

AGENDA

CITY OF NEWTON



March 3, 2020

AGENDA
CITY OF NEWTON
NEWTON CITY COUNCIL - REGULAR MEETING

March 3, 2020

7:00 p.m.

- | | | |
|------|-----|---|
| Page | 1. | <u>Call to Order – Mayor Eddie Haupt</u> |
| | 2. | <u>Opening – Council Member Jerry Hodge</u> |
| 3 | 3. | <u>Approval of Minutes from the February 18, 2020, Regular Meeting</u> |
| | 4. | <u>Consideration of Consent Agenda Items</u> |
| 8 | A. | Tax Releases |
| 10 | B. | Sewer Adjustments |
| 11 | C. | Consideration to Donate Surplus of Rescue Equipment to Catawba Valley Community College |
| 13 | D. | Consideration to Apply for a Grant for 800 mhz Radio Equipment – Fire Dept. |
| 15 | E. | Consideration of a Financial Contribution to Fund a Scholarship in the Name of Mark Story |
| | 5. | <u>Comments from the Public: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE ASKED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):</u> |
| | 6. | <u>Presentations</u> |
| | A. | Kiwanis Club – Police Officer and Firefighter of the Year Awards |
| | B. | Chamber of Commerce – Lindsey Keisler |
| | C. | Economic Development Website Update – Alex Frick |
| | 7. | <u>New Business</u> |
| 17 | A. | Consideration of Resolution to Adopt the Unifour Multi-Jurisdictional Hazard Mitigation Plan |
| 28 | B. | Consideration of Downtown Economic Development Incentives |
| | 8. | <u>City Manager’s Report</u> |
| | 9. | <u>Questions and Comments From Mayor and Council</u> |
| | A. | Reports from Appointed Representatives on Outside Boards – Council Member Jody Dixon |
| | 10. | <u>Adjournment</u> |

PERSONS WANTING TO SPEAK ON AN AGENDA ITEM MUST SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING. PERSONS WANTING TO BE PLACED ON THE AGENDA FOR THE NEXT MEETING MUST CONTACT THE CITY MANAGER AT LEAST SEVEN WORKING DAYS BEFORE THE MEETING. The City of Newton does not discriminate on the basis of disability in the provision of its services as charged by the City Council of the City of Newton. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact Sean Hovis, ADA Coordinator, at least 48 hours prior to the scheduled meeting.

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

February 18, 2020 – 7:00 p.m.

The regular meeting of the Newton City Council was held at 7 p.m. Tuesday, February 4, 2020 at Newton City Hall.

PRESENT: Mayor Eddie Haupt, Mayor Pro Tem John Stiver and Council Members Jerry Hodge, Anne Wepner, Jody Dixon, Beverly Danner and Ed Sain

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

ITEM 1: CALL TO ORDER

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

ITEM 2: OPENING Invocation and Pledge of Allegiance

Mayor Pro Tem John Stiver provided the opening and Pledge of Allegiance.

ITEM 3: APPROVAL OF MINUTES

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

That the Minutes from the February 4, 2020 Regular Meeting be – APPROVED

ITEM 4: CONSIDERATION OF CONSENT AGENDA ITEMS

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

That the Consent Agenda be – APPROVED

- A. Consideration of Finance Audit Contract for FY 2020
- B. Consideration of an Addition to the Pretreatment Enforcement Response Plan (ERP)
- C. Consideration to Accept the 2019 Annual Wastewater Report and the 2019 Annual Drinking Water Quality Report
- D. Consideration of Spring/Summer 2020 Street Closures for Events
- E. Consideration of Pole Attachment Rates for Spectrum
- F. Consideration of Pole Attachment Rates for Conterra
- G. Consideration to Waive Tap Fees for Hwy 16 Waterline Extension Project

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

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

Mayor Eddie Haupt asked if anyone present would like to make comment concerning non-agenda items.

No one appeared.

ITEM 6: **Presentations**

A. PACE At Home – Jason White

Jason White and A.J. Kerley gave a brief presentation on PACE At Home and explained their mission and what they do for the elderly in the community.

B. Consider of Support for Reclassification of Water Supply Designation for Jacob Fork River – Kenyon Kelly

Kenyon Kelly, Catawba Valley Heritage President gave a presentation to City Council and requested that they support the water supply designation for the Jacob Fork River increase from WS-111 to WS-11. Mr. Kelly explained that this re-designation would provide for greater protection for the scenic and economic value of the river and would benefit residents whose drinking water supply is served from that river.

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

That Letter of Support for Reclassification of Water Supply Designation for Jacob Fork River be – APPROVED.

ITEM 7: **New Business**

A. Consideration of Budget Ordinance Amendment for Municipal Recycling Facility Fee Increases

Public Works and Utilities Director Dusty Wentz stated that the Municipal Recycling Facility (MRF) is where all of the recyclable material collected by the City Sanitation Division is disposed. City Council approved the Fiscal Year 2020 budget with \$15,000 included for fees at the MRF. Mr. Wentz stated that at that time, the cost to the city to dispose of material at the MRF was \$35 per ton, or \$1,250 per month in MRF fees. The City spent \$11,793.07 in FY 2019 on MRF Fees.

