

AGENDA



**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, DECEMBER 4, 2018
5:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, November 20, 2018, as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, November 27, 2018, as submitted.
- C. Minutes: Approval of closed session minutes of Tuesday, November 20, 2018 and Tuesday, November 27 as reviewed by the City Attorney, City Council and City Manager.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. The annual Luminary Display is scheduled for Friday, December 7 from 6:00 p.m. – 10:00 p.m. at Blue Ridge Memorial Park. A rain date will be held on Friday, December 14.
2. Fabulous Film Night is scheduled for Saturday, December 8 with the movie "Christmas with the Kranks" being shown at the LHS Auditorium at 7:00 p.m. Santa is scheduled to be there to greet everyone from 6:00 p.m. – 7:00 p.m.
3. The City Council Meeting of Tuesday, December 18 has been cancelled. The next City Council Meeting will be held on Tuesday, January 15 at 6:00 p.m.
4. City offices will be closed on December 24, 25 & 26 for the Christmas Holidays and also on Tuesday, January 1 in observance of New Year's Day.

B. Items for Council Action

1. Due to an increase in heavy vehicular traffic on and around Bradford Street SW and Lutz Street SW, and traffic related incidents resulting in damage to public and private property, City Staff along with the Public Works Department and Police Department wish to post a portion of Bradford Street SW and Lutz Street SW (in its entirety with "No Through Trucks" signage. The public right-of-way width of Bradford Street is twenty-five feet, and the public right-of-way width of

Lutz Street is sixteen feet. These streets are located in the R-6 Residential Zoning District. A portion of Bradford Street is used as the primary truck access for an industry. The posting would not include this portion of Bradford Street. **Note:** City Staff recommends that Council call for a public hearing to be held on Tuesday, January 15, 2019 to consider amending the City of Lenoir's Charter Code of Ordinances, Appendix B, Traffic, Section 123 – "No through Trucks" to include this portion of Bradford Street SW and Lutz Street SW (in its entirety) as "No through Trucks".

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

**LENOIR CITY COUNCIL
TUESDAY, NOVEMBER 20, 2018
6:00 P.M.**

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

ABSENT: Councilmember Crissy 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.

**PRESENTATION; BROWNFIELD
PROJECT:**

- B. Mr. Greg Icenhour, Vice-President and Branch Manager, Mid-Atlantic Associates, Inc., Charlotte Branch, presented a power point presentation regarding the City's Brownfield Project.

Mr. Icenhour explained that a Brownfield is an "abandoned, idled, or underused property where redevelopment is hindered by real or perceived environmental contamination." He shared examples such as light and heavy industrial, manufacturing, textile mills, junkyards, auto salvage, dry cleaners, machine shops, auto service stations and vacant lots. Mr. Icenhour stated Brownfields utilizes existing infrastructure, reduces blight, and the reuse brings public benefit such as increasing the tax base and job growth.

In addition, these projects leverage \$17.00 of private investment for each \$1.00 of EPA grant expenditure. A 2017 study shows residential property values increase between 5% - 15.2% within 1.29 miles of Brownfield sites. Also, it was noted that nine (9) jobs are leveraged per \$100,000 of grant money expended.

Mr. Icenhour stated the City of Lenoir applied for a \$300,000 Hazardous and Petroleum EPA Brownfields Assessment Grant in November 2017. The EPA Assessment Grant was awarded to the City on April 25, 2018 and grant funds became available on October 1, 2018. He stated this is a three-year grant and mentioned that priority site evaluations are underway.

Mr. Icenhour shared the City's Business Growth Committee discussed this project for several years and noted the City formed a Brownfield Advisory Committee, gathered input on target properties, identified 19 potential sites and conducted community outreach by presenting this project to the Lenoir Rotary Club on November 16. He indicated that additional meetings would be held.

Next, Mr. Icenhour reported the First Phase I, Environmental Site Assessment (ESA), was completed on the former City Service Cleaners making it a priority site. In addition, he stated a Phase II Assessment has been proposed. Mr. Icenhour reported that some of the funding may also be used for the 15-acre City owned tract of property that is the former Broyhill Furniture property site.

Mr. Icenhour explained the Broyhill site is NC Brownfields eligible, grant funds have been approved for the finalization of a NC Brownfield Agreement, the ARC grant funding for debris removal is being solicited and grant funds will be used to complete Phase II work.

In conclusion, Mr. Icenhour reviewed the Project's Focus which are sites with high probability for economic redevelopment, sites that with reuse, will create non-residential tax base and job growth and pointed out the Fairfield South Area has several priority sites along with some investor interest.

Mr. Icenhour reiterated the goal is to make these sites reusable and create job growth along with economic development. He emphasized how difficult it is to submit a successful grant application which is graded on a 200 point scale. However, Mr. Icenhour explained that future grants would be easier to obtain, but emphasized the City needs to complete outstanding projects with these grant funds. Mr. Icenhour reported the City will submit monthly updates to Mr. Brian Gross, EPA Project Manager and related that Radford Thomas will serve as the City's Project Manager while he will serve as Mid-Atlantic's Project Manager.

Mayor Pro-Tem Ben Willis stated he has served on different committees for several years whose primary focus was Brownfields and remarked that Lenoir should be proud of the steps the City has taken to make our community better. He thanked Mr. Icenhour, Radford Thomas, Public Utilities Director, along with City Staff and the Brownfield Committee for all their time and hard work in making this project successful.

On behalf of City Council, Mayor Gibbons stated he appreciates everyone's hard work associated with this project.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

CONDITIONAL USE PERMIT; 1015 ASHE AVENUE:

- A. A public hearing was held to consider a Conditional Use Permit for property located at 1015 Ashe Avenue, NCPIN#2749771412, Parcel ID#06-4-1-6 for the proposed 3-unit multi-family development, known as the Education Foundation Teacherage, with the following conditions:
 1. Prior to obtaining zoning and building permits, the applicant shall resubmit plans for appearance review to ensure aesthetically appealing architecture that is in harmony with existing structures and the B-3 district.
 2. Sidewalks must be installed to connect to sidewalks on either side of the

property to match existing widths or meeting the minimum City standard width of 5-feet, whichever is greater.

3. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
4. The apron and at least the first 15-feet of driveway from Ashe Avenue must be paved.
5. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.

Mayor Gibbons opened the public hearing to receive public comments regarding the Conditional Use Permit request.

A copy of the Staff Report is hereby incorporated into these minutes by reference. (Refer to pages 295-304).

Jenny Wheelock and Jesse Plaster, Architect, was sworn in by the City Clerk.

Planning Director Wheelock officially submitted the Staff Report for the record and stated it was true and accurate to the best of her knowledge. She stated that one resident attended the Planning Board meeting just for clarification of the project. It was noted the Planning Board approved the Conditional Use Permit. Director Wheelock stated this permit met all the standards and the proposed three-unit apartment would be located in the downtown zoning district.

As information, Director Wheelock informed Council the Planning Board is reviewing the ordinance to change this process to make it “by-right” in lieu of the Conditional Use Permit.

Jesse Plaster, Architect, stated the goal is to provide affordable housing to three (3) teachers that are moving to our community. He stated the housing will also fit the character of the neighborhood and a gravel parking area would be available in behind the units.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Upon a motion by Councilmember Rohr, Council voted 6 to 0 to approve the Conditional Use Permit with the above five (5) listed conditions and the submitted Staff Report for property located at 1015 Ashe Avenue as presented and as recommended 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, October 16, 2018, as submitted.
2. Minutes: Approval of the minutes of the Committee of the Whole Meeting of Tuesday, October 23, 2018 as submitted.
3. Agreement; Western Piedmont Council of Governments: Approval of the /City of Lenoir entering into an agreement with the Western Piedmont Council of Governments (WPCOG) in the amount of \$30,000.00 (not to exceed) in accordance with the attached proposal to provide grant administration and technical assistance for the EPA Brownfield Assessment Program. A copy of the agreement is hereby incorporated into these minutes by reference. (Refer to pages 305-313).
4. Proclamation; #Giving Tuesday: Approval of a proclamation proclaiming Tuesday, November 27 as "Giving Tuesday throughout the City of Lenoir and Caldwell County. #Giving Tuesday is a global giving movement that has been built by individuals, families, organizations, businesses and communities in all 50 states and in countries around the world. Giving Tuesday, inspires people to take collective action to improve their communities, give back in better, smarter ways to the charities and causes they believe in, and help create a better world. Additional information may be found at www.givingtuesday.org. A copy of the proclamation is hereby incorporated into these minutes by reference. (Refer to page 314).
5. City Council Meeting Time Change: Due to several meeting conflicts on December 4, 2018, it is requested that City Council begin their regular meeting at 5:00 p.m. in lieu of 6:00 p.m. The meeting will be held at the City/County Chambers located at 905 West Avenue.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 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

CODE ISSUES; 934 EMERALD PLACE

SW: A. Julia Reid, 930 Emerald Place, addressed City Council regarding minimum housing violations at 934 Emerald Place. Mrs. Reid stated the house has not been kept up for the past two to three years and cited broken windows, trash and a washing machine that has been placed outside.

