

**LENOIR CITY COUNCIL
TUESDAY, FEBRUARY 5, 2019
5:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Beal, Perdue, Perkins, Rohr, Stevens, and Willis. Also in attendance were City Manager Hildebran, City Clerk Cannon and City Attorney Blair.

ABSENT: Councilmember Thomas.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

**APPOINTMENT OF CITY
ATTORNEY:**

- A. Pursuant to N.C.G.S. §160A-173 and the City's Code of Ordinances, Chapter 2, Administration, Section 2-96, City Council will appoint a City Attorney who shall be licensed to engage in the practice of law in the state of North Carolina. City Council will also consider approval of a General Counsel Agreement between the City of Lenoir and the City Attorney which will become effective March 1, 2019.

Councilmember Rohr asked to be recused prior to Council's discussion regarding the appointment and the proposed contract.

Motion

Upon a motion by Councilmember Stevens, Council voted 5 to 0 to recuse Councilmember Rohr from the discussion of appointing a City Attorney.

On behalf of City Council, Mayor Gibbons stated it was the consensus of City Council to appoint Timothy J. Rohr as the new City Attorney. This appointment shall become effective on March 1, 2019. Mayor Gibbons further stated Mr. Rohr will take his oath of office on Tuesday, February 19 and a reception will be held on Tuesday, March 5 prior to the Council meeting for Mr. Rohr and Mr. Blair.

Motion

Upon a motion by Mayor Pro-Tem Willis, Council voted 5 to 0 to appoint Timothy J. Rohr as the City Attorney and also approved the General Counsel Agreement as presented.

RESIGNATION FROM CITY COUNCIL:

T.J. ROHR:

- B. Councilmember Timothy J. Rohr officially tendered his resignation effective immediately from City Council to accept the role of City Attorney. Mr. Rohr expressed appreciation to City Council for their confidence in him and stated

that Attorney Blair set a great standard during his tenure. Mr. Rohr shared the City has made much progress during his fifteen years on City Council. He further stated he is proud to have been a part of local government and looks forward to continuing to serve as City Attorney.

On behalf of City Council, Mayor Gibbons commended Mr. Rohr for his years of service to the community and stated that Council looks forward to working with him in this new role.

Motion

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to accept Councilmember Rohr's resignation from City Council as requested.

Councilmember Perdue also asked Mayor Gibbons to review the process that Council followed to fill this position.

Mayor Gibbons reviewed a timeline regarding the process City Council followed for the selection of City Attorney. He reported the City received two applications for this position. The timeline is as follows:

- November 20, 2018 - City Attorney Ed Blair announced his retirement
- November 21, 2018 - City submitted a Request for Proposals (RFP) for legal services to be published in the *News-Topic*
- November 23, 2018 - City published legal ad on City website for legal services
- December 10, 2018 - Deadline for proposals
- January 15, 2019 - Interview of applicant
- February 5, 2019 - Formal Appointment

City Attorney Blair thanked City Council for the opportunity to serve and remarked he has enjoyed his tenure as City Attorney for the past 26+ years. Mr. Blair stated that Council has made a good choice for his replacement and expressed appreciation for being able to be a part of so many worthwhile projects over the years.

On behalf of City Council, Mayor Gibbons commended Mr. Blair for all of his accomplishments and for advising the Council so well. He further thanked Mr. Blair for his service and dedication along with how well he has worked for the City in so many different capacities. He stated everyone would miss him and wished him all the best.

Mayor Gibbons also emphasized Mr. Rohr is both interested in and qualified for this position, but pointed out he will be greatly missed on City Council. He stated that Mr. Rohr has made us a better Council by having us consider all the aspects of a matter before a decision is made.

Attorney Blair also clarified that Mr. Rohr's resignation from Council was effective immediately.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

CONTINUED; ORDINANCE; CONDITIONAL ZONING DISTRICT; 211 ARROWOOD STREET:

A. Mayor Gibbons reminded everyone the public hearing was closed at the January 15 City Council meeting for any additional public comments. He stated the current meeting is to receive Council discussion and/or a motion regarding adoption of an Ordinance designating 211 Arrowood Street comprised of 48.5 acres, more or less, as Conditional Zoning District #5 (CZ-5) on the City's Official Zoning Map; directing amendment of the Official Zoning Map; providing for severability, and an effective date.