Mr. Wentz stated that on September 10th, 2019, the City received a letter from Republic Services informing Staff that the ton rate for material would increase to \$125/ton effective October 1st, 2019. Staff elected to try to manage the increased costs through the existing budget and reduction of the recyclable material disposed of at the MRF.

Mr. Wentz explained that since the increase started, the City has spent an average of \$3,666.67 per month. If the current trend continues, staff estimates that the City will spend another \$22,000 this fiscal year in MRF fees. There is currently \$3,428.60 remaining in the line item budget for MRF fees. Mr. Wentz stated that Staff is requesting a budget ordinance amendment in the amount of \$18,600 to pay for MRF fees for the rest of the fiscal year.

Mayor Pro Tem John Stiver asked if this amount would last until the end of the fiscal year. Mr. Wentz stated that it would. Council Member Dixon stated that he would like to have more discussion maybe at an upcoming workshop.

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

That the Budget Ordinance Amendment in the Amount of \$18,600 to Pay for MRF fees for the Rest of the Fiscal Year be – ADOPTED.

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

B. Consideration to Accept Construction Contract for Water Treatment Plant Filter Replacement and Budget Ordinance Amendment

Public Works and Utilities Director Dusty Wentz stated that in October of 2018, lab analysis indicated that the filter media for all the primary filters at the Water Treatment Plant were significantly underperforming. Underperforming filters result in a significant increase in the amount of chemicals the plant must use to produce drinking water of high quality.

Mr. Wentz stated that on February 14, 2019, Council approved moving forward with an engineering contract with The Wooten Company in the amount of \$106,600. The Wooten Company was contracted to evaluate all four filters, design to current standards, permitting, bidding, and construction administration. In January 13, 2020, City staff along with The Wooten Company solicited bids to contractors.

Mr. Wentz stated that the bid opening was Thursday, February 6, 2020, and staff did receive five bids.

Utility Contractor	Base Bid	Base Bid with \$35,000 Allowance	Alternate #1	Recommended Bid Total
Haren Construction Company, Inc.	\$898,000	\$933,000	\$80,000	\$933,000
Harper General Contractors	\$860,000	\$895,000	\$102,000	\$895,500
James E Harris Construction	\$832,000	\$867,000	\$120,000	\$867,000
J.S. Haren Company	\$1,012,000	\$1,047,000	\$105,000	\$1,047,000
Roberts Filter Holding Company	NO BID			

Mr. Wentz stated that City Staff and The Wooten Company have reviewed the bids and determined that James E. Harris Construction is the lowest qualified and most responsive bidder for performing all the work at an amount of \$867,000. Furthermore, Staff and The Wooten Company recommend that a 10% contingency (\$86,700.) be allocated for the construction project. The base bid with allowance and the 10% contingency will bring this construction cost to a total of \$953,700.

Mr. Wentz explained that the current FY2020 operating budget has allotted \$457,100 for the rehabilitation all four filters at the water treatment plant, resulting in a budget shortfall of \$496,600.

Since the project will involve construction and may extend from one fiscal year to another, the budgeted funds need to be transferred from the FY2020 operating budget to a Capital Project Fund so funds may be allocated for the life of the project. The total cost of the project, including both construction and engineering is \$1,059,700.

Mr. Wentz stated that staff requests Council award the WTP Filter Rebuild Contract to James E. Harris in the amount of \$867,000, and approve the attached Capital Project and Budget Ordinance Amendment.

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

That the WTP Filter Rebuild Contract to James E. Harris in the amount of \$867,000 be – AWARDED.

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

That the Capital Project and Budget Ordinance Amendment be – ADOPTED.

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

C. Consideration of Budget Ordinance Amendment to Recognize and Authorize Expenditure for Capital Purchase in FY 2020 Budget – Police Department

Police Chief Vidal Sipe stated that on August 18, 2018, the police department had a frontline patrol vehicle (2014 Chevy Tahoe) totaled when it was struck by another vehicle at the intersection of Southwest Blvd and NC Hwy 10 West. On February 28, 2019, the police department had another frontline patrol vehicle (2013 Chevy Caprice) totaled when it struck another vehicle at the intersection of N. Main Ave. and 20th St. Glatfelter Claims Management Inc., insurance carrier for the City of Newton has declared both of the above mentioned vehicles as a total loss. Chief Sipe stated that Glatfelter has compensated the City of Newton \$28,520.56 for the 2014 Chevy Tahoe and \$9,856.00 for the 2013 Chevy Caprice for a total of \$38,376.56.

Chief Sipe explained that this Budget Amendment is to recognize \$38,376.56 in revenue from Glatfelter Claims Management Inc., and to authorize expenditure using the insurance claims revenue and an additional \$17,105.82 from the FY 2020 Fund Balance for the purchase of emergency equipment and up fit of one (1) patrol vehicle. Chief Sipe stated the total requested amount is \$55,482.38.

