

# AGENDA

## CITY OF NEWTON



**September 1, 2020**

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

September 1, 2020

7:00 p.m.

- Page 1. **Call to Order – Mayor Eddie Haupt**
2. **Opening – Council Member Jerry Hodge**
- 3 3. **Approval of Minutes from the August 4, 2020, Regular Meeting**
4. **Consideration of Consent Agenda Items**
- 6 A. Tax Releases
- 8 B. Sewer Adjustments
- 9 C. Consideration of Budget Ordinance Amendment Recognizing Proceeds from Insurance Claim
- 11 D. Consideration of Contract Award for Purchase of Tree Trimming Truck and Chipper
- 14 E. Consideration of Budget Ordinance Amendment for D-9 Lease and Building Improvements
5. **Comments from the Public**  
**IF YOU WISH TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS RELATED TO CITY BUSINESS, PLEASE EMAIL CITY CLERK AMY FALOWSKI AT CITYCLERK@NEWTONNC.GOV OR CALL 828-695-4359 TO LEAVE A VOICE COMMENT. ALL EMAILS AND VOICE COMMENTS MUST BE RECEIVED BY 5:00 P.M. SEPTEMBER 1, 2020**
- 16 6. **Public Hearing**
- A. Consideration of Rezoning – #2020-02 Filed by Claude Gagne
7. **Presentation**
- A. Code Enforcement Cases
8. **New Business**
- 26 A. Consideration of Authorizing Resolution for Building Reuse Application
- 29 B. Consideration of Contract Award and Intent to Reimburse for North Shipp Avenue Water Main
- 32 C. Consideration of Budget Ordinance Amendment for West F Street Water Line Engineering
- 34 D. Consideration of Budget Ordinance Amendment for West 24th Street Culvert Engineering
9. **City Manager’s Report**
10. **Questions and Comments from Mayor and Council**
- A. Reports from Appointed Representatives on Outside Boards – Council Member John Stiver
11. **Adjournment**

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

**August 4, 2020 – 7:00 p.m.**

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, August 4, 2020 at Newton City Hall, and also Electronically via Zoom

**PRESENT:** Mayor Eddie Haupt

**PRESENT ELECTRONICALLY VIA ZOOM:** Mayor Pro Tem John Stiver and Council Members Jerry Hodge, Anne Wepner, Jody Dixon, Beverly Danner and Ed Sain

**STAFF PRESENT:** Assistant City Manager Sean Hovis, City Clerk Amy S. Falowski, Public Information Officer Alex Frick, IS Director Chris Little and City Attorney John Cilley

**PRESENT ELECTRONICALLY VIA ZOOM:** City Manager Todd Clark, City Department Heads and members of the management team

**PRESENT IN ADJACENT VIEWING AREA:** IS Technician Spencer Hodges

**ITEM 1: CALL TO ORDER**

Mayor Eddie Haupt welcomed everyone and called the meeting to order.

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

Council Member Beverly Danner provided the opening and Pledge of Allegiance.

**ITEM 3: APPROVAL OF MINUTES**

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

That the Minutes from the July 7, 2020, Regular Meeting be – APPROVED

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

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

That the Consent Agenda be – APPROVED

- A. Sewer Adjustments
- B. Consideration of Budget Ordinance to Carry Forward Outstanding Purchase Orders at June 30, 2020
- C. Consideration of Official Intent to Reimburse Capital Purchase in FY 2020-2021 Budget with Borrowed Funds

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

**ITEM 5: COMMENTS FROM THE PUBLIC: (IF YOU WISH TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS RELATED TO CITY BUSINESS, PLEASE EMAIL CITY CLERK AMY FALOWSKI AT CITYCLERK@NEWTONNC.GOV OR CALL 82-695-4359 TO LEAVE A VOICE COMMENT. ALL EMAILS AND COMMENTS MUST BE RECEIVED BY 5:00 PM ON AUGUST 4, 2020)**

Mayor Eddie Haupt asked if anyone present would like to make comment concerning non-agenda items. No one appeared.

**ITEM 6: New Business**

- A. Consideration of a Resolution Exempting the City of Newton from North Carolina General Statute 14-234 (Public Officers or Employees benefitting from public contracts; Exceptions)

City Manager Todd Clark stated that the City of Newton will hold a drop-in appreciation luncheon for city staff on August 21, 2020. The staff would like to use the food truck service that is presently owned and operated by Council Member Anne Wepner. In accordance with N.C.G.S. § 14-234, however, no city council member who is involved in making or administering contracts on behalf of a city may derive a direct benefit from any contract entered into between him/her and the city unless the city meets specific exemption requirements as set forth in Subdivision (a)(1) of the statute. Mr. Clark stated that attached is a resolution that exempts the City of Newton and enables the city to use Council Member Wepner's business for the purpose of the appreciation luncheon to be held on August 21, 2020.

Mr. Clark recommended approval of the Resolution.

Council Member Anne Wepner asked to be excused from the consideration of the Resolution.

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

That Council Member Anne Wepner be excused from the consideration of the Resolution.

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

That Resolution Exempting the City of Newton from North Carolina General Statute 14-234 (Public Officers or Employees benefitting from public contracts; Exceptions) be – APPROVED

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

**ITEM 7: City Manager's Report**

**Meetings & Events**

- September 1st– City Council Meeting

**Other**

- Update on Utility Balances
- Update on Streetscape
- Census Update
- DNDA Business Recovery Grant
- Fire Truck Purchase
- Water Treatment Plant Filter Rehab Project
- City Lake Retaining Wall Update

**ITEM 8: Questions and Comments from Mayor and Council**

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

Council Member Anne Wepner gave reports concerning the Downtown Newton Development Association and Newton Public Art Commission.

