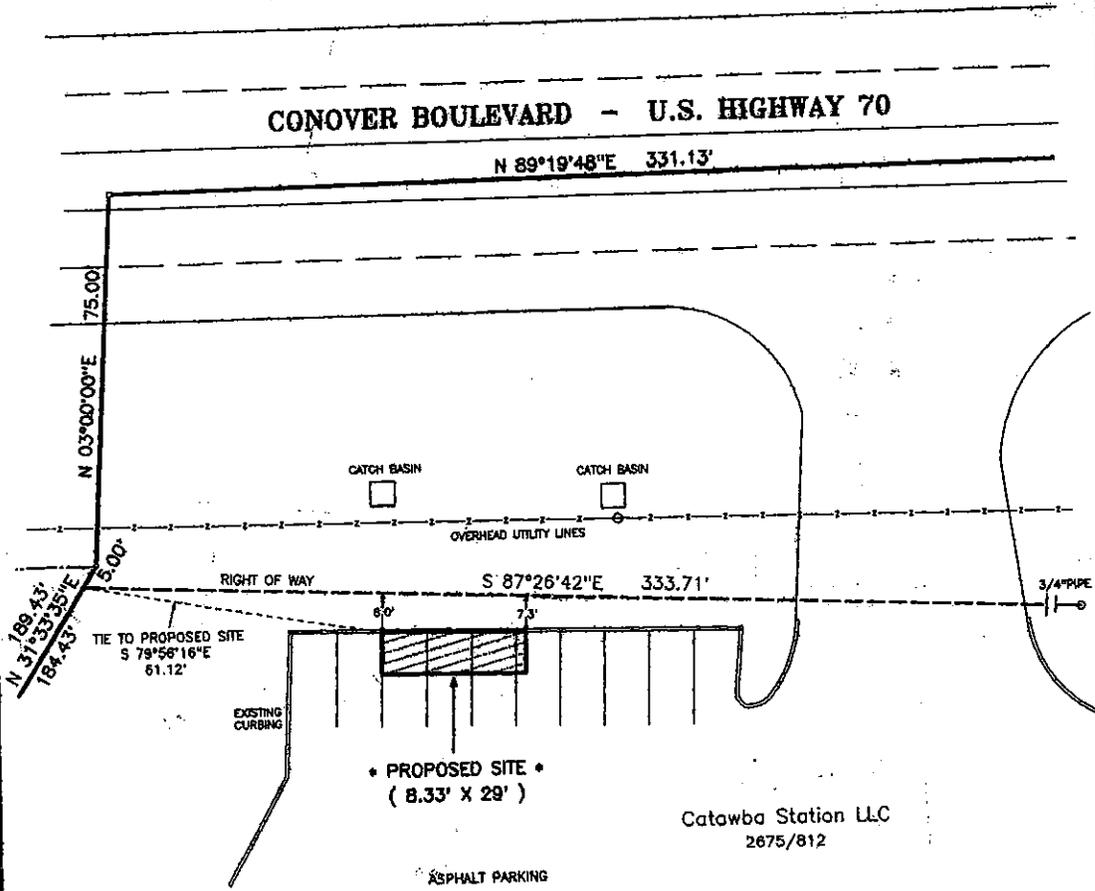
I, Kevin D. Hefner, certify that this plat was drawn under the supervision of an actual survey made under my supervision (deed description recorded in Book 2675 Page 812), that the boundaries here surveyed are indicated as dashed lines from information as noted, that the ratio of precision as calculated is 1:10,000, and that this plat was prepared in accordance with the Standards of Practice for Land Surveying in North Carolina. Witness my original signature, registration number, and seal on Aug. 23, 2011.

Registered Land Surveyor Registration Number 3065



VICINITY MAP

ORIENTED TO PLAT
 BOOK 16 PAGE 128



• REFERENCE: ALTA/ACSM LAND TITLE SURVEY FOR EDEN AND AVANT PORTFOLIO PROJECT DATED APRIL 20, 2005 BY SMITH SURVEYORS, INC. EASLEY, SOUTH CAROLINA

PROPERTY DESC: PORTION OF 9.12 ACRE TRACT IN NEWTON TOWNSHIP OF CATAWBA CO., N.C.