Chief Sipe stated that staff is requesting City Council to adopt the attached Budget Ordinance Amendment and authorize the Newton Police Department to purchase one (1) replacement patrol vehicle and equipment to include installation and complete up fitting using insurance claim proceeds and FY 2020 Fund Balance.

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

That the Budget Ordinance Amendment be – ADOPTED.

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

ITEM 8: City Manager's Report

Meetings & Events

- February 21st, 10 Year Celebration for 2 Pink Magnolia – 10:00 a.m. – 211 North College Ave
- February 26th, Banana Box Box Store Ribbon Cutting, 8:30 a.m. – 1901 Northwest Blvd
- February 26th, Chamber of Commerce Share Holders and Investors Luncheon, 11:30 a.m. – 1:30 p.m., Hickory Metro Convention Center
- February 29th – Grand Opening Catawba Farms Brewery, 1:00 p.m. – 1670 Southwest Blvd
- March 2nd and 3rd, City Council/Staff Workshops, 2:00 p.m. – 6:00 p.m. – Fire Headquarters
- March 6th, 2020 Breakfast with the Stars, 7:00 a.m. – Western Steer

Projects

1. Planning Department Report
2. Utility Billing Stuffers

ITEM 9: Questions and Comments from Mayor and Council

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

Council Member Beverly Danner gave a report on recent and upcoming attractions at the Auditorium.

10. Closed Session - Per North Carolina General Statutes 143-318.11(a)(3), 143-318.11(a)(5)

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

That City Council enter CLOSED SESSION per General Statute 143-318.11(a)(3) and 143-318.11(a)(5)

No action was taken

Motion was then made by Mayor Pro Tem John Stiver, seconded by Council Member Ed Sain to return to open session.

All Ayes.

11. 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:** February 13, 2020

RE: Tax Releases – January 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.

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2019	89	Arndt, Janice R.	Property qualified for elderly exemption status	\$201.15
2019	90	Ballard, Shelvie J.	Property qualified for elderly exemption status	\$407.16
2019	91	Bebber, Thomas A	Small underpayment	\$0.24
2019	92	Bixby, Duane D.	Property qualified for elderly exemption status	\$204.39
2019	93	Commercial Plastics Recycling Inc.	Small underpayment	\$0.10
2019	94	Mack, Richard	Small underpayment	\$0.48
2019	95	Newsome Tire & Alignment Inc.	Small underpayment	\$0.08

2019	96	Reitzel, Kenneth H.	Small underpayment	\$0.02
2019	97	S&D Coffee Inc.	Small underpayment	\$0.04
2019	98	Shugart, Linda C.	Small underpayment	\$0.19
2019	99	Slaughter, William G.	Small underpayment	\$0.03
2019	100	Timepayment Corp.	Small underpayment	\$0.16

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

**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

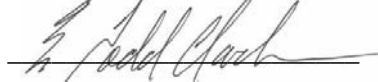
DATE: February 25, 2020

TO: Todd Clark, City Manager

FROM: Kevin Yoder, Fire Chief

CONSIDERATION OF: Approve the donation of equipment to Catawba Valley Community College for use in the Fire Academy Program

Approved for Council Consideration



Background:

1. The Fire Department acquired some old rescue equipment from Newton Conover Rescue Squad following their closure. This equipment is old and obsolete, however, can be used for training purposes.
2. The Fire Department also has old rescue equipment from the surplused rescue truck that was replaced with the new rescue truck in 2019.
3. This equipment currently has no asset value to the City.
4. Catawba Valley Community College Fire Academy training staff has requested we donate this equipment to them if we no longer need it.
5. CVCC launched a Fire Academy in 2019. The Fire Academy holds 2 sessions per year. The academy allows candidates to acquire firefighter certification as well as Emergency Medical Technician (EMT) certifications.
6. Upon graduation from the CVCC Fire Academy, the graduates possess the minimum job requirements needed for employment with the city. The Fire Academy has provided the city a new avenue for recruitment of qualified candidates for employment with the Fire Department.
7. The donation of this equipment will enable students to train with equipment that will enhance their “hands on” training in realistic scenarios.

Requested Action:

I request that the City Council approve the donation of equipment to the Catawba Valley Community College for use in the Fire Academy Program.