**ITEM 9:      Adjournment**

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

That the Meeting be – ADJOURNED

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

\_\_\_\_\_  
Eddie Haupt, Mayor



# CITY OF NEWTON

## Inter-office Correspondence

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

**DATE:** August 20, 2020

**RE:** Tax Releases – July 2020

**FROM:** Vickie Thomas, 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.

<b>Tax Year</b>	<b>Tax Release Number</b>	<b>Name</b>	<b>Reason</b>	<b>Amount of Release</b>
2020	1	Avery, Timothy S	Bill less than minimum amount	\$0.27
2020	2	Benfield, Carol E	Bill less than minimum amount	\$0.27
2020	3	Bloomberg LP	Bill less than minimum amount	\$0.04
2019	4	Byrd, James B Jr.	Small underpayment	\$0.10
2019	5	Campbell, Kimberly B	Small underpayment	\$0.01
2020	6	Dell Equipment Funding LP	Bill less than minimum amount	\$0.03
2020	7	Detorres, Eduardo X	Bill less than minimum amount	\$0.09
2020	8	Dishnet Satellite Broadband, LLC	Bill less than minimum amount	\$0.15

2020	9	DHM Textiles, LLC	Bill less than minimum amount	\$0.05
2020	10	Farnam Street Financial Inc	Bill less than minimum amount	\$0.36
2020	11	Gallardo- Martinez, Pedro	Bill less than minimum amount	\$0.46
2020	12	Garay, Roberto	Bill less than minimum amount	\$0.46
2020	13	Gaston, David F	Bill less than minimum amount	\$0.45
2020	14	Gray, Todd A	Bill less than minimum amount	\$0.45
2020	15	Hallmark Marketing Co., LLC	Bill less than minimum amount	\$0.10
2020	16	Hollar, Larry W	Bill less than minimum amount	\$0.36
2020	17	Lawing, Troy L Jr.	Bill less than minimum amount	\$0.09
2020	18	Lowman, Kyle	Elderly exemption removed	\$426.06
2020	19	Meeseree, Sansong	Bill less than minimum amount	\$0.36
2020	20	Rueda-Rodarte, Jeffrey	Bill less than minimum amount	\$0.48
2020	21	Setzer, Frances R	Elderly exemption removed	\$233.82
2020	22	Superior Plus Energy	Bill less than minimum amount	\$0.15

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

# CITY OF NEWTON

## Sewer Adjustments

**TO:** E. Todd Clark, City Manager **DATE:** 8/20/2020  
**RE:** Sewer Adjustments – 09/01/2020  
**FROM:** Vickie Thomas, 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>
22000619-004	MICHAEL PRITCHARD	2175 PICNIC DR	AUG	81.51

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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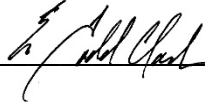
**DATE:** August 26, 2020

**TO:** Todd Clark, City Manager

**FROM:** Sandra Waters, Parks & Recreation Director

**CONSIDERATION OF:** Budget Ordinance Amendment Recognizing Proceeds from Insurance Claim

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

On August 9, 2020, the Parks and Recreation Department's Cemetery Division had its maintenance building broken into and two riding mowers and other equipment stolen. The City of Newton is to receive \$27,217.44 in insurance claim proceeds from Glatfelter Claims Management Inc., \$21,175.84 of which has been received to date.

This budget ordinance amendment is to recognize \$27,217.44 in revenue from Glatfelter Claims Management Inc., and to authorize expenditure using the insurance claims revenue to replace the stolen equipment.

**Action Suggested:**

Staff requests that City Council adopt the attached Budget Ordinance Amendment to replace the stolen equipment.

**ORDINANCE**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES  
FOR FISCAL YEAR 2020-2021 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, 2020, and ending June 30, 2021, in accordance with the General Statutes of the State of North Carolina; and

**WHEREAS**, the City of Newton City Council desires to authorize replacement of the equipment stolen costs from the Parks and Recreation’s Cemetery Division. The City is to receive insurance proceeds of \$27,217.44, \$21,175.84 of which has been received to date; and,

**WHEREAS**, the City of Newton City Council desires to recognize the insurance proceeds as revenue and authorize the related expenditure for the equipment replacement costs; and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

General Fund Revenues		
Insurance Claims	11-0000.3780	\$ 27,250
General Fund Appropriations		
Reserve for Liab Ins Claims	11-6135.7501	\$ 27,250

Adopted this 1st day of September, 2020.

\_\_\_\_\_  
Eddie Haupt, Mayor

Attest:

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



**CITY OF NEWTON**  
**REQUEST FOR COUNCIL ACTION**

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**DATE:** July 13, 2020

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

**FROM:** Doug Wesson

**CONSIDERATION OF:** Award of Bid to Replace Tree Trimming Truck and Chipper in FY 2020-2021 Pay-as-you-go.

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

The Electric Division has an internal Tree Trimming crew since 2007 to aid in trimming trees for the City's Electrical Transmission and Distribution system. This helps with meeting safety and reliability standards established by North American Electric Reliability Corporation (NERC).

In the past, these type trucks generally get exchanged out every ten years due to the nature and activity that it has to perform. This particular vehicle is going on 13 years and the chipper is now no longer able to be repaired. The next break down of the chipper will cause this type of activity to stop due to not having a back-up. Lead time on this type truck and chipper can be over 120 days to 300 days from date of purchase.

Staff has reviewed Sourcewell Contract which meets the bidding requirements by the State of North Carolina in the amount of \$215,330 which does not include tag and taxes, which are estimated at \$3,000.

City Council adopted in Fiscal Year 20-21 Budget Pay-as you go \$220,150 for a new Tree Trimming Truck and Chipper. Staff wishes to purchase a new Tree Trimming Truck and Chipper with the "Pay-as-you-go" funds due to the long lead time and the age of the truck and condition of the chipper.

**Action Suggested:**

Staff is recommending Council to approve \$218,330 from the Electric Fund Pay-as-you-go and to award bid to Altec through Sourcewell Contract to purchase Truck and Chipper due to long lead time for Fiscal Year 20-21.

Quoted for: CITY OF NEWTON, NC

Customer Contact:

Phone: / Email:

Quoted by: Josh Stone

Phone: (919) 528-8070 / Email: josh.stone@altec.com

Altec Account Manager: Ivan Whitfield

**REFERENCE ALTEC MODEL**

LR756	Overcenter Articulating Aerial Device (Insulated)	\$139,243
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**(A.) SOURCEWELL OPTIONS ON CONTRACT (Unit)**

1	LR756-US58	58' Boom Height (LR758)	\$1,220
2			
3			
4			

**(A1.) SOURCEWELL OPTIONS ON CONTRACT (General)**

1	SPOT3	FOUR (4) POINT STROBE SYSTEM (LED)	\$573
2	CG	Cab Guard	\$2,916
3			
4			
5			
6			
7			
8			
<b>SOURCEWELL OPTIONS TOTAL:</b>			\$143,952

**(B.) OPEN MARKET ITEMS (Customer Requested)**

1	UNIT		
2	UNIT & HYDRAULIC ACC		
3	BODY		
4	BODY & CHASSIS ACC		
5	ELECTRICAL		
6	FINISHING		
7	CHASSIS	2021 FREIGHTLINER M2-106 4X2 AUTO	\$1,108
8	OTHER		
<b>OPEN MARKET OPTIONS TOTAL:</b>			\$1,108

**SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$145,060**  
**Delivery to Customer: \$320**  
**TOTAL FOR UNIT/BODY/CHASSIS: \$145,380**

**(C.) ADDITIONAL ITEMS (items are not included in total above)**

1		LR7-60E70 MODEL ILO LR756 MODEL	\$33,947
2		REMOVE LR7-56-US58	-\$1,220
3			
4			

\*\*Pricing valid for 90 days\*\*

**NOTES**

**PAINT COLOR:** White to match chassis, unless otherwise specified

**WARRANTY:** Standard Altec Warranty for Aerials and Derricks - One (1) year parts warranty One (1) year labor warranty Ninety (90) days warranty for travel charges (Mobile Service) Limited Lifetime Structural Warranty. Chassis to include standard warranty, per the manufacturer.

