

**LENOIR CITY COUNCIL
TUESDAY, AUGUST 7, 2018
6:00 P.M.**

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

I. CALL TO ORDER

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

**SYMPATHY EXTENDED;
PHELPS & STORY:**

- B. On behalf of City Council, Mayor Gibbons extended sincere sympathy to Brent Phelps, Chief of Police, upon the recent loss of his father and also to Kenny Store, Recreation Director, upon the recent loss of his mother-in-law.

COMMENDED; CITY

- STAFF:** C. On behalf of City Council, Mayor Gibbons commended all City Departments for their hard work and participation during the recent Blackberry Festival. The Festival, sponsored by the Chamber of Commerce, was a huge success with over 30,000 in attendance and over 197 vendors present.

Mayor Gibbons further commended Lester Whittington, Center Director, Martin Luther King, Jr., Center, for the recent successful Jazz Festival and for coordinating the 46th annual Harambee Festival week held on August 4 through August 10. Mayor Gibbons also commended the Customer Service/Design Team for their hard work in coordinating the annual Employee Appreciation night held at Bo's Entertainment. A total of 340 employees and family members attended this fun event.

**SPECIAL RECOGNITION; STAFF OF
WATER TREATMENT PLANT:**

- D. Ms. Kimberly Barnett, NC Department of Environmental Quality, Public Works Section, presented the Area-Wide Optimization Program Water Award for 2017 to Radford Thomas, Public Utilities Director, and Kevin Matheson, Water Treatment Plant Superintendent, for the City's voluntary participation in the North Carolina Area-Wide Optimization Program. This program was created by the Environmental Protection Agency (EPA) in 2002 to recognize plants that achieve an advanced level of water treatment regarding turbidity optimization resulting in improved public health protection.

Ms. Barnett reported the City of Lenoir exceeds the stringent standards for drinking water and commented Lenoir has received this award for eight (8) consecutive years. She noted the City would receive the program's "Gold Star"

honor, which is an award for systems that have received the N.C. Area Wide Optimization Award for 10 consecutive years if the plant maintains compliance for the next two years. Ms. Barnett further commended all employees of the water treatment plant for their hard work in achieving this award.

Public Works Director Radford Thomas stated he was proud of Superintendent Matheson and Staff for the excellent job they have done to maintain water quality while the plant is currently operating on three filters instead of four during the construction projects. He shared a tour of the Water Treatment Plant is scheduled for Tuesday, August 28 following the Committee of the Whole meeting to view the results of the two ongoing improvements projects.

On behalf of City Council, Mayor Gibbons stated it was an honor for the City to receive this award for the eighth consecutive year and thanked Staff for all their efforts and hard work in making sure the City's drinking water remains safe.

**SPECIAL RECOGNITION;
AMERICAN LEGION POST 29:**

E. Mr. Irv Eurto, 1st Vice Commander, Post 29 American Legion, stated he was pleased to present these awards and to express the American Legion's gratitude not only to these individuals for their selfless service, but also to the Departments for their general excellence. Mr. Eurto stated the Department Directors were asked to select someone that met the criteria for the award. Mr. Eurto announced the Firefighter of the Year for the City of Lenoir is Lieutenant Keith Owens. Roger Barlow, Assistant Chief, accepted the award on behalf of Mr. Owens who was away at training. Mr. Eurto also announced the Police Officer of the Year is Officer Thai Lee. All of these individuals were selected by their peers to receive this recognition.

Police Chief Brent Phelps explained it was tough to select just one individual, but stated Detective Lee was chosen for his work ethic which is second to none. Chief Phelps reported Detective Lee took over the position of code enforcement for the City which resulted in an 85% success rate for owner abatement out of 991 code violations. In addition, Officer Lee worked eleven general investigations.

In addition, Matt Shook was announced as the Caldwell County Emergency Management Technician for the year. Joshua Potter, Training Captain, presented the award to Mr. Shook. He stated Mr. Shook served as the Shift Captain and was selected for always going above and beyond in his daily duties. Mr. Potter stated it was an honor to present this award to him.