1. Hurst Hydraulic Power Unit	SN: 3429424
2. Hurst Hydraulic Power Unit	SN: 00158408
3. Orang Hurst Hose (30ft)	No number
4. Green Hurst Hose (30ft)	No number
5. Hurst Combi Tool	SN: 18513
6. Hurst Short Ram	SN: 20328
7. Hurst Long Ram	SN: 39686
8. Hurst Short Ram	SN: 110717
9. Hurst Spreader	SN: 103261
10. Hurst Cutter	SN: 96209
11. Hurst Short Ram	SN: UNKNOWN
12. A. (2) 30' Orange Hose	No number
B. (2) 15' Orange Hose	No number
C. 8' Brown Hose	No number
D. 8' Orange Hose	No number
E. 30' Green Hose	No number
F. 50' Green Hose	No number
G. 50' Yellow Hose	No number
13. Hurst Cutter	SN: NC031003C
14. A. Clear box of assorted chain	No number
B. (2) ½" x 6' Chain	No number
15. Hydraulic Reel with blue hose	SN: 15N0V02AK
16. Hurst Hydraulic Pump	SN: 49529G
17. Thrust Block	No number
18. Hurst Spreader	SN: NC031003C

**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

DATE: February 25, 2020

TO: Todd Clark, City Manager

FROM: Kevin Yoder, Fire Chief

CONSIDERATION OF: Authorize Fire Department to apply for 2019 Assistance to Firefighters Grant for funding of mobile and portable radios and equipment.

Approved for Council Consideration



1. The Assistance to Firefighters Grant is an annual competitive grant funded by the Federal Government through FEMA.
4. The AFG Grant application period has opened for 2019 and closes on March 13, 2020.
5. The Fire Department is requesting authorization from Council to apply for a local grant to fund the replacement of 800 MHz radios.
6. This local grant will fund approximately 46 portable radios, 3 base radios and 16 mobile radios. In addition, this grant, if approved, will fund other necessary equipment for the operation of the radio system.
6. A budget amendment is not necessary at this time as this grant may not be awarded for several months if then and could be included in the FY 2020-2021 budget.
7. Attached is a list of the quantities of radios as well as the total project cost. Also included is a breakdown of the federal and local match.

Requested Action:

Authorize Fire Department to apply for 2019 Assistance to Firefighters Grant for funding of mobile radios, portable radios and other necessary communications equipment.

FEMA FY2019 Assistance to Firefighters Grant

- Requesting funding to replace mobile and portable radio inventory.
- Requesting 19 Mobile vehicle radios, 46 portable radios, 4 multi-bank portable radio chargers.
- **Total funding request \$381,884.68**
- **Total funding provided by FEMA if awarded: \$347,167.89**
- **Total 10% funding match required for City: \$34,716.79**
- Current radio inventory average 9 years old. These units are no longer manufactured and most parts are unavailable.
- Due to changes with the State Viper Radio system, our current radios will not be compliant and cannot be updated to work on the new system.
- Grant period opened on February 3, 2020.
- Grant deadline for submission is March 13, 2020.
- Awards expected to begin April 30, 2020.



CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: February 26, 2020

TO: Mayor and City Council

FROM: E. Todd Clark, City Manager

CONSIDERATION OF: A Financial Contribution to Fund a Scholarship in the Name of Mark Story

Approved for Council Consideration



Background:

Catawba County lost a cherished leader on February 4, 2020. Mark Story was CEO of K-64, a program managed by Catawba Valley Community College that prepares students from kindergarten through retirement to compete in the global economy. Mark took the reigns as CEO of K-64 in September of 2017 and quickly engaged the private and public sector. He made his passion for educating and training our work force known to everyone. Although his passing was sudden and unexpected, his accomplishments spearheading the K-64 program will be forever remembered.

In consideration of his dedicated service to Catawba County, local government leaders have expressed an interest in creating a lasting legacy for Mark by contributing funds to create a scholarship in his name for future CVCC students. Consequently, members of City Council are asked to consider making a one-time contribution of \$3,000 toward an endowment for this scholarship.

Similar contributions are being discussed by other local governments in Catawba County, including Catawba County, and each vary based upon the population size of each governmental unit. The level of contribution recommended by city staff is generally proportionate to commitments communicated so far from other local governments.

Garrett Hinshaw stated in a news release following Mark's passing that "he loved his family, made a difference for the thousands of young people he encouraged to be their best and inspired all of us that had the fortune to work with him," and that "Mark Story simply got things done if he thought it would help someone."

Requested Action:

The recommendation is for City Council to consider an appropriation of \$3,000 toward a collective fund from local governments in Catawba County to establish an endowment for a CVCC scholarship in Mark Story's name.

K-64

K-64 is managed by Catawba Valley Community College in collaboration with local businesses, community partners, Catawba County Schools, Hickory Public Schools, Newton-Conover City Schools, Catawba County Government, Catawba Economic Development Corporation, and the Catawba County Chamber. The initiative is overseen by a commissioner-appointed, 12-member board of directors that works to:

- Partner with local schools and businesses to increase the opportunities for career development, training and employment within the local and global workforce.
- Build on what's already working by replicating success local programs across the education system.
- Identify and incorporate new leading-edge educational strategies to complement what's already working, including looking outside traditional channels to cultivate ideas and generate support.
- Leverage tax dollars, private contributions and grant funds to support program expansion and sustainability.
- Be transparent and accountable: document, measure and share progress to generate program momentum and longevity.