**TO ORDER:** To order, please contact the Altec Account Manager listed above.

**CHASSIS:** Per Altec Commercial Standard

**DELIVERY:** No later than **120** days ARO, FOB Customer Location

**TERMS:** Net 30 days

**BEST VALUE:** Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry (Domestic and Overseas), Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov't Sales Manager, In-Service Training with Every Order.

**TRADE-IN:** Equipment trades must be received in operational condition (as initial inspection) and DOT compliant at the time of pick-up. Failure to comply with these requirements, may result in customer bill-back repairs.

**BUILD LOCATION:** CREEDMOOR, NC

Quoted for: CITY OF NEWTON, NC

Customer Contact:

Phone: / Email:

Quoted by: Josh Stone

Phone: (919) 528-8070 / Email: josh.stone@altec.com

Altec Account Manager: Ivan Whitfield

**REFERENCE ALTEC MODEL**

DC1317	13" Capacity Disc Style Chipper with Kohler 74hp Diesel Engine	\$36,953
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**(A.) SOURCEWELL OPTIONS ON CONTRACT (Unit)**

1		
2		
3		
4		

**(A1.) SOURCEWELL OPTIONS ON CONTRACT (General)**

1		
2		
3		
4		
5		
6		
7		
8		

**SOURCEWELL OPTIONS TOTAL: \$36,953**

**(B.) OPEN MARKET ITEMS (Customer Requested)**

1	UNIT	
2	UNIT & HYDRAULIC ACC	
3	BODY	
4	BODY & CHASSIS ACC	
5	ELECTRICAL	
6	FINISHING	
7	CHASSIS	
8	OTHER	

**OPEN MARKET OPTIONS TOTAL: \$0**

**SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$36,953**

**Delivery to Customer: \$270**

**Delivery to Customer (Tow Behind LR7-58 Unit): \$0**

**TOTAL FOR UNIT/BODY/CHASSIS: \$37,223**

**(C.) ADDITIONAL ITEMS (items are not included in total above)**

1		
2		
3		
4		

\*\*Pricing valid for 90 days\*\*

**NOTES**

**PAINT COLOR:** White to match chassis, unless otherwise specified

**WARRANTY:** Standard Altec Warranty for Aerials and Derricks - One (1) year parts warranty One (1) year labor warranty Ninety (90) days warranty for travel charges (Mobile Service) Limited Lifetime Structural Warranty. Chassis to include standard warranty, per the manufacturer.

**TO ORDER:** To order, please contact the Altec Account Manager listed above.

**CHASSIS:** Per Altec Commercial Standard

**DELIVERY:** No later than **120** days ARO, FOB Customer Location

**TERMS:** Net 30 days

**BEST VALUE:** Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry (Domestic and Overseas), Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov't Sales Manager, In-Service Training with Every Order.

**TRADE-IN:** Equipment trades must be received in operational condition (as initial inspection) and DOT compliant at the time of pick-up. Failure to comply with these requirements, may result in customer bill-back repairs.

**BUILD LOCATION:** MT. AIRY, NC

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

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**DATE:** August 27, 2020

**TO:** Newton City Council

**FROM:** Todd Clark, City Manager

**CONSIDERATION OF:** **Consideration of Budget Ordinance Amendment for D-9 Lease and Building Improvements**

  
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**Background:**

The City of Newton recently leased the City's former Fire Station Headquarters to D9 Brewing Company. The City of Newton made a commitment to pay for asbestos removal within the building as part of the renovations undertaken by D9 Brewing Company. The cost of the asbestos removal is \$18,400. Consequently, an appropriation is necessary in the FY 2021 budget for this expense.

Additionally, the City needs to recognize the new income generated by the lease through a budget ordinance amending revenues in the FY 2021 budget by the \$12,000 rent due in FY2021. The net difference of \$6,400 will need to be appropriated from Fund Balance.

The City Council is asked to consider the attached budget ordinance amendment recognizing the income generated from the lease and the appropriation of Fund Balance, and appropriating funds for the asbestos removal.

**Requested Action:**

The staff recommends approval of the attached budget ordinance amendment.

**ORDINANCE**

**CITY OF NEWTON  
AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR  
FISCAL YEAR 2020-2021 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, 2020, and ending June 30, 2021, in accordance with the General Statutes of the State of North Carolina; and

**WHEREAS**, the City of Newton entered into a lease agreement with D9 Brewing Company on July 7, 2020; and,

**WHEREAS**, the lease revenues of \$12,000 and the asbestos removal expenditures of \$18,400 were not included in the FY 2021 budget; and,

**WHEREAS**, the City Council desires to authorize the use of Fund Balance for the \$6,400 difference, and to authorize the related expenditure appropriation within the General Fund: and,

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

**General Fund Revenues**

Property Rental	11-0000.3850	\$12,000
Fund Balance Appropriated	11-0000.3990	\$ 6,400

**General Fund Appropriations**

Professional Services – Other	11-4120.4990	\$18,400
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Adopted this 1st day of September, 2020.

Attest:

\_\_\_\_\_  
Eddie Haupt, Mayor

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



# CITY OF NEWTON REQUEST FOR COUNCIL ACTION

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**DATE:** August 25, 2020

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

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

**CONSIDERATION OF:** Rezoning Application #2020-02 as requested by Claude Gagne.

### Approved for Council Consideration

  
\_\_\_\_\_

### **Background:**

Claude Gagne is seeking to rezone the property, which are described as follows from an EM-1 Exclusive Manufacturing District to PD-SC-N Planned Development Shopping Center - Neighborhood. The Applicants proposed to develop the property to construct a 10,080 sq. ft. multi-tenant retail building and a 5,500 sq. ft. retail building with space for a convenience store, a fast food restaurant, and gas pumps. The property is located at 9737 NC Highway 16, which is the southwest quadrant of the intersection of E 20<sup>th</sup> Street and NC 16 Hwy and contains 5.63 acres. The property is further identified by Catawba County Pin #3741-19-62-6465. The site plan, building elevations, and the application is attached to this memo.