On behalf of City Council, Mayor Gibbons thanked them for all they do for the citizens of Lenoir.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

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 City Council Meeting minutes of Tuesday, June 19, 2018 as submitted.
2. Minutes; Approval of the Committee of the Whole minutes of Tuesday, June 19 as submitted.
3. Resolution; Surplus Property: Approval of a resolution commending former Police Chief Scott Brown for his service to the City of Lenoir and declaring his badge and service weapons as surplus property. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 191).
5. Financing Agreement; N.C. Local Government Commission: Pursuant to N.C.G.S. §160A-20, Staff recommends Council call for a public hearing to be held on Tuesday, August 21, 2018 to seek approval from the Local Government Commission (LGC) regarding approval of a construction loan for the new Lenoir Fire Station No. 3 to be located at 132 Tremont Park Drive.

Councilmember Rohr moved to remove Item number 4 from the Consent Agenda for additional discussion.

Motion

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve Items 1, 2, 3 and 5 as listed on the Consent Agenda and as recommended by City Manager Hildebran.

4. Resolution; Water Shortage Response Plan: Staff recommends adoption of a resolution approving the City of Lenoir's Water Shortage Response Plan as presented and as recommended by the state of North Carolina. (A copy of the resolution and plan are hereby incorporated into these minutes by reference. Refer to pages 192-196).

Councilmember Rohr referred to N.C.G.S. §143-355 as referenced in the submitted resolution which reads as follows: North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submit to the Department for review and approval.

Mr. Rohr further suggested, in times of water shortages, the City could establish a minimum gallon usage, and if customers exceeded the minimum amount of water allowed, the City could increase its fee. He expressed his opposition to the Water Shortage Plan.

Councilmember Perdue pointed out the City's billing system was financially not set up to handle that and suggested Council review the plan prior to

adoption in the future to discuss the possibility of adding a billing system for this purpose.

Motion

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 1 to adopt the Water Shortage Supply Plan as presented and as recommended by City Manager Hildebran. Councilmember Rohr voted against this request.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

AUGUST

CALENDAR: 1. August Calendar: The calendar for the month of August will be presented to City Council for their review.

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 2. The Lenoir Tourism Development Authority will meet on Thursday, August 9 at 4:00 p.m. at City Hall, Third Floor, former Council Chambers.

LENOIR BUSINESS ADVISORY

BOARD: 3. The Lenoir Business Advisory Board will meet on Thursday, August 9 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

UPTOWN JAZZ

SHOW: 4. The Bryan Anderson and Toni Carlton Uptown Jazz Show is scheduled for Friday, August 10 from 7:00 p.m. – 10:00 p.m. on the uptown plaza.

FABULOUS FILM

NIGHT: 5. Fabulous Film Night is scheduled on Saturday, August 11 at 8:30 p.m. with the movie “Sherlock Gnomes” being shown on the square.

CITY/COUNTY SERVICES

COMMITTEE:

6. The City/County Services Committee will meet on Monday, August 13 at 11:45 a.m.

CALDWELL COUNTY ECONOMIC

DEVELOPMENT COMMISSION:

7. The Caldwell County Economic Development Commission will meet on Tuesday, August 14 at 8:00 a.m.

PARKS & RECREATION ADVISORY

BOARD: 8. The Parks & Recreation Advisory Board will meet on Monday, August 20 at 6:00

p.m. at the Optimist Clubhouse.

B. ITEMS FOR COUNCIL ACTION

BID AWARD; ANNUAL PAVING CONTRACT:

1. City Staff recommends Council award the low bid of \$93.00 per ton to J.T. Russell & Sons, Inc. for the City's Annual Paving Contract. J.T. Russell & Sons, Inc. is the lowest, responsive, responsible bidder, is appropriately licensed in the state of North Carolina, and is adequately equipped to perform work of this nature. J. T. Russell & Sons, Inc.'s bid included the required bid (security bond) and an escalator clause for unit price adjustment based on liquid asphalt price fluctuation.

A copy of the paving contract, bid tab and liquid asphalt price graph is hereby incorporated into these minutes as reference. (Refer to pages 197& 198).

Mr. Hildebran referred to the submitted price graph and stated the City's cost for FY2014-2015 was \$88.00 per ton; FY2016-2017 was \$82.50; FY2017-2018 was \$88.00 and the recommended price for FY2018-2019 is \$93.00 per ton.

Councilmember Stevens inquired if it was a good idea to change suppliers since J. T. Russell & Son's does not own an asphalt plant like the City's current contractor, Maymead, Inc.

Public Works Director Wright remarked he was confident in awarding the paving contract to J.T. Russell & Sons, Inc.

Upon a motion by Councilmember Rohr, Council voted 7 to 0 to award the FY2018-2019 Paving Contract to J.T. Russell & Sons, Inc. as presented and as recommended by City Staff.