Mrs. Reid submitted a petition signed by twenty-two residents of the neighborhood to the City Clerk.

A copy of the petition is hereby incorporated into these minutes by reference. (Refer to page 315).

Mrs. Reid stated she knows the owner of the property and related the owner's son lives in the home on occasion. She reported neighbors have contacted the City and

the Lenoir Police Department repeatedly over the past several months regarding the code violations and to express their concerns regarding the activity they have observed at this residence. Mrs. Reid stated that Police Chief Brent Phelps informed the neighbors the Department has received twenty-seven calls over the past three months regarding the questionable activity at this residence.

Mrs. Reid referenced a shooting that occurred at the residence on Saturday, November 17 and cited safety issues as well. She respectfully asked City Council for any help or assistance regarding this issue.

Shirley Daniels, 1011 Emerald Placed, addressed Council and stated she is afraid to let her granddaughter that lives with her go outside. Mrs. Daniels reported that individuals knock on her door during the night thinking they are at 934 Emerald Place. Mrs. Daniels shared that 934 Emerald Place is a drug house with numerous individuals coming and going at all hours of the day and night. She remarked Emerald Place was a quiet neighborhood and respectfully asked City Council for assistance in resolving this matter before it continues to get worse.

Julienne Reid, 1201 Virginia Street, daughter of Julia Reid, stated she knows the owner's son who resides at 934 Emerald Place. She commented he was a known drug dealer who is in and out of jail continually. She further stated items were being stolen in the neighborhood and reiterated the code violations.

Police Chief Brent Phelps expressed his appreciation on behalf of the Police Department and City of Lenoir, to the individuals that came to the Council meeting seeking a resolution to this problem. Chief Phelps emphasized the Department is aware of this issue and has previously served a search warrant at this residence. He acknowledged the shooting that occurred and mentioned the Department is currently documenting issues. Chief Phelps shared he has met with Planning Director Wheelock regarding the code violations and pointed out this issue will be handled as two separate investigations due to the drug allegations and code violations. Chief Phelps stressed the Police Department will utilize their resources to either place this individual in jail or bring a minimum code violation to Council seeking demolition of the residence. He stated the Police Department assessed the home for violations today.

Councilmember Perdue asked where this property ranks on the City's Minimum Housing Priority List.

Planning Director Wheelock commented some code violations have occurred, but due to the current situation, she will make demolition of the property a priority on the Minimum Housing List.

Police Chief Phelps further clarified for Council that a letter was sent to the property owner when the search warrant was served.

On behalf of City Council, Mayor Gibbons thanked them for coming and stated the City would do what it could within legal bounds to resolve this situation.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

HOLIDAY

CLOSING: 1. City offices will be closed on Thursday, November 22 and Friday, November 23 in observance of the Thanksgiving holiday.

PLANNING

BOARD: 2. The Planning Board will meet on Monday, November 26 at 5:30 p.m.

COMMITTEE OF THE

WHOLE: 3. The Committee of the Whole will meet on Tuesday, November 27 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY:

4. The Foothills Regional Airport Authority will meet on Wednesday, November 28 at noon.

ANNUAL CHRISTMAS

PARADE: 5. The annual Christmas Parade will be held on Friday, November 30 at 6:30 p.m. in downtown Lenoir.

B. ITEMS FOR COUNCIL ACTION

BLUE RIDGE ELECTRIC MEMBERSHIP CORPORATION; PROMISSORY NOTE AND LOAN AGREEMENT; LENOIR FIRE DEPARTMENT #3

(LFD3): 1. City Staff recommends City Council authorize the Mayor and City Manager to execute all necessary documents with Blue Ridge Electric Membership Corporation (Promissory Note and Loan Agreement) for financing of \$1,360,000 for the proposed Lenoir Fire Department #3 (LFD3) at a rate of 0% for a term of 10-years.

An executed copy of the Promissory Note and Loan Agreement will be incorporated into these at a later date.

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to authorize the Mayor and City Manager to execute all necessary documents with Blue Ridge Electric Membership Corporation (Promissory Note and Loan Agreement) for financing of \$1,360,000 for the proposed Lenoir Fire Department #3 (LFD3) at a rate of 9% for a term of 10-years as presented and as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

RETIREMENT;

ED BLAIR: A. City Attorney Ed Blair tendered his letter of retirement as City Attorney to City Council. Attorney Blair stated he has served as City Attorney for twenty-six years and

it has been a wonderful and fun experience. Mr. Blair shared the legal work has been challenging and he has enjoyed working with so many great people as he served as a legal advocate for City Council, the City of Lenoir and City Staff.

Mr. Blair commented that his service in local government has been fulfilling and satisfying and he asked City Council to select a new City Attorney. Mr. Blair shared that he plans to continue practicing law while pursuing personal activities. He thanked City Council for the opportunity to serve.

On behalf of City Council, Mayor Gibbons thanked Mr. Blair for his service and noted the City along with City Staff would miss him. Mayor Gibbons commended Mr. Blair for doing an outstanding job and wished him the best. He also remarked the City would appreciate his assistance as we move forward in this process.

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

APPOINTMENTS; AUTHORITIES/BOARDS/COMMISSIONS:

1. Mayor Gibbons recommended that Schonna Banner be appointed to serve a two-year term on the Parks and Recreation Advisory Board and Ben Boaz be appointed to serve a three-year term on the Lenoir Housing Authority.

In addition Mayor Gibbons asked Council to consider re-appointing him for an additional two-year term on the Foothills Regional Airport Authority where he currently serves as Chairman.

Upon a motion by Councilmember Perdue, Council voted 6 to 0 to approve the above listed appointments and re-appointment as recommended by Mayor Gibbons.

COMMENDED; CITY

- STAFF:** 2. On behalf of City Council, Mayor Gibbons commended City Staff for all of their hard work during the recent downtown events including the Smoking in the Foothills Barbeque Event which was a huge success with a large attendance. Mayor Gibbons also shared the annual "Light up Lenoir" is scheduled for Thursday, November 15 and the annual Downtown Christmas Festival will be held on Saturday, November 17.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

CLOSED SESSION:

- A. Pursuant to N.C.G.S. §143-318.11 (4), (5), and upon a motion by Councilmember Perdue which carried unanimously, City Council entered into closed session to discuss a potential real estate transaction and to receive an update on pending litigation.

OPEN SESSION:

- B. Upon a motion by Councilmember Mayor Pro-Tem Willis, Council voted unanimously to return to open session.

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 7:25 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

Education Foundation Inc
of Caldwell County

Applicant

Jesse Plaster

Location

1015 Ashe Ave, on the block
between Willow St and Bound-
ary St

NC PIN

2749771412

Project Planner

Hannah Williams

Updated October 12, 2018

Applicant's Request:

The applicant is requesting a Conditional
Use Permit for a 3 unit multi-family town
home development in the Central Business
(B-3) zoning district.

Staff Recommendation:

Approval of the request, subject to the con-
ditions in this report.

Planning Board Recommendation: Approv-
al, subject to conditions recommended by
staff.

Public Comment:

Planning Board Meeting: Scheduled for

October 22, 2018. Notices were mailed to prop-
erty owners within 100 ft. of the subject property
on October 12, 2018.

City Council (Public Hearing): Scheduled for No-
vember 20, 2018. Notices were mailed to prop-
erty owners within 100 ft. of the subject property
on Nov. 7 2018.

*****This request is considered quasi-judicial. You
should not discuss this case with decision mak-
ers outside of the scheduled public meeting*****

BACKGROUND AND ANALYSIS

Intent of Conditional Use Permits

Conditional uses are recognized in the zoning ordinance as uses which may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The conditional use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Conditional Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Conditional Use Permit following a quasi-judicial hearing.