A copy of the ordinance is hereby incorporated into these minutes by reference. (Refer to pages 56-61).

Planning Director Wheelock stated Council was previously concerned about the development of the property and pointed out the proposed ordinance would have allowed for development up to 7.2 dwelling units per acre "by right" and additional density allowance of up to 10 dwelling units per acre when supported by a traffic study. In response to citizen comments made during the public hearing on January 15, Council directed Staff to revise the language in the ordinance to reflect densities currently allowed for single family development in the R-12 district which is 3.6 dwelling units per acre, with a lower maximum density cap when supported by a traffic study (108 units, consistent with an expired 2003 approval on the subject site). Director Wheelock mentioned she feels the proposed range for apartments may be in the 80 to 90 range and emphasized this is a more reasonable development program. The submitted ordinance reflects the motion approved by Council in that meeting, which tabled action on the item until the February 5 meeting.

Director Wheelock restated a traffic study of 500 trips is a more reasonable development program and stated traffic would be greatly reduced. Director Wheelock reported the ordinance does include a "trigger" for issues regarding 30 dwelling units or higher and mentioned the required fire code would have to be followed. She noted that any development that was more intense would require another access. Director Wheelock verified that large lot homes could currently be built "by-right" without having to open up the Faw Street access. She stated, depending on the proposal, the developer would have to work through the access issue. In addition, Director Wheelock pointed out a better survey of the property is needed.

Mayor Gibbons closed the public hearing and thanked Director Wheelock for taking Council's request into consideration and making a recommendation. Councilmember Perdue stated Director Wheelock has addressed the second ingress and egress issue and reiterated the developer could currently build what they wanted to now. He further stated the ordinance allows for both the clubhouse and restaurant to be utilized.

Motion

Upon a motion by Councilmember Perdue, Council voted 5 to 0 to adopt the submitted Ordinance designating 211 Arrowood Street comprised of 48.5 acres, more or less, as Conditional Zoning District #5 (CZ-5) on the City's Official Zoning Map as presented by City Staff.

III. CONSENT AGENDA ITEMS

A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, January 15, 2019, as submitted.
2. Minutes: Approval of the minutes of the closed session minutes of Tuesday, January 15, 2019 as reviewed by the City Attorney, City Manager and City Council.
3. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, January 22, 2019 as submitted.
4. Resolution; Gryphon Environmental, LLC: Approval of the Resolution to Pre-Procure Dryer Equipment from Gryphon Environmental, LLC, for the City's Biosolids Facility at the Lower Creek Wastewater Treatment Plant. (A copy of the Resolution is hereby incorporated into these minutes by reference. Refer to page 62).

Upon a motion by Mayor Pro-Tem Willis, Council voted 5 to 0 to approve the above listed items on the Consent Agenda as presented and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

BLACK HISTORY MONTH EVENT;

MOVIE: 1. The movie "Green Book" will be shown at the Martin Luther King, Jr. Center on Saturday, February 9 beginning at 5:00 p.m. in commemoration of Black History Month.

CITY/SERVICES

COMMITTEE: 2. The City/County Services Committee will meet on Monday, February 11 at 11:45 a.m.

CALDWELL COUNTY EDC

COMMISSION: 3. The Caldwell County Economic Development Commission will meet on Tuesday, February 12 at 8:00 am.

ABC BOARD: 4. The Lenoir ABC Board will meet on Thursday, February 14 at 2:00 p.m.

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 5. The Lenoir Tourism Development Authority will meet on Thursday, February 14 at 4:00 p.m.

LENOIR BUSINESS ADVISORY

BOARD: 6. The Lenoir Business Advisory Board will meet on Thursday, February 14 at 6:00 p.m.

CITY COUNCIL PLANNING

RETREAT: 7. The City Council will hold its annual Planning Retreat on Friday, February 15 at 8:30 a.m. in the meeting room at Blue Ridge Energy's Corporate Office.

PARKS & RECREATION ADVISORY

BOARD: 8. The Parks and Recreation Advisory Board will meet on Monday, February 18 at 6:00 p.m. at the Optimist Park Clubhouse.