SPEED LIMIT; CONNELLY SPRINGS ROAD:

2. City Staff recommends Council formally adopt a 45 mph speed limit throughout the five-lane section of Connelly Springs Road between Hickory Boulevard and Southwest Boulevard, as recommended by the North Carolina Department of Transportation (NCDOT). The City's Code of Ordinances, Traffic, Section 118, will be amended to reflect this change.

A copy of the Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence and map are hereby incorporated into these minutes by reference. (Refer to page 199 & 200).

City Manager Hildebran explained the reason for this request by NCDOT is that an ordinance has never been formally adopted for this section of Connelly Springs Road.

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to adopt the Certification of Municipal Declaration to Enact Speed Limits and Request for

Concurrence as described above and as recommended by NCDOT. Note: This action repeals all previous speed limit ordinances related to this section.

**ASSIGNMENT OF LEASE & INTERIM TRAIL
USE/RAIL BANKING AGREEMENT:**

3. City Staff recommends approval of the Assignment of Lease and Interim Trail Use/Rail Banking Agreement from Caldwell County Pathways, Inc. to the City of Lenoir as submitted.

A copy of the lease agreement is hereby incorporated into these minutes by reference. (refer to pages 201-204).

City Manager Hildebran explained that, as a result of a joint effort in 2016 between Caldwell County Pathways, the Caldwell Rail Commission, and the City of Lenoir, Pathways entered into a Lease and Interim Trail Use/Rail Banking agreement with the Caldwell Rail Commission. This lease and trail use agreement is the mechanism by which the discontinued rail corridor was officially “rail banked” and made available for the development of a greenway trail. This greenway will be certified as part of the Overmountain Victory Trail.

Mr. Hildebran stated this action assigns the lease that Pathways has with the Rail Commission to the City of Lenoir and will further facilitate trail development as well as ensure liability coverage for trail users once complete. It was noted that Caldwell County Pathways and the Caldwell Rail Commission have already approved this lease agreement.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve the Assignment of Lease and Interim Trail Use/Rail Banking Agreement as described above and as recommended by City Staff.

**AUTHORIZING RESOLUTION;
CALDWELL UNC HEALTHCARE:**

4. City Staff recommends approval of a resolution authorizing the City Manager to file an application with the North Carolina Department of Commerce requesting \$500,000 in grant funds to assist with the Caldwell UNC Health Care Grant project. The City of Lenoir will provide the required 5% local government match for \$25,000 to comply with the Rural Hope Grant regulations. It was noted the 5% match has been secured by the Hospital Foundation.

A copy of the authorizing resolution is hereby incorporated into these minutes by reference. (Refer to page 205).

City Manager Hildebran stated Caldwell UNC Healthcare is submitting an application to assist in the construction of a new, free-standing 17,200 square foot mental health facility which will have 27 beds and offer in-patient and out-patient services. Caldwell County currently has no psychiatric hospital based inpatient services and no psychiatrists to meet the needs of our local community. This behavior health facility will be located beside of UNC Healthcare on Mulberry Street.

He further noted the cost of the project is \$7.2 million and fifty (50) new, well-paying, full-time jobs will be created. The project is expected to break ground in the fall of 2018 with construction completion and job creation by fall 2020.

Councilmember Beal asked if these services will be available for children.

City Manager Hildebran reported it was his understanding that the funding will focus on the adult population as Caldwell UNC has documented that is the greatest need. Councilmember Rohr stated that, through his work with the court system, this facility is incredibly needed in our community. He expressed his agreement with the project but remarked that, due to his philosophical opposition to state and federal grants, he could not vote in favor of the grant application.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 1 to adopt the resolution authorizing the City Manager to file an application with the North Carolina Department of Commerce requesting \$500,000 in grant funds to assist with the Caldwell UNC Health Care Grant project. Councilmember Rohr commented that he reluctantly votes no.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

ANNOUNCEMENTS; REAPPOINTMENTS; AUTHORITIES/BOARDS/COMMISSIONS:

- A. Mayor Gibbons recommended that Richard Hedrick be re-appointed to serve a two-year term on the Board of Adjustments. Mayor Gibbons explained that members of the Planning Board serve on the Board of Adjustments. This re-appointment will be listed on the August 21 City Council Agenda for consideration of approval.