Intent of the Zoning District

The Central Business District (B-3) is intended to serve as the center of the city's financial business, professional, cultural, and governmental activities by providing a variety of supporting personal services and retail trades for the convenience of people employed in and around the Central Business District and transient shoppers. The yard requirements within the district are designed to provide for the intensive use of land within this district and concentrated development.

The Central Business District promotes unique historic and architectural character of the downtown through implementation of design standards for new development. Associated with this goal are the stabilization of property values, improvements on local traffic patterns, and the promotion of a thriving city center. These design standards are intended to encourage development that contributes to Lenoir as a unique place by reflecting its physical character and adding to it in appropriate ways.

Subject and Surrounding Properties

The subject property is zoned B-3, Central Business. The B-3 zone only applies to the downtown district of Lenoir. Formerly, the subject property was developed with a single-family dwelling, later divided into several rental units, with a detached accessory dwelling unit in the rear. This structure has been recently demolished.

The subject property is on Ashe Avenue on the block between Boundary Street and Willow Street. There are single family homes on each side of the subject property, and other two- and three-family homes further east on the block, all zoned B-3. The property is directly across from the large parking lot of the First Presbyterian Church. The church and other properties across the street are zoned for Office and Institutional uses (O&I), and are located in the North Main Street Overlay. The Education Foundation recently completed renovations of the Angel House, a small learning center for special meetings and teacher training, located at 1018 Ashe Av. The subject property was acquired by the Education Foundation at the same time as an expansion of the nonprofit's services.

Proposed Development

The applicant proposes a two-story residential building with three townhomes. The structure will be 32 feet in height, with exterior materials of Hardie board siding and asphalt shingles. There will be a peaked gabled roof over each front door entrance off of a shared front porch. Each unit will have a private back deck over a steep rear yard. The proposed structure will be setback 15 feet from the front property line and 80 feet from the rear property line. The parking area for the structure will be located in the rear yard. There is a shared driveway between this property and the adjacent property to the east, which will provide access to parking in the back of the principal structure. As a condition of approval, the first 15 feet of the driveway will be paved starting at the entrance from the road, as required for roads connecting to streets with curb and gutter. The applicant is proposing to rebuild the sidewalk at this location, since the previous sidewalk was demolished along with the old structure. Since there is a net reduction in living units from the previous structure, there will be less car traffic to this development. The Institute of Transportation Engineer's 7th edition report on Trip Generation upholds this statement. According to the ITE report, low-rise apartments, such as townhomes or garden apartments generate about 6.6 trips a day per dwelling unit, which would mean an estimated traffic generation of about 20 trips a day for the proposed development. This is not a significant impact on existing infrastructure. No traffic study is needed.

BACKGROUND AND ANALYSIS

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan encourages the development of higher density housing in appropriate areas, such as in the mixed-use, high density downtown district. This proposed development is located in an area with many sidewalks near many attractive downtown destinations, adhering to the plan's recommendations for more walkable areas. The comprehensive plan also promotes affordable housing for people in all stages of life. This development is slated to be an affordable option for young professional teachers of Caldwell County.

The proposed development also complies with many of the land use strategies of the downtown district listed in the comprehensive plan. The proposed plan is redeveloping an infill site with an appropriate and helpful use. It is designed with human-scale architectural features, like the gabled roofs and porch details. Overall, the development will increase the aesthetics of the downtown district and preserve the policy concepts set forth in the comprehensive plan.

FINDINGS

No Conditional Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The development will comply with all requirements of the B-3 district.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The proposed driveway is an existing shared driveway, which will be upgraded to meet code. Sidewalks were removed with demolition and will be reinstalled.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *Two parking spaces per dwelling unit are required by the zoning ordinance. The 1200 ft² parking area in the rear will accommodate the required 6 parking spaces for 3 residential units.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The subject property is in a transitional area between the core of the downtown district and a lighter use O&I district. The compact and walkable layout of the area lends itself well to multi-family development. The proposed use as teacher's housing supports a growing need for affordable housing options in Lenoir.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *A landscape plan was not submitted, however, no additional buffering or screening is required.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *No signage is currently planned for this development, but any future signage will be regulated to meet code. Any exterior lighting will be incidental to the needs of the residential use, and will be designed to be fully cut-off and shielded from neighboring residential property.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The applicant is proposing three townhomes in the same building that will comply with the design standards of the downtown district. Façade materials will be horizontal fiber cement siding (Hardie board), stucco foundation, and asphalt shingles for the roof. This is compatible with the existing development on Ashe Avenue.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *The proposed use of the property is residential in nature. There are single family homes and multifamily dwellings already on the same block of Ashe Avenue. The net number of units on the subject property is decreasing. Appropriate mixing of residential types effectively encourages a diverse neighborhood environment.*

STAFF RECOMMENDATIONS

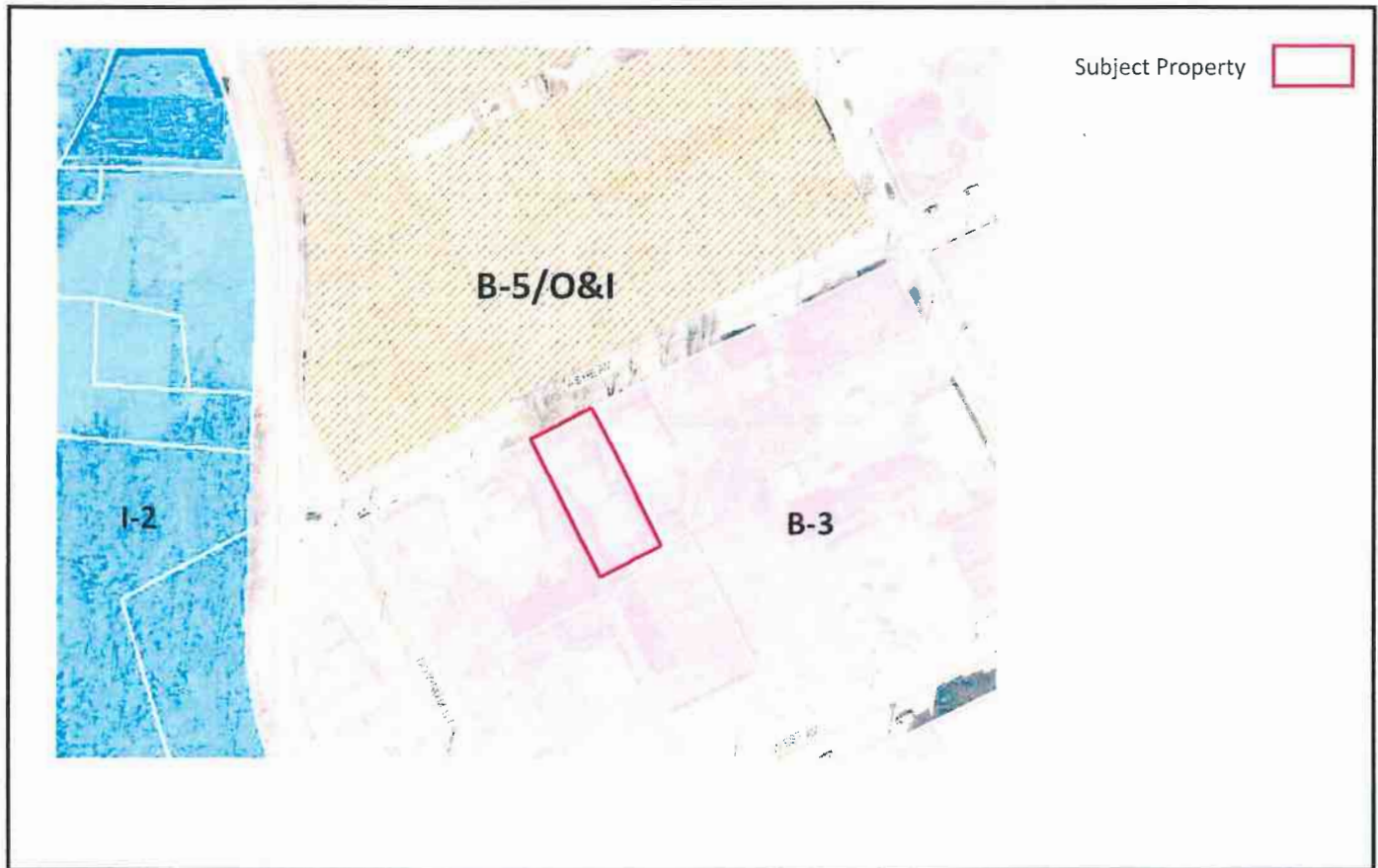
Staff recommends approval of the requested Conditional Use Permit for the proposed 3 unit multi-family development, known as the Education Foundation Teacherage, with the following conditions:

1. Prior to obtaining zoning and building permits, the applicant shall resubmit plans for appearance review to ensure aesthetically appealing architecture that is in harmony with existing structures and the B-3 district.
2. Sidewalks must be installed to connect to sidewalks on either side of the property to match existing widths or meeting the minimum City standard width of 5 feet, whichever is greater.
3. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
4. The apron and at least the first 15 feet of driveway from Ashe Avenue must be paved.
5. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
6. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

PLANNING BOARD RECOMMENDATIONS

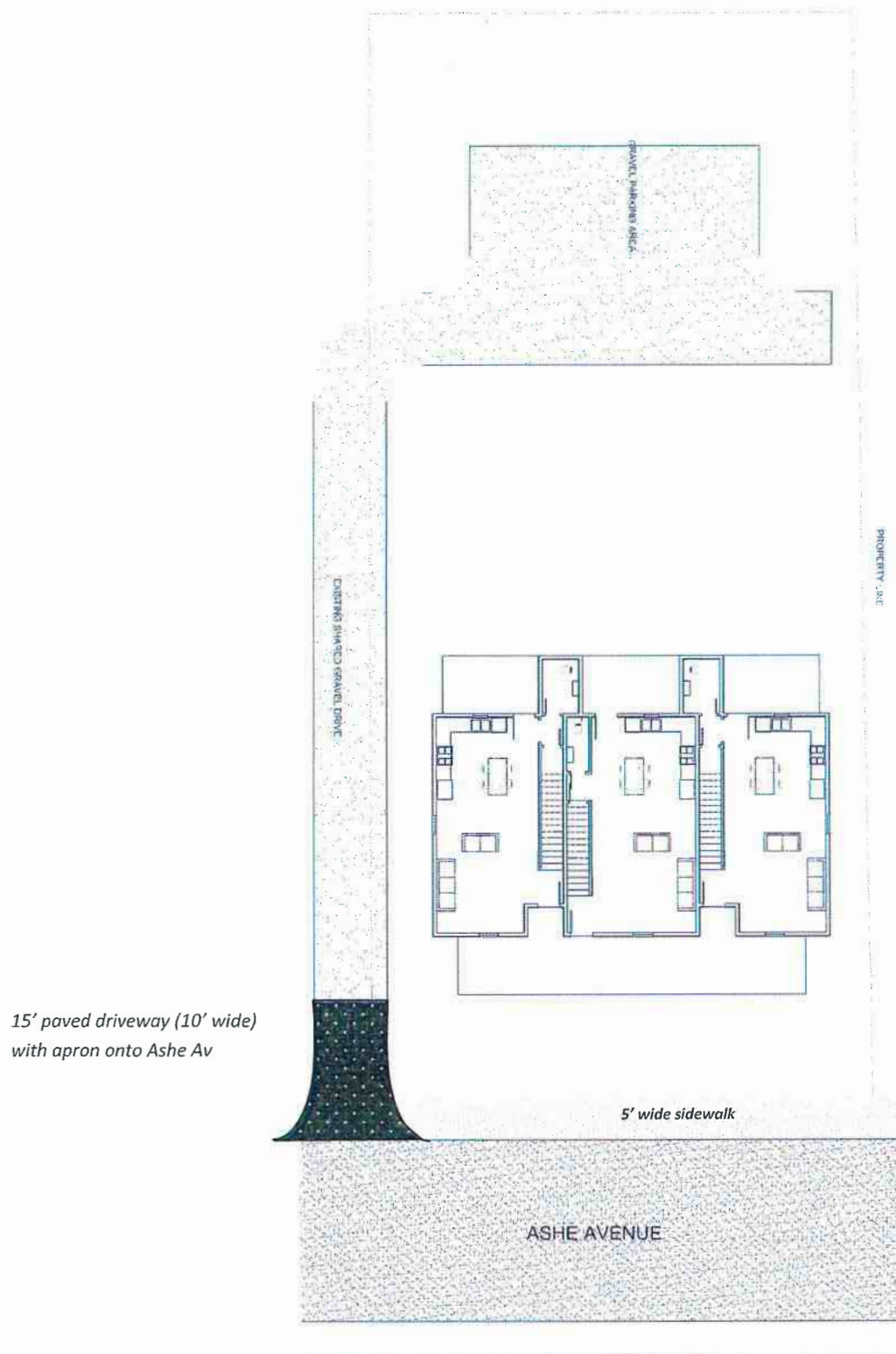
Planning Board recommended approval of the request, subject to the conditions recommended by staff, with 10 members voting unanimously for the motion.

ZONING MAP



Development Standards in B-3 Zoning District					
Zone	Minimum Lot	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
B-3	None	None	None	80 ft.	Single-Family Detached/Two-Family Dwelling, Family Care Facility, Group Dwelling, Adult Day Care, Conditional Use: Multi-Family Dwelling, Single-Family Attached (See Sec. 600 and Sec. 811 for full list)

APPLICANT'S DRAWINGS

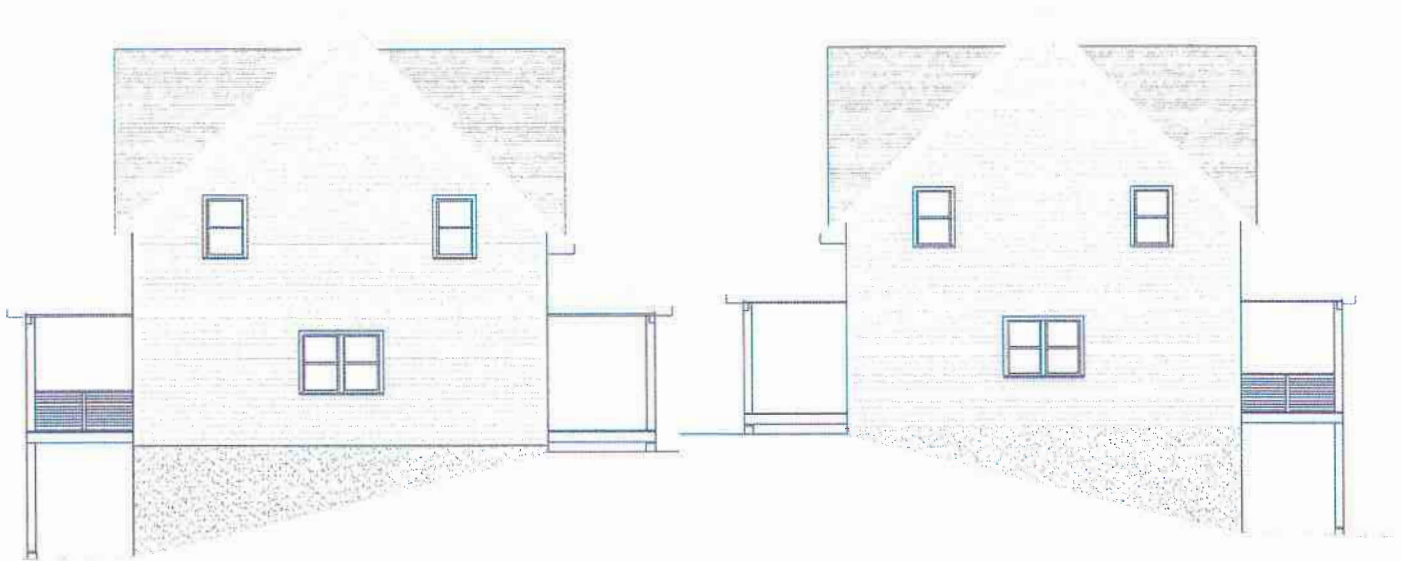


Site Plan

APPLICANT'S DRAWINGS



Front Elevation



Left Elevation

Right Elevation

EXISTING CONDITIONS ON SITE



Street View of 1015 Ashe Avenue



SURROUNDING PROPERTIES



The Education Foundation's
Angel House, across the street
from subject property



First Presbyterian Church
Parking Lot across the street
from the subject property.