### **Review:**

#### Zoning History:

The subject site is and has been located within the City's extraterritorial jurisdiction (ETJ) since 1980. The current zoning is EM-1 exclusive manufacturing, which is what the property was zoned on the 1983 zoning map and currently. There have been no prior attempts to change the zoning of the subject site. There has been request on nearby property as follows:

- In **2011**, there was rezoning request for the old concrete plant located at 2307 E 20<sup>th</sup> Street. The request was to rezone the property from EM-1 Exclusive Manufacturing to M-1 General Manufacturing. The Planning Commission recommended that the application be denied as they had concerns about the compatibility of uses allowed in the M-1 vs. the EM-1 zoning district and the applicant had no plans for the use of the property. The City Council held the public hearing and took no action on the request.
- In **2017**, there was a rezoning request for 9595 NC Highway 16 from EM-1 Exclusive Manufacturing to M-1 General Manufacturing so that the applicant could build a mini-



storage complex. The Planning Commission recommended that the application be approved and City Council approved the request.

Surrounding Land Use and Zoning:

	<b>ZONING</b>	<b>LANDUSE</b>
Subject	EM-1 Exclusive Manufacturing	vacant
North	EM-1 Exclusive Manufacturing	Vacant
South	R-9 Multi-Family Residential	Brookwood Subdivison
East	EM-1 Exclusive Manufacturing	Vacant
West	EM-1 Exclusive Manufacturing	Vacant

Transportation:

The property is located on NC Highway 16, a major arterial for the City of Newton, and East 20<sup>th</sup> Street. The 2017 Average Daily Traffic Count for NC Highway 16 was 18,000 and East 20<sup>th</sup> St was 3,500. There should be no adverse impacts.

Utilities:

Water and Sewer are available to the site.

Land Development Plan:

The proposed request is **inconsistent** with the 2010 Core Area Plan’s Future Land Use. The plan shows the area as industrial; however, the site size and configuration does not conform to the needs of modern manufacturing facilities.

Site plan:

The site plan conforms to the plan development regulations within the City’s Zoning Ordinance. If approved, the development would still have to comply with the zoning, erosion control, and stormwater ordinance as it relates to the development of the site. Any adverse impacts to adjoining properties would be mitigated by development standards contained in the City’s Zoning Ordinance, which would apply when the property is developed; standards include but are not limited to buffers, screening, structure placement, density of development, and signage. Pedestrian access would also be required which would include sidewalks along both road frontages and connections from the sidewalks along the road frontages to the buildings.

**Public Notices:**

The notices for this case have been performed as follows:

Newspaper: published on August 20 & 27, 2020.

Posted on-site: posted July 17, 2020

Mailed notices: sent notice to the owner of the site, owners of adjacent property, and the owners of property within 100 feet of the property adjacent to the subject site. 19 letters were sent on August 21, 2020