Mayor Gibbons further announced for the general public that a vacancy exists on the Parks and Recreation Advisory Board due to the recent resignation of Joel Kincaid. Mayor Gibbons commended Mr. Kincaid for his service to the Board and encouraged interested applicants to contact the City of Lenoir to submit an application for consideration.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 6:40 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



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

WHEREAS, the City of Lenoir, North Carolina, City Council desires to dispose of certain surplus property of the City of Lenoir to be awarded to Chief Scott Brown upon his retirement from the Lenoir Police Department and Declaring his badge and service weapons as Surplus Property

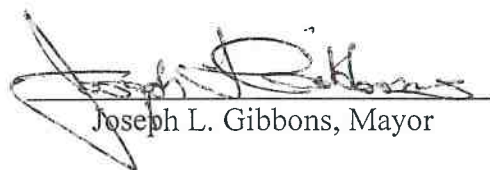
NOW, THEREFORE BE IT RESOLVED,

- 1) the Mayor and City Council of the City of Lenoir acknowledge Chief Scott Brown's loyal and dedicated service to the citizens of Lenoir, and
- 2) the Mayor and City Council declare the following police weapon and police badge of Chief Scott Brown, upon retirement, as surplus and no longer have any additional use to the City of Lenoir {Sig Sauer Model P220R .45 caliber (Serial # 37B052405)}; and {Smith & Wesson, Model M4 Rifle .223 caliber (Serial # SW69325)}
- 3) the Mayor and City Council authorize the City Manager to proceed with the procedures as outlined in N.C.G.S. §20-187.2 regarding the service side arms of retiring members of City law enforcement agencies.

NOW, THEREFORE BE IT FURTHER RESOLVED that, I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council and all the citizens, do hereby wish the very best for Police Chief Scott Brown in his retirement and commend him for the outstanding example he has set as a dedicated public servant.

Adopted this the 7th day of August, 2018.

SEAL



Joseph L. Gibbons, Mayor

ATTEST:



Shirley M. Cannon, City Clerk



City of Lenoir, North Carolina

Water Shortage Response Plan

I. Definitions

(a.) Water Shortage

The term "water shortage" shall be defined as any condition or situation which threatens the safety or supply of either treated or potable water within the water supply, treatment or distribution systems of the city or within the systems of the municipal, commercial or industrial customers. The City Manager or his designee shall determine whether specific situations are considered to be water shortages, after consultation with the Director of Public Utilities. Water shortage situations shall include, but are not limited to, drought, or periods of insufficient raw water supply, and fires of a magnitude, such that system integrity is threatened.

(b.) Drought Management Advisory Group (DMAG) / Low Inflow Protocol (LIP)

The Drought Management Advisory Group (DMAG) is a team of owners of large water intakes in the Catawba River Basin, state agencies, and Duke Energy, tasked with formulating a basin wide response to low flow conditions, as defined in the Low Inflow Protocol (LIP). Low Inflow Protocol (LIP) means prescribed levels of escalating response to drought conditions based on trigger points for use during periods of low inflow to the reservoirs on the Catawba River.

II. Authorization

The Lenoir City Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in section IV are met. In his or her absence, the Utility Director will assume this role.

Mr. Scott Hildebran, Lenoir City Manager – Phone: (828) 757-2200 – E-mail: shildebran@ci.lenoir.nc.us

Mr. Radford L. Thomas, Lenoir Utility Director- Phone: (828) 757-2219 –E-mail: rlthomas@ci.lenoir.nc.us

III. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills and on the City of Lenoir website (<http://www.ci.lenoir.nc.us/>). Required water shortage response measures will be communicated through *The Lenoir News Topic*, PSA announcements on local radio and cable stations and on the City of Lenoir website. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through use of reverse 911.

IV. Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

Stage	Response	Description
1	Voluntary Reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory Reductions I	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Mandatory Reductions II	Same as in Stage 2
4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In Stage 1, Voluntary Reductions, all water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

In Stage 2, Mandatory Reductions I, all customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 8AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited.

In Stage 3, Mandatory Reductions II, customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of 1.5 times the normal water rate applies.

In Stage 4, Emergency Reductions, customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to 2 times the normal water rate.

The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to Lenoir's Emergency Response Plan. Drought surcharges increase to 5 times the normal water rate.

V. Triggers

Lenoir's source of water is Lake Rhodhiss. Lenoir will abide by the triggers identified by Duke Power in accordance with the drought stage triggers incorporated into the Low Inflow Protocol.

Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

VI. Enforcement

The provisions of the water shortage response plan will be enforced by City of Lenoir utility department and police personnel. Violators may be reported on the City's phone line or the e-mail contact listed on the City's website. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of Service
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

Drought surcharge rates are effective in Stages 3, 4 and 5.

VII. Public Comment

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at City Hall for customers to view. A notice will be included in customer water bill notifying them of such. Also a draft plan will be published in *The Lenoir News Topic* and on the City of Lenoir website. A public hearing will be scheduled with notice printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Lenoir's City Council.

VIII. Variance Protocols

Applications for water use variance requests are available from the City of Lenoir website and City Utility Office. All applications must be submitted to the Utility Office for review by the Utility Director or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

IX. Effectiveness

The effectiveness of the Lenoir water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

X. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Lenoir's City Council. The City of Lenoir Utility Director is responsible for initiating all subsequent revisions.



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

**RESOLUTION FOR APPROVING
WATER SHORTAGE RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the City of Lenoir, has been developed and submitted to the Mayor and City Council for approval; and

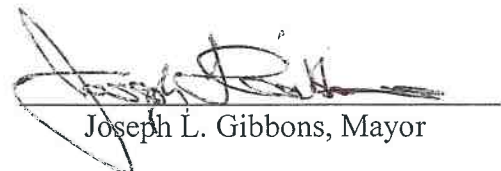
WHEREAS, the Mayor and City Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Lenoir, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

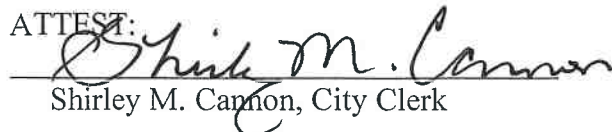
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lenoir that the Water Shortage Response Plan entitled, Lenoir Water Shortage Response Plan dated July 15, 2018, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Mayor and City Council intend that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 7th day of August, 2018.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





