

**City Council
Meeting Minutes
Tuesday, July 28, 2026
6:00 PM**

Present: Mayor Joe Gibbons presiding. Mayor Pro-Tem Ike Perkins, Councilmembers present were Jonathan Beal, Rebecca Dellinger, Ralph Prestwood, Kimmie Rogers, David Stevens, Crissy Thomas, City Manager Scott Hildebran, City Clerk Lauren Hartley, and Attorney Timothy Rohr.

City Staff: In attendance was Finance Director Donna Bean, Communication & Public Information Director Joshua Harris, Fire Chief Norman Staines, Police Chief Andy Wilson, Planning Director Hannah Williams, Planner Matt Duchan, Economic Development Main Street Director Brenda Floyd, and Street & Solid Waste Superintendent Tracy Huffman.

Absent Public Services Public Utilities Director Jeff Church, Public Services Public Works Director Jon Hogan, and City Parks & Recreation Director Phil Harper.

I. Call to Order

Mayor Gibbons asked for everyone to keep in their thoughts and prayers several local families who experienced the passing of their loved ones that have been involved with Lenoir.

- Emily Stilwell Warren passed away, the daughter of late former councilmember Ron Stilwell.
- Christopher Blair and Kay Blair passed away, who is the brother and mother of Jonathan Blair. Blair is a member of city boards and very active in our city.
- Rose Church passed away, who was the mother of Jerry Church, former manager of Granite Falls and the spouse of late former County Commissioner Dwight Church.
- Gary Bentley passed away, who was well known in the community and owner of Lenoir Building Supply.

Also, keep City Attorney TJ Rohr's mother in your thoughts and prayers as she had a recent surgery and former councilmember Ben Wills as he recently suffered a snake bite.

Mayor Gibbons made the following announcements:

- Mayor Gibbons thanked city staff and volunteers for all their hard work during the July events held by the city.
- The City of Lenoir was honored to have the Freedom 250 Mobile Museum. There are only six mobile museums in the United States, with 20,000 applications. This event had a great turnout.
- A film crew came to downtown Lenoir this past weekend from the North Carolina Main Street Grant the city received. They filmed downtown and the

local businesses.

Police Chief Wilson introduced recently promoted lieutenants; Derek Brown and Brandon MacLeod. Wilson gave a brief overview of their education and employment.

- A. The meeting was opened by a moment of silence and the pledge of allegiance led by Mayor Gibbons.
- B. Planning Director Hannah Williams recognized Code Compliance Officer, Matt Bolick for completing the Certified Zoning Official (CZO) through the North Carolina School of Government. Williams said the Certified Zoning Official demonstrates his statewide knowledge of North Carolina's development statutes. Matt Bolick has a long-standing commitment to public service with 15 years as a Lenoir Firefighter and also worked with the Public Works Cemeteries Division. Williams said this certification reinforces that Matt is committed to excellence and dedicated to continuing working to improve and serve this community.

II. Matters Scheduled for Public Hearings

- A. A public hearing was held for ordinance amendments: Flood Damage Prevention; Second Reading; The Emergency Management Division of the NC Department of Public Safety reissued the Non-Coastal model flood damage prevention ordinance in March 2026 with more details, more compliance with FEMA/National Flood Insurance Program, and stronger enforcement mechanisms. Staff recommends the consideration of the ordinance amendments relating to Chapter 9 (Flood Damage Prevention) of the Lenoir Code of Ordinances.

Mayor Gibbons opened the public hearing and asked Planning Director Hannah Williams to speak about the proposed ordinances.

Planning Director Hannah Williams said this is the city's proposed revisions to the flood damage prevention ordinance. The revisions stem from the state's non-coastal model ordinance. The North Carolina Emergency Management Floodplain branch coordinates with the National Flood Insurance Program and with North Carolina's local communities.

Director Williams stated she had an amendment to the proposed ordinance from the first reading. She said that under administrative appeals in the city code, the model ordinance language conflicts with itself. Williams proposed replacing the words **local elected governing body** with **Lenoir Board of Adjustment**, which is consistent with other development appeals. These revisions were reviewed and approved by the state floodplain manager, Terry Fox. This proposed ordinance amendment came before council for a first reading on June 16, 2026.

Williams then informed the Council that Caldwell Soil and Water Board has requested a 30-day delay in final action on this item, to give the board time to review the ordinance.

Mayor Gibbons asked if anyone would like to address the council concerning this public hearing. With none, Mayor Gibbons closed the public hearing.

Mayor Gibbons said the recommendation here tonight is to table for 30-days, which would be September 1, 2026.

Upon a motion by Councilmember Stevens, City Council voted 7 to 0 to table action on the Flood Damage Prevention ordinance amendments until the City Council meeting of Tuesday, September 1, 2026.

- B.** A quasi-judicial hearing was held for Special Use Permit SUP 1-26: 208 Polychem Court to consider a request to construct a 145-foot monopole wireless communication tower and associated ground equipment on a 2,500 square foot leased easement area of the subject property with the following (8) conditions:
1. Approval of this special use permit request is only valid for the development of the proposed communications tower as shown on the submitted plans. Future modifications to allow for the co-location of additional service providers are allowed, provided such modifications do not increase the height of the tower, or change the design of the tower to anything other than a monopole design.
 2. The applicant must maintain the minimum liability coverage required by Sec. 910.2 in full force and effect until such time as all above-ground portions of the facility have been removed and all other conditions of the Maintenance & Removal Agreement have been satisfied.
 3. All above-ground portions of the communication tower must be removed within 90 days of the cessation of operations, or the facility may be removed by the City as provided in the applicant's Maintenance/Removal Agreement by the City. The costs of removal will be recovered from the applicant's bond or other security.
 4. The applicant shall continue the \$10,000 bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied.
 5. No advertising logo is permitted on the tower.
 6. The facility must remain an unmanned facility, with occasional on-site checks for operational purposes by staff.
 7. 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.
 8. If a building permit has not been issued within 24 months of the adoption of the Special Use Permit, the approval shall be considered null and void.

City Attorney Rohr explained the quasi-judicial hearing rules and procedures to Council.

Mayor Gibbons opened the public hearing and asked anyone who would like to address the Council concerning this hearing to be sworn in.

City Clerk Lauren Hartley swore in City Planner Matt Duchan, Amy Schaefer, Mark Roberts, and Cal Morgan.