SURVEY FOR: **KENDALL L. KUHN**

TAX MAP: 50N-10-PORT.12F	SURVEY TYPE: SITE SURVEY	RECORDED PLAT BK: 16 PG. 128
PIN NO: 3731-15-54-3906	EXISTING IRON STAKE • IRON STAKE SET ○ COMPUTED POINT ○	FIELD BOOK: H-129 L-1-K

CITY OF NEWTON

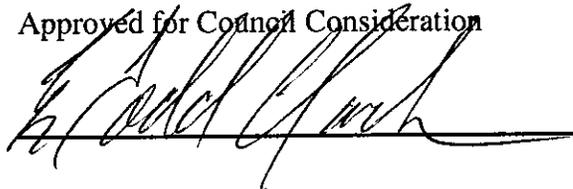
REQUEST FOR COUNCIL ACTION

To: E. Todd Clark, City Manager Date: Sept. 14, 2011

From: Glenn J. Pattishall, Planning Director/Assistant City Manager

Consideration of: Merchandise on City Sidewalks for the Purpose of Sale

Approved for Council Consideration



Background:

Several businesses in the Central Business District have inquired about placing merchandise on city sidewalks for the purpose of sale. The current City Code makes no provision for this to happen, and as such we have advised these businesses that this is not permitted. It is known however, that in the past the City has allowed the sale of merchandise from sidewalks. In fact, the City Code prior to the re-codification in 2007 had a section that specifically dealt with selling of merchandise from sidewalks, (see attached.) That section allowed the sale of merchandise from sidewalks with the authorization of Council, and only when done in conjunction with a recognized public festival or event and in compliance with any conditions that City Council prescribed in granting the permission.

Review:

In the past, City Council has authorized merchants to sell merchandise from the sidewalk during the former Newtonfest event and also during Soldiers Reunion although it is not known how often that the practice of getting permission for each particular instance was brought to Council. And it is known that some merchants use the sidewalk during both of those events to sell their merchandise without any authorization by Council.

Under the old Ordinance merchants in the downtown were not allowed to independently place merchandise for sale on the sidewalk unless it had some relationship to a public festival or event which is not the case with the entities that have inquired. The business owner who have recently inquired specifically want to sell merchandise from the street as if it were being sold within the confines of their building and to do so at any time regardless of an event occurring. **Section 86-5(a) of the City Code**, (attached), deals with encroachments on streets and sidewalks and currently is the only direction that can be provided to citizens or businesses inquiring about the use of sidewalks for the sale of merchandise. In reading this section it is not specific as to merchandise, however it is staff's application that the wording: "*or any other obstruction*", would prohibit the sale of merchandise from sidewalks. Clearly there are no ordinances that specifically address this.

Comment:

Recently the Planning Commission has been addressing the matter of signs being placed on the sidewalks in the Central Business District as a separate issue. After reviewing the merchandise for sale on the sidewalk matter, the same issues come to light with regard to the responsibility of the City to promote public health, safety and welfare. The primary issues being: a clear area for pedestrians to walk, the aesthetic aspect of having multiple locations on the sidewalk at any given time where merchandise is for sale or the potential danger to citizens health, safety and welfare as they relate to what is being placed on the sidewalk for sale in terms of being secure subject to wind or being overturned or spilled and causing damage to either a passerby or to a vehicle within the street. Neither the Cities of Hickory nor Conover have provisions in their respective codes that permit the sale of merchandise from sidewalks.

The purpose of this memo is to expose the Council to the interest that has been expressed to have the sale of merchandise on sidewalks in the Central Business District, to explore what the City Code allows and doesn't allow, to discuss what adjoining municipalities allow in terms of their ordinance and to seek Council's guidance to staff as to its preference or desire with regard to this matter.

Requested Action:

Council provide direction to staff on this matter.

PRIOR TO
2007

Sec. 22-8. Same—Bricks, stones, boxes, etc.

No person shall place, or cause to be placed, any brick, sand, stone, box, crate or other obstruction of any kind in any street or on any sidewalk.