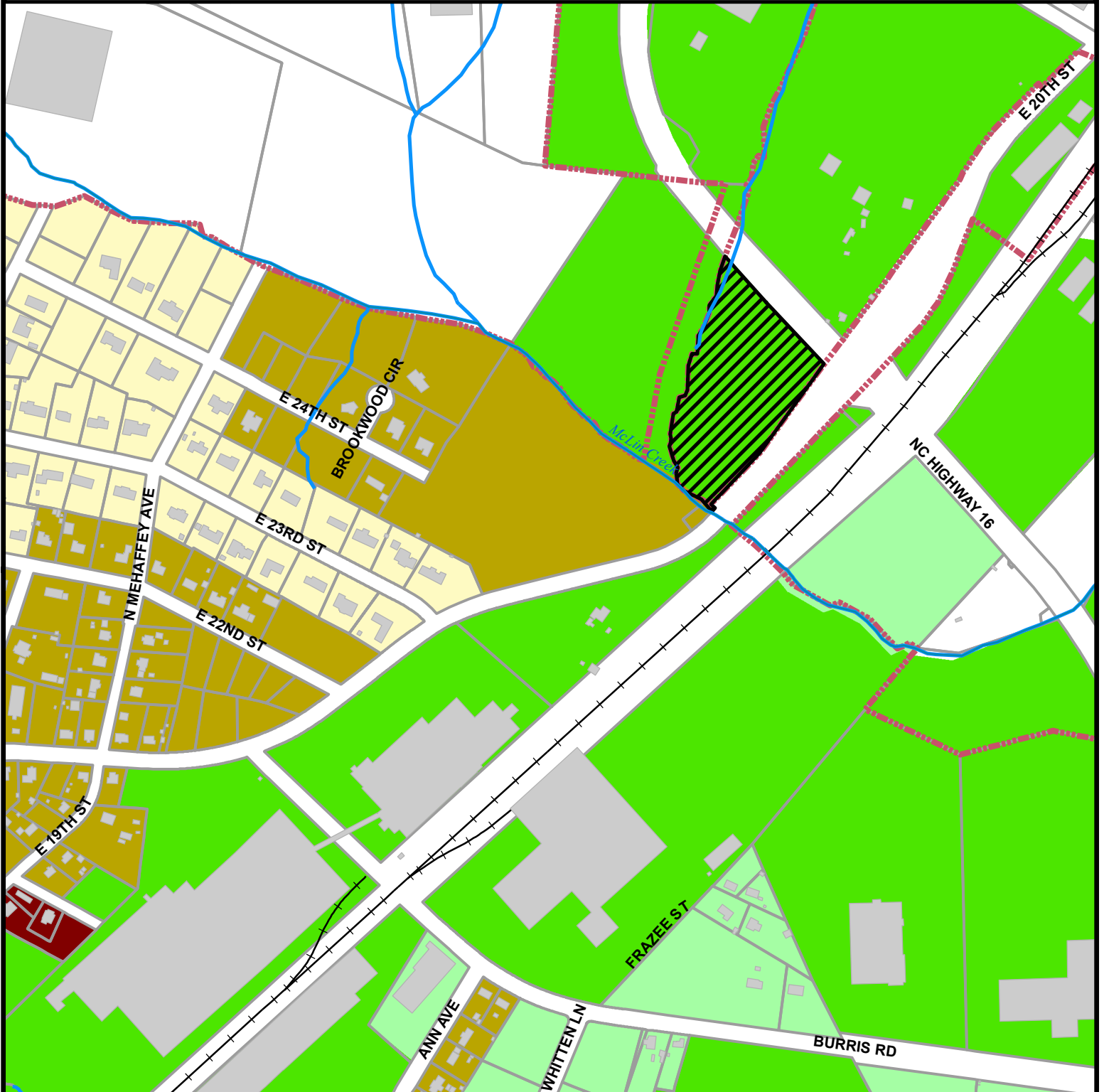
**Recommendation:**







Staff recommended approval to the Planning Commission at their meeting held on July 28, 2020 and requested that the Planning Commission consider limiting outdoor lighting to full cut-off fixtures and restricting the heights of free standing signs on the site. At the conclusion of the public hearing, the Planning Commission voted to unanimously to recommend approval to the City Council with the condition that outdoor lighting is limited to full cut off fixtures.



# Rezoning #2020-01

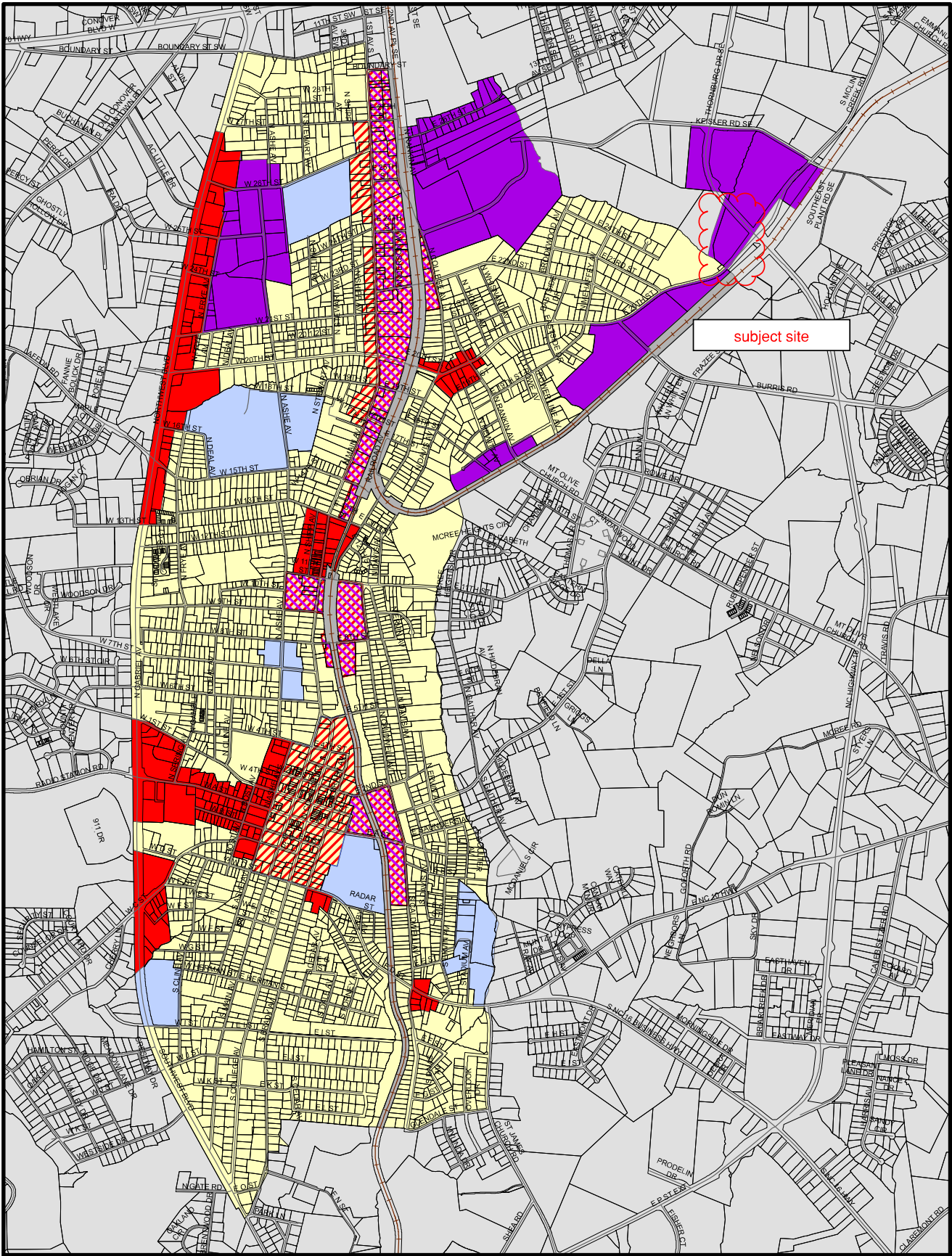
Claude Gagne  
9737 NC HIGHWAY 16



-  Subject Site
-  Multifamily Residential (R-9)
-  General Manufacturing (M-1)
-  Single Family Residential (R-20)
-  General Business (B-4)
-  Exclusive Manufacturing (EM-1)



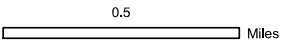
NOT TO SCALE



subject site

**Legend**

- Residential
- Commercial
- Rail Corridor Protection
- Government and Civic
- Mixed-Use – light industrial, commercial, and residential
- Mixed-Use – commercial, and residential
- Industrial



**CITY OF NEWTON, NC**  
**APPLICATION FOR AMENDMENT TO THE OFFICIAL ZONING ATLAS**

Application # \_\_\_\_\_

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

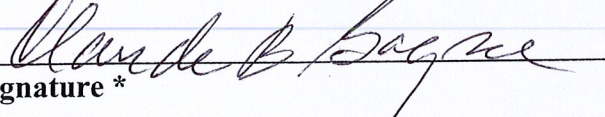
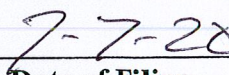
I, the undersigned, do hereby make application and petition to change the Zoning Atlas of the City of Newton as hereinafter requested.