Planner Matt Duchan presented on Special Use Permit SUP 1-26 for a 145 foot monopole communications tower located on property owned by Chakra Gupta LLC, 208 Polychem Court. The applicant is Harmoni Towers. Matt Duchan read the findings for the record:

1. The proposed special 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 Tower Facility will comply with all height, yard, lot and area requirements as shown on the attached site plan, specifically the tower height and setback requirements of Sections 910.12 and 911.1. The proposed tower will be 145 feet tall, which is less than the maximum height of 165 feet prescribed by the ordinance. The tower will be setback at least 73.1' from adjacent property lines and 78.7' from the PolyChem Alloy building, which meets the required minimum of 50% of its height as from adjacent property lines and buildings.
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 driveway to the tower will be a gravel driveway within a 30' access easement off of the existing parking lot at the PolyChem Alloy property. The tower will generate an average of one vehicle trip per month for maintenance via the existing driveway off Polychem Court. The driveway design will facilitate proper ingress and egress for authorized service vehicles.
3. Off-street parking and loading areas will be provided in compliance with Section 1000 and off-street loading will be provided in compliance with Section 1001 of Lenoir's Zoning Ordinance. The Tower Facility is a passive, unoccupied use which will only generate an average of one vehicle trip per month for maintenance via the existing driveway off Polychem Court. The monthly maintenance visit will not impact local streets or traffic. Aside from the proposed gravel driveway for the tower, there will be no off-street parking or off-street loading associated with the Tower Facility.
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. The Tower Facility is a passive, unoccupied use with limited impacts to uses already developed in the district. The only interaction with surrounding properties is providing reliable wireless telecommunication services in the area.
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. The Tower Facility will be screened by the existing mature trees and vegetation surrounding the property. If the existing buffer is damaged, a new buffer meeting the Sec. 712 Buffer and Screening standards will be 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. The Tower Facility will have minimal signage. Signs are typically affixed to the gate of the compound and provide site identification, emergency call numbers and other information as required by the FCC. The Tower Facility will be designed in compliance with the City's requirements for exterior lighting. Exterior lighting will be limited to the minimum necessary for safe operation.
 7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already in 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 buildings associated with the Tower Facility are limited to the enclosures for base station equipment that will be placed within the fenced compound area. These enclosures typically have the appearance of a pre-fabricated construction trailer or weatherproof outdoor cabinets that are typical of similar utility installations. This type of building or enclosure is common in Industrial settings and therefore the appearance of this tower facility will be compatible with the general area. The Tower Facility will not cause a substantial depreciation in the property values in the immediate vicinity.
 8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. Industrial properties are located to the north, west and south and undeveloped wooded properties to the east. Its only interaction with surrounding properties is providing reliable wireless telecommunication services in the area. There are no activities associated with the site that will produce odor, vibration, heat, glare or traffic. All equipment and materials needed to operate the site will be located within the proposed fenced area at the base of the support structure. The only noise generating equipment is the emergency back-up generator which will be limited to emergency purposes and occasional testing. The emergency generator is vital to provide service during power outages when communication is needed most.

Duchan requested the conditions and staff report also be submitted for the record to be accepted for council consideration.

Amy Schaefer, North Carolina attorney representing Harmoni Towers approached

Council. Amy Schaefer said in the audience is representative for Harmoni Towers Mark Roberts, and the applicant Cal Morgan. Schaefer asked for all documents provided become part of the record.

Amy Schaefer stated in the staff's report conditions, number (2) states: the driveway will be gravel. She said at the request of the property owner, it was requested the driveway to be paved.

Mayor Gibbons said that would be permissible.

Mayor Gibbons asked if anyone else would like to address the Council concerning this public hearing. With none, Mayor Gibbons closed the public hearing.

Upon a motion by Mayor Pro Tem Perkins, City Council voted 7 to 0 to approve Special Use Permit SUP 1-26 for 208 Polychem Court, adopting the proposed findings and conditions with the added condition that the driveway be paved, as presented.

III. Consent Agenda Items

- A. Minutes: Approval of the City Council minutes of the meeting of Tuesday, June 16, 2026, as submitted.
- B. Minutes: Approval of the Committee of the Whole minutes of the meeting of Tuesday, June 23, 2026, as submitted.
- C. Lenoir Fire Department Foundation Stabilization Project Design-Build Vendor Selection: Following a thorough review and evaluation of each Statement of Qualifications (SOQ), staff recommends entering into contract negotiations with GeoSpecialties LLC to provide Design-Build services for the Lenoir Fire Department Foundation Stabilization Project. GeoSpecialties LLC qualification package demonstrated the firm's experience with the design-build project delivery method, an experienced team with members offering specific, pertinent areas of expertise, a thorough understanding of the project scope, and a suitable approach to project management and adequate quality control programs necessary to perform the work in a responsible manner. GeoSpecialties is appropriately licensed and insured, has financial capability to undertake the project, and is in good legal standing, as submitted.

Upon a motion by Councilmember Thomas, City Council voted 7 to 0 to adopt the above listed items (A through C) on the Consent Agenda as listed and recommended.

IV. Requests and Petitions of Citizens

There were no Requests and Petitions of Citizens.

V. Reports and Boards and Commissions

There was no report from Boards and Commissions.

VI. Reports and Recommendations of the City Manager

A. Items of Information

1. August Calendar: The calendar for the month of August will be provided to City Council listing various committee meetings and events.
2. The 52nd Annual Harambee Festival will be held the week of August 8th through August 14th. Events will be held daily at the Martin Luther King, Jr. Center.
3. The Tomato Blast event will be held Friday, August 7, from 6:00 p.m.-7:30 p.m. at the Unity Park & Community Garden.

B. Items for Decision

1. Wexford Village Guardhouse - Quitclaim Deed and Release of Easement from the City of Lenoir to Wexford Village Homeowners' Association, Inc.
 - (a) releasing the City's public street easement over the Guardhouse Parcel;
 - (b) quitclaiming any other right, title, or interest the City may hold in the parcel; and
 - (c) reserving to the City and to the appropriate public and franchise utility providers perpetual easements for the installation, operation, maintenance, repair, and replacement of water, sanitary sewer, storm sewer, electric, street lighting, telephone, cable, and other utilities serving Wexford Village, together with rights of ingress and egress for such purposes.

Councilmember Prestwood asked to be recused from the vote due to being a resident of Wexford Village.

Upon a motion by Councilmember Stevens, City Council voted 6 to 0 to allow Councilmember Prestwood to be recused from the vote.

City Manager Scott Hildebran said the city received a request for a release of easement from the Wexford Village Homeowners' Association. Wexford Village subdivision was developed in 1999, and they dedicated the streets to the city at that time. The guardhouse shown in the plat submitted, is located in the center of the street. They are unable to obtain insurance for the structure and are maintaining the property. The city has been working with the HOA Attorney Joe Delk IV, who has developed a variety of documents for consideration. This vote should also include to authorize the city manager to execute the documents.

Hildebran thanked Joe Delk IV for his work on this item and said the homeowners association president is in attendance for any questions.

Upon a motion by Councilmember Beal, City Council voted 6 to 0 to approve the Wexford Village request and to authorize the city manager to execute the documents, as presented.