(Code 1953, Ch. J, Art. 1, § 12)

Sec. 22-9. Same—Glass, tacks, etc.

No person shall put or throw any glass, tacks or any barbed wire or other sharp substances on the streets or sidewalks.

(Code 1953, Ch. J, Art. 1, § 13)

Sec. 22-10. Erection of fences.

No person shall erect, or cause to be erected, or assist in erecting any fence, building or other structure upon any portion of any street or sidewalk.

(Code 1953, Ch. J, Art. 1, § 19)



Sec. 22-11. Selling merchandise prohibited.

No person shall offer for sale any form of merchandise whatsoever on any street or sidewalk; nor shall any person obstruct such street or sidewalk by placing thereon any merchandise offered for sale, except when specifically authorized by the council, in connection with a recognized public festival or event, upon such conditions as may be required by the council.

(Code 1953, Ch. J, Art. 1, § 21; Ord. No. 92.15, § 1, 4-7-92; Ord. No. 2002.31, 8-21-2002)

Sec. 22-12. Certain vehicles prohibited on paved streets.

No person shall place, run, drive or move any traction engine, implement, machinery or vehicle, except such as is run solely on smooth tires, on any street which has been paved with any preparation or mixture of tar, tarvia, asphalt or any similar substance or preparation, or shall move any extraordinarily heavy load or weighty substance on any such street, without first obtaining a permit from the council. Any person so offending, in addition to the fine imposed, shall pay all costs and expenses incident to repairing any injury done to such street by reason of any violation of this section.

(Code 1953, Ch. R, § 14; Ord. No. 2002.31, 8-21-2002)

Sec. 22-13. Oil or gasoline on streets.

No person shall cause, allow or permit oil, grease, gasoline or other injurious substance from any motor vehicle or other vehicle or in any manner whatsoever to drip, run, or be spilled, placed or in any way get on any street which has been paved with any preparation or mixture of tar, tarvia, asphalt or any similar substance or preparation. Any person so offending shall pay all the costs and expenses incident to repairing any injury done to such street by reason of any violation of this section.

(Code 1953, Ch. J, Art. 1, § 14)

CURRENT NEWTON CITY CODE

Sec. 86-5. - Encroachments on streets and sidewalks.

(a)

Generally. No person shall encroach upon a public right-of-way, street, or sidewalk of the city by erecting any window, stoop, chimney, portion of a building, any downspout, steam pipe, air conditioning unit, wall, fence, or any other obstruction over the sidewalks or street lower than eight feet above the sidewalk, except this section shall not apply to awnings, fences as allowed by this article, nor mailboxes as listed below.

HICKORY

Sec. 29-7. - Obstruction with goods, wares or merchandise.

(a)

It shall be unlawful for any person to obstruct any street or sidewalk for the purpose of selling, vending, showing or disposing of his goods, wares or merchandise.

(b)

No person shall place in or upon any street or sidewalk within the city any goods, wares or merchandise which shall tend to obstruct the use of any street or sidewalk; provided, that any occupant of any building abutting upon any sidewalk shall have the right to use the sidewalk temporarily for such time only as may be necessary in depositing goods, wares and merchandise while engaged in loading or unloading.

(c)

It shall be unlawful for any person, corporation, business entity or otherwise to obstruct any street right-of-way or easement that is within the corporate limits of the city by placing in the street right-of-way or easement any good, including but not limited to, vehicles, moveable buildings, etc., wares or merchandise or any kind. A violation of this subsection may subject the offender to a civil citation. After ten days, the obstruction may be removed by the city at the expense of the violator. If ownership or responsible custodian cannot be located after reasonable attempts, the city may remove item(s) sooner

CONOVER

Sec. 19-1. Obstructions.

(a) *Prohibited.* It shall be unlawful for any person to obstruct or cause the obstruction of any street or sidewalk or public way, except as hereinafter provided. No obstruction of any kind is permitted to be erected or planted in the city right-of-way or in such a manner as to protrude into the public right-of-way except as herein provided. A building permit for fencing is required.