B. ITEMS FOR COUNCIL ACTION

BID AWARD; FIRE STATION

NO. 3: 1. Bids were received on Monday, February 4 for the proposed Fire Station No. 3. Staff recommended that Council award the low bid of \$342,400 to Brushy Mountain Builders to upfit the new proposed Fire Station No. 3.

A copy of the bid tab is hereby incorporated into these minutes by reference. (Refer to page 63).

City Manager Hildebran advised Council that, as you are aware in late 2018, the City acquired a 0.910 acre lot located at 1015 Wilkesboro Boulevard that included two (2) recently constructed buildings. The purchase contract required an access road to Taylorsville Road be platted and constructed, including any necessary associated water and storm water appurtenances, and the two (2) buildings be modified, if necessary, to meet or exceed a Risk Category IV building code standard. The purchase price was \$1,028,612.

The architect's opinion of the total construction project cost was estimated to be approximately \$375,000. It is anticipated that once a contract is executed, work will take approximately 120 days to complete. The City has budgeted \$400,000 for this phase of the renovation project.

Additional furniture, fixtures, equipment, and miscellaneous items are estimated at \$176,215, of which the City has budgeted \$207,000.

Councilmember Perdue then requested to be recused from the vote as he receives a benefit from the low bidder (Brush Mountain Builders).

Motion

Councilmember Stevens moved to recuse Mr. Perdue from voting on this item. This motion carried 4 to 0.

Motion

Upon a motion by Councilmember Beal, Council voted 4 to 0 to award the low bid of \$342,400 to Brushy Mountain Builders for the proposed new fire station as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

**ANNOUNCEMENT; VACANCY; LENOIR
PLANNING BOARD:**

- A. Mayor Gibbons announced for the general public the appointment of Patricia Kaye Reynolds to serve a term on the Lenoir Planning Board. This appointment will be placed on the February 19 agenda for consideration of approval by City Council. Ms. Reynolds will be replacing Merlin Perry who recently retired off of the Board.

Mayor Gibbons further announced that vacancies exist on the Lenoir Tourism Development Authority and the Lenoir Housing Authority.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 5:30 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, DESIGNATING CERTAIN LAND
GENERALLY LOCATED SOUTH OF WILKESBORO BLVD.,
NORTH AND EAST OF ARROWOOD ST., AND WEST OF FALL
ST., AND COMPRISED OF 48.66 ACRES, MORE OR LESS, AS
CONDITIONAL ZONING DISTRICT #5 (CZ-5) ON THE CITY'S
OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF
THE OFFICIAL ZONING MAP; PROVIDING FOR
SEVERABILITY, AND AN EFFECTIVE DATE.**

Whereas, at its regularly scheduled meetings of December 17, 2018, the Lenoir Planning Board considered zoning application case number CZ-5, requesting the Conditional Zoning district designation, for approximately 48.66 acres of land, described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

Whereas, the property owner desires to allow the re-use of the existing commercial building on the property, and provide for the development of the remainder of the property with multi-family housing, necessitating the need for Conditional Zoning; and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number CZ-5, and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that approval of the application is consistent with the City's adopted Comprehensive Plan, which calls for creation of more housing opportunities for people

at all stages of life and concentrating density away from environmental sensitive and flood-prone areas; and

Whereas, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. ZONING. After due notice and public hearing, and pursuant to Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the Property is hereby changed from the R-15 and R-12 zoning districts to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-5").

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-5 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the R-12 zoning district.

SECTION 4. SPECIAL CONDITIONS. The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as **Exhibit "B"** (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.
3. **Modification.** The special conditions specific to the CZ-5 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. **Permitted Uses.** In addition to the uses allowed in the R-12 zoning district, the following additional uses are permitted:

- a. Existing Building (Labeled "A" on Concept Plan): Club house, country club, restaurant (with or without on-premise alcohol), non-residential amenities for residential development (computer labs, community rooms, etc.), offices, light retail, and day care uses.
 - b. Upland Property (Labeled "D" on Concept Plan): Cluster developments, multi-family developments, bungalow courts, patio homes, duplexes, zero-lot-line single family developments, townhomes, assisted living facilities, and nursing homes.
 - c. Floodway Property (Labeled AE-FW on the Concept Plan): The only permitted uses of the floodway property, except for the existing development, are passive recreation/open space, walking trails, and golf courses.
5. **Density.** Residential uses shall be limited to a maximum density of 3.6 dwelling units/acre, except when a Traffic Impact Analysis is submitted to the City Planning Director showing that higher densities will not have adverse impacts on the surrounding transportation networks. In no case shall the total number of residential units exceed 108 units. Density calculation shall be based on the land area outside of the AE-FW Special Flood Hazard Area (approximately 24 acres). For assisted living facilities and nursing homes that have shared kitchen facilities and common areas, with either single occupancy or shared occupancy rooms, each 2 patient beds shall be considered one dwelling unit.
6. **Minimum Lot Size and Frontage.** There shall be no minimum lot size or public roadway frontage required for individually platted residential lots (i.e. townhomes, patio homes, etc.), as long as the parent tract for the residential development maintains a minimum frontage of 40 ft. on Arrowood Street. If private roads are developed in conjunction with platted lots, a homeowner's association must be established to provide for the ongoing maintenance of private roads. If the northern portion of the parcel containing the existing building is to be subdivided separately an access easement along the private driveway for use by both the upland acreage and the existing building will be required.
7. **Traffic Study Required.** Any residential development generating more than 500 daily trips (based on ITE trip generation rates for the proposed development type) or exceeding 3.6 du/acre requires a Traffic Impact Analysis and all traffic improvements necessary to mitigate the impacts of the development on the surrounding street network shall be considered a part of the requirements of this section. This requirement shall only be waived by the City Council, after recommendation by the Planning Board, through the Conditional Use Permit process.
8. **Ingress and Egress.** The access point from Arrowood Street shall be maintained, and shall be available for use by the existing building as well as future residential development. A secondary access point must be provided for any development containing 30 or more residential units, which may be a private street. Fall St., labeled as "E" on the Concept Plan, is the preferred location for the secondary access. An alternative location for ingress/egress may be approved in lieu of opening Fall St., when supported by a Traffic Impact Analysis.
9. **Bufferyards and Maintenance.** A 15-foot vegetated buffer will be maintained or established around the entire upland portion of the site (excluding ingress/egress points) planted in accordance with the bufferyard standards of the Lenoir Zoning Ordinance. See buffer areas labeled "F" on the Concept Plan.
10. **Special Flood Hazard Areas.** Development shall not be expanded in the portions of the site located within the AE-FW Special Flood Hazard Area, except as allowed by the Lenoir Flood Damage Prevention Ordinance.
11. **Lighting.** All new and replacement light fixtures shall be fully cut-off and shielded so as to prevent light spill-over onto adjacent properties.
12. **Design.** Residential uses shall meet the open space and recreational space requirements of the Lenoir Zoning Ordinance. All units shall have either a covered entrance with a front-gabled roof or a front porch. Buildings containing more than one residential dwelling shall be articulated using a combination of architectural features, material changes, changes in roof lines, and projections and recesses to break up the massing of the building. Minimum roof pitch shall be 4:12. For detached dwellings, a minimum of 3 variations of front facades must be used, and no two immediately adjacent structures shall have the same façade.

13. **Sidewalks.** A 5-ft. wide sidewalk shall be provided to give direct pedestrian access from the upland portion "D" of the site to the existing building "A." A 5-ft. wide sidewalk shall be provided to give a direct pedestrian connection to Arrowood Street. 8 ft. wide asphalt greenways may be utilized as an alternative to 5-ft. standard sidewalks.
14. **Signage.** Building-mounted signage shall follow the sign rules of the B-2 zoning district for the existing non-residential building. All other development shall follow the sign standards for residential districts. On Arrowood Street, in order to accommodate ground-mounted signage for the existing building and upland residential development, one monument sign up to 8 ft. tall and 50 sq. ft. of copy area is permitted. On Fall St., or any other secondary access point located at least 300 ft. away from the existing driveway, an additional monument sign is permitted at a maximum height of 6 ft. with a maximum copy area of 32 sq. ft. The signs allowed under this section for both the commercial and residential portions of the site may be located within easements for private roads opened to serve this development and still be considered to be "on premise" signs.

SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

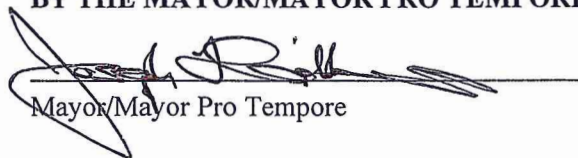
SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, the 4th day of January and the 11th day of January, 2019.

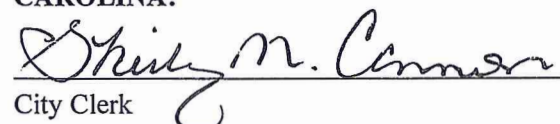
DONE, THE PUBLIC HEARING, at a regular meeting, the 15th day of January, 2019.

DONE, ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 5th day of February, 2019.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:


Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:


City Clerk

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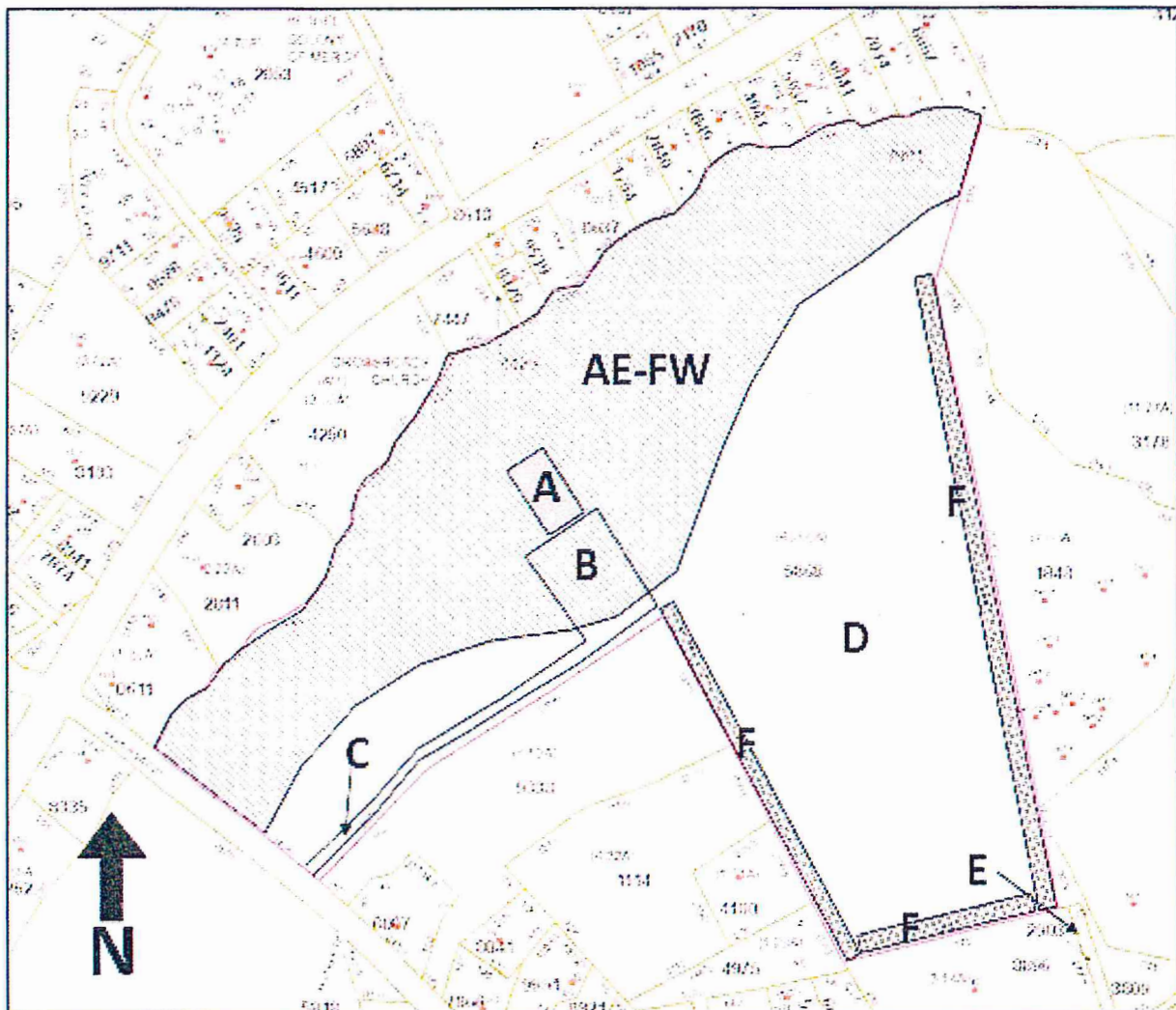
BEGINNING at a PK Nail (set) in a bridge over Lower Creek on Arrowood Street (SR-1709), said PK Nail being located S 47° 26' 00" E, 201.26 feet from a PK Nail in the centerline of Arrowood Street at the edge of Hwy. 18 (Wilkesboro Blvd.)

Preceding thence from said PK Nail (set), the point of beginning, leaving Arrowood Street and with Lower Creek for 3 calls: N 47° 53' 43" E, 575.92 feet; N 31° 45' 24" E, 463.18 feet; N 51° 10' 56" E, 294.45 feet to a point in Lower Creek and a common corner with the Gregory B. Barlow (694/29) property; thence leaving Lower Creek and with the Barlow property, N 24° 55' 06" W, passing a 3/4" Rebar at 225.16 feet and continuing 27.70 feet for a total distance along this bearing of 252.86 feet to a point in Hwy 18; thence with Hwy 18, N 62° 52' 52" E, 20.00 feet to a point in Hwy 18; thence leaving Hwy 18, S 24° 55' 06" E, passing a 3/4" Iron Pipe Set at 40.00 feet and continuing with the Barlow property, 208.69 feet for a total distance along this bearing of 248.69 feet to a point in Lower Creek and a common corner with the Barlow property; thence with Lower Creek for 2 calls: N 62° 39' 38" E, 87.97 feet; N 63° 31' 08" E, 113.87 feet to a point in Lower Creek and a common corner with the William Simmons (1047/1082) property; thence leaving Lower Creek and with the Simmons property, N 29° 39' 53" W, passing a 3/4" IPF at 25.00 feet and continuing 185.21 feet for a total distance along this bearing of 210.21 feet to a PK Nail in the margin of Hwy 18 and being a common corner with the Simmons property and NCDOT (1047/1015) property; thence with NCDOT, N 62° 32' 10" E, 160.70 feet to a 3/4" IPS in the margin of Hwy 18 and a common corner with the NCDOT property and the Basil G. Carswell (1086/443) property; thence leaving the margin of Hwy 18 and with the Carswell property, S 24° 55' 06" E, passing a 3/4" IPS at 160.00 feet and continuing 17.50 for a total distance along this bearing of 177.60 feet to a point in Lower Creek and a common corner with the Carswell property; thence with Lower Creek for 19 calls: N 58° 49' 23" E, 90.65 feet; N 56° 56' 09" E, 43.14 feet; N 50° 26' 53" E, 36.08 feet; N 30° 50' 42" E, 46.12 feet; N 60° 54' 26" E, 68.25 feet; N 56° 38' 43" E, 29.78 feet; N 74° 11' 13" E, 34.22 feet; S 83° 46' 03" E, 37.84 feet; N 72° 55' 34" E, 58.61 feet; N 74° 47' 39" E, 60.45 feet; N 77° 30' 06" E, 31.06 feet; S 85° 28' 00" E, 58.15 feet; S 87° 22' 33" E, 54.72 feet; N 86° 16' 49" E, 44.15 feet; N 82° 21' 27" E, 40.02 feet; N 73° 32' 39" E, 30.36 feet; S 82° 25' 20" E, 90.08 feet; S 57° 54' 09" E, 46.31 feet; S 70° 01' 37" E, 17.76 feet to a point in Lower Creek; thence leaving Lower Creek and with the Herbert E. Bryant (1066/221) property, S 22° 64' 02" W, passing a 3/4" IPS at 24.00 feet and continuing 380.61 feet for a total distance along this bearing of 404.61 feet to a 42" Ash tree in a fence line and a common corner with the Betty Jean Vines (907/201) property; thence with the Vines property, S 08° 44' 25" E, 1238.19 feet to a 1" IPF in the fence line and being a common corner with the Vines property and the Bryan K. Carlton (367/291) property; thence S 08° 51' 18" E, 223.80 feet to a 1/2" IPF; thence S 78° 41' 05" W, 533.75 feet to an axle in the line of the Thomas Pipes (411/641) property; thence with the Pipes property, N 24° 26' 46" W, 189.30 feet to a 4" I Beam and a common corner with the Pipes property and the Benny Bowen (1185/1252) property; thence with the Bowen property, N 23° 41' 03" W, 209.49 feet to a 1/2" IPF and being a common corner with the Bowen property and the J.F. Barnett (217/621) property; thence with the Barnett property, N 23° 48' 41" W, 186.26 feet to a Concrete (886/207) property; thence with the Carlton property, N 21° 11' 18" W, 330.84 feet to a 3/4" IPS; thence continuing with the Carlton property, along a ditch line, S 32° 53' 34" W, 40.00 feet to a 3/4" IPS; S 61° 25' 08" W 248.65 feet, S 61° 43' 52" W, 334.95 feet; S 53° 02' 58" W, 129.97 feet; S 45° 16' 41" W, 295.95 feet to a PK Nail in Arrowood Street; thence with Arrowood Street, N 50° 10' 00" W 495.90 feet to the point of Beginning.

Containing 2155341.587 ± square feet, or 49.48 ± Acres, by Computer, as surveyed by D & D Land Surveyors, 05/27/97.

Being the same property as conveyed from James E. Parlier and wife, Ellen Louise Parlier to R & R Enterprises, a North Carolina General Partnership, by Deed dated May 30, 1997, and recorded in Book 1192, at Page 783, Caldwell County Registry.

EXHIBIT "B"
CONCEPT PLAN





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
J. T. BEAL
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

**RESOLUTION TO PRE-PROCURE DRYER EQUIPMENT FOR THE
BIOSOLIDS FACILITY IMPROVEMENTS PROJECT**

WHEREAS, the City of Lenoir owns, operates, and maintains the Lower Creek Wastewater Treatment Plant to serve the citizens of Lenoir and surrounding communities; and

WHEREAS, Lower Creek Wastewater Treatment Plant includes biosolids treatment equipment; and

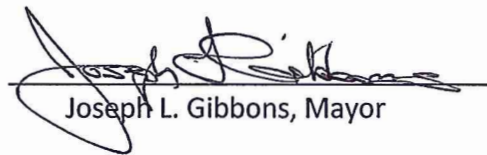
WHEREAS, the City of Lenoir has received a low-interest State Reserve loan to construct an upgrade to the Biosolids Facility; and

WHEREAS, the Biosolids Facility project involves the addition of a biosolids dryer system, and that after equipment comparisons and site visits, City staff has determined that Gryphon Environmental LLC's dryer system best meets the City's needs for biosolids processing. The Gryphon Dryer has five (5) patents involving thermodynamic and mechanical advancements. Those patents provide unique benefits for the City of Lenoir in the following areas: (1) short start-up and shut-down times, (2) unique evaporative and pressure differential process, (3) inherent safety and maintenance features, and (4) equipment cost and scale. N.C. General Statute 143-129(e)(6) allows for procurement of equipment that is "available from only one source of supply".

NOW, THEREFORE, BE IT RESOLVED THAT THE LENOIR CITY COUNCIL does hereby decide to pre-procure drying equipment from Gryphon Environmental, LLC for the Biosolids Facility project, all as deemed in the best interest of the City of Lenoir.

Adopted this the 5th day of February, 2019 at Lenoir, North Carolina.

(SEAL)


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



J B PLASTER ARCHITECT

BID ACKNOWLEDGEMENT

DATE: February 4, 2019

PREPARED FOR:

Scott Hildebran
City Manager
City of Lenoir

PROJECT:

Lenoir Fire Department
Station 3
1015 Wilkesboro Boulevard
Lenoir, NC 28645

Mr. Hildebran,

This afternoon, February 4, 2019, at 2 pm, we received bids for the renovation of the property at 1015 Wilkesboro Boulevard, Lenoir, NC for the purposes of a new satellite fire station. The bids were received as follows:

Brushy Mountain Builders	\$342,400
Precision Contracting Company	\$351,288
Wilkie Construction Company	\$357,000

Precision Contracting Company did not include proof of a bid bond, and is considered incomplete. The other two bids were complete. All three bids are attached for your review.

Respectfully,

Jesse Plaster, RA