**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

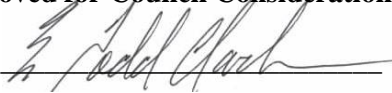
DATE: February 24, 2020

TO: E. Todd Clark, City Manager

FROM: Alex Fulbright, Assistant Planning Director

CONSIDERATION OF: Resolution to Adopt the Unifour Multi-Jurisdictional Hazard Mitigation Plan

Approved for Council Consideration



In conjunction with the Cities and Counties within the Unifour, the City has completed the process drafting the **Multi-Jurisdictional Hazard Mitigation Plan**. The Federal Emergency Management Agency (FEMA) requires that the City has Hazard Mitigation Plan.

Originally completed in November 2019 and approved by North Carolina Emergency Management on January 21, 2020, the Unifour Hazard Mitigation Plan assesses the vulnerability and risks posed to the area by natural hazards such as floods, tornadoes, high winds and winter storms, and includes recommended actions to help eliminate or reduce those risks. Having a current FEMA-approved plan in place assures that Newton remains eligible for a range of state and federal disaster assistance, as well as pre-disaster hazard mitigation grant funds made available each year by FEMA on a nationally competitive basis.

On the attached pages, you will find Newton-specific Mitigation Action items. The 2020 Mitigation Action items describes proactive steps the City is committed to take towards reducing risks posed by identified natural hazards. A description of each action item, hazard addressed, estimated cost and item priority, are detailed on these sheets. The action items also provide a status on efforts made by the City over the past five years.

Please note that this Multi-Jurisdictional Hazard Mitigation Plan is different than the City's Multi-Hazard Plan. This **Hazard Mitigation Plan** is intended to assess risks posed by natural hazards and makes recommendations to help eliminate those risks, while the **Multi-Hazard Plan** identifies essential emergency management response procedures during disaster events.

The Hazard Mitigation Plan update was paid for through a FEMA Pre-Disaster Mitigation Grant. The grant funds were used to contract with a private consulting firm, AECOM, to assist in the process of ensuring the plan's compliance with new state and federal guidelines. FEMA has already reviewed the update and found all required revisions are adequate for preliminary approval.

Recommended Motion:

I move to adopt the Unifour Multi-Jurisdictional Hazard Mitigation Plan and the sections of the plan that are specific to the City of Newton.

RESOLUTION
UNIFOUR REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within the City of Newton are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable flooding, winter storms, hurricanes and tropical storms, severe thunderstorms and tornadoes, earthquake and wildfire; and

WHEREAS, the City desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act”; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the City of Newton has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Newton City Council to fulfill this obligation in order that the City will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved that the City Council of Newton North Carolina hereby:

1. Adopts the Unifour Regional Hazard Mitigation Plan; and
2. Vests the City Manager or his designee with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.

- (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
- 3. Appoints the City Manager or his designee to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the City Council of Newton North Carolina for consideration.
- 4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted on this the 3rd day of March, 2020

Eddie Haupt, Mayor

Amy S. Falowski, City Clerk



City of Newton

Mitigation Action 1	<p>Maintain continued compliance with the National Flood Insurance Program (NFIP) through implementation of the following specific actions:</p> <ul style="list-style-type: none"> a) Maintain FEMA digital elevation certificates for all construction in the floodplain. b) Establish a goal to have each plan reviewer and building inspector attend a related training periodically (for example, the North Carolina Association of Floodplain Managers Annual Conference or Fall Floodplain Institute).
Category:	Local Plans and Regulations
Hazard(s) Addressed:	Flood
Lead Agency/Department Responsible:	City of Newton Planning and Zoning Department
Estimated Cost:	Staff time and travel
Potential Funding Sources:	General Fund
Implementation Schedule:	1-5 years
Priority (High, Moderate, Low):	High
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.

Mitigation Action 2	Routinely inspect and clear debris from drainage system.
Category:	Structure and Infrastructure Projects
Hazard(s) Addressed:	Flood
Lead Agency/Department Responsible:	City of Newton Public Works Department
Estimated Cost:	To be determined
Potential Funding Sources:	To be determined
Implementation Schedule:	1-5 years
Priority (High, Moderate, Low):	High
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.

Mitigation Action 3		Routinely prune trees and clear tree limbs hanging in right of way.
Category:	Structure and Infrastructure Projects	
Hazard(s) Addressed:	Hurricane and Tropical Storm; Thunderstorm, Lightning, and Hail; Tornado; Winter Weather	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	High	
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.	

Mitigation Action 4		Maintain a comprehensive infrastructure mapping system to document locations and attributes of infrastructure systems.
Category:	Structure and Infrastructure Projects	
Hazard(s) Addressed:	All Hazards	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	High	
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.	

Mitigation Action 5		Evaluate existing utility network and create a list of infrastructure protection projects based on highest potential hazard impacts.
Category:	Structure and Infrastructure Projects	
Hazard(s) Addressed:	All Hazards	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	High	
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.	

Mitigation Action 6		Train fire personnel in wildfire, brush, and forest fire firefighting techniques and practices.
Category:	Education and Awareness Programs	
Hazard(s) Addressed:	Wildfire	
Lead Agency/Department Responsible:	City of Newton Fire Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	Moderate	
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.	