1. The property for which this Zoning Atlas Amendment is requested is shown as Atlas Sheet \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ PIN 3741 19 626 465. (If more than one parcel is involved, attach a list of all other properties, the nature of the proposed amendment, and a legal description for each).
2. The present zoning classification of the property for amendment is EM-1.
3. The proposed zoning classification of this property is PD-N.
4. Property owner (s): Name: MIC COMBS INVESTMENTS, LLC.  
Address: 2284 NC. HWY 10E, CONOVER, NC 28623-8370  
Phone: ( ) \_\_\_\_\_ (H) (W) \_\_\_\_\_

5. As required by Article 13 of the Zoning Ordinance, I have attached the following material related to the proposed amendment herein referenced above:

- \_\_\_\_ A fully dimensional survey map at a scale of not less than 100 feet nor more than 20 feet to the inch showing all land, structures and uses covered by this proposed amendment.
- \_\_\_\_ A legal description of each parcel proposed for amendment.
- \_\_\_\_ A description of the changed or changing conditions, if any, in the jurisdiction of the City of Newton, which makes the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
- \_\_\_\_ A description of how the proposed amendment will carry out the purpose and intent of the adopted Land Development Plan.

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

  
Signature \* \_\_\_\_\_  
  
Date of Filing \_\_\_\_\_

- If the applicant is different from property owner, a signed statement by the owner giving permission to rezone their property or properties should be submitted. In the case where more than one property owner is involved, all property owners must submit a written statement giving permission to rezone their properties.-

R-1

June 27,2020

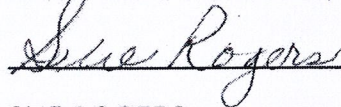
Mc. Combs Investments LLC

Re: City of Newton, Parcel ID. 374119626465 E. 20<sup>th</sup> St. Newton, NC. 5.63 acres

By this letter I give approval to Claude B. Gagne to seek a zoning change for the property noted

above from EM-1 to Planned Development.

McCombs Investments, LLC.



Date: 6-29-2020

SUE ROGERS

Manager/authorized signature

July 8, 2020  
Alex S. Fullbright  
City of Newton, NC  
P. O. Box 550,  
Newton, NC 28658

RE:Parcel ID: 374119626465, RT 16 Bypass

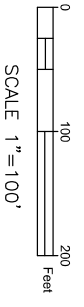
Mr. Fullbright,

With regards to the Zoning application I submitted to the City of Newton yesterday for hearing date of July 28, at 7pm, it is my intention of developing this property into two uses. The first being a 10,080 sf convenience store with gas pumps in combination with a food operation with a drive thru. The second being a 10,800 sf retail center.

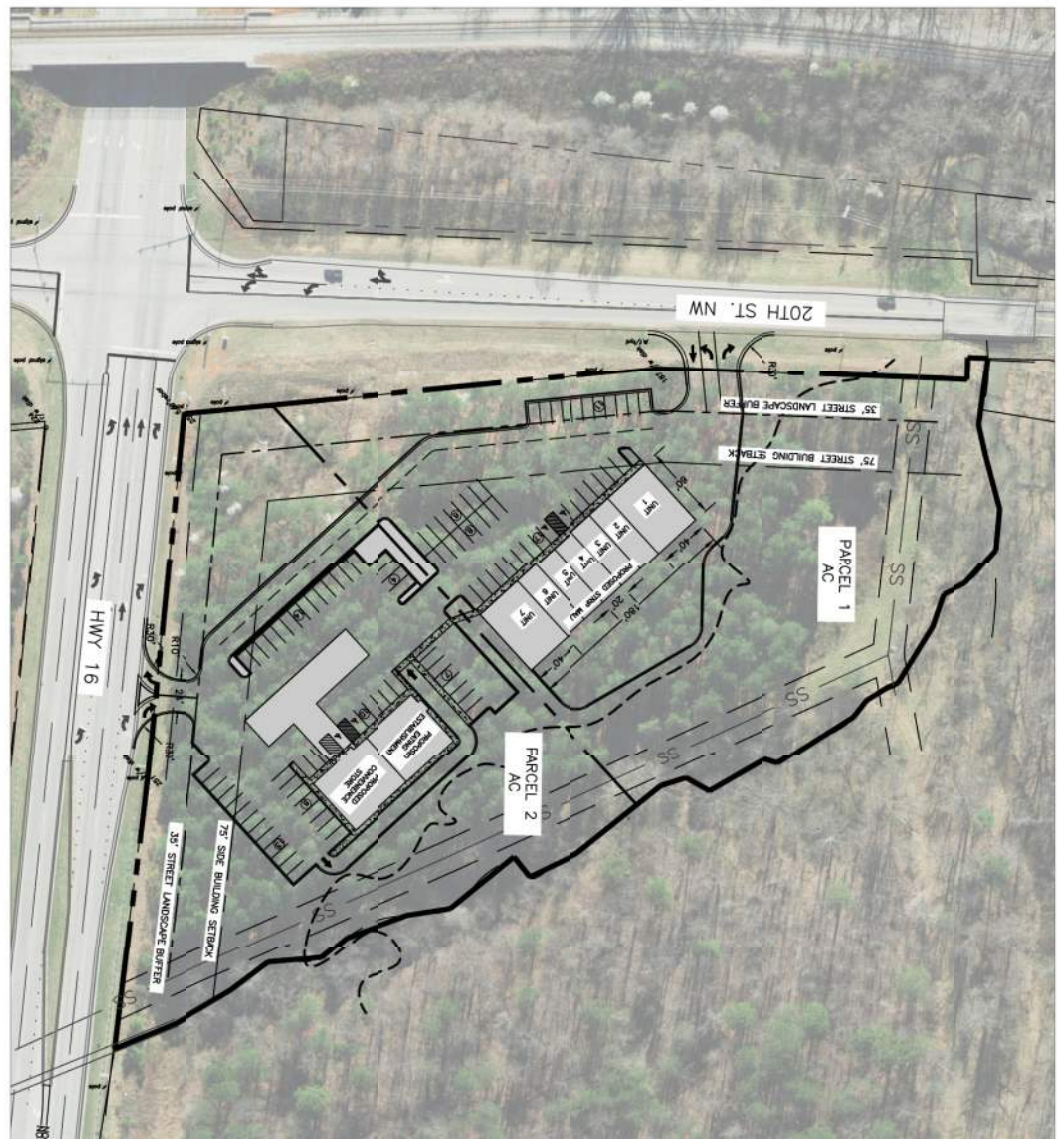
The Pine trees will need to be harvested, the lot cleared and the ground leveled before we can begin construction. There is an excess of soil on the property nearest Rt 16 which will need to be moved back on the lot to level the property and prepare for construction. All necessary precautions will be taken to protect the creek running along the property line.