AGREEMENT BETWEEN THE
WESTERN PIEDMONT COUNCIL OF GOVERNMENTS AND
THE CITY OF LENOIR
FOR THE PROVISION OF
TECHNICAL ASSISTANCE
EPA BROWNFIELDS ASSESSMENT GRANT PROJECT
October 1, 2018 – September 30, 2021

This AGREEMENT, entered into on this the twelfth day of November, 2018, by and between the Western Piedmont Council of Governments (hereinafter referred to as the "Planning Agency") and the City of Lenoir, North Carolina (hereinafter referred to as the "Local Government"); WITNESSETH THAT:

WHEREAS, the Planning Agency is empowered to provide technical assistance by the North Carolina General Statutes and by resolution passed by the Planning Agency on April 17, 1972. Technical assistance shall consist of the provision of services as described in Attachment A, which is herein made a part of this Contract;

WHEREAS, the Local Government has requested the Planning Agency to provide such technical assistance to the Local Government and;

WHEREAS, the Planning Agency desires to cooperate with the Local Government in every way possible to the end that the proposed activities are carried out in an efficient and professional manner;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Personnel.** That during the period of this Contract, the Planning Agency will furnish the necessary trained personnel to the Local Government.
2. **Travel/Printing.** The Local Government will pay for expenses related to conferences, conventions, seminars, local travel, etc. of the personnel when the Local Government requests or approves travel related to the Local Government's planning program, or if it is beneficial to both parties, the costs will be shared on an agreed-upon ratio.

The Local Government will also pay for expenses related to printing of report(s), mailings to advisory boards, and other costs not related to normal travel and staffing costs associated with personnel furnished by the Planning Agency.

3. **Compensation.** The Local Government will pay the Planning Agency an amount not to exceed \$30,000 (thirty thousand dollars) for the satisfactory performance of all services related to administration of the project as defined in the attached Scope of Services. Planning Agency personnel will keep an accurate record of time spent, which will serve as the basis for the amount charged to the Local

Government per month. The Local Government will reimburse the Planning Agency monthly at a rate per hour for each of the personnel involved, which includes the salary, fringe benefits, travel and indirect costs, plus travel and other approved expenses.

All other costs associated with the administration of the EPA Brownfields Assessment grant will be expended from the grant administration allowance budgeted for the Local Government.

It is expressly understood and agreed that total compensation shall not exceed the maximum sum specified without prior approval of both agencies.

4. **Termination/Modifications.** The Local Government may terminate the Contract by giving the Planning Agency a thirty-day written notice. Furthermore, if there is a need to amend the proposal outlined in Attachment A, either party may do so with the written consent of the other.
5. **Time of Performance.** The Planning Agency shall ensure that all services required herein shall be completed and all required reports, maps, and documents submitted during the period beginning October 1, 2018, and ending September 30, 2021.
6. **Interest of Members, Officers, or Employees of the Planning Agency, Members of the Local Government, or Other Public Officials.** No member, officer, or employee of the Planning Agency or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The Planning Agency shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.
7. **Nondiscrimination Clause.** No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination with any program or activity funded in whole or in part with funds available under the Housing and Community Development Act of 1974, Section 109.
8. **Age Discrimination Act of 1975, as amended.** No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

9. Section 504, Rehabilitation Act of 1973, as amended. No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of the date first above written.

LOCAL GOVERNMENT:
CITY OF LENOIR

By: 
Mayor

PLANNING AGENCY:
WESTERN PIEDMONT COUNCIL
OF GOVTS.

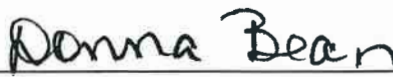
By: _____
Executive Director

By: 
City Manager

PLANNING AGENCY:
By: _____
Chairman

Preaudit statement:

This instrument has been preaudited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

By: 
Local Government Finance Officer



GRANTS MANAGEMENT ASSISTANCE
WORK PROGRAM/BUDGET
OCTOBER 1, 2018 – SEPTEMBER 30, 2021
ATTACHMENT A
SCOPE OF SERVICES

The following work program and budget are presented as descriptive of the work and dollar amounts requested in the Agreement concerning grant administration activities by the Western Piedmont Council of Governments for the City of Lenoir.

Erin Schotte, Economic & Community Development Administrator, will be responsible for administering the EPA Brownfields Assessment grant.

Work Program

The activities to be completed include:

- Work with City and EPA on any amendments needed to the contract between EPA and the City
- Coordinate requests for reimbursement from EPA to the City
- Meet with consultants, City staff, and Brownfield Committee as needed
- Maintain database of EPA assessment work to date
- Work with consultant to assure EPA compliance

Time of Performance

The WPCOG will complete all activities involved in administration of this project in a 36-month period beginning October 1, 2018, and ending September 31, 2021.

Budget

The WPCOG will provide these administrative services for a fee not to exceed \$30,000. The budget is broken down as follows:

Salaries	\$ 14,000
Fringe Benefits	7,420
Travel	2,047
Indirect	<u>6,533</u>
Total	\$ 30,000

Assurances

Assurances are attached as a part of the Agreement.

Amendments

This scope of services and budget may be amended as desired by mutual consent of the Local Government and Planning Agency.

ASSURANCES OF COMPLIANCE

ATTACHMENT B

Executive Order 11246

During the performance of this Contract, the contractor agrees as follows:

- 1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. Such action shall include, but not be limited to the following: recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- 2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, or national origin.
- 3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, notice advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- 4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- 5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- 6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- 7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract

or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

ATTACHMENT C

Section 3 Clause

"Section 3" Compliance in the Provision of Training, Employment, and Business Opportunities

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment and training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice of knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors or assigns to those sanctions specified by the grant or loan agreement of contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

ATTACHMENT D

Lobbying Clause

No Federal appropriated funds have been paid or will be paid, by or on behalf of the Planning Agency or the Local Government, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative, agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Planning Agency and/or the Local Government shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.



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

PROCLAMATION

#GIVING TUESDAY

WHEREAS, Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and

WHEREAS, Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

WHEREAS, Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

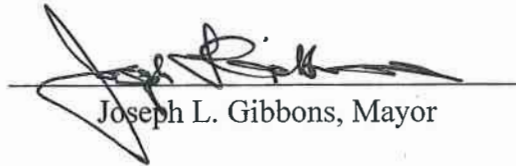
WHEREAS, it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Lenoir and Caldwell County; and

WHEREAS, Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year.

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, do hereby proclaim Tuesday, November 27, 2018 as ***"Giving Tuesday"*** throughout the City of Lenoir and Caldwell County and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

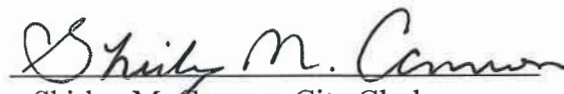
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this 20th day of November 2018.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk

³⁰ Minutes Sign of Concern Council Meeting
Tuesday, November 20, 2018 ³¹⁴
We the undersigned residents of Emerald Place and the surrounding community wish to express our concern about the property and activities at 934 Emerald Place SW. We have repeatedly contacted the city office and the police department for several months. Any assistance you can provide will be appreciated.

Gene Loe

Kay K Clark

Kenneth Clark

Chassy McDaris

Larry McDaris

Core McDaris

Imogene Kahlby

MacB

Eage Vannoy

Hilda Winkler

Debi

Valerie J Hood

Charles R Hood

Marianne Scott

Debra Duskall

Buanna Wood

Jack Trivette

Brenda Trivette

Jeane Younce

Julia Reid

Terry Reid

Shirley Daniels

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, NOVEMBER 27, 2018
8:30 A.M.**

PRESENT: Mayor Pro-Tem Willis presiding. Committee members Gibbons, Perdue, Perkins, Rohr, Stevens and Thomas.

City Manager Hildebran, City Clerk Cannon, Public Information Officer Harris, Police Chief Phelps, Fire Chief Hair, Economic Development Director Horn, Finance Director Bean, Recreation Director Story, Planning Director Wheelock, Public Utilities Director Thomas, and Public Works Director Wright.

ABSENT: Councilmember Jonathan Beal and Public Utilities Director Radford Thomas.

OTHERS: Virginia Annable, *News-Topic*.

I. CALL TO ORDER

A. Mayor Pro-Tem Willis welcomed everyone and called the meeting to order.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Utilities/Public Works

1. Water Treatment Plant Superintendent Kevin Matheson updated City Council on the following items:
 - a) Reported that power has been restored everywhere except the Blue Ridge Water Tank.
 - b) The contractor remains on schedule regarding the Water Treatment Plant and Water Distribution Improvements Projects which may be completed in early January. It was noted the first phase has been the most problematic as pumps are being replaced and the process of coordinating all of the equipment. The meters and pump #6 are the last two items to be completed.
 - c) Staff is still reviewing responses for vendors and completing due diligence on the MeterSys Project. Staff narrowed these responses to two vendors for this project. Note: This item will be presented for Council action in January.
2. Public Works Director Jared Wright reported on the following items:
 - a) Reported Staff has been working overtime trying to clear brush and other debris from the ice storm that occurred over the weekend.
 - b) Notified the owners of the property located at 1507 and 1515 Morganton Boulevard that they have a deadline of December 1, 2018 to vacate the property.

Demolition of the car wash located on the property will follow and it was noted the vacant building is located in the floodplain.

- c) Reported he has rented equipment to clean up the north section of the Greenway to Robbins Street and the next step will be to clean up the rail debris on Harper Avenue.
- d) Reported the City is still experiencing issues with hiring seasonal staff, but remarked Staff has begun working on leaf pickup.
- e) The annual Luminary Display will be held on Friday, December 7 at Blue Ridge Memorial Park. A rain date is scheduled for Friday, December 14.
- f) Met with the utility coordinators in October regarding the Hospital Avenue Sidewalk Project. The next step is the relocation of the utility poles.
- g) Met with Freese and Nichols regarding the Stormwater Study they are conducting for the City. The City will have the opportunity to build a database to identify problem areas.
- h) Reported grading has begun at the new Fire Station No. 3 site.

Councilmember Perdue inquired about the possibility of putting a load of gravel on the parking lot at the Greenway. Following a brief discussion, Public Works Director Wright and Recreation Director Story agreed the City could place a load of gravel there due to the current condition of the lot.

IV. COMMUNITY DEVELOPMENT

- A. Lenoir Tourism Development Authority: The Lenoir Tourism Development Authority (LTDA) met on Thursday, November 8. Kaylynn Horn, Economic Development Director, mentioned the Board will conduct a retreat in December.
- B. Lenoir Business Advisory Board: The Lenoir Business Advisory Board did not meet in November. Minutes of the October 11 meeting were submitted as information. Kaylynn Horn, Economic Development Director, reported recent events including the National Night Out, and Smoking in the Foothills Barbeque Festival were successful with good attendance. The annual Mad Hatter's Pumpkin Patch Parade was rained out, but mentioned the downtown trick or treat on Friday, October 30 had good attendance.

Also, the annual Downtown Christmas Festival was held on Saturday, November 17 and the annual Christmas Parade is scheduled for Friday, November 30 beginning at 6:30 p.m. in downtown Lenoir. Director Horn reported over 150 entries have been received for the Christmas Parade. It was also noted the location of the lineup of participants has been moved to Virginia Street across from the railroad lot which will make the process more efficient and safer for everyone. A map of the parade route is also available online at www.cityoflenoir.com. In addition, several new businesses have located downtown and several properties have recently changed hands.

- C. Planning Board: The Planning Board met on Monday, November 26. Planning Director Jenny Wheelock presented a report of current projects.
 - 1. Cell Tower Ordinance – the Planning Board tabled discussion for raising the

- height of cell towers until Monday, January 28, 2019.
2. Director Wheelock informed Council she is currently working on reviewing the City's Code of Ordinances in order to amend the language to make it more efficient. The Planning Board will be reviewing the Code at its January meeting and a recommendation may be ready to be submitted to City Council in March for consideration of approval.
 3. Reported the City's list of criminal offense ordinances was submitted to the Joint Legislative Administrative Procedure Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety as required by Session Law 2018-69. The City's information was compiled by Police Chief Brent Phelps and Planning Director Jenny Wheelock.
- D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board did not meet in November. Kenny Story, Recreation Director, presented the following report.
- 1) Reported there was no damage to the utility poles at the J. E. Broyhill Walking Park during the recent ice storm and crews are currently working to remove all of the fallen trees in the park. He mentioned the power was off at Mulberry Recreation Center on Saturday, but noted the Aquatic Center was open to the public.
 - 2) Reported the improvements project at the J. E. Broyhill Walking Park is 97-98% complete and the parking lot has been paved with striping to be done next. He stated the basketball goals are going to be installed today.
 - 3) The basketball and wrestling programs are going well.
 - 4) A Christmas film "Christmas with the Kranks" will be shown on Saturday, December 8 beginning at 7:00 p.m. at the former LHS Auditorium. Santa is scheduled to be there from 6:00 p.m. until 7:00 p.m. to greet everyone.
 - 5) Reported that Public Utilities Staff installed fiber underground at the Aquatic and Fitness Center and SkyBest will be the service provider. The new cameras will operate from the fiber. He pointed out the Department was able to experience cost savings due to City Staff completing this work.
 - 6) Sam Sturgis will be the Grand Marshall for the Christmas Parade.
 - 7) Breakfast with Santa will be held on Saturday, December 8 at 1841 Café. Also, Selfies with Santa will be held on Saturday, November 17 and Saturday, December 22.
 - 8) A Cruise-In and Toy Drive will be held on Sunday, December 2 beginning at 12:30 p.m. in downtown Lenoir.
- E. Financial Summary: Finance Director Bean reviewed the Financial Summary as of October 31, 2018. The over/under balance in the General Fund is \$7,796,008.68, Downtown District (\$57,331.42), and Water & Sewer Fund \$902,640.21. Director Bean stated the City is on track with its budget and commented that sales tax collection is up by 1.5%. A copy of the October financial summary is attached to these minutes as information.
- F. Holiday Pay Proposal: Director Bean informed Council she has reviewed the budget for savings including the salaries for vacant positions in order to present a recommendation to Council to approve a \$250.00 Holiday Pay bonus to all full-

time employees. Upon approval, employees would receive the bonus on Friday, November 30.

Mayor Pro-Tem Willis commended the City's great Staff and all of their cost savings efforts.

Motion

Upon a motion by Councilmember Perkins, Council voted 6 to 0 to approve the \$250.00 Holiday Bonus as recommended by Finance Director Bean.

- G. Retirement; Jim Noggle, Risk Manager/Purchasing Agent: Director Bean stated the City will advertise for the position of Risk Manager/Purchasing Agent due to Jim Noggle retiring from the City effective December 31. She referred to the submitted job description for this position and stated the salary will be grade 31 on the City's pay scale. It was the consensus of the Council to concur with the updated job description and to proceed with advertising this position.
- H. P & L Workers Comp Consulting Service Agreement: Director Bean presented a proposal from McNeary Consulting Services to conduct an evaluation of the City's Workers Comp and Profit/Liability insurance for a cost of up to \$25,000 for consideration by City Council. (A copy of the consulting agreement is attached to these minutes as information).

Councilmember Perdue stated the City should evaluate all of its insurance every five-years in order to make sure everything is included and reasonable.

Motion

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to approve the Consulting Agreement with McNeary Consulting Services as described above and as presented and as recommended by Finance Director Bean.

- I. Update; Public Communications: Joshua Harris, Public Information Officer, reviewed the highlights of the Communications Reports for October. Activity included 268 social posts, 550 photos, 5 news releases, and 5 videos. In addition, he stated there are 400 new followers and the website has experienced 29,434 views. The City's Facebook account experienced 4,367 views and YouTube 38 views.

Mr. Harris also shared the White House Christmas Tree video was the most popular video and reviewed 20,000 times. Next, he reminded everyone the City has its previous year's Christmas ornaments on sale and information is available on the City's website.

VI. PUBLIC SAFETY

- A. Police Department: Police Chief Brent Phelps informed Council the Department is changing how they display their reports, but pointed out the public will not notice

any difference. He stated they may change the layout of their reports next year.

Chief Phelps stated three new officers were sworn in last Friday and the Department continues to work on the downtown parking to define the streets that are actually 2-hour parking zones. He explained one downtown parking lot is posted as a 2-hour lot while others are not posted as 2-hour parking and is working to make all lots uniform.

Chief Phelps informed Council the Department made an arrest of the individual that was discussed by citizens at the November 20 City Council meeting. He stated Staff has mailed a code violation letter and will be assessing the house for code violations next. Currently, officers are contacting the neighbors seeking additional information about the resident.

- B. Fire Department; Fire Chief Ken Hair stated the Department responded to over 100+ calls during the recent ice storm. On behalf of the Fire Department, he thanked Public Works and Public Utilities for their assistance during this storm.

Chief Hair stated weather conditions were preventing work to be done on the site of the new Fire Station No. 3. He noted he is currently working with Jesse Plaster, Architect, in order to speed up the process.

Next, Chief Hair stated the Fire Department is currently undergoing licensing regarding the back-up ambulance program. The City previously was under Caldwell County, however, he explained the state required a separate agreement. He reported the County is still assisting the City.

Chief Hair stated the roof at Station No. 2 is leaking and mentioned this item is listed on the City's Capital Improvements Project list for replacement.

In addition, he shared the Department would be providing Staff assistance during the upcoming Christmas Parade on Friday.

- C. Councilmember Crissy Thomas thanked everyone that supported and worked during the annual Cross Community Turkey Tuesday event on Tuesday, November 20. Over 400 turkeys were given out to families in need during this holiday season.

V. OTHER

- A. December Calendar: By consensus of the Council, the calendar for the month of December was approved by Council listing various meetings and events.
- B. Closed Session: Pursuant to N.C.G.S. §143.318,(a),(4), and upon a motion by Councilmember Perdue which carried unanimously, City Council entered into closed session to discuss a real estate transaction.
- C. Open Session: Upon a motion by Councilmember Rohr, Council voted unanimously to re-enter into open session. Upon returning to open session, City Council took the following action:

Motion

Upon a motion by Councilmember Rohr, Council voted 6 to 0 to approve an Agreement Regarding Ground Lease between the City of Lenoir, First Citizens Bank & Trust Company, and LHS Limited Partnership as presented.

VI. Adjourn:

There being no further business, the meeting was adjourned at 9:47 a.m.

Attachments

Financial Summary

McNeary Consulting Services Agreement



**City of Lenoir
Financial Summary
As of 10/31/2018**



Minutes-Committee of the Whole Meeting
Tuesday, November 27, 2018

General Fund					
	2018-2019 Budget	10/31/2018	% of Budget	Change from Previous Year	10/31/2017
Total Revenue	\$ 17,090,331.00	\$ 13,489,668.58	79%	\$ 183,208.47	\$ 13,306,460.11
Expenditures	\$ 17,090,331.00	\$ 5,693,659.90	33%	\$ 134,865.87	\$ 5,558,794.03
Over/Under	\$ -	\$ 7,796,008.68		\$ 48,342.60	\$ 7,747,666.08

Downtown District					
	2018-2019 Budget	10/31/2018	% of Budget	Change from Previous Year	10/31/2017
Revenues	\$ 183,736.00	\$ 675.25	0%	\$ -	\$ 238.70
Expenditures	\$ 183,736.00	\$ 58,006.67	32%	\$ 7,576.03	\$ 50,430.64
Over/Under	\$ -	\$ (57,331.42)		\$ (7,576.03)	\$ (50,191.94)

Water/Sewer Fund					
	2018-2019 Budget	10/31/2018	% of Budget	Change from Previous Year	10/31/2017
Revenues	\$ 8,890,000.00	\$ 2,973,380.86	33%	\$ (12,764.98)	\$ 2,986,145.84
Expenditures	\$ 8,890,000.00	\$ 2,070,740.65	23%	\$ 153,003.58	\$ 1,917,737.07
Over/Under	\$ -	\$ 902,640.21		\$ (165,768.56)	\$ 1,068,408.77



City of Lenoir, NC

Risk Consulting Services

October, 2018

Barbara M. Valentine, CIC
Area Senior Vice President
P 704.367.7129
Barbara_Valentine@ajq.com

McNeary Consulting Services

City of Lenoir, NC

Scope of Consulting Services

Competitive Bidding Process:

McNeary will prepare formal specifications for City of Lenoir renewal of coverages, based upon exposure bases and loss information provided to us.

This process will include the following activities:

- **Broker Participation.** We will discuss with you the brokers whom you would like to have involved in the marketing process. Our suggestion in this regard is to limit the number of participants to two considering the state of the marketplace.
- **Market Selection.** We will write to those brokers selected, outlining an overview of the programs to be marketed, and request for their market selection by order of preference. Together, we will then make our final selections and communication of the assigned markets.
- **Specifications.** We will draw up specifications for each line of insurance to be marketed. These specifications will include information on limits and coverage required, loss history, types of plans to be quoted.
- **Distribution.** The specifications will be distributed to the brokers of City of Lenoir's choosing.
- **Information Resource.** We will function as the information resource as the brokers proceed to prepare proposals, which will conserve City of Lenoir's time and efforts in this area.
- **Proposals.** We will make comparisons of all proposals received outlining our observations and recommendations.
- **Implementation.** We will request binders from the broker selected by City of Lenoir and make certain the desired program is implemented in accordance with the program and coverages that were approved and accepted.

McNeary Consulting Services

City of Lenoir, NC

Project Timeline

The following is a draft of the anticipated timeline for the project, which is subject to change.

Competitive Bid Project

Action	Expected Completion
Request specific exposure information and additional underwriting data from client	January 2019
Notify selected brokers of plans for project and request market preferences from potential bidders	March 1, 2019
Receive updated data from client	March 4, 2019
Prepare insurance specifications	February/March 2019
Specifications released to brokers	March 14, 2019
Bid Due Date	May 13, 2019
McNeary recommendation due date	June 1, 2019
Binders received and reviewed	June 25, 2019
Inception date of P&C insurance program	July 1, 2019

Pricing

McNeary's fee is based on the estimated time required to complete the project and hourly billing rates that vary according to the experience and qualifications of the professional. In addition to our fee, we are also reimbursed for our out-of-pocket travel expenses and all trips are subject to City of Lenoir's approval.

Project or Service	Estimated Fees
Competitive Bid Process	\$22,000 - \$25,000

McNeary Consulting Services

City of Lenoir, NC

McNeary Representative Client List
Government Organizations
(Counties, Municipalities, Public Entities, School Boards, & Universities)

Cartersville School Board	GA
Cherokee County Board of Commissioners	GA
Cherokee County Schools	GA
City of Carrollton	GA
City of Marietta	GA
Georgia Ports Authority	GA
Polk Board of Education	GA
Harrison County Waste Water	MS
Buncombe County Schools	NC
Burke County Public Schools	NC
Caldwell County Schools	NC
Catawba County	NC
Catawba County Schools	NC
Charlotte Housing Authority	NC
City of Monroe	NC
City of Rocky Mount	NC
City of Wilmington	NC
City of Wilson	NC
Cleveland County Schools	NC
Cumberland County Schools	NC
Durham Public Schools	NC
Fayetteville Public Works Commission	NC
Gaston County	NC
Gaston County Schools	NC
Housing Authority of Charlotte	NC
Lincoln County	NC
Surry County	NC
Town of Cary	NC
Town of Chapel Hill	NC
Wilson County Schools	NC
Furman University	SC
Richland County	SC
Santee Cooper	SC
Madison County	TN
Austin Industries, Inc.	TX
Rice University	TX
Texas Christian University	TX

McNeary Consulting Services

City of Lenoir, NC

Consulting Services Agreement

THIS AGREEMENT is made and entered into and effective this 27 day of November, 2018 by and between The City of Lenoir, NC ("**Company**"), and McNeary Consulting Services, a division of Arthur J. Gallagher Risk Management Services, Inc., an Illinois corporation ("**McNeary**").

I. TERM AND TERMINATION

This Agreement is effective immediately and shall terminate upon either party providing thirty (30) days' written notice to the other party.

II. OBLIGATIONS OF MCNEARY

McNeary will specifically provide the Services set out on Exhibit A, attached hereto. McNeary will not provide placement services for insurance policies on behalf of Company under the terms of this Agreement. (Does not affect Direct Writers).

III. OBLIGATIONS OF CLIENT

Company shall pay McNeary a fee in the amount of \$22,000 to \$25,000 for the services described herein.

IV. INDEMNIFICATION

A. McNeary agrees to indemnify and hold Client harmless from any loss, cost, damage, or expense (including reasonable attorney's fees) arising from the negligent acts or omissions of McNeary; provided however, that McNeary's liability to Client, or any party claiming by or through Client, arising from any negligent acts or omissions of McNeary or its employees, whether related to the Services provided hereunder or not, shall not exceed \$20 million in the aggregate. Without limiting the foregoing, McNeary shall only be liable for actual damages incurred by Client, and shall not be liable for any indirect, consequential or punitive damages.

B. Client agrees to indemnify and hold McNeary harmless from any loss, cost, damage, or expense (including reasonable attorney's fees) arising from the negligent acts or omissions of Client.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first written above.

MCNEARY CONSULTING SERVICES, A
DIVISION OF ARTHUR J. GALLAGHER RISK
MANAGEMENT SERVICES, INC.

City of Lenoir, NC

By: William D. Yaeger

Name: William D. Yaeger

Title: Area President

By: Scott E. Hildebrand

Name: Scott E. Hildebrand

Title: City Manager

McNeary Consulting Services

City of Lenoir, NC

EXHIBIT A

COMPETITIVE BID PROCESS – INSURANCE BID SPECIFICATIONS

McNeary will prepare formal specifications for City of Lenoir's renewal of coverages, based upon exposure bases and loss information provided to us.

This process will include the following activities:

- ♦ **Broker Participation.** We will discuss with you the brokers whom you would like to have involved in the marketing process. Our suggestion in this regard is to limit the number of selected participants to two or three considering the state of the marketplace.
- ♦ **Market Selection.** We will write to those brokers selected, outlining an overview of the programs to be marketed, and request for their market selection by order of preference. Together, we will then make our final selections and communication of the assigned markets.
- ♦ **Specifications.** We will draw up specifications for each line of insurance to be marketed. These specifications will include information on limits and coverage required, loss history, types of plans to be quoted.
- ♦ **Distribution.** The specifications will be distributed to the brokers of the City's choosing.
- ♦ **Information Resource.** We will function as the information resource as the brokers proceed to prepare proposals, which will conserve the City's time and efforts in this area.
- ♦ **Proposals.** We will make comparisons of all proposals received outlining our observations and recommendations.
- ♦ **Implementation.** We will request binders from the broker selected by The City of Lenoir and make certain the desired program is implemented in accordance with the program and coverages that were approved and accepted.

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Call for Public Hearing: Amendment of the City of Lenoir Charter Code of Ordinances, Appendix B, Traffic, Section 123. – “No through trucks”. The Public Hearing date will be January 15, 2019.

II. Background Information:

Due to an increase in heavy vehicular traffic on and around Bradford Street SW and Lutz Street SW, and traffic related incidents resulting in damage to public and private property, City staff with the Public Works Department and Police Department wish to post a portion of Bradford Street SW and Lutz Street SW (in its entirety) with “No Through Trucks” signage. The public right-of-way width of Bradford Street is twenty-five feet, and the public right-of-way width of Lutz Street is sixteen feet. These streets are located in the R-6 Residential Zoning District. A portion of Bradford Street is used as the primary truck access for an industry. The posting would not include this portion of Bradford Street.

III. Staff Recommendation:

Call for a public hearing to consider amending Appendix B, Traffic, Section 123, on December 04, 2018

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:_____

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX B OF THE
LENOIR CITY CODE RELATED TO THE ENFORCEMENT OF
TRAFFIC REGULATIONS, PROVIDING FOR CODIFICATION,
AND AN EFFECTIVE DATE.**

Whereas, Section 123 of the Lenoir Traffic Ordinance lists City streets where “No Through Truck” traffic is allowed; and

Whereas, Section 123 of the Lenoir Traffic Ordinance currently includes only a portion of “Norwood Street” as prohibited to through truck traffic; and

Whereas, an increase in truck traffic resulting in damage to public and private property on both Bradford Street SW and Lutz Street SW has occurred; and

Whereas, the recorded public right-of-way width for Bradford Street SW is twenty-five feet, and the recorded public right-of-way width for Lutz Street SW is sixteen feet; and

Whereas, Bradford Street SW and Lutz Street SW are located within the R-6 Residential Zoning District; and

Whereas, the posting of “No Through Trucks” signage at the discretion of the City of Lenoir Public Works Department and Police Department would deter heavy, multi-axle vehicles from entering these densely populated, residential streets; and

Whereas, the posting of “No Through Trucks” signage would allow enforcement of this ordinance by the City of Lenoir Police Department on Bradford Street SW and Lutz Street SW; 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. Appendix B, Section 123, of the Code of Ordinances, City of Lenoir, North Carolina, “is hereby amended to read as follows:

Sec. 123.- No through trucks.

<u>STREETS</u>	<u>FROM</u>	<u>TO</u>	<u>BLOCKS</u>	<u>QUADRANT</u>
Norwood Street	Intersection of Morganton Boulevard (NC 18)	McLean Drive		
<u>Bradford Street</u>	<u>Intersection of Virginia Street</u>	<u>875 linear feet southwest of intersection of Virginia Street</u>	-	<u>SW</u>
<u>Lutz Street</u>	<u>Intersection of Columbus Street</u>	<u>End</u>	-	<u>SW</u>

SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. 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, this _____ day of _____ and this _____ day of _____, 2018.

DONE, THE PUBLIC HEARING, AND 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 _____ day of _____, 2019.

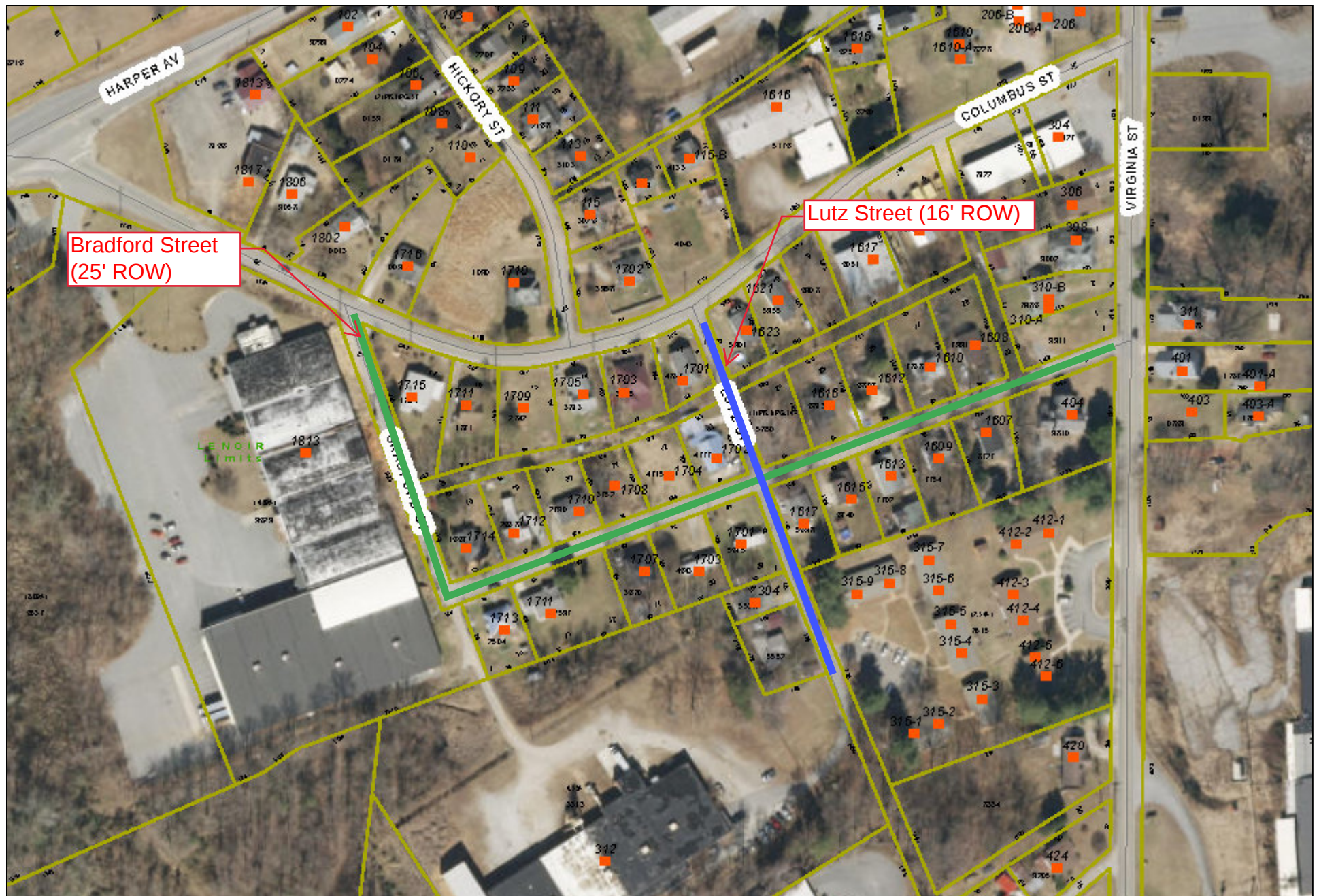
BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

Mayor/Mayor Pro Tempore

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

City Clerk

****[Remainder of page intentionally left blank.]****



November 5, 2018

This map is NOT of land survey quality and is NOT suitable for such use.