(b) *Exceptions.* Temporary obstructions of streets, sidewalks and public ways may be permitted by the city manager and/or the city clerk upon application made to him if he finds that the obstruction will not result in undue hazard or inconvenience to the public. Either the police chief or city manager may attach to such permission such conditions and requirements as he deems necessary for the protection of the public, including but not limited to the following:

(1) Duration of the obstruction;

(2) Location and extent of the obstruction;

(3) Required safety precautions, such as barricades, lights, warning devices, etc.

(c) *Violations, penalty.* Any person violating any provision of this section, or any condition or regulation of a permit hereunder, shall be punished as provided in section 1-8, and furthermore shall be subject to having his permit revoked.

CITY OF NEWTON

REQUEST FOR COUNCIL ACTION

TO: Mayor and City Council DATE: September 28, 2011
FROM: Glenn Pattishall/AICP/Planning Director/Assistant City Manager
CONSIDERATION OF: Resolution to Establish and Offer Lighting Rebate Program

Approved for Council Consideration



BACKGROUND:

Representatives of the NC Municipal Power Agency # 1 recently presented a new Lighting Rebate Program for NCMPA 1 members to offer to their Industrial and Commercial customers. The intent of the program to promote energy efficiency in an effort to comply with the Renewable Energy and Energy Efficiency Portfolio Standards (REPS) established in 2007 by the NC General Assembly.

REVIEW:

The essence of this program is to provide an incentive to Industrial and Commercial retail customers of the member cities of the Power Agency to purchase and install energy efficient lighting. The funding for this program for 2011 is \$80,000 total and would come from the Power Agency to the participating city as a credit on its wholesale power bill. The actual rebate to the qualified customer would be in the form of a credit on the customer's retail bill from the City.

The actual rebate would be calculated at \$0,35 per watt reduced. Funding would be on a first come, first served basis and would be a coordinated effort between the City and Power Agency. The maximum rebate per customer would be \$25,000. To be eligible, a customer would need to have a minimum of 1,800 lighting hours per year. The NCMPA 1 would be the entity that determines which applications would be approved for the rebate. Individual cities do not have an allocation of rebate money, rather the entire \$80,000 is agency-wide, first come, first served basis

The City's responsibilities would be to market the program through media and other methods, to take applications from customers & forward to NCMPA1, conduct a pre-retrofit site visit with NCMPA 1 to document the customer's existing system and a post retrofit inspection with NCMPA1 personnel to inspect final job, and issue credit on customer's retail bill upon approval from NCMPA 1.

NCMPA 1's responsibilities would be to provide marketing materials to the city as well as its own efforts, receive applications from the city, conduct pre and post-retrofit inspections on site to measure sample circuit energy, receive itemized documentation from customer verifying payment for retrofit, and authorize credit on City's wholesale power bill.

Staff has discussed how it could make its Industrial and Commercial customers aware of the program and determined to use the website, press release, and a message on the customer's bill.

The program will be offered until December 31, 2011 to member cities. It was also announced that NCMPSA 1 will continue the same program beginning January 1, 2012 for a new round of funding for qualifying retrofits completed after that date. The funding for the 2012 program will be \$220,000 and will be on a first come, first serve basis just like the 2011 program.

REQUESTED ACTION:

That Council adopts the proposed resolution to establish and offer a lighting rebate program as presented.

RESOLUTION 44-2011

CITY OF NEWTON

Resolution to Establish and Offer Lighting Rebate Program

WHEREAS, the N.C. Legislature established Session Law 2007-397 to, among other items, promote the development of renewable energy and energy efficiency in the state through implementation of a renewable energy and energy efficiency portfolio standard (REPS); and

WHEREAS, the City of Newton is a Participant in North Carolina Municipal Power Agency 1 (NCMPA1); and

WHEREAS, the City of Newton has entered into an agreement for NCMPA1 to develop and implement compliance plans to meet the requirements of REPS on behalf of its Participants; and

WHEREAS, energy efficiency programs are a part of NCMPA1's compliance plans for REPS; and

WHEREAS, the City of Newton desires to promote energy efficiency measures to its retail customers; and

WHEREAS, NCMPA1 has approved the development and funding of incentives for certain voluntary energy efficiency programs for its Participants to offer their retail customers; and

WHEREAS, NCMPA1 will fund the incentives as a credit on the Participants' monthly wholesale power billing statement;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Newton does hereby recognize the value of developing and promoting voluntary energy efficiency for its retail customers and does hereby establish a Commercial Lighting Rebate program in the amount of \$.35 per watt reduced for commercial and industrial customers who purchase and install energy efficient lighting as per the program guidelines developed by NCMPA1.