Sincerely,

Claude B. Gagne  
471 14<sup>th</sup> Ave NE  
Hickory, NC 28601  
828-781-9875



PARKING SPACES  
 CONVENIENT STORE 56 SPACES  
 STRIP CENTER 44 SPACE



PROJECT NO.	20-200
DATE	JUNE 26, 2020
DESIGNER	DS
CHECKER	SBW
NO.	
DATE	
BY	
REVISIONS:	
NO.	
DATE	
BY	
SHEET NO.	24

NEW SITE DEVELOPMENT FOR:  
**MCCOMB INVESTMENTS**  
 NEWTON, NC 24 PIN 3741-19-62-6465

**SHABELDEEN ENGINEERING**  
 Ethics • Integrity • Engineering  
 HICKORY, NC  
 P: (828) 320-7252  
 F: (828) 394-4126  
 License No. C-2946

Civil  
 Environmental  
 Stormwater/Erosion Control  
 Construction Management





FRONT ELEVATION



LEFT ELEVATION ( CONVENIENCE STORE )

FRONT ELEVATION ( CONVENIENCE STORE )



LEFT ELEVATION

RIGHT ELEVATION

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**


---

**DATE:** August 27, 2020

**TO:** Newton City Council

**FROM:** Todd Clark, City Manager

**CONSIDERATION OF:** **Consideration of Authorizing Resolution for Building Reuse Application**

  
\_\_\_\_\_

**Background:**

The Catawba County Economic Development Corporation has notified the City of Newton that an international company is considering the purchase of an existing building in Newton for transportation component manufacturing. Disclosure of the company name at this time is not possible due to pending contractual agreements between the company and the property owner. The EDC however, has initiated a conversation with company executives concerning their anticipated need for physical improvements to the building.

In consideration of the proposed improvements and as an inducement to the company to establish a business in Newton, the company desires to pursue a Building Reuse Grant through the North Carolina Department of Commerce. The anticipated investment in the property exceeds \$6.5 million dollars and the company will create more than 40 jobs over the next three years and as much as 80 over the next five.

In accordance with the Building Reuse Program, the City of Newton is required to file the application on behalf of the company and also administer program funds. Consequently, the City Council is asked to consider adoption of the attached Authorizing Resolution.

City Council is advised that the City is required to provide a minimum 5% match, or \$10,000 for an estimated \$200,000 grant request as noted in the Authorizing Resolution. The EDC has approached Catawba County and proposed evenly splitting this the 5% match with each local government assuming \$5,000 of the \$10,000 total.

**Requested Action:**

The staff recommends approval of the attached Authorizing Resolution.

**City of Newton**  
**Authorizing Resolution**  
**The Rural Economic Development Division**  
**North Carolina Department of Commerce**  
**Building Reuse Program**  
**Project Explorer**  
**Building Reuse Application**

**WHEREAS,** the North Carolina General Assembly authorized in 2020 funds to the North Carolina Department of Commerce Rural Economic Development Division to stimulate economic development and job creation. A portion of the funding authorized the making of grants to aid eligible units of government to stimulate the creation of jobs through the expansion and renovation of buildings that will spur economic activity; and

**WHEREAS,** The City of Newton desires to assist through grant funding the expansion and renovation of a manufacturing building located in Newton; and

**WHEREAS,** The City of Newton intends to request from NC Department of Commerce Rural Economic Development Division grant assistance for the project from the Building Reuse Program for the “up-fitting” and renovation of the facility:

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

That the City of Newton will provide a minimum 5% match for an estimated \$200,000 grant request, if approved for a grant.

That Todd Clark, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Newton with The NC Department of Commerce Rural Economic Development Division for a grant to assist in the pre-development of the project described above.

That Todd Clark, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as The NC Department of Commerce Rural Economic Development Division 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 in connection with the application.

That the City of Newton has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2020 at Newton, North Carolina.

\_\_\_\_\_  
Eddie Haupt, Mayor

**CERTIFICATE OF RECORDING OFFICER**

The undersigned duly qualified City Clerk Amy Falowski, the City of Newton does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with The NC Department Rural Economic Development Division, as adopted at a legally convened meeting of the City of Newton duly held on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Amy Falowski, City Clerk

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

---

**DATE:** August 24, 2020

**TO:** Todd Clark, City Manager

**FROM:** Dusty Wentz, PWU Director

**CONSIDERATION OF:** Award of Bid for Replacement of 620 feet of One (1) Inch Water Line on North Shipp Ave and Intent for Reimbursement of FY 2020-2021 Borrowed Funds.

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

In 2019, City staff noticed that the pressure was falling below the required 30 psi to maintain positive pressure to prevent backflow and to supply adequate water pressure to residents. The 2000 block of North Shipp Ave has a 1-inch galvanized line that feeds six homes. The required pressure is set by the North Carolina Department of Environmental Quality (NCDEQ) and is part of the City's water permit.

In August 2019, City staff entered into an agreement with McGill Associates engineering firm to design, permit, and construct six hundred feet of 6-inch water main. This new main will replace the 1-inch water line, add one fire hydrant for fire protection, six new services, and replacement of street pavement. This project is in the FY 2021 adopted budget.

In February 2020, invitation to bid were sent out to potential bidders. On March 5, 2020 City staff did receive four bids. Bids are only valid until October 5, 2020.

Utility Contractor	Base Bid	Alternate #1	Total
Hickory Sand Company, Inc	\$327,275.00	\$139,965.00	\$467,240.00
Iron Mountain Co., Inc.	\$178,207.00	\$112,230.00	\$290,437.00
Mountain Crest, LLC	\$432,159.53	\$104,644.80	\$536,804.33
Piedmont Utility Group, Inc	\$260,613.80	\$155,548.20	\$416,162.00

City Staff and McGill Associates have reviewed the bids and determined that Iron Mountain Company, Inc. is the lowest qualified and most responsive bidder. See attached engineer recommendation. Staff and McGill Associates recommend that a contingency of \$30,000.00 be allocated for the construction project. The base bid with Alternate #1, which includes complete street mill and overlay of the project area, engineering expenses totaling \$36,063, and contingency, will bring this construction cost to a total of \$356,500.00.

This project is proposed to be funded through borrowing. In order to prevent bids for expiring, however, the contract needs to be awarded prior to October 5, 2020.

**Action Suggested:**

Staff requests that City Council award the bid for replacement of approximately 620 feet of one 1-inch water line within the 2000 block of North Shipp Ave to Iron Mountain Company, Inc in the amount of \$290,437.00. Staff also requests that Council approve the attached Intent for Reimbursement from Borrowing.