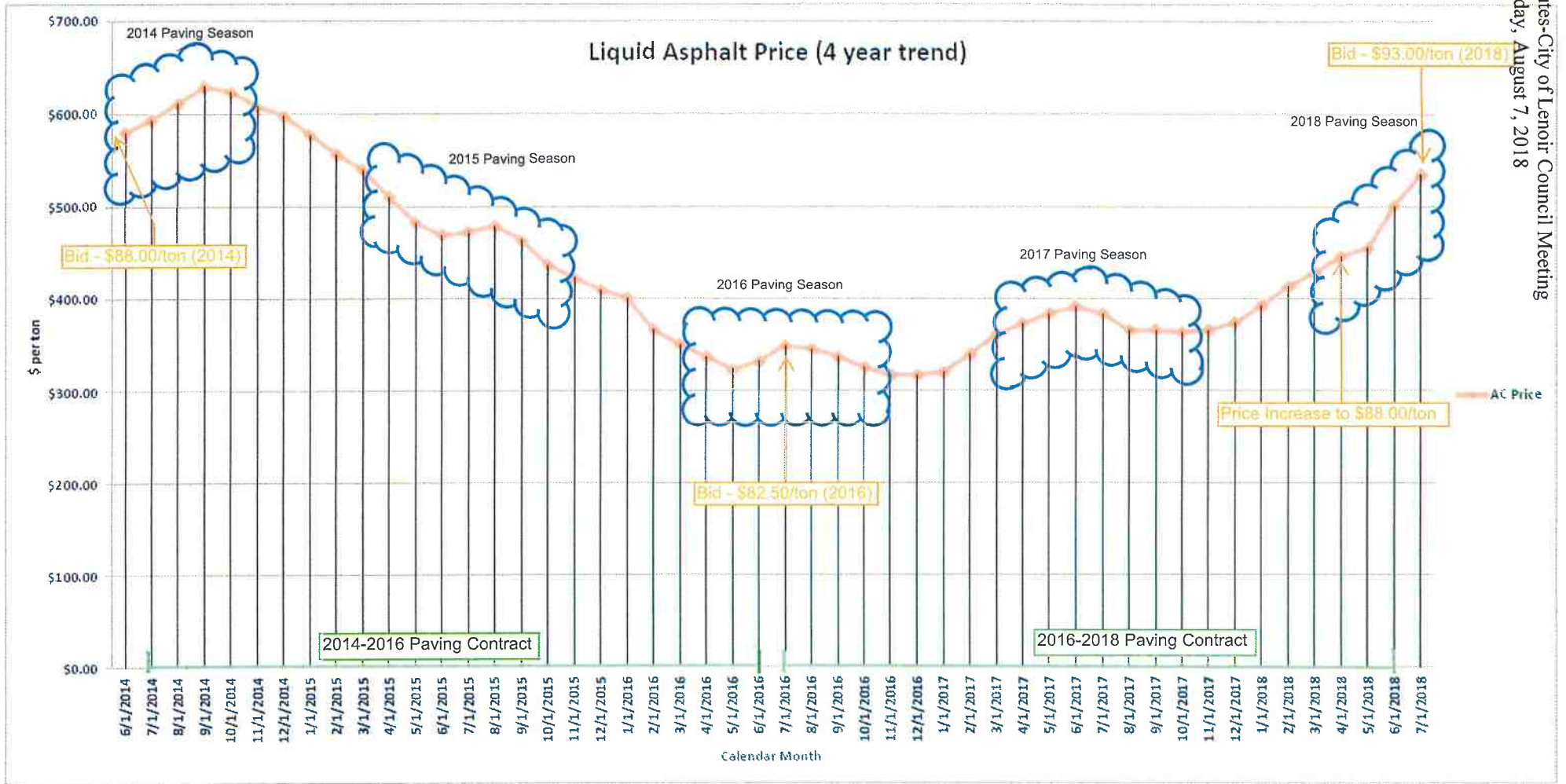
BID TAB

Public Bid Opening
2018-2020 Asphalt Resurfacing Contract
City of Lenoir
July 26, 2018, 2:00 p.m. local time

Jared Wright
Public Works Director

Minutes-City of Lenoir Council Meeting
Tuesday, August 7, 2018

Contractor	Bid Security	Unit Price/Ton
Midstate Contractors	No Bid	No Bid
Precision Paving, Inc.	No Bid	No Bid
MK Enterprise	No Bid	No Bid
Tri-County Paving	Yes	\$97.50
J.T. Russell & Sons	Yes	\$93.00
Maymead	Yes	\$95.00
Carolina Paving	No Bid	No Bid



Concurring State Ordinance Number: 1073758

Division: 11 County: CALDWELL

Municipality: LENOIR

Type: Municipal Speed Zones

Road: SR 1001

Car: 45 MPH

Truck: 45 MPH

Description: Between US 321ALT and SR 1933 (Southwest Loop)

Municipal Certification

I, Shirley M. Cannon, Clerk of City of Lenoir, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 7th day of August, 2018, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: 2018 Page: 187 Ordinance Number: 1073758

In witness whereof, I have hereunto set my hand and the municipal seal this 8th day of August, 2018.

Shirley M. Cannon
(signature)