Upon a motion by Councilmember Stevens, City Council voted 6 to 0 to reinstate Councilmember Prestwood to the meeting.

VII. Reports and Recommendations of the City Attorney

VIII. Reports and Recommendations of the Mayor

- A. Board Appointment: Mayor Gibbons recommended Emmanuel Byers to be appointed to the Parks and Recreation Advisory Board (2029 Unexpired). This appointment was announced at the June 16 City Council meeting.

Upon a motion by Councilmember Prestwood, City Council voted 7 to 0 to approve Emmanuel Byers to be appointed to the Parks and Recreation Advisory Board (2029 Unexpired).

IX. Reports and Recommendations of Council Member

Mayor Gibbons announced a celebration of American Music for 250 years featuring the Lenoir Concert Band on Sunday, August 2, at 3:00 p.m. at the American Legion Post 29.

Mayor Gibbons thanked Councilmember Beal for the Purple Squirrel Musik group that performed on July 4 and also the concert band who performed downtown.

X. Adjournment

There being no further business, Mayor Gibbons adjourned the meeting at 6:50 p.m.

Lauren Hartley, City Clerk

Joseph L. Gibbons, Mayor

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA, AMENDING CHAPTERS 9 of THE LENOIR CITY
CODE RELATED TO FLOOD DAMAGE PREVENTION,
PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN
EFFECTIVE DATE.**

Whereas, the North Carolina Department of Public Safety, Emergency Management Division has issued updated revisions to the State’s model non-coastal Flood Damage Prevention Ordinance to align with current NFIP guidance; and

Whereas, the National Flood Insurance Program, authorized under 42 U.S.C. §§ 4001–4128, requires participating communities to maintain floodplain management regulations consistent with Federal standards in order to ensure continued eligibility for reduced rates for flood insurance; and

Whereas, the City of Lenoir finds it necessary to update its local Flood Damage Prevention Ordinance to incorporate these State-recommended revisions, including enhanced administrative procedures, updated technical definitions, and improved flood hazard reduction standards; and

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

Section 1. Chapter 9 of the Code of Ordinance, City of Lenoir, North Carolina “Flood Damage Prevention Ordinance” is hereby amended to read as follows:

Sec. 9-2. Findings of fact.

- (1) The floodprone areas within the jurisdiction of Lenoir are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in floodprone areas of uses vulnerable to floods or other hazards. These obstructions and occupancy by uses vulnerable to floods may be

hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Sec. 9-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

AE Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

Accessory structure (appurtenant structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

AH Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

AO Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated Zone AO on a community's flood insurance rate map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. See "Special flood hazard area (SFHA)."

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means a determination of the water surface elevations of the base flood as published in the flood insurance study. When the BFE has not been provided in a "special flood hazard area," it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "freeboard," establishes the "regulatory flood protection elevation."

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building. See "Structure".

Chemical storage facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Community means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction. For the purposes of this ordinance, references to "the City" are references to "the community." They are synonymous with each other.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility (also called critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire, and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use, or store hazardous materials or hazardous waste.

Design flood. See *Regulatory Flood Protection Elevation*.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development activity means any activity defined as development which will necessitate a floodplain development permit. This includes buildings, structures, and nonstructural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital flood insurance rate map (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Disposal means, as defined in G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Dry Floodproofing means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings, and available from the FEMA.

Elevated building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated 6/16/2009.

Existing manufactured home park or "Manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

~~*Flood or "Flooding"* means a general and temporary condition of partial or complete inundation of normally dry land areas from~~

- ~~(1) The overflow of inland; and/or~~
- ~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Non-conversion agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-encroachment area means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the flood insurance study report.

Post-FIRM means construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map.

Pre-FIRM means construction or other development for which the "start of construction" occurred before the effective date of the initial flood insurance rate map.

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground.

Public safety and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle (RV) means a vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (5) Has no attached deck, porch, or shed, and
- (6) Has quick-disconnect sewage, water, and electrical connectors.

Reference level is the top of the lowest floor for structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO.

Regulatory flood protection elevation means the "base flood elevation" plus the "freeboard." In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Remedy a violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Repetitive Loss Property means any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including, but not limited to, vehicles, appliances and related machinery.

Section 1316 means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

1. Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

Water surface elevation (WSE) means the height, in relation to NAVD 1988 mean-sea-level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X Zones means areas determined to be low to moderate risk flood zones and are located outside the community's delineated Special Flood Hazard Area (SFHA) and include the following:

- (a) Shaded - is the area of moderate flood hazard and can represent:
 - (1) 0.2% annual chance flood hazard area (500-year flood zone).
 - (2) Areas of 1% annual chance flood with average depth less than one (1) foot, or
 - (3) Areas of 1% annual chance flood with drainage areas of less than one (1) square mile
- (b) Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

Sec. 9-21. Lands to which this chapter applies.

This ordinance shall apply to all special flood hazard areas within the jurisdiction, including extra-territorial jurisdictions (ETJs), of the City of Lenoir.

Sec. 9-22. Basis for establishing the special flood hazard areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated July 7, 2009 for Caldwell County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

~~The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated July 7, 2009 shown on FIS for~~

Caldwell County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

Sec. 9-28. Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor under G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with its requirements shall be subject to civil penalties set forth in Section 1-15 of this Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lenoir from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 9-45. Designation of floodplain administrator.

The City of Lenoir Planning Director, hereinafter referred to as the "floodplain administrator," is hereby appointed to administer and implement the provisions of this chapter. In instances where the floodplain administrator receives assistance from others to complete tasks to administer and implement this ordinance, the floodplain administrator shall be responsible for the coordination and ~~community's~~ the City's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

Sec. 9-46. Floodplain development application, permit and certification.

- (1) *Application requirements.* Application for a floodplain development permit shall be made to the floodplain administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

- c. If floodproofing, a floodproofing certificate (FEMA Form FF-206-FY22-1533-0) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

- (2) *Permit requirements.* The floodplain development permit shall include, but not be limited to:

- a. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.), including a cost estimate of proposed work.

- (3) *Certification requirements.*

- a. Elevation certificates.

1. An elevation certificate (FEMA Form FF-206-FY 22-152) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988 ~~mean sea level~~. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 2. An elevation certificate (FEMA Form FF-206-FY 22-152) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 3. A final finished construction elevation certificate (FEMA Form-FF-206-FY 22-152) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.
- b. Floodproofing certificate.
1. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form FF-206-FY22-153-~~0~~), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in

accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

2. A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- c. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of section 9-67(3)(b).
- d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- e. Certification exemptions. The following structures, if located within zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 1. Recreational vehicles meeting requirements of subsection 9-67(6)a.;
 2. Temporary structures meeting requirements of subsection 9-67(7); and
 3. Accessory structures less than 150 square feet meeting requirements of subsection 9-67(8).