**Resolution**  
**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 Fiscal Year 2021 Budget reflects \$356,550 for the replacement of 620 feet of a one inch water line on North Shipp Avenue. The cost is estimated to be \$356,550.

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 \$356,500.

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 1<sup>st</sup> of September, 2020

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



\_\_\_\_\_  
Eddie Haupt, Mayor

March 9, 2020

Mr. Dennis Falder  
Assistant Director of Public Works & Utilities  
City of Newton  
401 North Main Avenue  
Newton, North Carolina 28658

RE: Award Recommendation  
North Shipp Ave Water Service Replacement  
Newton, North Carolina

Dear Mr. Falder:

On March 5th, 2020, a total of four (4) bids were received for the subject project. Iron Mountain Construction Co., Inc., was the lowest responsive, responsible bidder with a total bid amount of \$290,437.00, which includes the bid alternate to resurface the entire width of North Shipp Avenue. As you are aware, the project generally consists of approximately 620 linear feet of water service replacement, hydrants, valves, restoration, and all related appurtenances.

Iron Mountain Construction Co., Inc. is appropriately licensed with the NC General Contractor Board and has successfully completed similar projects in the past. We therefore recommend that the City award the project to Iron Mountain Construction Co., Inc. for the total bid amount of **\$290,437.00**. It is also recommended that the City establish construction contingency in the amount of \$30,000.00.

Enclosed for your use is the Certified Bid Tabulation. Please do not hesitate to contact us if you have any questions.

Sincerely,  
McGILL ASSOCIATES, P.A.

A handwritten signature in blue ink that reads "RJ Mozeley".

RJ Mozeley, PE  
Project Manager

RJM:sa

Enclosures

**CITY OF NEWTON  
REQUEST FOR COUNCIL ACTION**

---

**DATE:** August 25, 2020

**TO:** Todd Clark, City Manager

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

**CONSIDERATION OF:** Adopt a Budget Ordinance Amendment for Emergency Engineering of W. F St. Water Line Replacement

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

Staff received a phone call from a resident of W. F St concerning low water pressure in early August. Investigation by staff revealed that approximately seven homes on W. F St are connected to a 1” galvanized water line.

The existing 1” water line cannot supply the homes with sufficient water pressure as mandated by the City’s Water Distribution Permit.

In order to replace the 600 feet of 1” water line with a more appropriately sized line, approval from NC Dept. Of Environmental Quality (NCDEQ) is required. Such documentation and permitting requires engineering services. Since this issue was unknown at the time the FY 21 budget was adopted, no funds are available for such engineering in the current budget. Attached is a Budget Ordinance Amendment in the amount of \$17,900 to fund this engineering work.

Staff intends to replace the water line with staff forces. Material for the waterline can be acquired with funds in the approved FY 21 budget.

**Action Suggested:**

Staff requests Council approve the attached budget ordinance amendment in the amount of \$17,900 to fund McGill Assoc.’s engineering and permitting for the W. F St. Water Line Replacement.



**ORDINANCE**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2020-2021 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, 2020, and ending June 30, 2021, in accordance with the General Statutes of the State of North Carolina, and

**WHEREAS**, the City Council desires to appropriate funds for engineering costs for the West F Street water line replacement project;

**WHEREAS**, the City Council desires to approve utilization of fund balance and to approve the related expenditure appropriation within the operating budget; and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

<b>Water/Wastewater Fund Revenues</b>		
Fund Equity Appropriation	61-0000.3995	\$17,900
<b>Water/Wastewater Fund Appropriations</b>		
Professional Services - Engineering	61-7100.4940	\$17,900

Adopted this 1st day of September, 2020.

Attest:

\_\_\_\_\_  
Eddie Haupt, Mayor

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



**CITY OF NEWTON**  
**REQUEST FOR COUNCIL ACTION**

---

**DATE:** August 25, 2020

**TO:** Todd Clark, City Manager

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

**CONSIDERATION OF:** Adopt a Budget Ordinance Amendment for Emergency Engineering of W. 24<sup>th</sup> St. Culvert Replacement

**Approved for Council Consideration**

  
\_\_\_\_\_

**Background:**

On August 16, 2020, the 72” Corrugated Metal Pipe (CMP) Culvert located under the road at N. Frye and adjacent to W. 24<sup>th</sup> St. failed, resulting in a sink hole. This culvert is approximately 40 feet from existing gravity sewer. Continuous monitoring of the sink hole caused by the culvert failure indicates that road failure at the intersection of Frye and W. 24<sup>th</sup> St. is imminent.

Easement investigation by the City Attorney suggests that only 55 feet of the 355 feet of existing culvert is property of the City. The current plan is to install a junction box on the edge of the road right-of-way and replace the culvert upstream. This is the section of culvert that is directly under N. Frye and W. 24<sup>th</sup> St. and is currently causing the sink hole.

The culvert is approximately 20 feet deep. Given the size of the culvert and the depth, City Staff will not be able to perform the replacement work. Contract documents will be needed for bidding.

Staff contacted The Wooten Company and received an engineering proposal in the amount of \$48,900 to perform the necessary engineering work and produce the contract documents.

This emergency engineering was not included in the adopted FY 21 budget. A budget ordinance amendment to fund the cost of engineering only is attached. Staff will return to council after bids are received to obtain direction on the contracted replacement.

**Action Suggested:**

Staff requests Council approve the attached budget ordinance amendment in the amount of \$48,900 to fund The Wooten Company’s engineering and produce bid documents for the W. 24<sup>th</sup> St. Culvert Replacement.

**ORDINANCE**

**AN ORDINANCE TO AMEND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2020-2021 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, 2020, and ending June 30, 2021, in accordance with the General Statutes of the State of North Carolina, and

**WHEREAS**, the City Council desires to appropriate funds for engineering costs for the West 24<sup>th</sup> Street culvert replacement project;

**WHEREAS**, the City Council desires to approve utilization of fund balance and to approve the related expenditure appropriation within the operating budget; and

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

THE FOLLOWING SOURCE OF REVENUE AND APPROPRIATION ARE HEREBY APPROVED.

<b>General Fund Revenues</b>		
Fund Balance Appropriation	11-0000.3990	\$48,900
<b>General Fund Appropriations</b>		
Professional Services - Engineering	11-4252.4940	\$48,900

Adopted this 1st day of September, 2020.

Attest:

\_\_\_\_\_  
Eddie Haupt, Mayor

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