Adopted this, the 4th day of October, 2011

Robert A. Mullinax, Mayor

Amy S. Falowski, City Clerk

CITY OF NEWTON

REQUEST FOR COUNCIL ACTION

To: E. Todd Clark, City Manager Date: September 29, 2011

From: Alex Fulbright, AICP, Assistant Planning Director *ASF*

Consideration of: NCDOT Pedestrian Planning Grant

Approved for Council Consideration



Background:

The City of Newton has an opportunity to apply for a North Carolina Department of Transportation Pedestrian Planning Grant. The grant would be used to develop a comprehensive pedestrian plan that would consider the city's existing pedestrian network and an interconnecting future network. This would include maintenance priorities of the existing pedestrian network as well as a prioritized list of new pedestrian projects. If the grant is awarded, the City Planning Department would select and contract with a consultant to prepare a plan. The total project would not exceed \$45,000 with \$31,500 coming from the NCDOT in the form of the grant and \$13,500 being the required 30% City match. The grant is scheduled to be awarded in June 2011 and the Council could appropriate the amount of the City's match in the fiscal 2011-12 budget.

Requested Action:

That the City Council make determination of whether there is interest in applying for the North Carolina Department of Transportation Pedestrian Planning Grant and direct staff to respond accordingly.

CITY OF NEWTON

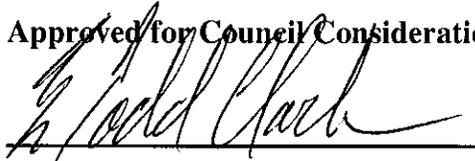
REQUEST FOR COUNCIL ACTION

TO: Mayor and City Council DATE: September 27, 2011

FROM: Glenn Pattishall/AICP/Planning Director/Assistant City Manager

CONSIDERATION OF: Award of Contract with Carolina Tractor & Equipment Co.

Approved for Council Consideration



BACKGROUND:

As Council is aware, the NC Dept. of Commerce recently approved a project budget revision for the Target CDBG-ED grant to establish an electrical line item in the project budget in the amount of \$111,600 for the purpose of extending street lighting along Stover Ct. and to fund the modifications necessary to the two generators to allow them to comply with Federal EPA NESHAPS standards for reciprocating internal combustion engines. Subsequent to that action, Council adopted a capital project budget ordinance amendment at its September, 2011 meeting to appropriate those funds according to the appropriate line items and any remaining budgetary / accounting cleanup that may have been needed

REVIEW:

Since the September meeting, the street lighting materials have been ordered,(\$18,408), and are expected to arrive for installation during the first week of November, 2011. City crews will install the poles and lighting fixtures to complete the project shortly after arrival on or before December 1, 2011.

With regard to the modifications to the generators for NESHAPS compliance, staff has received a proposal from Carolina Tractor and Equipment Co. to supply and install Diesel Oxidation Catalyst equipment for each of the two (2) generators at the Target Distribution Center in an amount totaling \$88,333.12. (See attached) Sufficient funds remain in the budget to complete both elements.

In 2005 Council declared Carolina Tractor as a "sole source" supplier of caterpillar generators and ISO switchgear.. The basis of that declaration was that the entire peak-shaving generation equipment was Caterpillar based and that it was extremely important due to the nature of the generator program that all of the generators and switchgear be compatible.

The recent proposal from Carolina Tractor stressed the importance of the use of Cat parts or authorized modifications on engines currently covered by a Caterpillar Extended Warranty. A subsequent email from Tim Lineberger, a Carolina Tractor Sales representative clearly indicates that "as part of this warranty, (Cat Advantage), Caterpillar will not pay for failures caused by Non-Cat parts." That email also indicates that the Diesel Oxidation Catalyst which they quoted is owned by Caterpillar and that they will have a Cat part number and Cat warranty.