Mitigation Action 7		Increase dimensions of drainage culverts in troublesome areas.
Category:	Structure and Infrastructure Projects	
Hazard(s) Addressed:	Flood	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	Moderate	
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.	

Mitigation Action 8		Work with local media to establish a public wildfire awareness program.
Category:	Education and Awareness Programs	
Hazard(s) Addressed:	Wildfire	
Lead Agency/Department Responsible:	City of Newton Fire Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	Moderate	
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.	

Mitigation Action 9	Maintain a seasonal hazard awareness campaign.
Category:	Education and Awareness Programs
Hazard(s) Addressed:	All Hazards
Lead Agency/Department Responsible:	City of Newton Public Information Officer
Estimated Cost:	To be determined
Potential Funding Sources:	To be determined
Implementation Schedule:	1-5 years
Priority (High, Moderate, Low):	Low
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.

Mitigation Action 10	In coordination with the Catawba County Emergency Services Department, conduct outreach to the public regarding the County's Community Alert System to educate them about how to obtain information both pre- and post-event and about mitigation strategies.
Category:	Education and Awareness Programs
Hazard(s) Addressed:	All Hazards
Lead Agency/Department Responsible:	Town of Newton; Catawba County Emergency Services Department
Estimated Cost:	Staff time
Potential Funding Sources:	General Fund
Implementation Schedule:	1-2 years
Priority (High, Moderate, Low):	High
2019 Status:	Deferred to the next plan update. Measurable progress is slow due to staff availability and funding.

Mitigation Action 11	<p>Maintain continued compliance with the National Flood Insurance Program (NFIP) through implementation of the following specific actions:</p> <ol style="list-style-type: none"> a) Maintain FEMA digital elevation certificates for all construction in the floodplain. b) Evaluate permit application forms to determine possible modifications focused on flood hazard prevention. c) Develop a checklist for review of building/development permit plans and for inspection of development in floodplains. d) Establish a goal to have each plan reviewer and building inspector attend a related training periodically (for example, the North Carolina Association of Floodplain Managers Annual Conference or Fall Floodplain Institute).
Category:	Prevention
Hazard(s) Addressed:	Flood
Lead Agency/Department Responsible:	City of Newton Planning and Zoning Department
Estimated Cost:	To be determined (staff and travel)
Potential Funding Sources:	To be determined
Implementation Schedule:	Immediate (1-2 years)
Priority (High, Moderate, Low):	High
2019 Status:	Completed. The Planning Department has continued to maintain digital elevation certificates for all construction in the floodplain, included ongoing development. A flood hazard focus during the City's annual zoning permit revisions included flood management in the development checklist and budgeted for floodplain training for proceeding five years. This resulted in the City's Floodplain Program receiving a clean audit by the State in 2013.

Mitigation Action 12	Routinely inspect and clear debris from drainage system.
Category:	Prevention
Hazard(s) Addressed:	Flood
Lead Agency/Department Responsible:	City of Newton Public Works Department
Estimated Cost:	To be determined
Potential Funding Sources:	To be determined
Implementation Schedule:	1-5 years
Priority (High, Moderate, Low):	High
2019 Status:	In progress: The City of Newton Public Works staff cleans and inspects the drainage system as needed, including problem areas before and after heavy rain events.

Mitigation Action 13		Routinely prune trees and clear tree limbs hanging in right of way.
Category:	Prevention	
Hazard(s) Addressed:	Hurricane and Tropical Storm; Thunderstorm, Lightning, and Hail; Tornado; Winter Weather	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	High	
2019 Status:	In progress: The City of Newton has hired a tree trimming crew to keep trees and limbs clear of electric lines.	

Mitigation Action 14		Maintain a comprehensive infrastructure mapping system to document locations and attributes of infrastructure systems.
Category:	Prevention	
Hazard(s) Addressed:	All Hazards	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	High	
2019 Status:	In progress: The City has collected most of all known infrastructure and is working diligently to maintain this information.	

Mitigation Action 15		Evaluate existing utility network and create a list of infrastructure protection projects based on highest potential hazard impacts.
Category:	Prevention	
Hazard(s) Addressed:	All Hazards	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	High	
2019 Status:	In progress: The City has a Capital Improvement Plan that plans capital cost for a five-year period. Hazard mitigation is a category for ranking projects.	

Mitigation Action 16		Increase dimensions of drainage culverts in troublesome areas.
Category:	Structural Projects	
Hazard(s) Addressed:	Flood	
Lead Agency/Department Responsible:	City of Newton Public Works Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	Moderate	
2019 Status:	In progress: The City has undertaken several culvert projects over the last several years, which involved replacing undersized culverts with larger sized pipes.	

Mitigation Action 17		Train fire personnel in wildfire, brush, and forest fire firefighting techniques and practices.
Category:	Emergency Services	
Hazard(s) Addressed:	Wildfire	
Lead Agency/Department Responsible:	City of Newton Fire Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	Moderate	
2019 Status:	In progress: The Fire Department trains each of its personnel in wildfire, brush, and forest fire techniques on an annual basis.	

Mitigation Action 18		Work with local media to establish a public wildfire awareness program.
Category:	Public Education and Awareness	
Hazard(s) Addressed:	Wildfire	
Lead Agency/Department Responsible:	City of Newton Fire Department	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	Moderate	
2019 Status:	In progress: Over the past 5 years, the Fire Department has worked with the City's PIO and local media to educate the public about wildfire hazards. The City's efforts to educate the public on wildfires includes adopting a proclamation for a Fire Safety Week each year. The City has also included relevant articles in its quarterly newsletter which goes out to all utility customers, as well as including information on the City's website, Facebook page, and Twitter. In addition, the Fire Department has a Fire Educator that speaks to groups of all ages about fire safety topics, which includes wildfire awareness. Specific groups visited by the Fire Educator include schools, childcare centers, and civic groups.	

Mitigation Action 19		Maintain a seasonal hazard awareness campaign.
Category:	Public Education and Awareness	
Hazard(s) Addressed:	Flood; Hurricane and Tropical Storm; Thunderstorm, Lightning, and Hail; Tornado; Wildfire; Drought; Winter Weather; Erosion; Dam/Levee Failure; Earthquake; Sinkhole; Landslide	
Lead Agency/Department Responsible:	City of Newton Public Information Officer	
Estimated Cost:	To be determined	
Potential Funding Sources:	To be determined	
Implementation Schedule:	1-5 years	
Priority (High, Moderate, Low):	Low	
2019 Status:	In progress: The City's PIO through the local media, newsletters, and social media worked to educate the public on seasonal hazards. The City has included articles about hazard awareness in its quarterly newsletter which is sent out to all utility customers, as well as including information on the City's website, Facebook page, and Twitter. Also, the PIO has prepared and obtained brochures to distribute as needed to educate the public on hazard awareness, focusing on flood; hurricane and tropical storm; thunderstorm, lightning, and hail; tornado; wildfire; drought; winter weather; and erosion.	

CITY OF NEWTON REQUEST FOR COUNCIL ACTION

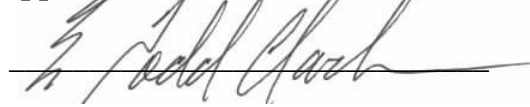
DATE: February 25, 2020

TO: E. Todd Clark, City Manager

FROM: Shannon Johnson, Main Street Manager

CONSIDERATION OF: Approval of Downtown Economic Development Incentives

Approved for Council Consideration



Background:

In accordance with the adopted work plan of 2019, the Downtown Newton Development Association developed additional economic development incentives to encourage investment in the Downtown Newton District. Shannon Johnson, Main Street Coordinator, Newton is presenting the following for approval:

Building Up Fit Grant – This grant will assist investors with up fitting a building for an allowable business within the Downtown District. The approved funds will only be reimbursable for *real* property improvements to ensure that the grant investment remains with the building in perpetuity.

If approved by City Council, the Downtown Newton Development Association will administer this grant beginning March 1st. The application is attached.

Requested Action:

That City Council decides whether to approve the Downtown Newton Development Association’s proposed Building Up Fit Grant for the encouragement of investment in *real* property within the Downtown District.



Downtown Business Revolving Loan Fund

The Downtown Newton Development Association will establish a revolving loan fund for businesses opening, relocating, or expanding within the Downtown Newton District.

Phase 1 – Establishing Appropriate Structure

1. Work with UNC School of Government to create guidelines for program according to state statutes.
2. Create appropriate fiscal relationship with City of Newton.

Phase 2 - Create program

1. Put funds in appropriate account.
2. Create verbiage and approve through legal.
3. Create application.
4. Create evaluation rubric.
5. Create committee and standards for application evaluation.

Phase 3 – Secure Funding

1. DNDA allocation of funds.
2. City allocation of funds.
3. Private Foundation grant applications to match startup funds.



Building Upfit Application

This application is for reimbursement of real property building improvements needed to locate or expand your business in Downtown Newton. The amount of the award will be determined by the amount available to distribute and the viability of the business for downtown Newton. The DNDA will evaluate each application thoroughly and will allocate funding on a reimbursable basis. The application must be approved before the work is completed to be eligible for reimbursement.

Business Name _____

Business Mailing Address _____

Business Physical Address _____

(Note: non-profit organizations are not eligible)

Property Owner

Property Owner's Mailing Address (if different than Business Mailing Address) _____

_____ City _____ State _____ Zip _____

Applicant's Name(s)

Primary Applicant's Contact Information: Work Phone _____

Mobile Phone _____

Fax Number (if any) _____

Email Address _____

Mailing Address _____

City _____ State _____ Zip _____

Applicant is: Business Owner Property Owner Both

If the property is to be leased, what if the anticipated lease rate? \$ _____ per

To be eligible for funding, a business must be for-profit and engaged in one or more of the following activities. Please check the type of business that most closely represents the applicant's business:

- Retail or Service Business Offices
- Tourism Industry
- Business Services
- Retail Sales/Shoppers Goods
- Professional Services
- Personal Services
- Restaurants and Eating Establishments
- Repair Services
- Building/Home Maintenance Stores
- Hotels/Lodging/Hospitality Industry
- For-profit Schools and Training Facilities
- Other (define) _____

Approximate total cost to open the business	\$ _____
Planned investment in real property site improvements	\$ _____
Planned investment in real property building improvements	\$ _____
Anticipated increase in real property values (investment reduced by demolition and repair costs)	\$ _____
Planned investment in taxable personal property (fixtures and equipment)	\$ _____

Number of new full-time jobs _____

Number of new part-time jobs _____

Is the Business located within the Downtown Business District Boundaries? ___ Yes ___ No

(Building must be within Downtown to qualify.)

Proposed Opening Date of the Business _____

(For the descriptions below, attach additional sheets or a business plan as necessary and refer to the attachments in the spaces below.)

Description of the business

Description of the new investment (Describe the real property improvements.)

Description of the new jobs to be created

Describe new City services needed, new infrastructure needed, and potential for future expansion

If any of the project property is to be used for residential uses, describe the use and quantify the space dedicated to residential use (a drawing should be attached)

If a grant is approved, what is the most likely use of the grant funds?

Reduce business operating costs

Reduce principle of loans used to finance the business startup

Additional investment in equipment

Retained for future investment

Questions Applicable to Projects Located in the Downtown Area:

Is the project location currently a vacant downtown building? Yes No

Will the project result in the establishment of a pedestrian-oriented business? Yes No

Hours of operation each day and days per week open (must be 20 hours/week to qualify as pedestrian business) _____

Will any of the business space be used for a service-oriented function? Yes No

Additional Business Information

Please attach any additional information that may help the City of Newton to make an appropriate decision on the application, such as:

- Letter of intent to lease or purchase or a signed lease or purchase contract
- Business Plan
- Marketing Plan
- Cost estimates for up-fit/equipping the space
- Business/personal history

By signature below, the applicant certifies that without City assistance, the company would not make the investment in Newton, and that the applicant understands that all tax and utility liabilities to the City of Newton must be paid before any incentives will be paid. The applicant testifies that all information contained within this application is accurate to the best of his or her knowledge.

Signatures of applicants:

_____ Business Owner Date _____
(print name)

_____ Business Owner Date _____
(print name)

Applications may be delivered to the Planning Department at City Hall, 401 N. Main Ave., Newton, NC or mailed to:

City of Newton, attention Downtown Newton Development Association
PO Box 550
Newton, NC 28658

Mark the outside front of the envelop "Downtown Newton Incentive Application"

Confidentiality Notice

The information in this application is subject to the public information laws of North Carolina. Please mark any confidential information contained in this application.

Confidential Information contained in this application will be treated as confidential to the extent allowed by law and to the extent practical in the process of evaluating the application. However, the City is neither responsible nor liable for any damages to the applicant from the dissemination of information contained in this application.

Excerpts from North Carolina General Statutes

Chapter 132. Public Records Law

The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information.

§132-1.2. Confidential information

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

- (1) Meets all of the following conditions:
 - a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
 - b. Is the property of a private "person" as defined in G.S. 66-152(2).
 - c. Is disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
 - d. Is designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.
- (2) Reveals an account number for electronic payment as defined in G.S. 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147 of the General Statutes or G.S. 159-32.1
- (3) Reveals a document, file number, password, or any other information maintained by the Secretary of State pursuant to Article 21 of Chapter 130A of the General Statutes.
- (4) Reveals the electronically captured image of an individual's signature, date of birth, drivers license number, or a portion of an individual's social security number if the agency has those items because they are on a voter registration document.

§ 132-1.11. Economic development incentives

(a) Assumptions and Methodologies. -- Subject to the provisions of this Chapter regarding confidential information and the withholding of public records relating to the proposed expansion or location of specific business or industrial projects when the release of those records would frustrate t

he purpose for which they were created, whenever a public agency or its subdivision performs a cost-benefit analysis or similar assessment with respect to economic development incentives offered to a specific business or industrial project, the agency or its subdivision must describe in detail the assumptions and methodologies used in completing the analysis or assessment. This description is a public record and is subject to all provisions of this Chapter and other law regarding public records.

(b) Disclosure of Public Records Requirements. -- Whenever an agency or its subdivision first proposes, negotiates, or accepts an application for economic development incentives with respect to a specific industrial or business project, the agency or subdivision must disclose that any information obtained by the agency or subdivision is subject to laws regarding disclosure of public records. In addition, the agency or subdivision must fully and accurately describe the instances in which confidential information may be withheld from disclosure, the types of information that qualify as confidential information, and the methods for ensuring that confidential information is not disclosed.