(4) Substantial Improvement/Damage determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

Sec. 9-47. Duties and responsibilities of the floodplain administrator.

The floodplain administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied.
- (2) Review all proposed development within special flood hazard areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of ~~Crime Control and~~ Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the ~~City community~~ at any reasonable hour for the purposes of inspection or other enforcement action.
- (15) Issue stop work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing or in charge of the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.
- (16) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (17) Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the ~~community~~ City. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- (18) Follow through with corrective procedures of section 9-48.
- (19) Review, provide input, and make recommendations for variance requests.
- (20) Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps and studies adopted in accordance with the provisions of section 9-22 of this chapter, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.
- (21) Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).
- (22) Make substantial improvement and post event damage assessments and determinations:
 - (a) Conduct damage assessments for damaged structures located within the SFHA. Complete substantial improvement/damage determinations in accordance with the provisions of Section 9-46(4).
- (23) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file
- (24) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.

Sec. 9-48. Corrective procedures.

1. Stop Work Order: The City may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations
2. Notice of Violation. If the City determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice

of violation shall contain:

- (a) The name and address of the owner or the applicant or the responsible person;
 - (b) The address or other description of the site upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
 - (f) A statement that the determination of violation may be appealed to the City of Lenoir Board of Adjustment by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
3. Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Lenoir shall first notify the owner, applicant or other responsible person in writing of its intended action. The City of Lenoir shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the City of Lenoir may take or impose any one or more of the following enforcement actions or penalties:
- (a) Termination of utility service and/or withhold or revoke Certificate of Occupancy: The City may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violation or violations described therein.
 - (b) Suspension, revocation, or modifications of permit: The City may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 - (c) Civil penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a Class 1

misdemeanor pursuant to North Carolina General Statute § 143-215.58.

- (i) Any person who violates this ordinance or fails to comply with its requirements shall be subject to civil penalties set forth in Section 1-15 of this Code. Each day such violation continues shall be considered a separate offense.
- (ii) Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the City, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the City's rules and regulations, or the issuance of a notice of bond forfeiture.

Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the local elected governing body. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.

All appeals shall be heard and decided by the City's designated Appeal Board, which shall be the Lenoir Board of Adjustment, or their designees. The Appeal Board shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the City's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Appeal Board shall be final.

A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the City, after exhausting his/her administrative remedies. The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.

Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

Sec. 9-49. Variance procedures.

- (1) The City of Lenoir Board of Adjustment, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this chapter.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - b. Functionally dependent facilities if determined to meet the definition as stated in section 9-5 of this chapter, provided provisions of subsections 9-49(9)b., c. and e. have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - c. Any other type of development, provided it meets the requirements of this section.

- e. The City of Lenoir has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance, in accordance with North Carolina General Statutes §143-215.54A(b).

Sec. 9-66. General standards.

In all special flood hazard areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

- (16) Structural fill shall not be used unless design and construction of the structural fill accounts for the following:

- (a) consolidation of the underlying soil under the weight of the fill and the structure,
- (b) differential settlement due to variations in fill composition and characteristics, and
- (c) slope stability and erosion control during conditions of the base flood.

Sec. 9-67. Specific standards.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in section 9-22 and section 9-69 the following provisions, in addition to the provisions of section 9-66, are required:

(6) *Recreational vehicles.* Recreational vehicles shall ~~either~~ meet the following:

a. Placement of a Recreational Vehicle in the Regulatory Floodway or Non-Encroachment Area is prohibited. This includes both temporary and permanent placement

b. Temporary placement.

1. Be on site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions).

~~b. Permanent placement. Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction.~~

(8) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, wet floodproofing may be permitted when the following criteria are met: ~~When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:~~

- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b. Accessory structures shall not be temperature-controlled;
- c. Accessory structures shall be designed to have low flood damage potential;
- d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. Accessory structures shall be firmly anchored in accordance with the provisions of section 9-66(1);
- f. All service facilities such as electrical shall be installed in accordance with the provisions of section 9-66(4); and
- g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of section 9-67(4)c.

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with section 9-46(3).

(b) All other accessory structures exceeding the size restrictions in Article 5, Section B(8)(a) above must comply with the elevation or floodproofing standards and certification requirements in accordance with Section 9-46(3) and Section 9-67(8)(a).

An accessory structure with a footprint of 150 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in Section 9-67(8)(a) is not required to meet the elevation or floodproofing certification requirements of Section 9-46(3). All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with Section 9-46(3).

Sec. 9-71. Standards for floodways and non-encroachment areas.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in section 9-22. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 9-66 and 9-67, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - b. A conditional letter of map revision (CLOMR) has been approved by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A letter of map revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
 - c. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Section 9-71(1) if the encroachment results in changes to the floodway/non-encroachment area widths, and/or changes to the stream location.
- (2) If subsection 9-71(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - a. The anchoring and the elevation standards of subsection 9-67(3); and
 - b. The no encroachment standard of subsection 9-71(1).

(4) Placement of recreational vehicles in the regulatory floodway or non-encroachment area is prohibited.

Sec. 9-91. Severability.

If any section, clause, sentence, or phrase of the ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

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 FIRST READING, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 16th day of June, 2026.

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 _____, 2026.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2026.

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

Mayor/Mayor Pro Tempore

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

City Clerk

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Staff Report

Special Use Permit

CASE NUMBER SUP #1-26

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property



Cell Tower Plan Area



Proposed location of cell tower

208 Polychem Ct.

NCPIN 2739715251



SUMMARY

Owner

Chakra Gupta LLC

Applicant

Mark Roberts (Harmoni Towers)

Location

208 Polychem Ct.

NC PIN

2739715251

Project Planners

Hannah Williams, AICP, CZO
Matt Duchan, AICP, CZO

Updated July 20, 2026

Applicant's Request:

The applicant is requesting to construct a 145-foot monopole wireless communication tower and associated ground equipment on a 2500 square foot leased portion of the subject property.

Staff Recommendation:

Approval of the request, subject to the conditions in this report.

Planning Board Recommendation:

Approval of request as submitted by staff, see page 7.