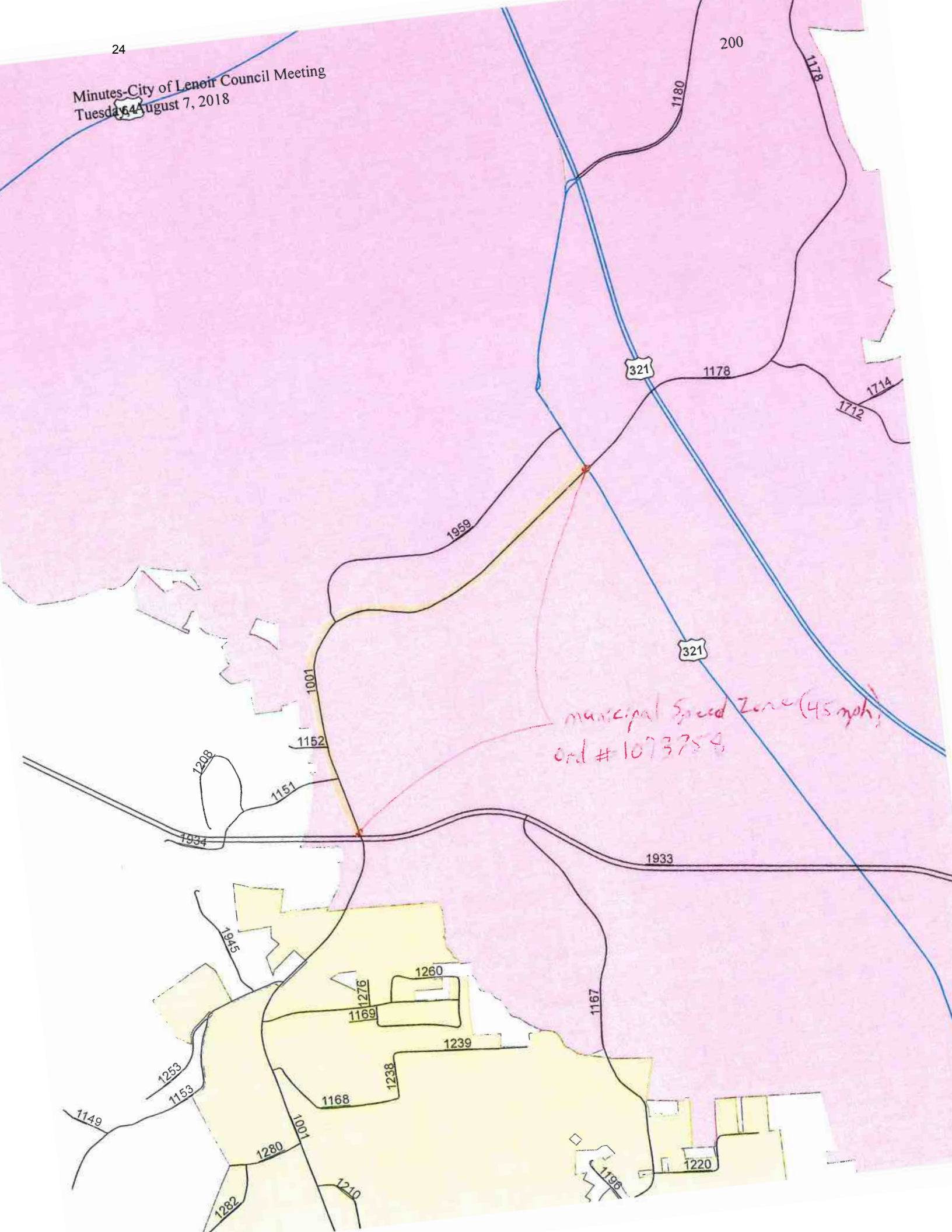


Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Minutes-City of Lenoir Council Meeting
Tuesday, August 7, 2018



This document presented and filed:
08/10/2018 12:05:05 PM

Fee \$26.00



10024874

Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

Martha Clark

ASSIGNMENT OF LEASE & INTERIM - TRAIL USE/RAIL BANKING AGREEMENT

This ASSIGNMENT OF LEASE & INTERIM TRAIL USE/RAIL BANKING AGREEMENT (hereinafter, "Lease Assignment") dated August 7th, 2018, (the "Effective Date") by and between Caldwell County Pathways, Inc., a North Carolina nonprofit corporation ("Assignor") and the City of Lenoir, North Carolina, a N.C. municipal corporation (the "City") is made with reference to the following:

WHEREAS, on or about August 16, 2016, the Assignor did enter into a Lease and Interim Trail Use/Rail Banking Agreement with the Caldwell Railroad Commission, a North Carolina nonprofit corporation (the "CRR Commission"), a copy of which is attached and incorporated herein in Exhibit A, in which Assignor did lease from the CRR Commission a portion of that line of railroad lying and being in the City of Lenoir, Caldwell County, North Carolina which was conveyed to the CRR Commission by Norfolk South Railway Company by January 25, 1995, deed recorded in Deed Book 1129, at Page 1620, Caldwell County Registry, said portion beginning at milepost 108.79 and continuing to the northern terminus of said line or railroad located at milepost 112.7, for the Permitted Uses specifically described therein (the "Lease & Trail Use/Rail Banking Agreement"); and

WHEREAS, Assignor now desires to assign and convey unto the City all of its rights, title and leasehold interests in the Permitted Uses as described in the said Lease & Trail Use/Rail Banking Agreement, in order that the City may construct, erect, maintain and operate a recreational trail open to the public or for any other use permitted by the National Trails Systems Act 16 U.S.C. sect 1247(d) & 49 C.F.R. sect 1152.29, consistent with the rights and obligations of the Assignor and the CRR Commission under said Lease & Trail Use/Rail Banking Agreement; and

WHEREAS, the CRR Commission acknowledges receipt of due notice of this Lease Assignment and does hereby further acknowledge its consent to and approve of the entry of the Assignor and the City into this Lease Assignment as provided under the terms of the said Lease & Trail Use/Rail Banking Agreement.