Given the fact that having a sole source vendor is primarily focused on protection of the City of the City's investment and that in the past Council has seen wisdom in the avoidance of having a multitude of products and services related to the operational capacity to provide the generation services to its customers, staff is requesting that Council declare Carolina Tractor and Equipment Co. as a "sole source" supplier of the Clean Air product and the services associated with their installation on the two generators located at the Target Distribution Center as outlined in its proposal.

REQUESTED ACTION:

That Council declare Carolina Tractor and Equipment Co. as a "sole source" supplier of the Clean Air product and the services associated with their installation on the two generators located at the Target Distribution Center as outlined in its proposal and to authorize the City Manager to execute a contract with Carolina Tractor and Equipment Co. for the services outlined in its proposal.

CAROLINA ENGINE

9000 Statesville Road, Charlotte, NC 28269

Phone: 1-800-277-6010 FAX: 1-704-597-7875

YOUR CATERPILLAR DEALER
IS PLEASED TO OFFER THIS ESTIMATE FOR YOUR CONSIDERATION

TO: City of Newton

DATE: 9/21/11

ATTENTION: Doug Wesson

QUOTE NUMBER:

FAX:

TERMS: net 10 prox.

Price to supply and install Diesel Oxidation Catalyst Cat Genset located at Target.

Price breakdown as follows

Doc	\$	17,975.62
Frame and Installation	\$	14,000.00
Mileage	\$	800.00
CTE	\$	1,188.00
Testing	\$	4,500.00
Freight DOC	\$	350.00
Monitoring	\$	2,352.94
Price per unit	\$	41,166.56

Price adder for galvanizing metal frame is \$1,200.00 additional each frame.

One time Engineering Stamped drawing for these two units or any others with similar installation. \$3,600.00

Delivery time is minimum 8 weeks after order. Catalyst has a one year warranty from the date of shipment.

Caterpillar recommends using Cat parts or Cat authorized modifications on engines which are currently covered by a Caterpillar Extended Warranty program. Most all of the City of Newton Generators are covered by a Cat warranty.

Thank you for the opportunity to quote this work for you.

SUBMITTED BY:

CAROLINA TRACTOR & EQUIPMENT CO.

ACCEPTED BY: _____

DATE: _____

Please confirm telephone and verbal orders in writing.
We reserve the right to correct stenographic or clerical errors.

Pattishall, Glenn

From: Wesson Doug
Sent: Wednesday, September 21, 2011 7:01 PM
To: Pattishall, Glenn
Subject: Fw: Cat Warranty

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: tlineberger@carolinacat.com <tlineberger@carolinacat.com>
To: Wesson Doug <dwesson@newtonnc.gov>; wshook <wshook>
Sent: Wed Sep 21 17:45:49 2011
Subject: Cat Warranty

Doug

I wanted to follow up on the warranty question. As we have discussed your existing units have Cat Advantage warranty on them. As part of this warranty Caterpillar will not pay for failures caused by Non Cat parts.

As for the CleanAir which is a Caterpillar Company. The biggest issue currently is Cat has not fully integrated the CleanAir product into the Cat System so there are no Cat part numbers yet. So as of today the standard warranty for the product is one year. It is my understanding that alot of these issues will be resolved after the first of the year and the component will have a Cat part number and have Cat warranty and there will be a better understanding of how this works with the Advantage Warranty Program.

To sum this up CleanAir is a Caterpillar company and since the components installed on Cat engines assures some confidence that if something happens we have a single contact to go back to for both pieces and there would not be any finger pointing.

I believe that the City's past experience with Cat and Carolina Tractor has been one that we have always supported the product. And we expect to continue the same level of support in the future.

In closing I believe that the City would be in a better position should something happen by using the CleanAir Cat product than they would be if another product were used. We know the answer to issues of other Non Cat products would be no participation on any issue that might happen where the Non Cat product is the root cause of a problem.

Hope this helps.

Tim

Tim Lineberger
Carolina Cat Product Support
Direct dial number 704-731-7385
980-721-9432 cell