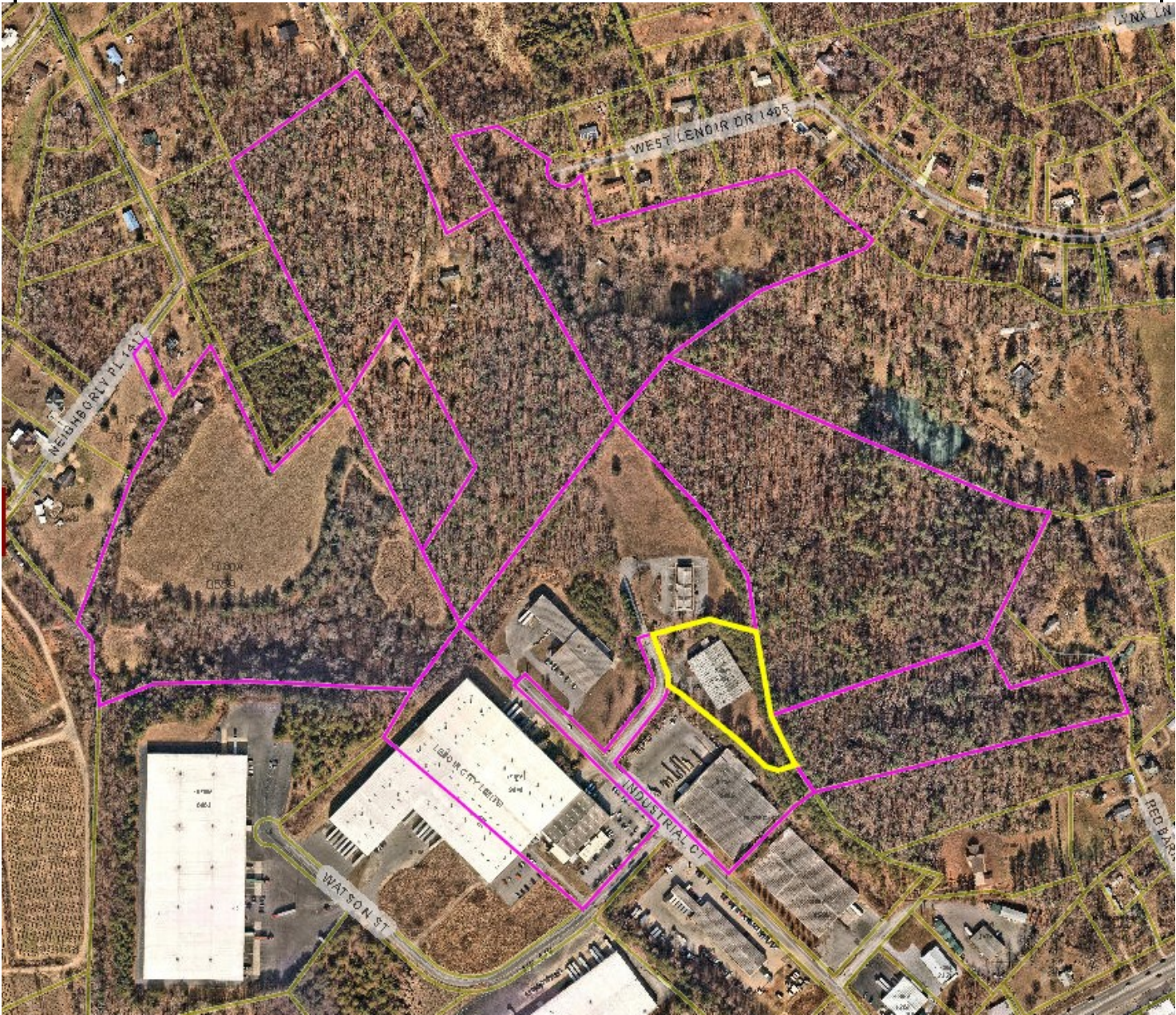
Public Comment:

Planning Board Meeting: June 8, 2026. Notices were mailed to property abutting owners of the subject property on May 29, 2026.

City Council (Public Hearing): Scheduled for July 28, 2026. Notices were mailed to property abutting owners of the subject property on July 15, 2026.

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

ABUTTING PROPERTY OWNER NOTICES MAP



BACKGROUND

Intent of Special Use Permits

Special 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 special 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 Special 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 Special Use Permit following a quasi-judicial hearing.

Communication Towers

It is the intent of Section 910-912 of the City Code of Ordinances to allow communication towers for mobile telephone services and other radio and television information services, while minimizing adverse visual and operational effects of towers through careful siting, design, and screening; to avoid potential damage to adjacent properties through proper setbacks; and to maximize the use of communication towers and existing structures to reduce the number of towers necessary to provide for the communication needs of Lenoir and surrounding areas.

Communication towers are only allowed with Special Use Permits in the City of Lenoir, and must meet performance standards of Sec 910-912 in addition to those standards common to all special uses. The applicant identifies the standards and the full extent to which they will be adhered in Appendix A (pg. 14).

Subject and Surrounding Properties

The subject property is 2.25 acres and features the operations of the company, Poly Chemical Alloy. The properties owned by the LLC span 12 acres. The subject property is located in the Lenoir Industrial Park, zoned I-1 (Light Industrial), off of Morganton Boulevard and can be accessed via Industrial Court. The property sits toward the end of Polychem Court and is surrounded by light industrial properties to the south and immediate north. Nearby properties in the industrial park are developed with warehouses and showrooms, with businesses like Bemis Manufacturing, and the UPS Distribution facility. To the east and west are large wooded tracts of land that are residentially zoned (R-R Rural Residential and R-20 single-family residential).

Intent of the Zoning District

I - 1 (Light Industrial) District is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, retail storage and other compatible uses that are limited in noise, obnoxious odors, with little to no adverse effects on adjacent areas. Some mixture of retail, wholesale, and industrial development may occur in this district, but residential uses are prohibited.

Compliance with the City of Lenoir Zoning Code

Harmoni Towers Gateway, LLC proposes a new 145-foot monopole wireless communication tower with associated equipment structures pursuant to Sections 712, 900, 910, 912 and 1302.2 of the City of Lenoir Zoning Ordinance. The proposed tower is located on property owned by Chakra Gupta LLC. The property will be accessed via Polychem Court and the cell tower will be located on the southeastern side of the subject property. The applicant will adhere to restrictions pertaining to tower height, distance from other cell towers (1320 feet), and distance from neighboring structures. See page 8 which shows setbacks on the site plan and page 9 for an aerial view of the site clarifying what the tower and compound will look like with respect to buildings and vegetation.

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 addresses communication towers by encouraging

STAFF ANALYSIS

co-location on existing facilities. In this case, there are not sufficient existing facilities to locate the proposed equipment, but the monopole design meets the intent of this policy to limit/mitigate the visual dominance of these structures. Additionally, the comprehensive plan calls for a bond to be posted to facilitate tower removal upon use cessation, which has been provided.

Compatibility with Surrounding Uses

The surrounding areas are zoned R-R (rural residential), R-12, R-20 (single-family residential), and I-1 (light industrial). Although adjacent tracts are zoned for residential use, the steep topography and heavily forested nature make future development unlikely. Any consideration of its potential use should acknowledge surrounding industrial development patterns, including the possibility of a new communications tower. See photo below of undeveloped residential tracts. A real estate appraisal is attached to this report.

The traffic to the tower will be minimal due to the fact that this will be an unmanned tower. There will be on average one employee checking the tower and operations approximately one time per month. The proposed tower will have a small footprint and will have the least amount of impact to the surrounding community due to its location.

Vehicular Flow, Site Design & Parking

As shown on the attached site plans (pages 8-9), there is a proposed access easement between the property Owner and the applicant. Verizon will have access to the property for monthly visits to maintain tower services. Little to no impact is proposed to the site due to the communication tower being unmanned. The tower will allow a twenty foot by a sixty foot parking and turnaround area at the base of the antenna. Vehicles will be able to access the property from Polychem Ct There will be a gate that restricts access to permitted workers, as well as a security fence separating the tower from other structures and areas of the property.

Private Property Justification

Section 910.3 in city ordinance requires that the applicant explore the suitability of publicly owned land. After a study was conducted, Harmoni Towers does not believe that any surrounding public properties within a quarter-mile of the proposed site would be suitable for the communication tower to be effective in its services. The proposed tower is located approximately half a mile from the emergency communications tower at the Caldwell County Sheriff's Department.

Architecture

The proposed tower will be a monopole with all antennas and associated equipment to be located outside the pole. The proposed tower will be 145 feet in height. There will not be any other building associated with the Wireless Telecommunications Facility. The facility will be screened from adjacent properties by existing dense vegetation. The existing vegetative buffer will fulfill the required landscaping, in lieu of a newly planted buffer. However, if existing vegetation is damaged, the buffer must be replanted in accordance with Sec. 712 Buffering and Screening standards. The proposed telecommunications tower will also be surrounded by a fence eight feet in height that is secured by a gate.

Setbacks

As shown in the aerial plan on page 8, the proposed facility will be set back from property lines greater than 50% of the proposed towers height, as required by section 912. The setback would therefore need to be 72.5 feet; the actual proposed setback is a minimum of 73 feet on all sides.



Above: Site map with 30' vegetation shown, as well as 5' contours on abutting residential tracts

FINDINGS

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

1. The proposed special 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 Tower Facility will comply with all height, yard, lot and area requirements as shown on the attached site plan, specifically the tower height and setback requirements of Sections 910.12 and 911.1. The proposed tower will be 145 feet tall, which is less than the maximum height of 165 feet prescribed by the ordinance. The tower will be setback at least 73.1' from adjacent property lines and 78.7' from the PolyChem Alloy building, which meets the required minimum of 50% of its height as from adjacent property lines and buildings.*
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 driveway to the tower will be a gravel driveway within a 30' access easement off of the existing parking lot at the PolyChem Alloy property. The tower will generate an average of one vehicle trip per month for maintenance via the existing driveway off Polychem Court. The driveway design will facilitate proper ingress and egress for authorized service vehicles.*
3. Off-street parking and loading areas will be provided in compliance with Section 1000 and off-street loading will be provided in compliance with Section 1001 of Lenoir's Zoning Ordinance. *The Tower Facility is a passive, unoccupied use which will only generate an average of one vehicle trip per month for maintenance via the existing driveway off Polychem Court. The monthly maintenance visit will not impact local streets or traffic. Aside from the proposed gravel driveway for the tower, there will be no off-street parking or off-street loading associated with the Tower Facility.*
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The Tower Facility is a passive, unoccupied use with limited impacts to uses already developed in the district. The only interaction with surrounding properties is providing reliable wireless telecommunication services in the area.*
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. *The Tower Facility will be screened by the existing mature trees and vegetation surrounding the property. If the existing buffer is damaged, a new buffer meeting the Sec. 712 Buffer and Screening standards will be 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. *The Tower Facility will have minimal signage. Signs are typically affixed to the gate of the compound and provide site identification, emergency call numbers and other information as required by the FCC. The Tower Facility will be designed in compliance with the City's requirements for exterior lighting. Exterior lighting will be limited to the minimum necessary for safe operation.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already in 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 buildings associated with the Tower Facility are limited to the enclosures for base station equipment that will be placed within the fenced compound area. These enclosures typically have the appearance of a pre-fabricated construction trailer or weatherproof outdoor cabinets that are typical of similar utility installations. This type of building or enclosure is common in Industrial settings and therefore the appearance of this tower facility will be compatible with the general area. The Tower Facility will not cause a substantial depreciation in the property values in the immediate vicinity.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. *Industrial properties are located to the north, west and south and undeveloped wooded properties to the east. Its only interaction with surrounding properties is providing reliable wireless telecommunication services in the area. There are no activities associated with the site that will produce odor, vibration, heat, glare or traffic. All equipment and materials needed to operate the site will be located within the proposed fenced area at the base of the support structure. The only noise gener-*

STANDARDS

ating equipment is the emergency back-up generator which will be limited to emergency purposes and occasional testing. The emergency generator is vital to provide service during power outages when communication is needed most.

Additionally, the following standards must be met to grant approval of a SUP for a communications tower. Staff has reviewed the application and found it to be in compliance with all of the following standards. A detailed analysis has been provided by the applicant in Appendix A.

- ☒ The proposed tower will comply with Federal Communications Commission (FCC) standards for radio frequency emissions. **See Appendix A, Exhibit 1.**
- ☒ The applicant has provided certificates of insurance demonstrating a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the communication facility. **See Appendix A, Exhibit 2.**
- ☒ The applicant considered properties owned by the City of Lenoir or other government entity before considering private properties as locations for communication towers, and has provided justification that explains why the public properties are not suitable and what alternatives were considered. **See Appendix A, Exhibit 1.**
- ☒ The application included a copy of an executed lease requiring the applicant to remove all above-ground portions of communication towers no later than ninety (90) days after cessation of operations. **See Appendix B**
- ☒ The applicant has executed a facility maintenance/removal agreement, which shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of Section 910.4. **See Appendix B**
- ☒ The applicant has posted a \$10,000 cash bond, or other security satisfactory to the City, to secure costs of removing all above ground portions of a communication tower (not including any part of the foundation) in the event the applicant fails to do so within ninety (90) days of cessation of operation of the facility. **See Appendix A Exhibit 3.**
- ☒ No electric transmission tower is located within a ¼ mile radius laterally of the proposed telecommunications tower site, or an electric transmission tower is located within ¼ mile but road access and necessary utilities cannot be obtained to service the existing electric transmission tower to accommodate the communication facilities, or the electric utility owning the electric transmission tower is unwilling to allow its use for communication facilities, or the planned equipment would exceed the structural capacity of the existing electrical transmission tower. **See Appendix A, Exhibit 1.**
- ☒ The tower is a monopole design and has been engineered and constructed to permit the co-location of at least two additional users. **See page 8-10 of this report.**
- ☒ The tower does not exceed a height of 165 feet, which is measured from base of tower to top of tower. **See page 10 of this report.**
- ☒ The base of the tower is surrounded by a fence or wall at least eight feet (8') in height unless the tower co-locates on a structure that makes such fence or wall impractical. The fence/walls is screened accordance with Section 712 (Buffering and Screening) of the Lenoir Zoning Ordinance.