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NOW, THEREFORE, in consideration of the covenant and promises made herein and other good and valuable consideration, the receipt and sufficiency of which is hereby irrevocably acknowledged, Assignor and the City agree as follows:

1. Lease Assignment. The Assignor, in accordance with the terms, conditions and reservations contained in the said August 16, 2016, Lease & Trail Use/Rail Banking Agreement does hereby assign unto the City all of its rights, title and leasehold interests in the Permitted Uses and in all of its other rights and interests as described in the said Lease & Trail Use/Rail Banking Agreement. However, any of the track structures (including rails, ties, wires, signal equipment, tracks or other track materials on the railroad line that have previously been disposed of or sold by Lessor prior to the date of this Lease Assignment are excluded from such assignment by Lessor to the City. The City shall at its sole expense keep or cause to be kept for the mutual benefit of the parties and the CRR Commission comprehensive general liability insurance in the minimum total amount of one million dollars (\$1,000,000.00) for each occurrence.

2. Consistency of the Lease & Trail Use/Rail Banking Agreement. The provisions of this Lease Assignment shall be enforced and interpreted in consistence with the respective rights and obligations of the Lessor and the CRR Commission under the said Lease and Interim Trail Use/Rail Banking Agreement. This Lease Assignment shall be governed, interpreted and construed under the laws of the State of North Carolina, and its provision shall inure to the benefit of, and shall be binding upon, the parties hereto and their respective heirs, successors and/or assigns.

IN WITNESS WHEREOF, the parties have signed this Lease Assignment effective as of the Effective Date stated above.

Assignor

CALDWELL COUNTY PATHWAYS, INC.

By: Richard J. Barr
Its: Chair (title)

CITY OF LENOIR, NORTH CAROLINA

By: Joseph R. Williams
Its: Mayor (title)

Acknowledgement & Consent - **The Caldwell Railroad Commission** acknowledges notice of this Lease Assignment and does consent and approve as stated above.

CALDWELL RAILROAD COMMISSION: By: David J. Stevens
Its: Chairman

[notarization page follows]

NORTH CAROLINA

COUNTY OF CALDWELL

I, Jacqueline Signor, a Notary Public of the County and State
aforesaid, certify that Richard J. Rash personally came before me this day
and acknowledged to me that he or she voluntarily signed the foregoing document for the
purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 8th day of August, 2018.



Jacqueline Signor
Printed or Typed Name: Jacqueline Signor
Notary Public

My Commission Expires: October 4, 2022

NORTH CAROLINA

COUNTY OF CALDWELL

I, Shirley Cannon, a Notary Public of the County and State
aforesaid, certify that Joseph L. Gibbons personally came before me this day
and acknowledged to me that he or she voluntarily signed the foregoing document for the
purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 9th day of August, 2018.



Shirley Cannon
Printed or Typed Name: Shirley Cannon
Notary Public

My Commission Expires: 9-21-2019

EXHIBIT A

To Lease and Interim Trail Use/ Rail Banking Agreement

Between Caldwell Railroad Commission and Caldwell County Pathways, Inc.

Being a part of that line of railroad, with all railway appurtenances attached thereto, lying and being in the City of Lenoir, Caldwell County, North Carolina which was conveyed to Caldwell Railroad Commission (formerly named Caldwell County Economic Development Commission, Inc.) by Norfolk Southern Railway Company by Deed dated January 25, 1995 and recorded in Deed Book 1129, at Page 1620, Caldwell County Registry, and more particularly described as follows:

Beginning at milepost 108.79 and continuing to the northern terminus of said line of railroad located at milepost 112.7.



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
AUTHORITY TO APPLY TO THE
NORTH CAROLINA DEPARTMENT OF COMMERCE
RURAL ECONOMIC DEVELOPMENT DIVISION
CALDWELL UNC HEALTH CARE
BEHAVIORAL HEALTH FACILITY RURAL HOPE GRANT

WHEREAS, the City of Lenoir desires to assist through Rural Hope Grant funding the Caldwell UNC Health Care Behavioral Health facility on the Caldwell Memorial Hospital site in Lenoir and;

WHEREAS, the City of Lenoir requests a Rural Hope Grant from the North Carolina Department of Commerce for this project.

NOW THEREFORE BE IT RESOLVED, BY THE LENOIR CITY COUNCIL:

That the City of Lenoir will provide the required local government match of 5% for the Rural Hope Grant requested.

That Scott E. Hildebran, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Lenoir with the North Carolina Department of Commerce for a grant to assist in the development of the project described above.

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

Adopted this the 7th day of August 2018, at Lenoir, North Carolina.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk