

AGENDA

CITY OF NEWTON



August 5, 2024

Mayor Jerry T. Hodge
Council Members – John Stiver, Jody Dixon, Ed Sain,
Roy Johnson, Beverly Danner, Jon McClure

City Manager Sean Hovis
City Attorney John Cilley
City Clerk Amy Falowski

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

**August 5, 2025
6:00 p.m.**

- Page 3
1. **Welcome and Call to Order – Mayor Jerry Hodge**
 2. **Opening – Council Member Ed Sain**
 3. **Approval of Agenda**
 4. **Approval of Minutes from the July 3, 2025 Special Meeting and the July 15, 2025 Regular Meeting**
 5. **Consideration of Consent Agenda Items**
 - 11 A. Sewer Adjustments
 - 12 B. Consideration of Road Closures – Community Outreach Cookout – September 6, 2025
Night Crawl 5k – October 18, 2025
 - 16 C. Consideration of Pyrotechnics Display Permit for American Legion Fairgrounds
 - 37 D. Consideration to Approve the City of Newton 2024 Local Water Supply Plan
 - 44 E. Consideration of Budget Ordinance to Carry Forward Outstanding Purchase Orders at June 30, 2025
 6. **Old Business**
 - 50 A. Consideration of Correction to Minutes for Rezoning Application #2024-06, McCombs Investments, LLC,
for Property Located on Burris Road
 7. **Presentation**
 - A. Code Enforcement Update – Western Piedmont Council of Governments
 - B. Fire Department Construction Update – Chief Kevin Yoder
 8. **Comments from the Public:** If you would like to make a public comment on non-agenda items, please sign in with the city clerk prior to the meeting. All public comments, including public hearings, will be limited to three (3) minutes.
 9. **City Manager’s Report**
 10. **Questions and Comments from Mayor and Council**
 - A. Report from Appointed Representative on Outside Boards – Council Member Jody Dixon
 11. **Adjournment**

The City of Newton holds all public meetings in accessible rooms. Special requests for accommodations should be submitted by individuals at least 48 hours before the scheduled meeting time. Please call 828-695-4266 or 828-695-4261 for special accommodations.

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

July 3, 2025 – 6 p.m.

The regular meeting of the Newton City Council was held at 2:30 p.m. Thursday, July 3, 2025, at Newton City Hall.

PRESENT: Mayor Jerry Hodge, Mayor Pro Tem John Stiver, Council Members Ed Sain, Jody Dixon, Roy Johnson, Jon McClure and Beverly Danner

STAFF: City Manager Sean Hovis, Assistant Manager Brandon Holland, City Clerk Amy S. Falowski, City Attorney John Cilley

ITEM 1: Welcome and Call to Order

Mayor Jerry Hodge welcomed everyone and called the meeting to order.

ITEM 2: Consideration to Adopt a Resolution Authorizing the Sale of Surplus Property

City Attorney John Cilley stated that at the October, 2023 Council meeting, the Newton City Council formally declared a parcel of land located at 125 South Ervin Avenue in Newton as surplus property and further directed the City staff, with the professional assistance of a licensed real estate agent, if needed, to offer the subject property for sale utilizing the sale of surplus property provisions as reflected in NCGS 160A-269. (Copy of Statute Attached)

Mr. Cilley explained that North Carolina General Statute 160A-269 outlines the provisions that a City must follow to sell surplus property and provides that when an offer is made and the Council proposes to accept it, the Council shall require the offeror to deposit five (5) percent of his bid with the City Clerk. The City Clerk is then required to publish a notice of the offer that includes a general description of the property, the amount and terms of the offer, and a notice that within ten (10) days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. If an upset bid is offered, the bidder must deposit five percent (5%) of his increased bid with the City Clerk and the Clerk must re-advertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the Council may accept the offer and sell the property to the highest bidder. The Statute also provides that the Council may, at any time, reject any and all offers.

Mr. Cilley stated that Jan Milton Alfonso submitted a bid on or about May 27th, 2025, in the amount of \$125,000.00 to purchase the subject property from the City of Newton. Mr. Alfonso deposited with the Clerk a five percent (5%) deposit of his bid, thereby complying with the bid requirement.

At its June 3rd, 2025 Council meeting, City Council voted to tentatively accept this offer subject to the upset bidding requirements of NCGS 160A-269 and directed the City Clerk to publish the notice of the offer with the required provisions as described in the relevant statute as to the process to upset the initial bid of \$125,000. The required legal notice was published in the Hickory Daily Record on June 10th, 2025.

Mr. Cilley stated that there were no upset bids received by the City within the ten-day timeframe as required in the statute and the opportunity for anyone to file upset bids ended at the close of business on June 20th, 2025.

As the statute further provides that the City Council may reject any and all offers at any time during the process up to the time that Council makes the final decision to authorize the sale to the highest bidder, Council must ultimately give final approval for the acceptance of the \$125,000.00 offer. This Special Meeting has been called for Council to consider said final approval of this bid.

Mr. Cilley stated that staff recommends City Council adopt the attached Resolution to approve the bid of \$125,000.00 for the sale of the property located at 125 South Ervin Avenue, Newton, to Jan Milton Alfonso and to further authorize the City Manager and/or the Mayor to execute any and all documents required, including the deed of conveyance, to complete the sale of the subject property as provided in said statute.

NCGS 160A-269. Negotiated offer, advertisement, and upset bids.

A City may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the Council proposes to accept it, the Council shall require the offeror to deposit five percent (5%) of his bid with the City Clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the City Clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. The procedure shall be repeated until no further qualifying upset bids are received, at which time the Council may accept the offer and sell the property to the highest bidder. The Council may, at any time, reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

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

That the Resolution be – ADOPTED

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

ITEM 14: 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



Jerry Hodge, Mayor

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

July 15, 2025 – 6 p.m.

The regular meeting of the Newton City Council was held at 6 p.m. Tuesday, July 15, 2025, at Newton City Hall.

PRESENT: Mayor Jerry Hodge, Mayor Pro Tem John Stiver, Council Members Ed Sain, Jody Dixon, Roy Johnson, Jon McClure, and Beverly Danner

STAFF: City Manager Sean Hovis, Assistant Manager Brandon Holland, City Attorney John Cilley, City Department Heads and members of the management team

ITEM 1: Welcome and Call to Order

Mayor Jerry Hodge welcomed everyone and called the meeting to order.

ITEM 2: Opening – Council Member Roy Johnson

Council Member Roy Johnson provided the opening and the Pledge of Allegiance.

ITEM 3: Approval of Agenda

Council Member Jon McClure asked that Item 5C of the consent agenda be moved to old business.

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

That the Agenda be – APPROVED with Item 5C of the Consent Agenda Moved to Old Business.

ITEM 4: Approval of Minutes

Council Member Ed Sain asked that the spelling of Peggy Mungro Geter be corrected.

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

That the Minutes from the June 3, 2025, Meeting be – APPROVED with correction.

ITEM 5: Consideration of Consent Agenda Items

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

That the Consent Agenda be – APPROVED

- A. Sewer Adjustments
- B. Consideration of Road Closures – Soldiers Reunion
Makers Market
National Night Out
- D. Consideration of Appointments to Boards and Commissions
- E. Consideration of Budget Ordinance Amendment to Recognize Revenue – Forfeited Deposit on Sale of Property

- F. Consideration to Appoint Jeff Cochrane to the ElectriCities NCMPA1 BOC and Rate Committee

ITEM 6: Presentation

Alexis Douglas, Intern for the City of Newton, presented a return on investment analysis of the Downtown Newton Streetscape Revitalization Project. Ms. Douglas noted that she began work on the project in May. During her research, she said she learned about both municipal financial management and planning processes. Ms. Douglas said the \$12.6 million invested in downtown improvements from 2015 to 2023 yielded a \$15-16 million gain in downtown property value, is fostering future growth, and is allowing Newton to grow into a regional destination and community anchor.

Mayor Pro Tem John Stiver commended the report and stated it was wonderful that nearly half the project's cost was paid via funding sources other than citizens' tax dollars.

Mayor Hodge stated that the project was one of the city's largest infrastructure efforts, emphasizing the resilience and sacrifice of the downtown business community. He said that growth and development are not automatic outcomes but instead are carefully cultivated, and that Newton's direction is guided by the vision and commitment of the City's citizens and leaders.

CONSENT ITEM 5C: Old Business

Finance Director Kimberley Robinson stated that the City was awarded and accepted a Rural Downtown Economic Development Grant from the NC Department of Commerce Rural Economic Development Division in an amount not to exceed \$475,000. Grant funds were authorized by the Rural Infrastructure Authority to the NC Department of Commerce for Rural Downtown Economic Development Grants. The City petitioned to use the funds on another project. The petition was denied. The requested action recognizes the revenue and requests reimbursement.

Council Member Jon McClure asked whether the funds could be put back into the City's account to pay off loans.

Ms. Robinson replied in the negative.

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

That the Consideration of Grant Ordinance to Accept Grant Funding – Streetscape be
ADOPTED

ITEM 7: New Business

A. Consideration of Contract for Parks and Recreation Master Plan Update

Parks and Recreation Director Sandra Waters stated The City's current Parks and Recreation Master Plan was prepared in May 2016. In order to remain eligible for state funding and grant opportunities, it is recommended that master plans be updated every 7 to 10 years. The City has adhered to this best practice, having completed previous plans in 1988, revised in 2001, and updated again in 2016.

The updated Master Plan will serve as a comprehensive guide for the future development and enhancement of the City's parks and recreation system. It will focus on addressing the seven dimensions of health: Physical, Environmental, Social, Intellectual, Spiritual/Cultural, Occupational/Economic, and Emotional.

The primary objectives of the updated plan are to:

- Assess and document the current condition of existing parks, facilities, and programming.

- Identify the needs and preferences of both current users and non-users within the community.
- Evaluate emerging trends and standards in parks and recreation at the local, state, and national levels.
- Develop actionable recommendations to improve and expand facilities, programs, and services to better support the health and overall wellbeing of Newton's residents.

Council Member Jon McClure asked whether the update to the plan could be completed by City staff.

Mayor Jerry Hodge stated a third-party perspective is valuable.

Mayor Pro Tem John Stiver said completion of a self-evaluation would make the City ineligible for sources of grant funding.

Council Member Beverly Danner asked whether the updated plan would focus on some or all current and future parks.

Ms. Waters stated the updated plan will focus on the park system comprehensively.

Council Member Ed Sain stated the most underserved community for parks is Startown.

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

That the Consideration of Contract for Parks and Recreation Master Plan Update be –
APPROVED

ITEM 7: New Business

B. Consideration to Accept Youth Sports Grants

Parks and Recreation Assistant Director Carol Stiles stated that North Carolina Amateur Sports offered grant funding of up to \$20,000 per county for State Fiscal year 2024-2025, and up to \$10,000 per county for subsequent years. Funding was available for:

- Purchase of youth sports equipment to support programs and participation.
- Upgrades or improvements to public sports facilities primarily benefiting youth sports.

Ms. Stiles stated that applications were accepted with deadlines of November 1 and April 1. Submitted applications were reviewed by the NC Amateur Sports Grant Committee, with selection criteria emphasizing supporting documentation and prioritizing projects with the greatest impact on youth sports participation.

Ms. Stiles stated that in March 2025, City staff presented grant materials to the Recreation Commission and City Staff outlining the intention to apply for the remaining available funding for this cycle, which totaled \$13,914 for Catawba County.

Ms. Stiles stated that following the application submission, staff received notification and approval from the Grant Committee approximately eight weeks after the deadline. On May 30, 2025, the City was awarded \$6,597 to support upgrades to the Northside Park fields used for the City's youth soccer leagues.

Ms. Stiles stated that while this grant award will help improve the Northside Park fields, additional funding will be necessary to fully complete the planned upgrades. Recreation staff will continue to identify and pursue supplementary funding sources to support these improvements.

Council Member Beverly Danner asked for clarification of the funding and time. Ms. Stiles reviewed the information.

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

That the Consideration to Accept Youth Sports Grant be – APPROVED

ITEM 8: Comments from the Public

Patrick Sterchi of South Brady Avenue thanked Finance Director Kimberley Robinson for meeting with him to discuss City financial matters. He shared a story about his move to Newton in 2020 and his purchase of the former Rescue Re-Tail building. His first project was renovating the apartments above the retail space. He posted a rental sign in the window at \$1,200, which many said would never be successful in Newton—but it was. Mr. Sterchi noted that while some citizens may still have reservations about how the City operates, he feels Newton is turning a corner and heading in the right direction. He encouraged continued progress, regardless of election outcomes.

Jesse Alden of North Oliver's Crossroads delivered a statement from the LGBTQ+ Democratic Caucus of Catawba County. Mr. Alden stated a petition begun in May now has the support of more than 700 community members from all walks of life. He emphasized the importance of ensuring all residents feel safe, respected, and included in Newton. He spoke in favor of the recent rainbow celebration. He called for public affirmation that the City supports all community members, he advocated for the creation of a citizen advisory council that reflects community diversity, and he called for investment in training and education for City staff and leaders.

Eric Heller stated he has been a Newton resident since 1958. He recalled working with Mayor Hugh Gaither. He and shared concerns about excessive speeding, especially from Dale Earnhardt Chevrolet to the Fire Department Headquarters. He noted the posted speed limit is 35 mph, but that vehicles often travel 55–75 mph between early morning and the afternoon. He recounted a fatality in his youth due to speeding and stated that radar enforcement is ineffective. He urged the Council to provide more support to the Police Department to reduce speeding. Mr. Heller also questioned why the City hires outside contractors for sidewalk maintenance when residents are still responsible for trimming utility strips. He called for fairness and transparency, stressing that Council members serve the citizens. He also raised concerns about a lack of affordable housing and encouraged the Council not to focus solely on downtown revitalization, but to address “meat and potatoes” issues affecting residents.

Susan Holbrook, Executive Director of the Historical Association of Catawba County, expressed gratitude to the City Council for continued budgetary support of the association, noting the meaningful impact that funding has on their work.

John Matthew Carroll of 439 North Caldwell Ave. expressed concerns about speeding on Caldwell Avenue, which he described as a speedway. He suggested installing speed bumps to slow traffic. He noted that truck traffic shakes his home and identified drainage issues, stating that water runs down the street like a river during heavy rainfall.

Keith Saunders shared that he was born in 1964 at the old hospital and currently works for the U.S. Postal Service. Both of his parents died recently. He referenced the Biblical commandment to honor one’s mother and father. He emphasized his deep roots in Newton, noting that his grandfather was an alderman and his father, Bob Saunders, also served on the Council. He acknowledged that the City made an unpopular decision on a certain area of the county, but he urged people without direct involvement to refrain from criticism. He stated that it is not easy to serve a diverse population and make everyone happy, but he believes the Council generally operates with the right intentions. On behalf of his family, friends, and prior generations, he expressed gratitude to City Council for their service.

Josh Farmer, Director of Development of Ashure Ministry, cited Matthew 25:40 and explained the mission of Ashure Ministry, which has served the community for more than 50 years. In the past year, the organization assisted 889 Newton households and 2,060 individuals. He noted that \$10 can purchase 55 pounds of food, and he emphasized the long-term impact of the City’s recent funding of Ashure Ministry. He expressed thanks, stating that the support will continue to positively affect lives for decades to come.

Mark Stalnaker stated that he moved to Newton in 1989 and began working with five men with intellectual disabilities in the Balls Creek area. Although he originally planned to return to Raleigh, he now considers Newton his permanent home. After reviewing past meeting minutes, he became concerned about comments characterizing people experiencing homelessness as blemishes on community enhancement efforts. He emphasized that public and civic spaces belong to everyone and that all residents have a right to access them. Mr. Stalnaker expressed disappointment and called for greater compassion and investment in solutions for those in need.

ITEM 9: City Manager's Report

- Movies in the Park – The Wild Robot, dusk Friday, July 18, Southside Park
- Kickball Tournament, 10 a.m. to 2 p.m. Saturday, July 19, East Newton Park
- Downtown Newton Streetscape Ribbon Cutting, 5:15 to 6 p.m. Wednesday, July 23, College Avenue side of 1924 Courthouse Square
- Music on Main feat. Dani Kerr & The Skeleton Krew, 6 p.m. Wednesday, July 23, Frank & Sue Jones Amphitheatre
- Rock the Block Sidewalk Sale - 10 a.m. to 12 p.m. Saturday, July 26, 1924 Courthouse Square
- Movies in the Park – Captain America: Brave New World, Friday, Aug. 15, Southside Park
- Next regular City Council meeting, 6 p.m. Tuesday, Aug. 5, City Hall
- Labor Day – Monday, Sept. 1, City offices and recreation centers closed, sanitation collection runs as scheduled
- Music on Main feat. The Megan Doss Band, 6 pm. Thursday, Sept. 11, Frank & Sue Jones Amphitheatre
- Music on Main feat. Trial by Fire, 6 p.m. Thursday, Oct. 9, Frank & Sue Jones Amphitheatre

ITEM 10: Questions and Comments from Mayor and Council

Council Member Jon McClure asked for an update on the Corriher project.

City Manager Sean Hovis said the project continues to move forward.

Council Member Jon McClure asked for an update on the McRee project.

Planning Director Randy Williams said the project is in progress and infrastructure issues are being worked through.

Council Member Beverly Danner asked for an update on the Central High School project.

Mr. Hovis said construction drawings will be completed and oversight of the project will be determined in the coming months.

Council Member Ed Sain gave a report on the Library Board and Recreation Commission.

ITEM 11: Closed Session – North Carolina General Statute 143-318.11(6)

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

That the Meeting be – CLOSED

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

That the Meeting RETURN TO OPEN SESSION

Mayor Hodge stated that he would entertain a motion regarding the City Manager's contract amendments as a guaranteed contract through 2029 and for there to be not a lump sum payout in case just cause was not included as a reason for termination.

Upon motion duly made by Council Member Ed Sain, seconded by Council Member Jody Dixon, with Mayor Pro Tem John Stiver and Council Member Roy Johnson voting in favor and Council Member Beverly Danner and Council Member Jon McClure voting against, it was RESOLVED:

That the City Manager's contract amendments as a guaranteed contract through 2029 and for there to be not a lump sum payout in case just cause was not included as a reason for termination be – APPROVED

ITEM 12: **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



Jerry Hodge, Mayor

CITY OF NEWTON

Sewer Adjustments

TO: Sean Hovis- City Manager **DATE: 08/05/2025**
RE: Sewer Adjustments
FROM: Kimberley Robinson, Finance Director

The following sewer adjustment(s) is recommended for approval. The adjustment is recommended as a result of a water leak, pool fill or faulty meter at the service address.

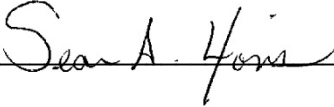
| Account Number | Name | Service Address/ Type | Adjustment Period | Amount of Adjustment |
|----------------|-------------------------------|--|-------------------|----------------------|
| 2000430.002 | Bobby Pettrey | <i>856 Westside Dr Pool Fill</i> | July | \$109.37 |
| 56000740.001 | Curtis Odom | <i>1007 E 10th St Ct Water leak from pressure Valve</i> | May/June | \$20.80 |
| 11000500.004 | Blue Ally Tech Solutions, LLC | <i>29 N College Ave Busted water line</i> | Feb | \$247.60 |

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**

DATE: August 5, 2025
TO: Sean Hovis, City Manager
FROM: Brandon Holland, Assistant City Manager
CONSIDERATION OF: Road Closure Request 301 South Ervin

Approved for Council Consideration



BACKGROUND:

Pastor Peggy Geter and St Johns Holiness Church is requesting closure for 301 South Ervin Ave. (in front of the Central Recreation Center) to host a Community Outreach Cookout. The event is scheduled for September 6, 2025. Start to finish the event is scheduled from 9AM - 5PM, with an estimated attendance of about 150 people. There will be 5 tents, and trash cans will be provided by the City. This event is a social gathering to bring the community together while providing food and entertainment.

RECOMMENDATION:

The City staff recommends approval.



**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

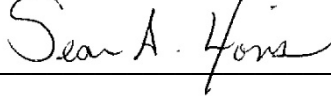
DATE: August 5, 2025

TO: Sean Hovis, City Manager

FROM: Brandon Holland, Assistant City Manager

CONSIDERATION OF: Road Closure Request Night Crawl 5K

Approved for Council Consideration



BACKGROUND:

Natalie Armstrong and Catawba Valley Association of Realtors is requesting street closures (see the attached map) for the annual Night Crawl 5K. The event is scheduled for October 18, 2025 and will last from 9:00PM to about 10:30PM. It will start and end at the Rec Center. Estimated attendance is 300-400 people. Also requested is 6 Police Officers and 18 Barricades. Trash bins will provided by the City and public parking will also be available.

RECOMMENDATION:

The City staff recommends approval.

NIGHT CRAWL 5K COURSE



1. Begin at intersection of East B Street & South Brady Street in front of City of Newton Recreation Center
2. Left at light onto East A Street
3. Right at light onto College Street
4. Veer to right onto Hwy 16
5. Left onto West 6th Street
6. At stop sign (flashing light) ,take right onto North Ashe Ave
7. Right onto West 13th Street
8. Take immediate left back onto North Ashe Ave
9. Left onto West 15th Street in front of Newton Conover High School
10. Left onto North Frye Ave
11. Left onto West 13th Street
12. Right onto North Ashe Ave
13. Straight through flashing light
14. Left onto West 4th Street at stop sign
15. Right onto North Main Ave through town
16. Left onto East B Street
17. Left onto South College Street at stop light
18. Right onto East A Street
19. Right onto South Brady to finish

CITY OF NEWTON REQUEST FOR COUNCIL ACTION

TO: Sean Hovis, City Manager

DATE: July 10, 2025

FROM: Kevin Yoder, Fire Chief

ACTION REQUESTED: Approval of the pyrotechnics display permit for the American Legion Fairgrounds.

Approved for Council Consideration

1. NC General Statute §14-410 states the City Council must approve any discharge of pyrotechnics at any public exhibit or concert in their jurisdiction.
2. The American Legion Fairgrounds has requested a permit to discharge pyrotechnics during the period of August 27th – August 31st, 2025 at approximately 10:30 pm - 11:30 pm each night. This will result in five separate evenings when pyrotechnics will be displayed.
3. The American Legion has applied to the City of Newton Fire Department for a permit to discharge pyrotechnics upon approval of the authority having jurisdiction and subsequent inspection by the City of Newton Fire Department each night prior to the pyrotechnics display.
4. It is a requirement of the NC General Statute that the responsible party displaying pyrotechnics be certified by the Office of the State Fire Marshal.
5. Attached please find a copy of the pyrotechnics display permit issued to the American Legion Fairgrounds by the City of Newton Fire Department, Certificate of Liability Insurance, Catawba County Board of Commissioners Resolution No. 2010-13, NC General Statute §Chapter 14-Article 54, and a copy of the NC Outdoor Pyrotechnics Display Operators License for Dustin Ledford and Danny Morton.

ACTION SUGGESTED: Approval of the permit for pyrotechnics display at the American Legion Fairgrounds from August 27th – August 31st, 2025. We have attached a copy for your convenience.



CITY OF NEWTON FIRE DEPARTMENT
Fire Prevention Bureau
Phone: (828) 695-4284 Fax: (828) 465-7453



OPERATIONAL USE PERMITS

Occupant American Legion Fairgrounds

Date 07/09/2025

Address 1127 US 70 Hwy

Phone No. 828-234-1860

In accordance with the NC Fire Code an operational permit is required to conduct certain operations. The following Operational Use Permits are included in the General Inspection Use Permit and if approved, will be listed as a provision. Approval to conduct these operations shall not be construed as permission to violate or set aside any of the provisions of the applicable technical codes or standards that regulate those operations. Deviation from the applicable operation(s) would require another permit to be obtained.

Fire Inspector Shall Initial All Applicable Operations:

_____ **Amusement Buildings/Tent(s):** An operational permit *is required* to operate a special amusement

building. **Covered Mall Buildings:** An operational permit *is required* for the following:

- _____ 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
- _____ 2. The display of liquid or gas fired equipment in the mall.
- _____ 3. The use of open flame or flame producing equipment in the mall.

_____ **Explosives:** An operational permit *is required* for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33.

Exception: Fireworks allowed by NC General Statute 14-414.

_____ **Flammable and Combustible Liquids:** An operational permit *is required* as follows:

- _____ 1. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
- _____ 2. To manufacture, process, blend or refine flammable or combustible liquids.
- _____ 3. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
- _____ 4. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

_____ **Fumigation and Thermal Insecticidal Fogging:** An operational permit *is required* to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

_____ **Liquid or Gas-Fueled Vehicles or Equipment in Assembly Buildings:** An operational permit *is required* to display, operate or demonstrate liquid or gas-fueled vehicles or equipment in assembly buildings.

_____ **Spraying or Dipping:** An operational permit *is required* to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

X _____ **Other:** Pyrotechnics Display

_____ **Remarks/Conditions:** Fireworks will be August 27th, - August 31st, 2025

Occupant Signature _____ Fire Inspector S. Mecimore
Name of Occupant Gary Price Title Fire Marshal
(Please Print) (Please Print)

**CITY OF NEWTON FIRE DEPARTMENT
PERMIT TO POSSESS AND DISPLAY FIREWORKS**

Application having been made in accordance with the laws of the State of North Carolina (GS 14-413), as modified in session law 1983, chapter 116, and the City of Newton Fire Prevention Code, (Sec. 12-47) this permit is issued to:

DATE: August 27th, 2025 – August 31st, 2025

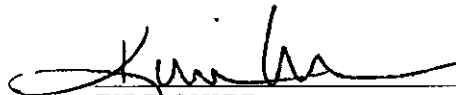
NAME Dustin Wade Ledford LICENSE# 1-NC-045-20-7G-00916


Proper Liability Insurance has been acquired: X Yes No

Giving them the right to exhibit displayed fireworks on the above dates at 22:30 hours, at
Hickory American Legion Fairgrounds

in connection with Hickory American Fair celebration.

CITY CLERK (Approval of City Col.) Date

 7-10-25
FIRE CHIEF Date

 7-10-2025
FIRE OFFICIAL Date

THE FIRE OFFICIAL SHALL SEIZE, TAKE, REMOVE, OR CAUSE TO BE
REMOVED AT THE EXPENSE OF THE OWNER ALL STOCKS OF FIREWORKS IN THE
EVENT OF CARELESSNESS TO PRESERVE LIFE AND PROPERTY.

CITY OF NEWTON FIRE DEPARTMENT OPERATIONAL PERMIT



LOCATION: American Legion Fair Grounds
PERMITTED USE: Display Fireworks

This permit shall constitute permission to perform the activity or function listed above and confirm that the applicant has met the requirements consistent with the International Fire code and the requirements of the authority having jurisdiction. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction. This permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

Fire Marshal: Scott Mecimore

Date: 08/27/2025

Expiration Date: 8/31/2025



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/8/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ryder Rosacker McCue & Huston (MGD by Hull & Company)
509 W Koenig St
Grand Island NE 68801

CONTACT NAME: Kristy Wolfe
PHONE (A/C, No, Ext): 308-382-2330 **FAX (A/C, No):** 308-382-7109
E-MAIL ADDRESS: kwolfe@ryderinsurance.com

INSURED
Dustin Ledford
Contracted Pyrotechnics
133 Hywood Rd
Casar NC 28020

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|-------------------------------|--------|
| INSURER A : SCOTTSDALE INS CO | 41297 |
| INSURER B : | |
| INSURER C : | |
| INSURER D : | |
| INSURER E : | |
| INSURER F : | |

COVERAGES

CERTIFICATE NUMBER: 1006622602

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|-----------|----------|---------------|-------------------------|-------------------------|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | CPS6244318 | 7/20/2025 | 7/20/2026 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$ |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| | UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTIONS <input type="checkbox"/> | | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below | | N/A | | | | WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 53 when required by written agreement.

Regarding the General Liability coverage, Primary and Non-Contributory coverage applies to the entities listed below per attached form CG 20 01 when required by written agreement.

Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.

Additional Insured: City of Newton, NC

Location of Display: 1127 US Highway

See Attached...

CERTIFICATE HOLDER

CANCELLATION

Hickory American Legion Fair
1127 US Highway 70 W
Newton NC 28658

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Danidana

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/8/2025

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IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ryder Rosacker McCue & Huston (MGD by Hull & Company)
509 W Koenig St
Grand Island NE 68801

CONTACT NAME: Kristy Wolfe
PHONE (A/C, No, Ext): 308-382-2330 **FAX (A/C, No):** 308-382-7109
E-MAIL ADDRESS: kwolfe@ryderinsurance.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: SCOTTSDALE INS CO

41297

INSURED
Dustin Ledford
Contracted Pyrotechnics
133 Hywood Rd
Casar NC 28020

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER: 1006622602

REVISION NUMBER:

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| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|--|----------|---------------|-------------------------|-------------------------|--|
| A | GENERAL LIABILITY | | | CPS8244318 | 7/20/2025 | 7/20/2026 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | | |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | | | | | | |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | | |
| | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | | |
| | AUTOMOBILE LIABILITY | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | <input type="checkbox"/> ANY AUTO | | | | | | |
| | <input type="checkbox"/> ALL OWNED AUTOS | <input type="checkbox"/> SCHEDULED AUTOS | | | | | |
| | <input type="checkbox"/> HIRED AUTOS | <input type="checkbox"/> NON-OWNED AUTOS | | | | | |
| | UMBRELLA LIAB | <input type="checkbox"/> OCCUR | | | | | EACH OCCURRENCE \$ |
| | EXCESS LIAB | <input type="checkbox"/> CLAIMS-MADE | | | | | AGGREGATE \$ |
| | DED | RETENTION \$ | | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | | WC STATU-TORY LIMITS OTH-ER |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | N/A | | | | E.L. EACH ACCIDENT \$ |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. DISEASE - EA EMPLOYEE \$ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

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Regarding the General Liability coverage, Primary and Non-Contributory coverage applies to the entities listed below per attached form CG 20 01 when required by written agreement.

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Additional Insured: City of Newton, NC

Location of Display: 1127 US Highway

See Attached...