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Special Use Permit for the proposed 165-foot tall monopole design communication tower, with the following conditions:

1. Approval of this special use permit request is only valid for the development of the proposed communications tower as shown on the submitted plans. Future modifications to allow for the co-location of additional service providers are allowed, provided such modifications do not increase the height of the tower, or change the design of the tower to anything other than a monopole design.
2. The applicant must maintain the minimum liability coverage required by Sec. 910.2 in full force and effect until such time as all above-ground portions of the facility have been removed and all other conditions of the Maintenance & Removal Agreement have been satisfied.
3. All above-ground portions of the communication tower must be removed within 90 days of the cessation of operations, or the facility may be removed by the City as provided in the applicant's Maintenance/Removal Agreement by the City. The costs of removal will be recovered from the applicant's bond or other security.
4. The applicant shall continue the \$10,000 bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied.
5. No advertising logo is permitted on the tower.
6. The facility must remain an unmanned facility, with occasional on-site checks for operational purposes by staff.
7. 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.
8. If a building permit has not been issued within 24 months of the adoption of the Special Use Permit, the approval shall be considered null and void.

PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the request based on staff recommendations and conditions

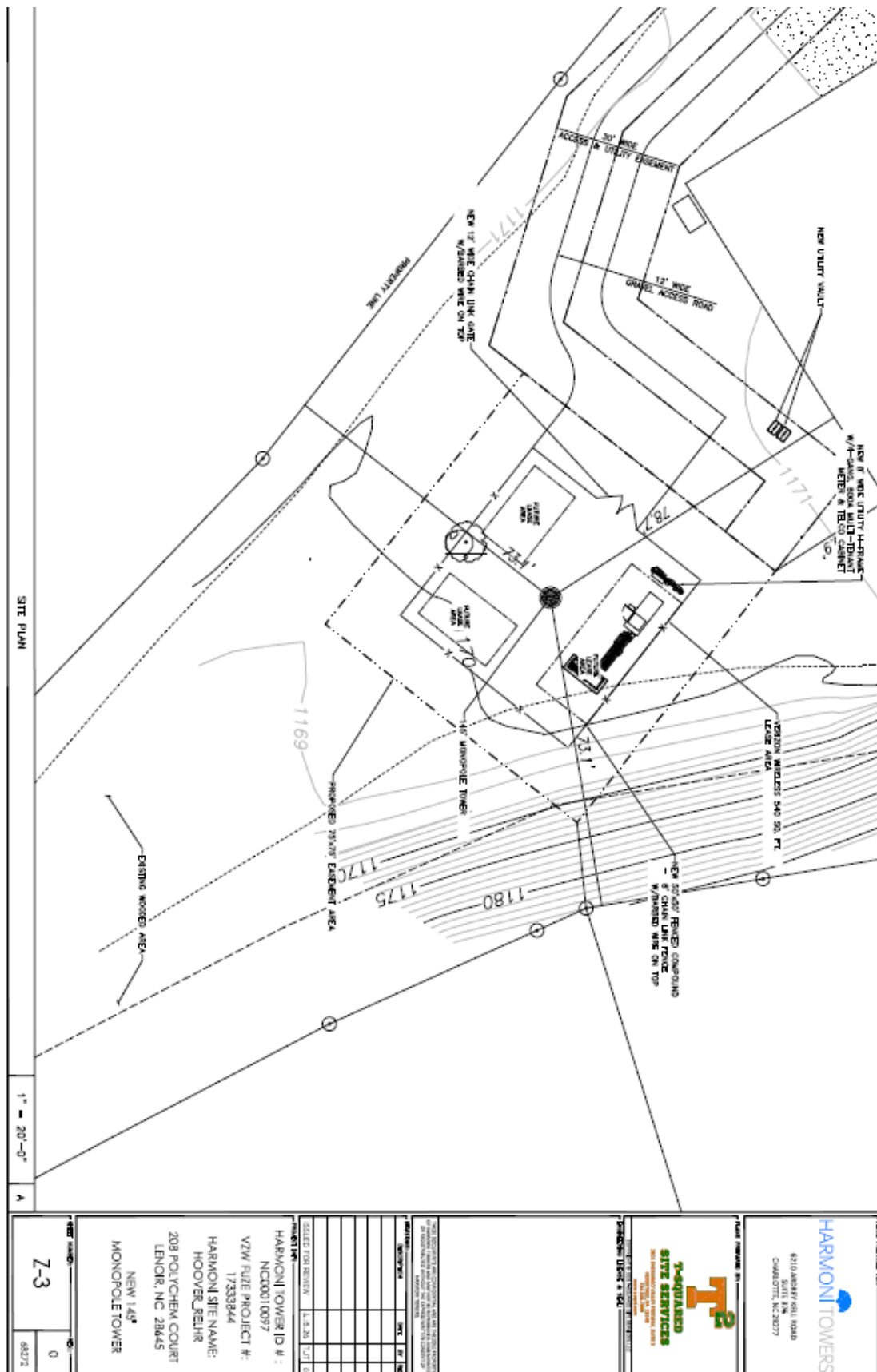
ZONING MAP



Development Standards in I-1 Zoning District					
	Minimum Lot Size	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
I-1 Zoning	None	None	Front: 25' from ROW Side: 0' Rear: 0' Note: setbacks for communication towers are 50% of tower height	65 ft. (1)	Wide range of commercial, retail, and professional services; See Sec. 600 and Sec. 810 for full list)