CERTIFICATE HOLDER**CANCELLATION**

Hickory American Legion Fair
1127 US Highway 70 W
Newton NC 28658

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: _____

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

| | | |
|---|-----------|---|
| AGENCY Ryder Rosacker McCue & Huston (MGD by Hull & Company) | | NAMED INSURED Dustin Ledford Contracted Pyrotechnics 133 Hywood Rd Casar NC 28020 |
| POLICY NUMBER | | |
| CARRIER | NAIC CODE | EFFECTIVE DATE: |

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Dates of Display: 8-27-2025
 8-28-2025
 8-29-2025
 8-30-2025
 8-31-2025

RESOLUTION NO. 2010-13

**AUTHORITY FOR THE CITY OF NEWTON TO ISSUE
PERMITS FOR PYROTECHNICS TO BE EXHIBITED**

WHEREAS, NCGS 14-413, Permits For Use at Public Exhibitions, authorizes counties to issue permits for pyrotechnics use in connection with concerts or other public exhibitions; and

WHEREAS, NCGS 14-413(a1) provides a board of county commissioners may authorize the governing body of any city in the county to issue pyrotechnics permits; and

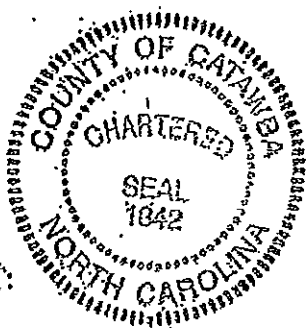
WHEREAS, should a county board of commissioners grant such authority to the city it shall remain in effect until withdrawn by the board of county commissioners adopting a subsequent resolution withdrawing the authority; and

WHEREAS, the City of Newton has requested the Catawba County Board of Commissioners grant the city the authority to issue pyrotechnics permits in accordance with the provisions of Article 54 of Chapter 14 within the City's corporate limits; and

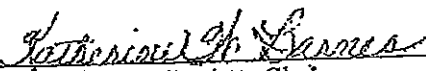
WHEREAS, the City of Newton has the expertise to ensure the safety of its citizens and insure an applicant's compliance with Article 54 of Chapter 14.

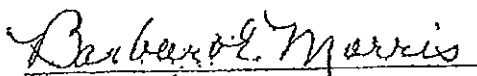
NOW, THEREFORE, the Catawba County Board of Commissioners does hereby authorize the City of Newton to issue pyrotechnics permits in accordance with Article 54, Chapter 14 of the North Carolina General Statutes.

This the 17th day of May, 2010.



ATTEST:


Katherine W. Barnes, Chair
Catawba County Board of Commissioners


Barbara E. Morris, Clerk

Article 54.

Sale, etc., of Pyrotechnics.

§ 14-410. Manufacture, sale and use of pyrotechnics prohibited; exceptions; license required; sale to persons under the age of 16 prohibited.

(a) Except as otherwise provided in this section, it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use, handle, exhibit, or discharge any pyrotechnics of any description whatsoever within the State of North Carolina.

(a1) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State, provided all of the following apply:

- (1) The exhibition, use, or discharge is at a concert or public exhibition.
- (2) All individuals who exhibit, use, handle, or discharge pyrotechnics in connection with a concert or public exhibition have completed the training and licensing required under Article 82A of Chapter 58 of the General Statutes. The display operator or proximate audience display operator, as required under Article 82A of Chapter 58 of the General Statutes, must be present at the concert or public exhibition and must personally direct all aspects of exhibiting, using, handling, or discharging the pyrotechnics. Notwithstanding this subdivision, the display operator for the University of North Carolina School of the Arts may appoint an on-site representative to supervise any performances that include a proximate audience display subsequent to the opening performance, provided that the representative (i) is a minimum of 21 years of age and (ii) is properly trained in the safe discharge of proximate audience displays.
- (3) The display operator has secured written authority under G.S. 14-413 from the board of county commissioners of the county, or the city if authorized under G.S. 14-413(a1), in which the pyrotechnics are to be exhibited, used or discharged. Written authority from the board of commissioners or city is not required under this subdivision for a concert or public exhibition provided the display operator has secured written authority from (i) The University of North Carolina or the University of North Carolina at Chapel Hill under G.S. 14-413, and pyrotechnics are exhibited on lands or buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill, (ii) the University of North Carolina School of the Arts and pyrotechnics are exhibited on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts, or (iii) The University of North Carolina or North Carolina State University under G.S. 14-413, and pyrotechnics are exhibited on lands or buildings in Wake County owned by The University of North Carolina or North Carolina State University.

(a2) Notwithstanding any provision of this section, it shall not be unlawful for a common carrier to receive, transport, and deliver pyrotechnics in the regular course of its business.

(a3) The requirements of this section apply to G.S. 14-413(b) and G.S. 14-413(c).

(a4) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State as a special effect by a production company, as defined in G.S. 105-164.3(185), for a motion picture production, if the motion picture set is closed to the public or is separated from the public by a minimum distance of 500 feet.

(a5) It shall be permissible for pyrotechnics to be exhibited, used, handled, manufactured, or discharged within the State for pyrotechnic or proximate audience display instruction consisting of classroom and practical skills training approved by the Office of State Fire Marshal.

(b) Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any individual, firm, partnership, or corporation to sell pyrotechnics as defined in G.S. 14-414(2), (3), (4)c., (5), or (6) to persons under the age of 16.

(c) The following definitions apply in this Article:

- (1) Concert or public exhibition. – A fair, carnival, show of any description, or public celebration.
- (2) Display operator. – An individual issued a display operator license under G.S. 58-82A-3.
- (3) State Fire Marshal. – Defined in G.S. 58-78A-1. (1947, c. 210, s. 1; 1993 (Reg. Sess., 1994), c. 660, s. 3; 1995, c. 475, s. 1; 2003-298, s. 2; 2007-38, s. 1; 2009-507, s. 1; 2010-22, s. 8; 2013-275, s. 1; 2015-124, s. 1; 2023-134, s. 30.8(c).)

§ 14-411. Sale deemed made at site of delivery.

In case of sale or purchase of pyrotechnics, where the delivery thereof was made by a common or other carrier, the sale shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee. (1947, c. 210, s. 2.)

§ 14-412. Possession prima facie evidence of violation.

Possession of pyrotechnics by any person, for any purpose other than those permitted under this article, shall be prima facie evidence that such pyrotechnics are kept for the purpose of being manufactured, sold, bartered, exchanged, given away, received, furnished, otherwise disposed of, or used in violation of the provisions of this article. (1947, c. 210, s. 3.)

§ 14-413. Permits for use at public exhibitions.

(a) For the purpose of enforcing the provisions of this Article, the board of county commissioners of any county, or the governing board of a city authorized pursuant to subsection (a1) of this section, may issue permits for use in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Provided that no such permit shall be required for a public exhibition under any of the following circumstances:

- (1) The exhibition is authorized by The University of North Carolina or the University of North Carolina at Chapel Hill and conducted on lands or in buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill.
- (2) The exhibition is authorized by the University of North Carolina School of the Arts and conducted on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts.
- (3) The exhibition is authorized by The University of North Carolina or North Carolina State University and conducted on lands or in buildings in Wake County owned by The University of North Carolina or North Carolina State University.

(a1) For the purpose of enforcing the provisions of this Article, a board of county commissioners may authorize the governing body of any city in the county to issue permits pursuant to the provisions of this Article for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the city for use in connection with the conduct of concerts or public exhibitions. The board of county commissioners shall adopt a resolution granting the authority to the city, and it shall remain in effect until withdrawn by the board of county commissioners adopting a subsequent resolution withdrawing the authority. If a city lies in more than one county, the board of county commissioners of each county in which the city lies must adopt an authorizing resolution. If any county in which the city lies withdraws the authority of the city to issue permits for the use of pyrotechnics, the authority of the city to issue permits for the use of pyrotechnics will end, and all counties within which the city lies must resume their authority to issue the permits.

(b) For any indoor use of pyrotechnics at a concert or public exhibition, the board of commissioners or the governing body of an authorized city may not issue any permit unless the local fire marshal or the State Fire Marshal (or in the case of The University of North Carolina, the University of North Carolina at Chapel Hill, or North Carolina State University it may not authorize such concert or public exhibition unless the State Fire Marshal) has certified that:

- (1) Adequate fire suppression will be used at the site.
- (2) The structure is safe for the use of such pyrotechnics with the type of fire suppression to be used.
- (3) Adequate egress from the building is available based on the size of the expected crowd.

(c) The requirements of subsection (b) of this section also apply to any city authorized to grant pyrotechnic permits by local act and to the officer delegated the power to grant such permits by local act.

(d) A board of county commissioners or the governing board of a city shall not issue a permit under this section unless the display operator provides proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater. A board of county commissioners or the governing board of a city may require proof of insurance that exceeds these minimum requirements. (1947, c. 210, s. 4; 1993 (Reg. Sess., 1994), c. 660, s. 3.1; 1995, c. 509, s. 11; 2003-298, s. 1; 2007-38, s. 2; 2009-507, s. 2; 2013-275, s. 2; 2015-124, s. 2.)

§ 14-414. Pyrotechnics defined; exceptions.

For the proper construction of the provisions of this Article, "pyrotechnics," as is herein used, shall be deemed to be and include any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: provided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives or signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms. This Article shall not apply to the sale, use, or possession of the following:

- (1) Explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the explosive caps shall not exceed twenty-five hundredths (.25) of a gram for each cap.
- (2) Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning.
- (3) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke.

- (4) Trick noisemakers which produce a small report designed to surprise the user and which include:
 - a. A party popper, which is a small plastic or paper item containing not in excess of 16 milligrams of explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report.
 - b. A string popper, which is a small tube containing not in excess of 16 milligrams of explosive mixture with string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.
 - c. A snapper or drop pop, which is a small, paper-wrapped item containing no more than 16 milligrams of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.
- (5) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition. These items must not exceed 100 grams of mixture per item.
- (6) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air, and contain not more than 75 grams of chemical compound per tube, or not more than a total of 200 grams if multiple tubes are used. (1947, c. 210, s. 5; 1955, c. 674, s. 1; 1993, c. 437.)

§ 14-415. Violation made misdemeanor.

Any person violating any of the provisions of this Article, except as otherwise specified in said Article, shall be guilty of a Class 2 misdemeanor, except that it is a Class 1 misdemeanor if the exhibition is indoors. (1947, c. 210, s. 6; 1969, c. 1224, s. 3; 1993, c. 539, s. 288; 1994, Ex. Sess., c. 24, s. 14(c); 2003-298, s. 3.)

CONTRACTED PYROTECHNICS

133 Hywood rd
Casar, NC 28020

FIREWORKS PROGRAM FOR
Hickory American legion Fair

5 nights

8/27/2025

8/28/2025

8/29/2025

8/30/2025

8/31/2025

OPENING BARRAGE:

20, 2.5 INCH SHELLS

MAIN PROGRAM:

72- 3 INCH SHELLS

36- 4 INCH SHELLS

GRAND FINALE:

100- 2.5 INCH FINALE SHELLS

If there were to be any rain outs, product will be added into the remaining nights.

Safety Procedures for Fireworks Displays

NFPA 1123 Codes are to be followed at all times.

1. Firing Procedure:

- A. Operators are to use the Pre-display checklist provided in the display paperwork. AT NO TIME are the materials to be left unattended.
- B. Upon arrival at the site, check site conditions for any hazards that may impede the safety of the display operation.
- C. Insure the site meets all distance requirements.
- D. Confirm that there is adequate ingress and egress for emergency vehicles.
- E. Inspect all racks and equipment as it is coming off the truck. Any equipment that is damaged, or broken is not to be used in the display.
- F. All mortar racks are to be set up and installed prior to any loading of live materials.
- G. Inspect all shells and fireworks devices such as cakes, candles, and ground effects prior to loading, or placing in the firing area. Any materials found to be damaged, or not in proper condition are not to be used in the display.
- H. All materials fuses are to be situated and secured for easy access and removal of safety caps just prior to firing.
- I. (Electric firing) Any e-matching of materials will take place at least 50 feet from the truck holding the fireworks, and at least 100 feet from any public access. Limit the amount of materials in this area to just ONE box at a time.
- J. (Electric firing) Once all materials are set up, no personnel are allowed within the firing area during the continuity testing. If there is a need to check contact points, or adjust materials, the firing control panel must be disabled completely before an operator enters the firing area.
- K. (Manual Firing) Operators will use fusees (flares) for ignition of shell leaders.
- L. Previously installed multiple ignition points are to be placed along Finale racks, or any chain fused sections of the display.

2. Termination and Emergency Procedures

- A. If, at any time before, or during the discharge of a Display, there arises a condition that adversely affects the firing or completion of the Display, the operator will IMMEDIATELY halt the display, until such a time that the condition can either be corrected, or deleted from the program.
1. The AHJ will also have the authority to halt the display, should any such condition arise.
 2. Communication between the Operator and the AHJ will be necessary to provide for the continuation of the display.
- B. If there is a weather related concern, the display is to be halted, or postponed, until better conditions prevail. If there is no alternative, or if conditions remain at an unsafe level, then the Operator is to cancel the display, and the Rain Date option will be considered.
1. All mortar racks are to be covered with tarps, plastic or other suitable materials to prevent materials from getting wet. Cakes, and other ground effects can be placed in plastic bags.
 2. Any materials that do become wet shall not be used, and are to be placed into regulation cartons and returned to Hale Artificier, Inc.
- C. If, during the display, an errant shell or malfunction of equipment causes materials to be sent towards or into the spectator area, or out of the intended fallout area, the operator will IMMEDIATELY halt the display.
1. The safety of the spectators is the primary concern, and the operator is to insure that any errant shell trajectories or malfunctions are dealt with as soon as it is safe to do so. Repositioning of the racks, or dropping that part of the display will be done before resuming any firing.
 2. A situation of this nature could cause the rest of the display to be postponed, or cancelled with the communication and cooperation of the AHJ.
 3. Identification of the errant materials and/or equipment is to be documented in the Operators display report.
 4. If there is ANY injury of any nature, to a spectator, or any other person, the display is to be halted, and the assistance of the local EMS, Fire Department, and/or other fire and life safety personnel on duty at the time is to be utilized.

D. Ingress and Egress routes are to to be maintained at all times, and are to remain clear for emergency vehicles and personnel.

1. Should there be any reason to need such access, the Operator shall halt all firing, and suspend the display.
2. The Operator and other display personnel may assist such emergency personnel to control and contain any condition to insure the safety and security of the site.

3. Post Display

A. Once the display has been completed, the Operator will make the determination to break down the display equipment when he/she finds all conditions safe to do so.

1. The operator and assistants should allow at least 15 minutes for a "cool-down" period, once the display is completed.
 - a. Beginning with the mortars that were fired first, make sure that all shells and materials were discharged.
 - b. Once all racks and equipment have been cleared, the Operator will approve the break down of the display.

2. Misfired Materials

- a. Identify any and all misfired materials.
- b. Insure that there are no ignition hazards present before handling. All sparks are to be extinguished. E-matches should be disconnected and shunted, and then may be carefully removed.
- c. Carefully remove materials from the discharge area.
- d. Place materials into a regulation carton, and transport back to Hale Artificier, Inc.
- e. Record misfires in the Operator's display report.

3. Dud Shells

- a. Identify any and all dud shells and their location.
- b. No unauthorized personnel are to be allowed in those areas.
- c. Insure that there are no ignition hazards before handling. If necessary, spray with water to extinguish any sparks or flame.

- d. Carefully remove dud shells, place into a regulation carton and transport back to Hale Artificier, Inc.
 - e. Record duds in the Operator's display report.
- B. The operator will assist the AHJ in conducting the post-display inspection, and sign off on any documentation the AHJ may require.
- C. Once that inspection is completed, the operator may clear the on-duty Fire Department personnel.
- D. The entire discharge area and fallout zones are to be inspected to insure that there are no duds, misfires, or any other materials left on the display site. If necessary, a site check is to be made early the following morning.
- E. Clean up includes removal of all equipment, paper debris, and any other items that remain as a result of the display.



U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Explosives License/Permit
(18 U.S.C. Chapter 40)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown.

Direct ATF ATF - Chief, FELC
Correspondence To 244 Needy Road
Martinsburg, WV 25405-9431

License/Permit
Number

1-NC-045-20-7G-00916

Expiration
Date

July 1, 2027

Chief, Federal Explosives Licensing Center (FELC)

Name

LEDFOORD, DUSTIN WADE

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

133 HYWOOD RD
CASAR, NC 28020-

Type of License or Permit

20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

LEDFOORD, DUSTIN WADE
133 HYWOOD RD
CASAR, NC 28020-

Licensee/Permittee Responsible Person Signature

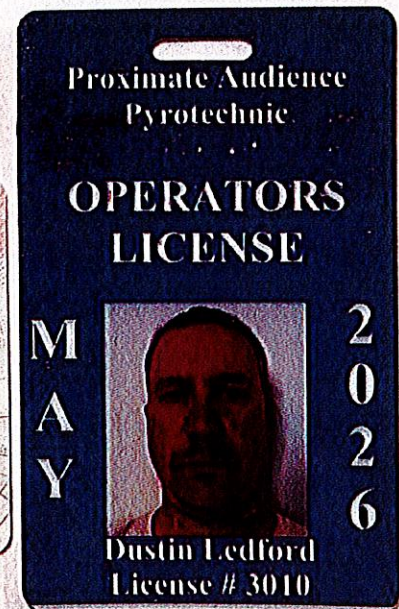
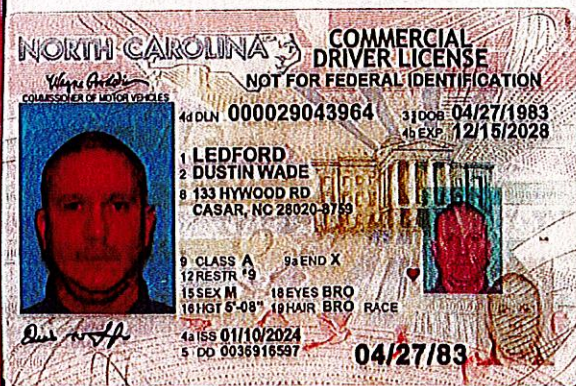
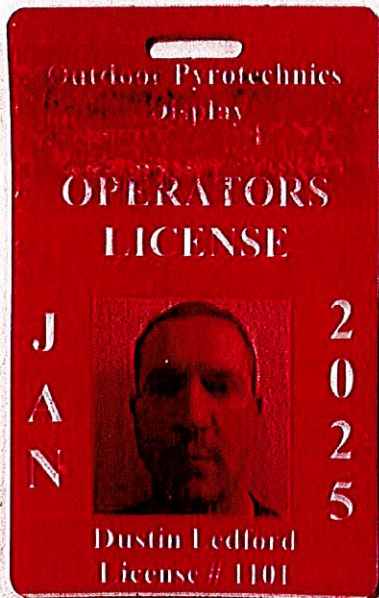
Position/Title

Dustin W Ledford

7-01-2024

Printed Name

Date



Holder's Full Name: Dustin Wade Ledford
Business Name: Dustin Ledford
Government ID By: North Carolina
Government ID Type: Driver License
ID Number: *****3964



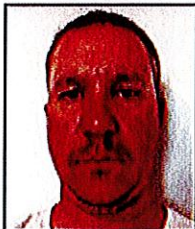
License Number: 1101

License Type: 1.3G Pyrotechnic

License Level: Operator

License Status: Valid

Expiration Date: 01/31/2028



License Number: 3010

License Type: Proximate Audience

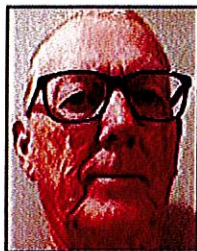
License Level: Operator

License Status: Valid

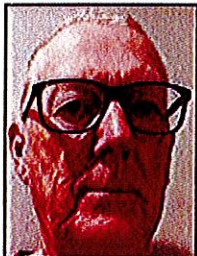
Expiration Date: 05/31/2026



Holder's Full Name: Danny Wray Morton
Business Name: Dustin Ledford
Government ID By: North Carolina
Government ID Type: Driver License
ID Number: *****0552



License Number: 3931
License Type: Proximate Audience
License Level: Operator
License Status: Valid
Expiration Date: 02/29/2028



License Number: 1106
License Type: 1.3G Pyrotechnic
License Level: Operator
License Status: Valid
Expiration Date: 01/31/2028

**CITY OF NEWTON
REQUEST FOR COUNCIL ACTION**

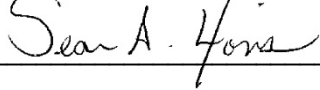
DATE: July 29, 2025

TO: Sean Hovis, City Manager

FROM: Dennis Falder, Water Resources Director

CONSIDERATION OF: Approval of the City of Newton 2024 Local Water Supply Plan

Approved for Council Consideration



Background:

A Local Water Supply Plan is an assessment of a water system's current and future water needs and its ability to meet those needs. By understanding current and future needs, local governments will be better able to manage water supplies and better prepared to plan for water supply system improvements.

North Carolina General Statute G.S. 143-355(l) requires all units of local government that provide or plan to provide public water service to prepare a Local Water Supply Plan. All community water systems that regularly serve 1,000 or more service connections or serve more than 3,000 people are also required to prepare a Local Water Supply Plan.

North Carolina Administrative Code 15A NCAC 02E 0.0600 requires all systems subject to G.S.143-355(l) to electronically submit an annual water use update based on their water use and system conditions by April 1st of every year for the period of January 1st to December 31st of the prior year.

Staff has been working with North Carolina Department of Environmental Quality (NCDEQ) on the update of the plan and submitted final version to NCDEQ who has approved it. Once NCDEQ has approved the plan the City Council must approve it through a resolution and staff will then submit the Council approval to NCDEQ. NCDEQ approved plan is attached.

Action Suggested:

It is recommended that the Council consider approving the attached resolution for the City of Newton 2024 Local Water Supply Plan.

RESOLUTION
APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Newton, has been developed and submitted to the Newton City Council for approval; and

WHEREAS, the City of Newton City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (1) and that it will provide appropriate guidance for the future management of water supplies for the City of Newton as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton that the Local Water Supply Plan entitled, the City of Newton Local Water Supply Plan dated June 17, 2025, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City of Newton City Council intends that this plan shall be revised to reflect changes in relevant data and projections annually or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the _____ day of _____, 2025.

Name: _____

Title: _____

Signature: _____

ATTEST:



Newton

2024 ▾

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name: **Newton** PWSID: **01-18-015**
 Mailing Address: **P.O. Box 550** Ownership: **Municipality**
Newton, NC 28658
 Contact Person: **James B. Wentz** Title: **Public Utility Director**
 Phone: **828-695-4286** Cell/Mobile: **828-217-7219**

Complete

Distribution System

| Line Type | Size Range (Inches) | Estimated % of lines |
|--------------------|---------------------|----------------------|
| Asbestos Cement | 4-12 | 0.00 % |
| Cast Iron | 4-16 | 8.50 % |
| Ductile Iron | 4-20 | 48.50 % |
| Galvanized Iron | 2 | 2.00 % |
| Polyvinyl Chloride | 2-12 | 41.00 % |

What are the estimated total miles of distribution system lines? **199 Miles**

How many feet of distribution lines were replaced during 2024? **300 Feet**

How many feet of new water mains were added during 2024? **200 Feet**

How many meters were replaced in 2024? **121**

How old are the oldest meters in this system? **13 Year(s)**

How many meters for outdoor water use, such as irrigation, are not billed for sewer services? **58**

What is this system's finished water storage capacity? **4.2500 Million Gallons**

Has water pressure been inadequate in any part of the system since last update? *Line breaks that were repaired quickly should not be included.* **Yes**

Watermain on W. 15th between N. Frye and N. Main has inadequate pressure. Construction is scheduled to begin June 2025.

Programs

Does this system have a program to work or flush hydrants? **Yes, Semi-Annually**

Does this system have a valve exercise program? **Yes, Annually**

Does this system have a cross-connection program? **Yes**

Does this system have a program to replace meters? **Yes**

Does this system have a plumbing retrofit program? **Yes**

Does this system have an active water conservation public education program? **Yes**

Does this system have a leak detection program? **Yes**

Water Conservation

What type of rate structure is used? Decreasing Block

How much reclaimed water does this system use? 0.0000 MGD For how many connections? 0

Does this system have an interconnection with another system capable of providing water in an emergency? Yes

2. Water Use Information

Service Area

| Sub-Basin(s) | % of Service Population | County(s) | % of Service Population |
|---------------------------------|-------------------------|-----------|-------------------------|
| South Fork Catawba River (03-2) | 99 % | Catawba | 100 % |
| Catawba River (03-1) | 1 % | | |

What was the year-round population served in 2024? 17,744

Has this system acquired another system since last report? No

Water Use by Type

| Type of Use | Metered Connections | Metered Average Use (MGD) | Non-Metered Connections | Non-Metered Estimated Use (MGD) |
|---------------|---------------------|---------------------------|-------------------------|---------------------------------|
| Residential | 6,320 | 0.6828 | 0 | 0.0000 |
| Commercial | 664 | 0.6027 | 0 | 0.0000 |
| Industrial | 91 | 0.0765 | 0 | 0.0000 |
| Institutional | 18 | 0.0154 | 0 | 0.0000 |

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.2517 MGD

System process includes water used during fire hydrant use, maintenance, and fire fighting operations as estimated by the fire chief and bulk water sales to industrial and residential developers for dust control. One industrial development currently under construction is using 100,000 per day.

Water Sales

| Purchaser | PWSID | Average Daily Sold (MGD) | Days Used | MGD | Contract Expiration | Recurring | Required to comply with water use restrictions? | Pipe Size(s) (Inches) | Use Type |
|---------------------------------|-----------|--------------------------|-----------|--------|---------------------|-----------|---|-----------------------|-----------|
| Catawba | 01-18-040 | 0.0000 | 0 | 0.0000 | | No | Yes | 12 | Emergency |
| Energy United Water Corporation | 01-02-015 | 2.0635 | 366 | 2.5000 | 2036 | Yes | Yes | 20 | Regular |
| Hickory | 01-18-010 | 0.0000 | 0 | 0.0000 | | No | No | 12 | Emergency |
| Maiden | 01-18-030 | 0.0023 | 366 | 0.0083 | 2031 | No | Yes | 12 | Regular |

3. Water Supply Sources

Monthly Withdrawals & Purchases

| | Average Daily Use (MGD) | Max Day Use (MGD) | | Average Daily Use (MGD) | Max Day Use (MGD) | | Average Daily Use (MGD) | Max Day Use (MGD) |
|-----|-------------------------|-------------------|-----|-------------------------|-------------------|-----|-------------------------|-------------------|
| Jan | 2.8696 | 4.4070 | May | 4.8563 | 7.8060 | Sep | 4.0946 | 7.8240 |
| Feb | 2.8593 | 3.6880 | Jun | 5.1288 | 8.2850 | Oct | 4.9966 | 8.3610 |
| Mar | 3.7411 | 6.8340 | Jul | 4.6965 | 8.7850 | Nov | 5.0556 | 8.6570 |
| Apr | 3.6748 | 7.6670 | Aug | 4.6966 | 8.9050 | Dec | 4.3358 | 7.9730 |



Surface Water Sources

| Stream | Reservoir | Average Daily Withdrawal | Maximum Day Withdrawal (MGD) | Available Raw Water Supply | Usable On-Stream Raw Water |
|--------|-----------|--------------------------|------------------------------|----------------------------|----------------------------|
|--------|-----------|--------------------------|------------------------------|----------------------------|----------------------------|

| | | MGD | Days Used | | MGD | * Qualifier | Supply Storage (MG) |
|----------------------------------|---------------------|--------|-----------|--------|--------|----------------|------------------------|
| Jacobs Fork River | City Lake Reservoir | 4.1225 | 366 | 5.9510 | 8.0000 | T | 15.0000 |
| Unnamed Tributaries to Reservoir | City Lake Reservoir | 0.2500 | 187 | 0.2500 | 0.6000 | T | 0.0000 |

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

| Stream | Reservoir | Drainage Area (sq mi) | Metered? | Sub-Basin | County | Year Offline | Use Type |
|----------------------------------|---------------------|-----------------------|----------|---------------------------------|---------|--------------|----------|
| Jacobs Fork River | City Lake Reservoir | 96 | Yes | South Fork Catawba River (03-2) | Catawba | | Regular |
| Unnamed Tributaries to Reservoir | City Lake Reservoir | 3 | No | Catawba River (03-1) | Catawba | | Regular |

What is this system's off-stream raw water supply storage capacity? 47 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? No

Does this system anticipate transferring surface water between river basins? Yes

The sales to Energy Unites is a transfer from 3-2 to 3-1.

Water Purchases From Other Systems

| Seller | PWSID | Average Daily Purchased (MGD) | Days Used | MGD | Contract Expiration | Recurring | Required to comply with water use restrictions? | Pipe Size(s) (Inches) | Use Type |
|---------|-----------|-------------------------------|-----------|--------|---------------------|-----------|---|-----------------------|-----------|
| Hickory | 01-18-010 | 0.0000 | 0 | 0.0000 | | No | No | 12 | Emergency |

Water Treatment Plants

| Plant Name | Permitted Capacity (MGD) | Is Raw Water Metered? | Is Finished Water Output Metered? | Source |
|--------------------|--------------------------|-----------------------|-----------------------------------|-------------------|
| Newton Water Plant | 8.0000 | Yes | Yes | Jacobs Fork River |

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2024? No

If yes, was any water conservation implemented? No

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2024? No

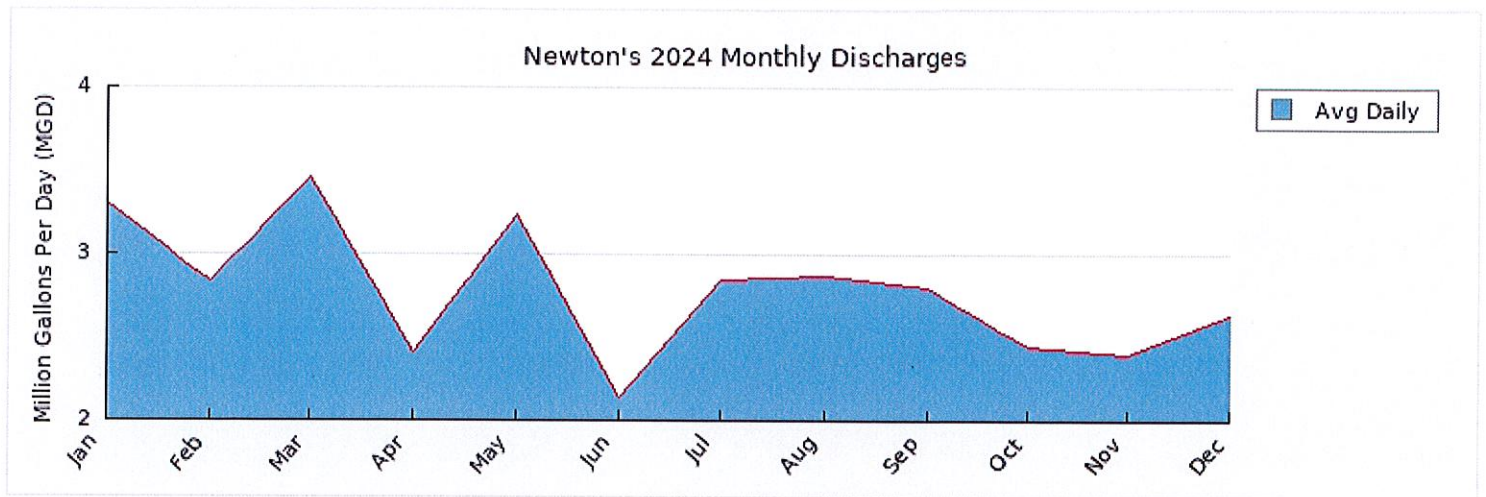
If yes, was any water conservation implemented? No

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? No

4. Wastewater Information

Monthly Discharges

| | Average Daily Discharge (MGD) | | Average Daily Discharge (MGD) | | Average Daily Discharge (MGD) |
|-----|-------------------------------|-----|-------------------------------|-----|-------------------------------|
| Jan | 3.3000 | May | 3.2300 | Sep | 2.8000 |
| Feb | 2.8300 | Jun | 2.1400 | Oct | 2.4500 |
| Mar | 3.4600 | Jul | 2.8500 | Nov | 2.4000 |
| Apr | 2.4100 | Aug | 2.8700 | Dec | 2.6300 |



How many sewer connections does this system have? 5,122

How many water service connections with septic systems does this system have? 1,482

Are there plans to build or expand wastewater treatment facilities in the next 10 years? Yes

Ph I of the WWTP replacement is under contract and expected to be completed by Dec 2027. This phase replaces the influent PS, grit removal and lime system, as well as some electrical lines and other small items. Phase two, which includes increases in primary, secondary, and tertiary treatment, filter replacement, and solid waste handling and storage, has been design, but is awaiting funding.

Wastewater Permits

| Permit Number | Type | Permitted Capacity (MGD) | Design Capacity (MGD) | Average Annual Daily Discharge (MGD) | Maximum Day Discharge (MGD) | Receiving Stream | Receiving Basin |
|---------------|------|--------------------------|-----------------------|--------------------------------------|-----------------------------|------------------|---------------------------------|
| NC0036196 | WWTP | 5.0000 | 7.5000 | 2.7800 | 6.3800 | Clark Creek | South Fork Catawba River (03-2) |

Wastewater Interconnections

| Water System | PWSID | Type | Average Daily Amount | | Contract Maximum (MGD) |
|-----------------|-----------|-----------|----------------------|-----------|------------------------|
| | | | MGD | Days Used | |
| City of Conover | 01-18-020 | Receiving | 0.3380 | 366 | 1.0500 |

5. Planning

Projections

| | 2024 | 2030 | 2040 | 2050 | 2060 | 2070 |
|-----------------------|--------|--------|--------|--------|--------|--------|
| Year-Round Population | 17,744 | 18,188 | 18,733 | 19,295 | 19,874 | 20,470 |
| Seasonal Population | 0 | 0 | 0 | 0 | 0 | 0 |
| Residential | 0.6828 | 0.6994 | 0.7204 | 0.7420 | 0.7642 | 0.7871 |
| Commercial | 0.6027 | 0.5462 | 0.5626 | 0.5795 | 0.5939 | 0.6148 |
| Industrial | 0.0765 | 0.1000 | 0.1030 | 0.1061 | 0.1093 | 0.1126 |
| Institutional | 0.0154 | 0.0185 | 0.0191 | 0.0197 | 0.0203 | 0.0209 |
| System Process | 0.2517 | 0.2542 | 0.2568 | 0.2593 | 0.2619 | 0.2645 |
| Unaccounted-for | 0.5553 | 0.5516 | 0.5665 | 0.5817 | 0.5964 | 0.6135 |

Demand v/s Percent of Supply

| | 2024 | 2030 | 2040 | 2050 | 2060 | 2070 |
|----------------------|--------|--------|--------|--------|--------|--------|
| Surface Water Supply | 8.6000 | 8.6000 | 8.6000 | 8.6000 | 8.6000 | 8.6000 |
| Ground Water Supply | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Purchases | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Future Supplies | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |

| | | | | | | |
|------------------------------|--------|--------|--------|--------|--------|--------|
| Total Available Supply (MGD) | 8.6000 | 8.6000 | 8.6000 | 8.6000 | 8.6000 | 8.6000 |
| Service Area Demand | 2.1844 | 2.1699 | 2.2284 | 2.2883 | 2.3460 | 2.4134 |
| Sales | 2.0658 | 2.5083 | 2.5000 | 2.5000 | 2.5000 | 2.5000 |
| Future Sales | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Total Demand (MGD) | 4.2502 | 4.6782 | 4.7284 | 4.7883 | 4.8460 | 4.9134 |
| Demand as Percent of Supply | 49% | 54% | 55% | 56% | 56% | 57% |



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is **38** gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here. In FY 2016, we changed switched from traditional meters to AMI meters. This allows us to monitor both continuous usage (for leaks on the customer side) and note specific properties that show significant increases in water usage. This information allows use to contact customers to alert to them to their water usage trends and discuss water use reduction in a targeted manner. The AMI system will also allow us to get away from a decreasing block schedule in the future, which will encourage water conservation by the largest users.

Are there other demand management practices you will implement to reduce your future supply needs? none at this time

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? none at this time

How does the water system intend to implement the demand management and supply planning components above? N/A

Additional Information

Has this system participated in regional water supply or water use planning? Yes, Yes, Newton participates in CW-DMAG

What major water supply reports or studies were used for planning? CW-DMAG reports and studies.

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues:

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

CITY OF NEWTON

REQUEST FOR COUNCIL ACTION

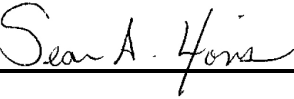
DATE: July 30, 2025

TO: Sean Hovis, City Manager

FROM: Kimberley Robinson, Finance Director

CONSIDERATION OF: Budget Ordinance Amendment to Carry Forward Outstanding Purchase Orders at June 30, 2025

Approved for Council Consideration



BACKGROUND:

As of June 30, 2025, the City of Newton had \$1,986,150 in outstanding purchase orders. In accordance with Governmental Accounting Standards, these purchase orders will not be recognized as expenditures in Fiscal Year 2025 since they were not complete. However, for reporting purposes, these purchase orders will be reflected as a reservation of fund balance or a reinstatement of grant revenues for those funded with grant revenues. This is a normal and routine practice of all counties and municipalities. These purchase orders are still legal, valid obligations of the City.

The attached budget ordinance reflects the necessary appropriations to reinstate these purchase orders in Fiscal Year 2026.

ACTION SUGGESTED:

Motion to approve the attached Budget Ordinance Amendment to provide funding for the outstanding purchase orders at June 30, 2025.

ORDINANCE 2025-

**AN ORDINANCE TO CARRY FORWARD
OUTSTANDING PURCHASE ORDERS AT JUNE 30, 2025**

WHEREAS, The City Council of the City of Newton have adopted a Budget Ordinance for fiscal year beginning July 1, 2025, and ending June 30, 2026, in accordance with the General Statutes of the State of North Carolina, and

WHEREAS, The City of Newton has outstanding purchase orders encumbered at June 30, 2025, that were not received before year end; therefore, those will be received and payable in the current fiscal year, and

WHEREAS, The City Council desires to honor these encumbrances and appropriate funds in the budget for Fiscal Year 2026.

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

| | | |
|-------------------------------------|--------------|-----------|
| Fund Balance Appropriated | 11-0000.3990 | \$665,550 |
| Fund Balance – Isaac Estate Bequest | 11-0000.3997 | \$ 8,050 |

Appropriations

Administration

| | | |
|-------------------------------------|--------------|-----------|
| Cap Outlay – Building/Building Imp. | 11-4120.8800 | \$ 15,000 |
|-------------------------------------|--------------|-----------|

Information Technology

| | | |
|--------------------|--------------|-----------|
| Other Services | 11-4132.6990 | \$ 46,000 |
| Non-Capital Outlay | 11-4132.7900 | \$ 2,250 |

Public Works – Streets & Drainage

| | | |
|---------------------------------|--------------|------------|
| Professional Svc. – Engineering | 11-4252.4940 | \$ 9,200 |
| Street Resurfacing Repair/Maint | 11-4252.6570 | \$ 26,500 |
| Cap Outlay – Motor Vehicles | 11-4252.8400 | \$ 173,050 |
| Cap Outlay – Other Equipment | 11-4252.8500 | \$ 209,250 |

Public Works – Sanitation

| | | |
|--------------------------|--------------|-----------|
| County Landfill Fees | 11-4254.7930 | \$ 58,050 |
| Municipal Recycling Fees | 11-4254.7931 | \$ 3,950 |

Public Safety – Police

| | | |
|-----------------------------|--------------|-----------|
| Safety & Uniform Supplies | 11-4310.5300 | \$ 9,600 |
| Building Repair/Maint | 11-4310.6510 | \$ 8,800 |
| Cap Outlay – Motor Vehicles | 11-4310.8400 | \$ 65,850 |

Public Safety – Fire

| | | |
|----------------|--------------|-----------|
| Other Services | 11-4340.6990 | \$ 18,750 |
|----------------|--------------|-----------|

Main Street

| | | |
|--------------------------|--------------|----------|
| Professional Svc.- Other | 11-4915.4990 | \$ 3,200 |
| Economic Dev. Incentive | 11-4915.9499 | \$ 3,900 |

Parks & Rec – Pool

| | | |
|-----------------------|--------------|----------|
| Building Repair/Maint | 11-6123.6510 | \$ 4,100 |
|-----------------------|--------------|----------|

Special Appropriations

| | | |
|-----------------------|--------------|----------|
| Appearance Commission | 11-6900.9330 | \$ 8,100 |
| Isaac Estate Bequest | 11-6900.9414 | \$ 8,050 |

Powell Bill Fund***Revenues***

| | | |
|-----------------------------------|--------------|------------|
| Fund Balance – Powell Bill Approp | 13-0000.3992 | \$ 191,300 |
|-----------------------------------|--------------|------------|

Appropriations

| | | |
|-------------------------------|--------------|------------|
| Street Con/Recon Repair/Maint | 13-4253.6571 | \$ 191,300 |
|-------------------------------|--------------|------------|

Water & Wastewater Fund***Revenues***

| | | |
|---------------------------|--------------|-----------|
| Fund Balance Appropriated | 61-0000.3995 | \$354,650 |
|---------------------------|--------------|-----------|

Appropriations*Water Treatment Plant*

| | | |
|------------------------------|--------------|------------|
| Building Repair/Maint | 61-7130.6510 | \$ 3,250 |
| Equipment Repair/Maint | 61-7130.6520 | \$ 71,200 |
| Cap Outlay – Other Equipment | 61-7130.8500 | \$ 124,650 |
| Cap Outlay – Land/Land Imp | 61-7130.8700 | \$ 3,150 |

Wastewater Treatment Plant

| | | |
|-------------------------------|--------------|-----------|
| Chemicals and Supplies | 61-7141.5330 | \$ 13,650 |
| Building Repair/Maint | 61-7141.6510 | \$ 49,450 |
| Equipment Repair/Maint | 61-7141.6520 | \$ 50,100 |
| Laboratory Testing & Analysis | 61-7141.6625 | \$ 5,100 |
| Cap Outlay – Motor Vehicles | 61-7141.8400 | \$ 34,100 |

Electric Fund***Revenues***

| | | |
|---------------------------|--------------|-----------|
| Fund Balance Appropriated | 63-0000.3995 | \$767,250 |
|---------------------------|--------------|-----------|

Appropriations*Electric Operations*

| | | |
|-------------------------------------|--------------|------------|
| Professional Svc.- Engineering | 63-7201.4940 | \$ 61,750 |
| Distribution Supp. & Maint. – Major | 63-7201.5461 | \$ 281,350 |
| Generator Repair/Maint. | 63-7201.6560 | \$ 335,250 |
| Cap Outlay – Other Equipment | 63-7201.8500 | \$ 22,300 |
| Cap Outlay – Building/Bldg Imp | 63-7201.8800 | \$ 66,600 |

Adopted this 5th day of August, 2025.

Jerry T. Hodge, Mayor

Amy S. Falowski, City Clerk



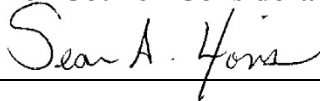
| City of Newton | | | | | | | | | |
|---|--|----------------|---------------------------------------|---|----------------------|-------------------|------------|-------------------|---|
| Open Purchase Orders & Contratcs / Construction Commitments | | | | | | | | | |
| To Carry Forward to FY 2026 | | | | | | | | | |
| PO # | | Account Number | Vendor | Description | Original Encumbrance | Remaining Balance | Encumbered | Department Totals | Notes |
| Operating Budget Purchase Orders | | | | | | | | | |
| General Fund | | | | | | | | | |
| 2025-0799 | | 11-4120-8800 | Truist Bank Visa | Police Complex Renovations | 15,000.00 | 15,000.00 | 15,000.00 | 15,000.00 | |
| 2025-0697 | | 11-4132-6990 | Tyler Technologies Inc | ERP Pro Professional Services | 30,000.00 | 23,247.25 | 23,247.25 | | |
| 2025-0743 | | 11-4132-6990 | Day One Communications | Fiber Splice @ Police Range/City Lake | 3,918.00 | 3,918.00 | 3,918.00 | | |
| 2025-0769 | | 11-4132-6990 | Tyler Technologies Inc | Content Manager Suite | 9,480.00 | 9,480.00 | 9,480.00 | | |
| 2025-0801 | | 11-4132-6990 | Day One Communications | Fiber project Mt. Olive to Broyhill | 9,330.00 | 9,330.00 | 9,330.00 | 45,975.25 | |
| 2025-0776 | | 11-4132-7900 | Carolina Advanced Digital, Inc | Microsoft Surface Laptop 7 | 2,238.00 | 2,238.00 | 2,238.00 | 2,238.00 | Not coming in until October |
| 2025-0791 | | 11-4252-4940 | McGill Associates, P.A. | Certification of Powell Bill Map | 9,200.00 | 9,200.00 | 9,200.00 | 9,200.00 | Waiting on Invoice |
| 2025-0164 | | 11-4252-6570 | Carolina Paving of Hickory | Mill and Pave East 2nd Street | 26,500.00 | 26,500.00 | 26,500.00 | 26,500.00 | Starting in mid-July |
| 2025-0197 | | 11-4252-8400 | Transource Inc | Dump Truck w/Salt Spreader & Plow | 173,016.34 | 173,016.34 | 173,016.34 | 173,016.34 | |
| 2025-0199 | | 11-4252-8500 | James River Equipment | Tractor w/side arm mower and attachments | 192,532.68 | 192,532.68 | 192,532.68 | | |
| 2025-0360 | | 11-4252-8500 | Godwin Mfg. | Salt Spreader | 16,703.00 | 16,703.00 | 16,703.00 | 209,235.68 | |
| 2025-0024 | | 11-4254-7930 | Catawba County | Landfill Fees | 325,000.00 | 58,004.16 | 58,004.16 | 58,004.16 | Waiting on June Invoice |
| 2025-0025 | | 11-4254-7931 | Republic Services of NC | Recycling Fees | 10,000.00 | 3,920.00 | 3,920.00 | 3,920.00 | Waiting on June Invoice |
| 2025-0718 | | 11-4310-5300 | Lawmen's Safety Supply In | Uniform Vest Carriers for Patrol | 9,593.47 | 9,593.47 | 9,593.47 | 9,593.47 | |
| 2025-0644 | | 11-4310-6510 | Carolina Tractor CAT | Installation of Remote Annunciator in PD Communications | 4,727.57 | 4,727.57 | 4,727.57 | | |
| 2025-0737 | | 11-4310-6510 | Startown Carpet Inc | Installation of carpet in communications | 4,060.00 | 4,060.00 | 4,060.00 | 8,787.57 | |
| 2025-0534 | | 11-4310-8400 | Parks Ford HV LLC | 2025 Ford F-150 Police Responder | 46,785.30 | 46,785.30 | 46,785.30 | | |
| 2025-0653 | | 11-4310-8400 | Goodin Electronics | Emergency Upfit and Install | 93,000.00 | 19,060.00 | 19,060.00 | 65,845.30 | This should be the upfit left for the F-150 Responder |
| 2025-0794 | | 11-4340-6990 | Catawba Wildlife LLC | Bat removal and exclusion at Station #1 | 18,742.99 | 18,742.99 | 18,742.99 | 18,742.99 | |
| 2025-0707 | | 11-4915-4990 | Downtown Newton Development Assoc. | Professional service music | 3,200.00 | 3,200.00 | 3,200.00 | 3,200.00 | |
| 2025-0539 | | 11-4915-9499 | Downtown Newton Development Assoc. | Economic Dev. Incentive Façade Grants | 13,892.50 | 3,892.50 | 3,892.50 | 3,892.50 | |
| 2025-0786 | | 11-6123-6510 | Atlantic Door & Dock Systems | Pump house doors | 4,095.23 | 4,095.23 | 4,095.23 | 4,095.23 | |
| 2025-0790 | | 11-6900-9330 | Mosco Design Inc | Christmas Decorations sale | 8,061.10 | 8,061.10 | 8,061.10 | 8,061.10 | |
| 2024-0913 | | 11-6900-9414 | On Point Wraps & Graphics LLC | Purchase & Installation of 9 vinyl utility box wraps | 8,010.00 | 8,010.00 | 8,010.00 | 8,010.00 | Isaac Estate Funds |
| | | | | | 1,037,086.18 | 673,317.59 | 673,317.59 | 673,317.59 | |
| Powell Bill Fund | | | | | | | | | |
| 2025-0673 | | 13-4253-6571 | Carolina Paving of Hickory | FY25 Annual Street Paving Project | 240,060.00 | 167,280.00 | 167,280.00 | | |
| 2025-0674 | | 13-4253-6571 | Carolina Paving of Hickory | Contingency - FY25 Annual Street Paving Project | 24,000.00 | 24,000.00 | 24,000.00 | 191,280.00 | |
| | | | | | 264,060.00 | 191,280.00 | 191,280.00 | 191,280.00 | |
| Water & Wastewater Fund | | | | | | | | | |
| 2025-0635 | | 61-7130-6510 | Fister Fence of Hickory LLC | Gate operator upgrade | 3,241.00 | 3,241.00 | 3,241.00 | 3,241.00 | |
| 2025-0714 | | 61-7130-6520 | The Perkinson Company Inc | Replace #4 rewash valve actuator | 6,195.00 | 6,195.00 | 6,195.00 | | |
| 2025-0761 | | 61-7130-6520 | Charles R Underwood Inc | R2 motor remove, repair, replace | 49,140.00 | 49,140.00 | 49,140.00 | | |
| 2025-0788 | | 61-7130-6520 | Charles R Underwood Inc | Booster 3 pump check valve replacement | 15,850.00 | 15,850.00 | 15,850.00 | 71,185.00 | |
| 2025-0223 | | 61-7130-8500 | Instrumentation Services Inc | Telemetry System Upgrade | 91,396.00 | 51,546.00 | 51,546.00 | | |
| 2025-0231 | | 61-7130-8500 | The Perkinson Company Inc | Remove & replace 20" butterfly valve | 41,785.00 | 41,785.00 | 41,785.00 | | |
| 2025-0232 | | 61-7130-8500 | The Perkinson Company Inc | Replace #2 Filter influent waste valve | 31,300.00 | 31,300.00 | 31,300.00 | 124,631.00 | |
| 2024-0815 | | 61-7130-8700 | McGill Associates, P.A. | Lake Dam Retainig Wall Amendment #2 | 7,500.00 | 3,150.00 | 3,150.00 | 3,150.00 | |
| 2025-0680 | | 61-7141-5330 | Lhoist North America | Pebble Lime | 55,000.00 | 13,637.47 | 13,637.47 | 13,637.47 | |
| 2025-0672 | | 61-7141-6510 | Dixie Electro Mechanical Services Inc | Gearbox replacement Quote #FRQ1462 | 41,864.44 | 41,864.44 | 41,864.44 | | |
| 2025-0785 | | 61-7141-6510 | Merrick Industries Inc | Gearbox for old slaker | 7,565.00 | 7,565.00 | 7,565.00 | 49,429.44 | |
| 2025-0128 | | 61-7141-6520 | Kemp Construction Inc | Filter Backwash check valve replacement | 44,900.00 | 44,900.00 | 44,900.00 | | |
| 2025-0668 | | 61-7141-6520 | Merrick Industries Inc | Parts to repair slaker | 5,164.00 | 5,164.00 | 5,164.00 | 50,064.00 | |
| 2025-0103 | | 61-7141-6625 | Meritech Inc. | Lab Testing | 20,000.00 | 5,065.00 | 5,065.00 | 5,065.00 | |
| 2025-0754 | | 61-7141-8400 | Parks Ford HV LLC | Truck Replacement WWTP | 34,051.30 | 34,051.30 | 34,051.30 | 34,051.30 | |
| | | | | | 454,951.74 | 354,454.21 | 354,454.21 | 354,454.21 | |
| Electric Fund | | | | | | | | | |
| 2024-0325 | | 63-7201-4940 | Southeastern Consulting Engineers | Design services - The Falls | 39,500.00 | 1,123.47 | 1,123.47 | | |
| 2024-0326 | | 63-7201-4940 | Southeastern Consulting Engineers | Design services - Kaylor Ridge | 54,500.00 | 29,825.00 | 29,825.00 | | |
| 2024-0741 | | 63-7201-4940 | Southeastern Consulting Engineers | SCADA System Survalent | 32,500.00 | 27,759.13 | 27,759.13 | | |
| 2025-0384 | | 63-7201-4940 | Southeastern Consulting Engineers | Rowe Crossing Engineering Services | 32,500.00 | 3,000.00 | 3,000.00 | 61,707.60 | |
| 2025-0043 | | 63-7201-5461 | Wesco Receivables Corp | Festival outlet boxes | 3,834.00 | 3,834.00 | 3,834.00 | | |
| 2025-0127 | | 63-7201-5461 | Wesco Receivables Corp | Material for Buffalo Ridge | 281,620.88 | 154,609.20 | 154,609.20 | | |
| 2025-0709 | | 63-7201-5461 | Border States Industries | Arms for decorative poles | 2,346.34 | 2,346.34 | 2,346.34 | | |
| 2025-0729 | | 63-7201-5461 | Wesco Receivables Corp | Material for Rowe Crossing | 101,576.54 | 61,766.55 | 62,056.21 | | |

| PO # | | Account Number | Vendor | Description | Original Encumbrance | Remaining Balance | Encumbered | Department Totals | Notes |
|-----------|--|----------------|-----------------------------------|---|----------------------|-------------------|--------------|-------------------|-------|
| 2025-0739 | | 63-7201-5461 | Wesco Receivables Corp | Material for Eastern Ridge | 111,719.54 | 58,762.34 | 58,895.75 | 281,318.43 | |
| 2025-0245 | | 63-7201-6560 | Carolina Tractor CAT | Generator maintenance | 80,000.00 | 21,053.32 | 21,053.32 | | |
| 2025-0533 | | 63-7201-6560 | Power Generation and Control Inc. | Generator maintenance | 60,000.00 | 46,228.54 | 45,478.54 | | |
| 2025-0575 | | 63-7201-6560 | Carolina Tractor CAT | Generator maintenance | 80,000.00 | 79,513.73 | 79,513.73 | | |
| 2025-0624 | | 63-7201-6560 | Carolina Tractor CAT | Generator maintenance | 74,178.29 | 74,178.29 | 74,178.29 | | |
| 2025-0691 | | 63-7201-6560 | Carolina Tractor CAT | Radiator repair Target 1 | 114,238.00 | 114,238.00 | 114,238.00 | 335,211.88 | |
| 2024-0860 | | 63-7201-8500 | Carolina Tractor CAT | Replacement generator & ATS for Hwy 10 lift station | 110,000.00 | 22,259.00 | 22,259.00 | | |
| 2024-0535 | | 63-7201-8800 | Carolina Tractor CAT | Generator maintenance | 266,301.52 | 66,575.38 | 66,575.38 | 88,834.38 | |
| | | | | | 1,444,815.11 | 767,072.29 | 766,745.36 | 767,072.29 | |
| | | | | | 3,200,913.03 | 1,986,124.09 | 1,985,797.16 | 1,986,124.09 | |

CITY OF NEWTON
REQUEST FOR COUNCIL ACTION

DATE: July 30, 2025
TO: Sean Hovis, City Manager
FROM: John Cilley, City Attorney
CONSIDERATION OF: Correction of Minutes for Rezoning Application #2024-06,
McCombs Investments, LLC, for Property
Located on Burris Road

Approved for Council Consideration



BACKGROUND:

At the April 1, 2025, regularly scheduled meeting of the Newton City Council, Rezoning Application #2024-06, McCombs Investment, LLC's request to rezone 46.3 acres from R-9 Residential, M-1 Manufacturing and EM-1 Manufacturing to PD-H Planned Development Housing, was on the agenda for discussion and vote to adopt a Consistency and Reasonableness statement for either approval or denial of the Rezoning Application. This action to adopt a Consistency and Reasonableness statement was to follow up from the Public Hearing that was held at the September 3, 2024, regularly scheduled meeting of Newton City Council.

After discussion by Council on this matter was complete, Mayor Pro Tem Stiver made a motion, seconded by Council Member Ed Sain, to deny Rezoning Application #2024-06 and to approve the statement of Consistency and Reasonableness in denying the rezoning of the subject property as requested in Rezoning Application #2024-06. The vote to deny the rezoning request and to adopt the statement of Consistency and Reasonableness in denying the application was unanimous.

The minutes for this rezoning application that were approved at the May 6, 2025, City Council meeting inadvertently stated that the actual Rezoning Application was approved rather than denied. Rezoning Application #2024-06 was denied and the motion to approve the Consistency and Reasonableness statements that were provided in the original agenda item were approved.

SUGGESTED ACTION:

In order to clarify the action taken by Council in regard to Rezoning Application #2024-06, it is recommended that the official minutes for Rezoning Application #2024-06 be amended to state that it was unanimously determined by Council to deny the Rezoning Application and to reaffirm its action to adopt the Consistency and Reasonableness Statements denying the application as were incorporated in Council's action at its April 1, 2025, Council meeting. The recommended amendment is to delete the fifth paragraph and all succeeding paragraphs of Item 8.B. of Old Business regarding the Rezoning # 2024-06 McCombs Investment, LLC property located on Burris Road, and in lieu thereof substitute the following:

"Upon motion made by Mayor Pro Tem John Stiver, seconded by Council member Ed Sain, the Council voted unanimously to **DENY** Rezoning Application # 2024-06 by McCombs Investments, LLC to rezone an approximate 46.3 acre site consisting of two parcels identified as Catawba County PINS 3740-0769-

8306 AND 3740-0779-3860 FROM R-9 Multifamily Residential, M-1 General Manufacturing and EM-1 Exclusive Manufacturing to PD-H Planned Development and adopt the following Consistency and Reasonableness Statements required by N.C.G.S. § 160D-605, which are **HEREBY** incorporated into this action by reference:

Comprehensive Land Use Consistency Statement: The zoning map amendment proposed by Rezoning Application # 2024-06 is partially consistent with and partially inconsistent with the current comprehensive land use plan adopted by the City of Newton known as BluePrint Newton because: Rezoning Application # 2024-06 is inconsistent with BluePrint Newton as BluePrint Newton shows all of parcel 3740-07-79-3860 and that portion of parcel 3740-07-69-8306 on the north side of a stream bisecting that parcel to have intended uses as an employment center which includes industrial/manufacturing, warehousing, large scale office and institutional uses; Rezoning Application # 2024-06 is consistent with BluePrint Newton as BluePrint Newton shows that portion of parcel 3740-07-69-8306 on the south side of the same stream as intended use as a middle intensity residential neighborhood. The policy goal of BluePrint Newton for all of parcel 3740-07-79-3860 and that portion of parcel 3740-07-69-8306 on the north side of the bisecting stream is for land use development of employment centers housing predominantly employment-focused uses that will attract and retain businesses to support Newton's broader economy and forecasts potential development types of industrial/manufacturing, warehousing, large scale office and institution uses with integrated small commercial uses. The proposed zoning map amendment of Rezoning Application 2024-06 to permit development of single family residential lots in a planned unit development does not match up to the current future land use map contemplated by BluePrint Newton. In adopting this consistency statement, the Council is aware the Planning Board's recommendation of approval of Rezoning Application 2024-06 and inconsistency of the rezoning as requested with relevant portions of the current comprehensive land use plan adopted by the City of Newton.

Reasonableness Statement for Rejection: The zoning map amendment proposed by Rezoning Application # 2024-06 is not reasonable and not in the public interest because:

- i. The attributes of the existing area development to the east, northeast and northwest of the proposed rezoning site are industrial and manufacturing uses at 1401 Burris Road on the east, manufacturing and warehousing at 1400 Burris Road to the northeast, and multi-use office and warehousing at 1200 Burris Road to the northwest with a two single family dwellings directly north of the site at 1336 and 1354 Burris Road. These two dwellings to the north of the proposed rezoning site are non-conforming uses in a M1 zone. The property to the immediate west of the portion of parcel 3740-07-69-8306 on the northern side of the bisecting stream is a narrow strip of land, approximately 84-100 feet wide upon which there is a single family home and to the west of that strip vacant land but is designed as a proposed industrial park known as "Yount Industrial Park" (See recorded plat at Plat Book 43 Page 53, Catawba County Registry.) All of the land west of northern portion of parcel 3740-07-69-8306 (the proposed rezoning site) is zoned M-1 for intended industrial, manufacturing, warehousing, large scale office or institutional uses. The northern boundary of the proposed rezoning site fronts Burris Road which is conducive to either single family or industrial, manufacturing, warehousing large scale office or institutional uses. The physical attributes of the areas to the south and southwest of the southern portion of the proposed rezoning parcel are single-family residential.

- ii. The benefits to the neighbors and the surrounding community of leaving the zoning as currently exists for these two parcels would be to promote further development of the area as an industrial park containing manufacturing, warehousing, and large scale office and institutional facilities consistent with the currently adopted comprehensive land use plan.
- iii. The relationship between current actual and permissible development of the site and adjoining areas and the development that would be permissible under the proposed rezoning amendment is that the proposed rezoning would be inconsistent with current and existing development to the east, northeast, northwest and west of the proposed rezoning site.
- iv. Retention of current zoning of the site would be in the public interest to allow development of an area planned for industrial park development for location of manufacturing, warehousing or large scale office or institutional use consistent with existing development uses to the east, northeast, northwest of the site and planned uses to the west of the site. Nathan Huret, Director of the Catawba County Economic Development Corporation believes that the site proposed for rezoning remains a viable site for industrial development.
- v. There are no changed conditions of the area that warrant amendment of the zoning map to PD-H as requested in Rezoning Application # 2024-06.”

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

April 1, 2025 – 6 p.m.

The regular meeting of the Newton City Council was held at 6 p.m. Tuesday, April 1, 2025, at Newton City Hall.

PRESENT: Mayor Jerry Hodge, Mayor Pro Tem John Stiver, Council Members Ed Sain, Jody Dixon, Roy Johnson, Jon McClure and Beverly Danner

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

ITEM 1: Welcome and Call to Order

Mayor Jerry Hodge welcomed everyone and called the meeting to order.

ITEM 2: Opening – Mayor Pro Tem John Stiver

Mayor Pro Tem John Stiver provided the opening and the Pledge of Allegiance. Mayor Pro Tem John Stiver asked for prayers for former Council Member Mary Bess Lawing.

ITEM 3: Approval of Agenda

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

That the Agenda be – APPROVED

ITEM 4: Approval of Minutes

Council Member Jon McClure asked that it be added to the minutes that he asked if Helene Grant Funding could be used for fence repair at the Raw Water Pump Station and City Lake, and that Mr. Hovis stated that the city would look into it.

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

That the Minutes from the March 11, 2025, Meeting be – APPROVED

ITEM 5: Consideration of Consent Agenda Items

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

That the Consent Agenda be – APPROVED

- A. Tax Releases
- B. Sewer Adjustments
- C. Consideration of Road Closure – Biscuit Day, June 6th
- D. Consideration of Road Closures – Music on Main – June 12th, July 10th, September 11th and October 9th
- E. Proclamation – Child Abuse Prevention Month – April 2025
Read by Council Member Beverly Danner
- F. Proclamation – National Public Safety Telecommunications Week April 13-19, 2025
Read by Council Member Jon McClure

G. National Lineman Appreciation Day – April 18th

Read by Council Member Roy Johnson

H. Recognition of Wastewater Treatment Plant Laboratory Supervisor McKenna Dolack for Receipt of the 2024 Laboratory Analyst Excellence Award from the Water Environment Federation

Presented by Council Member Ed Sain

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

ITEM 6: Presentation

A. Arts Culture Catawba

Ingrid Keller and Patty Thompson provided a PowerPoint presentation outlining programs that Arts Culture Catawba is involved in.

ITEM 7: Public Hearing

A. Economic Development Agreement

Mayor Jerry Hodge opened the Public Hearing.

City Manager Sean Hovis stated that in 2023, the Catawba County Economic Development Corporation contacted the City to inform us that Delco IV, LLC, a major real estate developer, was considering a mixed commercial/multi-family project consisting of 102 residential apartments and a restaurant as well as associated amenities in the area. The Developer was interested in a tract of land located at the intersection of West “A” Street and South Ashe Avenue in the City of Newton that was the former location of the Corriher Implement Company. This significant investment by the developer would be in the amount of at least \$24 million dollars, part of which has already been utilized by the developer to purchase the Corriher property, and will be utilized in part to improve and upfit existing structures thereon, demolish other structures, and construct certain improvements, install personal property, capital equipment and trade fixtures for residential and commercial use, and cumulatively, amount to capital investments by the developer, or caused by developer to be incurred by other persons in said amount of \$24,000,000.00. Mr. Hovis stated that the project, which involves creating a number of new jobs, underscores Delco IV, LLC’s commitment to the local economy. Several of the new positions are expected to offer wages at or above the County’s average, contributing positively to the local job market. Mr. Hovis stated that the project shall also constitute a substantial investment in real property improvements which will create additional ad valorem taxes and increase the population. The City of Newton believes this project will help stimulate local economic growth.

Mr. Hovis stated that the proposed economic incentives to be provided by the City consists of providing a long-term lease of City Property to Delco IV, LLC, to provide suitable surface parking for the adjoining commercial/multi-family project containing 101 3730-1693-3391 and 3730-1693-1289 (collectively, City Property). The City is also in the process of procuring that certain parcel having Catawba County Parcel Identification Number 3730-1693-2380 from the United States Postal Service. Mr. Hovis explained that this Economic Development Agreement is conditioned on the successful acquisition of said parcel from the United States Postal Service.

Mr. Hovis stated that in addition to the City providing long-term leasing for the subject property, the City is also proposing to invest an estimated \$1,500,000.00 in the properties to develop City Properties and adjacent public street parking facilities into the necessary parking facilities for the adjacent mixed commercial facility and multi-family structure to be constructed by the developer. The City Property would be leased to the developer for an initial period of 50 years with an option to renew said lease for an additional 49 years, for a rental fee of \$12.00 per year, in order to provide the necessary parking facilities.

The Notice of Public Hearing for this matter was advertised in the following newspapers having a general circulation in the Newton area as required by statute as follows:

The Charlotte Observer---March 21, 2025
The Hickory Daily Record-----March 22, 2025
The Observer News Enterprise----March 22, 2025

Mr. Hovis stated that as an incentive proposal, the Catawba County Economic Development Corporation is recommending the City provide the following economic development incentive to help secure this mixed commercial/multi-family project in Newton over other competing development sites: Enter into a lease agreement with Delco IV, LLC, for the long-term rental of said City Property which currently has a fair market value in the amount of \$174,738 and invest an estimated \$1,500,000.00 for the improvement of such properties and adjacent street parking to provide long-term suitable restricted and public parking for the mixed commercial and multi-family building project as well as entering into an economic development agreement outlining investment, job creation, and project start/completion dates.

Mr. Hovis stated that as part of the recommendation below, City Council is asked to consider the following items:

- The first is an **Economic Development Agreement (EDA)** between the City and Delco IV, LLC, extending economic development incentives to the Company based upon investment in the adjoining property equal to or exceeding \$24,000,000 and creation of new jobs.
- The second action item is a **“Real Estate Lease Agreement”** between the City and Delco IV, LLC. This agreement is a legally binding contract between Landlord and Tenant for the long-term lease of said real property for an initial period of 50 years with an option to renew for another 49 years with a rental of \$12.00 per year. The Lease Agreement outlines terms and conditions of the lease and shall become effective upon execution.

The staff recommendation is to approve the following motions as follows:

- 1) Motion to approve the City of Newton and Delco IV, LLC, Economic Development Agreement as presented and also authorize the Mayor to execute the Agreement along with any other documents necessary to complete the transaction.
- 2) Motion to approve the City of Newton and Delco IV, LLC, Lease Agreement as presented and also authorize the Mayor to execute the Lease Agreement along with any other documents necessary to complete the transaction.

Mr. Hovis stated that Roger Young is present and available to answer questions and further talk about the project.

Mr. Young thanked city council for this opportunity, and stated that he looks forward to working with Newton. He stated that there's a lot of vibrancy and synergy here and that his team hopes that this project can be a catalyst for growth. He stated that his team wants to provide opportunities for responsible growth because they appreciate it and understand that aspect. Mr. Young stated that their job is to be good neighbors and citizens and to be a positive asset. He stated that there's a lot of excitement around the project, and he looks forward to partnering with the city as they move forward.

Council Member Jon McClure asked about hazardous waste on the site. Mr. Young stated that they've done phase 1 and 2 and that it would be an extreme outlier if an issue arose. Mr. McClure asked about the cost of the decorative lights, Mr. Young stated that they are included.

Mayor Hodge asked if there was anyone else that would like to speak. No one appeared.

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

That the Public Hearing be – CLOSED

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

That the City of Newton and Delco IV, LLC, Economic Development Agreement be – APPROVED

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

That the City of Newton and Delco IV, LLC, Lease Agreement be – APPROVED

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

~~B. Consideration to Adopt Resolution—Bid Award for Financing~~

City Manager Sean Hovis stated that this will be moved to the May 6, 2025 regular council meeting.

ITEM 8: Old Business

A. Consideration to Approve Financing Terms

City Manager Sean Hovis stated that this will be moved to the May 6, 2025 regular council meeting.

B. Rezoning #2024-06 McCombs Investment, LLC for property located on Burris Road consisting of 46.3 acres to rezone from R-9 Residential, M-1 Manufacturing and EM-1 Manufacturing to PD-H Planed Development Housing discussion and vote

Planning Director Randy Williams stated that McCombs Investments, LLC submitted an applicant to rezone the property located on the south side of Burris Rd, approximately 1,400 feet west of NC 16 Hwy from R-9 Multifamily Residential, M-1 General Manufacturing, & EM-1 Exclusive Manufacturing to PD-H Planned Development – Housing. Mr. Williams stated that the subject site consists of a 46.3 acre site consisting of two parcels identified as Catawba County Pins 3740-07-69-8306 and 3740-07-79-3860. The proposed plan submitted by the applicant shows 150 single family homes.

Mr. Williams stated that City Council held a public hearing on September 3, 2024 for Rezoning Application # 2024-06 by McCombs Investments, LLC. Following the public hearing, there was a motion to approve the rezoning application, but the motion died for lack of a second. Although procedurally correct under Roberts Rules of Order, this did not comply with the requirements of N.C.G.S. § 160D-605 which require adoption of consistency and reasonable statements in formal approval or rejection of zoning map amendments. Therefore, the Council needs to formally vote to either approve or reject the rezoning map amendment proposed by Rezoning Application # 2024-06 to complete action upon this matter in accordance with N.C.G.S. § 160D-605.

Mr. Williams stated that it is the Planning Department's recommendation that the Newton City Council for denial as the entire site is not compliant with the City's Comprehensive Plan. The northern portion of the site is considered viable site for industrial use and approval is a deviation from the Comprehensive Plan.

Mr. Williams explained that the City Council must adopt the required consistency and reasonableness statement as there was none adopted at the September 3, 2024 meeting. Included below are two statements; one for approval and one for denial of the application, dependent on the City Council's action.

Upon motion made by Mayor Pro Tem John Stiver, seconded by Council member Ed Sain, the Council voted unanimously to **DENY** Rezoning Application # 2024-06 by McCombs Investments, LLC to rezone an approximate 46.3 acre site consisting of two parcels identified as Catawba County PINS 3740-0769-8306 AND 3740-0779-3860 FROM R-9 Multifamily Residential, M-1 General Manufacturing and EM-1 Exclusive Manufacturing to PD-H Planned Development and adopt the following Consistency and Reasonableness Statements required by N.C.G.S. § 160D-605, which are **HEREBY** incorporated into this action by reference:

Comprehensive Land Use Consistency Statement: The zoning map amendment proposed by Rezoning Application # 2024-06 is partially consistent with and partially inconsistent with the current comprehensive land use plan adopted by the City of Newton known as BluePrint Newton because: Rezoning Application # 2024-06 is inconsistent with BluePrint Newton as BluePrint Newton shows all of parcel 3740-07-79-3860 and that portion of parcel 3740-07-69-8306 on the north side of a stream bisecting that parcel to have intended uses as an employment center which includes industrial/manufacturing, warehousing, large scale office and institutional uses; Rezoning Application # 2024-06 is consistent with BluePrint Newton as BluePrint Newton shows that portion of parcel 3740-07-69-8306 on the south side of the same stream as intended use as a middle intensity residential neighborhood. The policy goal of BluePrint Newton for all of parcel 3740-07-79-3860 and that portion of parcel 3740-07-69-8306 on the north side of the bisecting stream is for land use development of employment centers housing predominantly employment-focused uses that will attract and retain businesses to support Newton's broader economy and forecasts potential development types of industrial/manufacturing, warehousing, large scale office and institution uses with integrated small commercial uses. The proposed zoning map amendment of Rezoning Application 2024-06 to permit development of single family residential lots in a planned unit development does not match up to the current future land use map contemplated by BluePrint Newton. In adopting this consistency statement, the Council is aware the Planning Board's recommendation of approval of Rezoning Application 2024-06 and inconsistency of the rezoning as requested with relevant portions of the current comprehensive land use plan adopted by the City of Newton.

Reasonableness Statement for Rejection: The zoning map amendment proposed by Rezoning Application # 2024-06 is not reasonable and not in the public interest because:

- i. The attributes of the existing area development to the east, northeast and northwest of the proposed rezoning site are industrial and manufacturing uses at 1401 Burris Road on the east, manufacturing and warehousing at 1400 Burris Road to the northeast, and multi-use office and warehousing at 1200 Burris Road to the northwest with a two single family dwellings directly north of the site at 1336 and 1354 Burris Road. These two dwellings to the north of the proposed rezoning site are non-conforming uses in a M1 zone. The property to the immediate west of the portion of parcel 3740-07-69-8306 on the northern side of the bisecting stream is a narrow strip of land, approximately 84-100 feet wide upon which there is a single family home and to the west of that strip vacant land but is designed as a proposed industrial park known as "Yount Industrial Park" (See recorded plat at Plat Book 43 Page 53, Catawba County Registry.) All of the land west of northern portion of parcel 3740-07-69-8306 (the proposed rezoning site) is zoned M-1 for intended industrial, manufacturing, warehousing, large scale office or institutional uses. The northern boundary of the proposed rezoning site fronts Burris Road which is conducive to either single family or industrial, manufacturing, warehousing large scale office or institutional uses. The physical attributes of the areas to the south and southwest of the southern portion of the proposed rezoning parcel are single-family residential.
- ii. The benefits to the neighbors and the surrounding community of leaving the zoning as currently exists for these two parcels would be to promote further development of the area as an industrial park containing manufacturing, warehousing, and large scale office and institutional facilities consistent with the currently adopted comprehensive land use plan.
- iii. The relationship between current actual and permissible development of the site and adjoining areas and the development that would be permissible under the proposed rezoning amendment is that the proposed rezoning would be inconsistent with current and existing development to the east, northeast, northwest and west of the proposed rezoning site.
- iv. Retention of current zoning of the site would be in the public interest to allow development of an area planned for industrial park development for location of manufacturing, warehousing or large scale office or institutional use consistent with existing development uses to the east, northeast, northwest of the site and planned uses to the west of the site. Nathan Huret, Director of the Catawba County Economic Development Corporation believes that the site proposed for rezoning remains a viable site for industrial development.

- v. There are no changed conditions of the area that warrant amendment of the zoning map to PD-H as requested in Rezoning Application # 2024-06.”

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

C. Consideration of Budget Ordinance Amendment for Excavation, Piping Disassembly, Inspection and Cleaning of Obstruction at Wastewater Treatment Plant

Public Utilities Director Dusty Wentz stated that in September 2024, Council approved a budget ordinance amendment to perform cleaning and inspection of the manifold pipe system between the lime grit building and the primary clarifiers. The quote for a complete cleaning was \$115,000 and was amended during the November council meeting to a total of \$149,200, to remove accumulated debris from the lime grit mixing chamber, and visually inspect the chamber and effluent opening to the piping leading to the primary clarifiers. This work was completed, with an excessive amount of debris being removed.

Mr. Wentz stated that the removal of the debris in the chamber did slightly alleviate the sewage flow restriction in this location, but the problem persists. Staff has continued to remove debris from the chamber to maintain operations at the plant until the replacement project begins, but the flow restriction has continued to progress. To alleviate the flow restriction and attempt to maintain operations until the piping can be replaced during the replacement project, the City’s 6” pump was set up as a bypass around the flow restriction, from the lime grit chamber to the primary clarifier. Mr. Wentz stated that the City’s pump is now showing signs of wear and will soon need significant repair. The pump is required for some water and sewer repairs, as well as bypass pumping at other locations to allow staff to complete work as needed. Staff has rented a pump to take the City pump out of service and allow for repairs, funded from the WWTP operational budget.

Mr. Wentz stated that Staff has received a proposal from James E. Harris Construction Company in the amount of \$189,600 to excavate the gravity piping between the lime grit chamber and the primary clarifiers, remove the 90-degree bend on both sides, inspect the 36” gravity line, and perform up to three days of hydro-jetting to attempt to remove any obstruction. The proposal does include one month of bypass pumping.

Mr. Wentz stated that Staff requests approval of the attached budget ordinance amendment in the amount of \$189,600 to attempt to locate and remove the flow restriction between the lime-grit building and the primaries at the WWTP.

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

That the Budget Ordinance Amendment for Excavation, Piping Disassembly, Inspection and Cleaning of Obstruction at Wastewater Treatment Plant be – ADOPTED

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

ITEM 9: **New Business**

A. Consideration to Approve Contract Between City of Newton and Western Piedmont Council of Governments – Stormwater Planning and Administration

Planning Director Randy Williams stated that the City of Newton has partnered with the Western Piedmont Council of Governments in a regional partnership for Stormwater enforcement, review and planning since 2020. Currently, the city has a contract in force with WPCOG which will expire on June 30, 2025.

Mr. Williams explained that the City Council approved this partnership in June 2020 and since the WPCOG has maintained the requirements for addressing Stormwater and related issues for the City of Newton as mandated by the State of North Carolina. With the current contract expiring at the end of the fiscal year, staff would like to continue

this relationship and enter into a two-year new contract with WPCOG, beginning on July 1, 2025 and set to expire on June 30, 2027. The new contract will provide adequate staffing and funding to support the NPDES Phase II six minimum measures, including Stormwater Public Education and Outreach, Public Involvement, and Participation, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Storm Water Management in New Development and Redevelopment, and Pollution Prevention/Good Housekeeping.

Mr. Williams stated the contract for the City of Newton's calculated Stormwater Partnership fee for the period beginning July 1, 2025, and ending June 30, 2027, is not to exceed \$75,035 (Seventy-five thousand and thirty-five dollars). There is no increase from the previous contract.

Mr. Williams stated that Staff recommends approval of the contract and for City Council to authorize the City Manager to sign the contract with WPCOG for Stormwater related services and fund accordingly.

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

That the Contract Between City of Newton and Western Piedmont Council of Governments – Stormwater Planning and Administration and for City Council to Authorize the City Manager to Sign the Contract be – APPROVED

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

B. Consideration of Budget Ordinance Amendment for Emergency Repair of 24" Outfall Sewer Pipe

Utilities Director Dusty Wentz stated that on March 7th, 2025, behind the property at 1222 McKay Farm, staff was made aware of a large hole in the 24" main sewer intercept that was allowing sewage to escape the collection system into Clark's Creek. The hole was at the bottom of the bank, approximately 12' below grade. Given the size of the sewer main and its depth, staff did not have the equipment to affect the sewer repair. Chad Sigmon Construction was contacted and arrived onsite in approximately two hours with a large excavator and crew. Mr. Wentz stated that the repair was completed in approximately five hours, including backfilling. Some restoration work was completed the following week, including installation of rip rap on the creek bank to prevent further erosion of the sewer interceptor.

Mr. Wentz stated that all work is now complete. Chad Sigmon Construction has invoiced the city \$27,909. This work was not included in the fiscal year 2024-2025 budget.

Mr. Wentz stated that Staff requests council approve the attached budget ordinance amendment in the amount of \$27,950 for the emergency sewer repair work completed on March 7th behind 1222 McKay Farm Rd.

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

That the Budget Ordinance Amendment for Emergency Repair of 24" Outfall Sewer Pipe 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 for Purchase of Gear Box for #4 Aeration Basin

Utilities Director Dusty Wentz stated that on March 13th, 2025, one of the three aerator fans in the #4 aeration basin stopped working. After removal of the motor and disassembly, it was discovered that the gear box had failed. Repair of the gear box is not viable.

Mr. Wentz stated that to ensure continuous compliance with the City's discharge permit, all three aerator fans must be operational. Staff has rearranged the remaining two fans to maximize the entrainment of dissolved oxygen, but repair of the third fan is required. This equipment is not scheduled for replacement in Phase 1 of the Clark Creek WWTP Replacement Project.

Staff solicited, and received, a quote from Dixie Electro Mechanical Services, at a cost of \$41,864.44 to replace the gear box. Dixie indicated that delivery of the gear box would take 18 to 19 weeks from time of order.

Mr. Wentz stated that Staff requests council approve the attached budget ordinance amendment in the amount of \$41,900 for the replacement of the failed gear box on the aerator fan assembly of aeration basin #4.

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

That the Budget Ordinance Amendment for Purchase of Gear Box for #4 Aeration Basin
be – ADOPTED

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

D. Consideration of Budget Ordinance Amendment for Radiator Repair of Target Generator

Utilities Director Dusty Wentz stated that the #1 Peak Shaving / Backup Generator at the Target Distribution Center on Stover Ct. is currently inoperable due to a failed radiator. Staff has solicited Carolina CAT and received a quote for completing either a repair of the radiator, or a replacement. CAT will participate in the cost for the same amount no matter which option is chosen.

Mr. Wentz explained that Option 1 is to remove the generator enclosure, remove the radiator, transport the radiator to the CAT shop for repair. The enclosure will be replaced to prevent damage from weather during the repair period, which is estimated to last one month. CAT will then return the radiator to Target, remove the enclosure again, and install the repaired radiator. This option is estimated to cost \$92,902.00 after CAT's warranty participation of \$30,000.

Option 2 is to remove the generator enclosure, remove the radiator, install a new radiator, and replace the enclosure. This work is estimated to take one week to complete. This option is estimated to cost \$114,238 after CAT's warranty participation of \$30,000.

Mr. Wentz stated that all work periods are estimated. Work will have to be scheduled with CAT and may take several months before they are able to perform the work.

Mr. Wentz stated that since CAT has agreed to provide warranty coverage on the generators until they reach 30 years of operation, staff recommends selecting option 2. Option 1 would be appropriate if the generator was being used only for standby, but since the warranty coverage has been extended, the city can continue to use the generator during peak shaving operations, which is a much more intensive use for a longer duration than most standby operation periods.

Mr. Wentz stated that Staff requests council approve the attached budget ordinance amendment in the amount of \$114,250 for the replacement of the radiator in the #1 Generator at the Target Distribution Center.

Council Member McClure asked if the city was not planning to end these contracts. Mr. Wentz stated that we would carry them through the end of the warranty period. Mr. McClure stated that if every fix on warranty is going to be 30k then we need to keep going as long as possible.

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

That the Budget Ordinance Amendment for Radiator Repair of Target Generator
be – ADOPTED

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

E. Consideration of Budget Ordinance Amendment for Construction of Multiple
Residential Development Electric Distribution System Extensions

Utilities Director Dusty Wentz stated that currently, there are four development projects that require extension of the electrical distribution system to provide Newton electrical services to the sites. The projects, and estimated material costs, are as follows:

| | |
|---------------------------------------|--------------|
| Newton Conover High School Expansion: | \$177,837.45 |
| Dunkin' Doughnuts | \$24,003.03 |
| Rowe Crossing (Residential) | \$165,316.33 |
| Eastern Ridge (Residential) | \$185,048.48 |
| Total: | \$552,205.29 |

Mr. Wentz stated that while there are a significant number of additional developments currently in various stages of the planning approval process, these four projects are currently approved and under construction. Typically, electric distribution extensions are budgeted in the Distribution Supplies & Maint-Major account line. In fiscal year 2024-2025, \$100,000 was included in the approved budget, and \$1,066,650 has been added in two different amendments in August and January. Currently, there is \$35,415.27 remaining in the line item.

Mr. Wentz stated that Staff has proposed a budget of \$1,000,000 for the fiscal year 2025-2026 budget, to address mostly residential development projects that are still in the planning review process.

Mr. Wentz stated that these costs are for materials only. Engineering is not included and budgeted in a different line item. Newton Conover High School Expansion and Dunkin' Doughnuts do not require engineering design, but Rowe Crossing and Eastern Ridge do.

Mr. Wentz stated that Staff requests council approve the attached budget ordinance amendment in the amount of \$552,250 for electric distribution system extensions for the four projects listed.

Council Member McClure asked if any of this money has been reimbursed. Mr. Wentz stated no due to return on investment.

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 for Construction of Multiple Residential
Development Electric Distribution System Extensions be – ADOPTED

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

F. Consideration of Budget Ordinance Amendment for Additional Fund for Multiple
Electric Operational Line Items

Utilities Director Dusty Wentz stated that several electric distribution system line items are projected to be exhausted prior to the end of the fiscal year. Staff requests additional funds for each, as detailed below.

- Salaries & Wages-Overtime
 - Requested additional funds: \$15,000 (Total for FY: \$77,400)
 - Utilization per month: \$5,000
 - Actual budget FY 2024: \$42,079.26
 - Justification: In addition to multiple residential development extensions, thereby reducing maintenance on the system as a whole and increasing callback frequency for linemen due to outages, overtime for both project

managers and both locators are funded through this line item. Project managers must work when the construction crews work, and locators must respond to emergency locate tickets as needed. Overtime for locators has been increased this fiscal year particularly due to underground communication cable installations.

- Impact if unfunded: No impact. Transfers for other operational line items will fund overtime. Other projects or programs will be delayed.
- Distribution Supplies & Maint-Minor
 - Requested additional funds: \$133,216 (Total for FY: \$423,416)
 - Utilization per month: \$36,287.50 (\$11,102.39 over budget now)
 - Justification: This line item funds material costs for repair and maintenance of the electrical distribution system. Actual budget FY 2024: \$475,182. With this budget addition, the amended budget for FY 2025 will be \$423,416, which is slightly less than last year's actual.
 - Impact if unfunded: No maintenance, only repairs, until end of FY, then playing catchup at the beginning of FY 2026. Damage or storms may force revisiting this request.
- Electric Expenses / St Lighting
 - Requested Additional funds: \$24,000 (Total for FY: \$74,000)
 - Utilization per month: \$6,000
 - Actual budget FY 2024: \$61,022.45
 - Justification: Additional lighting in residential developments are coming on line, both provided by the city and by Duke power (which the city pays for). This increase in cost reflects development growth.
 - Impact if unfunded: No impact. Transfers from other operational line items will fund Street Lighting Expense. Other programs or projects will be delayed.
- Generator Fuel Charges
 - Requested additional funds: \$45,000 (total for FY: \$295,000)
 - Utilization Per Month: \$15,000
 - Actual budget FY 2024: \$211,988.78
 - Justification: Budget proposal was calculated assuming historical 4 hour peak shaving runtimes would continue. Almost all peak shaving runtimes in FY 25 have been 8 hours, greatly increasing fuel consumption. Cost saving in the wholesale bill (in demand charges) should reflect this increased cost.
 - Impact if unfunded: No impact. The City is contractually obligated with NCMPA1 to operate the generators during peak shaving events unless generators are inoperable. Other programs or projects will be delayed.

Mr. Wentz stated that Staff requests council approve the attached budget ordinance amendment in the amount of \$217,250 for the additional funding in multiple line items.

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

That the Budget Ordinance Amendment for Additional Fund for Multiple Electric Operational Line Items be – ADOPTED

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

ITEM 10: Comments from the Public

Annie E Sifford, 145 South Caldwell spoke regarding the garden at East Newton. She stated that she appreciates that city turned ground and stated that now it's time to do another turning. need it to do again and that it's time to plant.

April Harbinson East I Street, Newton native, moved to Aiden for three years. She stated that this community is walkable and she is happy to be back but she is missing a dog park. Has a 65 pound plott hound that is energy driven and needs exercise. She stated that they walk daily multiple times a day. He needs a place where he can run off leash and socialize. She said she is calling on council to realize a dream of a dog park and that she sees potential for businesses to sponsor.

William Smith, 606 North Main Ave, stated that homeless and vagrancy is an invasion. He said feed them and they will come and he wants the city to protect citizens. He stated that it needs to be the most difficult for any nonprofit to call home.

Sandy Allen, 355 South College, stated that while we want to help homeless, having it in our town is going to hurt our town. She said the ripple effects of many communities impact healthcare, crime, and safety on streets. If shelters are few, it can overwhelm neighborhoods. It can lead to loitering, drug use, violence, and theft. She said that she personally has several friends who have been robbed or had property destroyed. She said that the city needs to act so that all people feel safe. We brag about water being clean and safe—why can't we brag about our streets being the same. She had a neighbor leave because they were harassed by homeless. Neighborhoods with homeless are perceived as dangerous and dirty. If we have, people aren't going to come and businesses will leave. People will go to Conover, Maiden, Claremont, Catawba. Think about our future and see if we can get together and have solution for different location.

Lee Gaither, 6th Street, stated that he has a 14-year-old daughter. She was at the library tutoring students and she was going to walk back, and he had to tell her no. My biggest fear is for my 14 year old daughter's safety.

Pastor Peggy Mongro Jeeter, 338 Stadium Ave., stated that code enforcement needs to be very specific in what they do. She said they sent a citation for litter on side of church. She said if she hadn't have caught it, she would have been fined. She said she would like enforcer to be specific.

Tyler Forsyth, Southeast Newton, stated that he learned community and betterment as an eagle scout, marine, and Shriner. He stated that it would make newton better with a dog park. He said that the economic solution to sidewalks is a dog park.

Cindy Abel, 202 West D Street, stated that in the public notice on the 22nd concerning the parking lot for Corriher the notice states surface area lots consist of 101 spaces. There are 102 apartment units.

Brent Fiddler, 812 Woodson Drive, stated that he values the community and progress made downtown. He stated he supports the corner table but the shelter would have unintended consequences.

ITEM 11: City Manager's Report

Meetings & Events:

- ❖ Friday, April 18 - Good Friday holiday. City offices and recreation centers closed. Parks open. Sanitation collection runs on schedule.
- ❖ 11 a.m. to 2 p.m. Friday, April 18 - Easter Egg Hunt at East Newton Park
- ❖ 10 a.m. Saturday, April 19 - Brunch with the Easter Bunny at Newton Recreation Center
- ❖ 7 a.m. to 1 p.m. Saturday, April 26 - Spring Yard Sale
- ❖ 10 a.m. Saturday, April 26 - Arbor Day Celebration at Eastview Cemetery
- ❖ 10 a.m. to 4 p.m. Saturday, May 10 - Foothills Folk Art Festival

- ❖ Streetscape Update – Randy Williams
- ❖ Fire Dept Update – Chief Kevin Yoder

ITEM 12: Questions and Comments from Mayor and Council

Council Member Jon McClure asked about fixing and reimbursing garbage can over charges. Mr. McClure also asked if there could be more cans downtown. Mr. Hovis said both issues would have to be looked at.

Council Member Beverly Danner asked for an update from Chief Sipe on Homeless. Chief Sipe stated that there is increased enforcement at the library. He stated that citizens like what the department is doing. They have made a few arrests for car break ins. Mr. McClure asked if the Council of Governments is helping. Chief Sipe stated that

they are. Council Member Ed Sain sated that people were evicted from the library and that they started leaving the lights off and closing electric outlets.

Ms. Danner stated that the Train Show is this weekend at the Newton Depot.

ITEM 13: Closed Session – North Carolina General Statute 143-318.11(6)

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

That the Meeting be – CLOSED

No action was taken.

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

That the Meeting RETURN TO OPEN SESSION

ITEM 14: 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



Jerry Hodge, Mayor