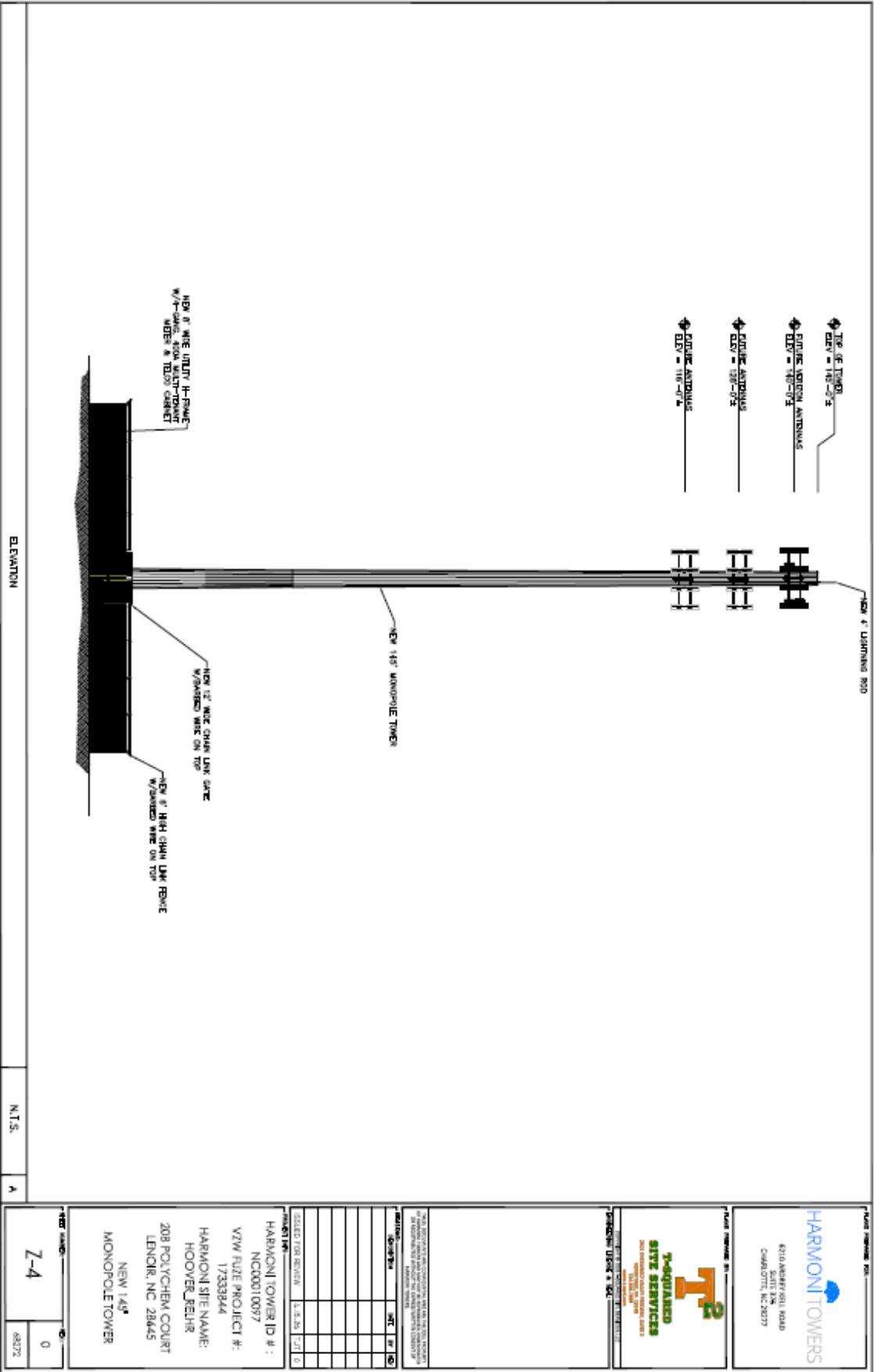
1. Section 706 allows exceptions to this height limitation for facilities like communication towers. Max Height for communication towers is 165 feet, per section 910.12 of ordinance.

OVERALL SITE PLAN (SHOWING SETBACKS)

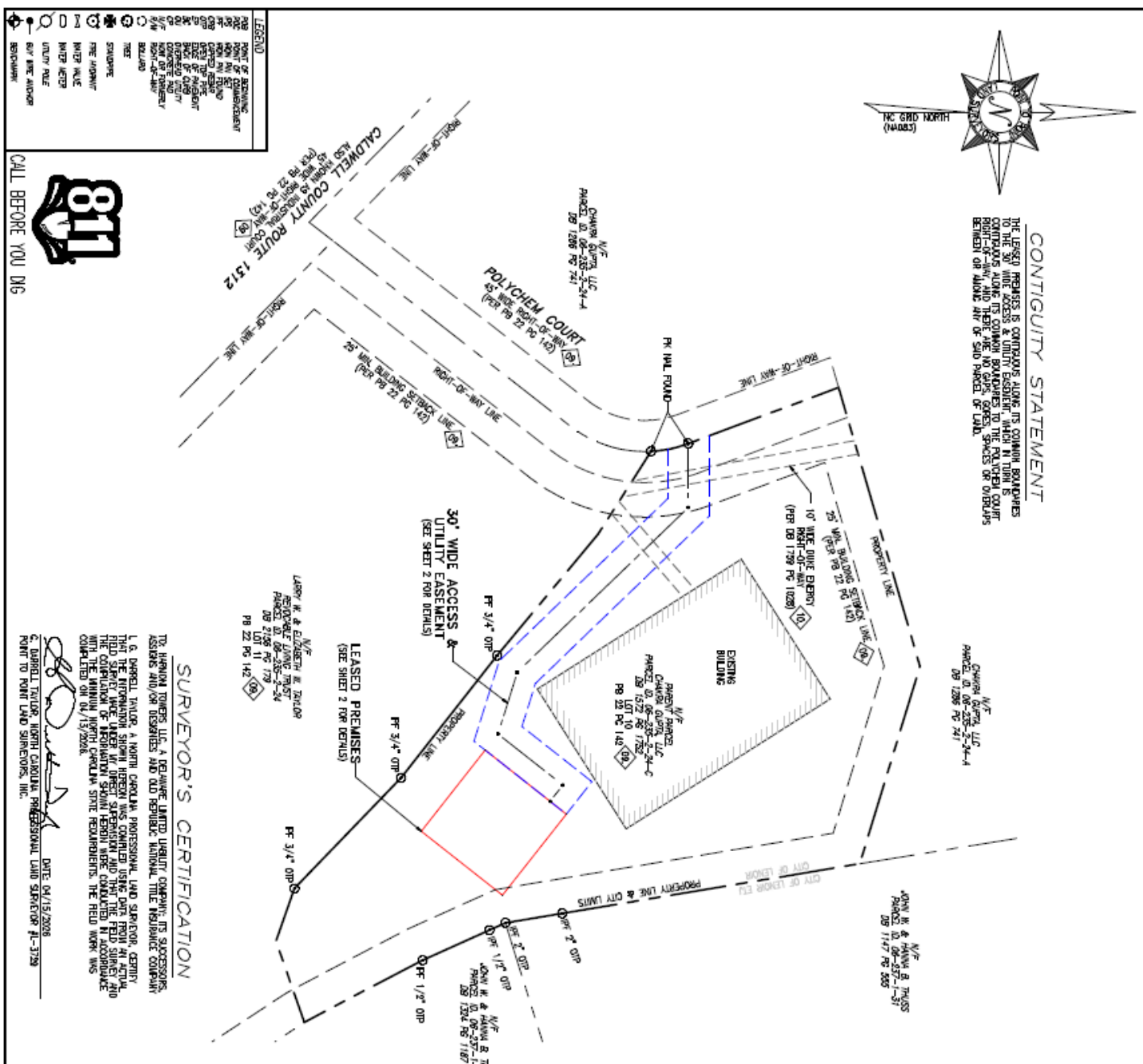


[illegible]

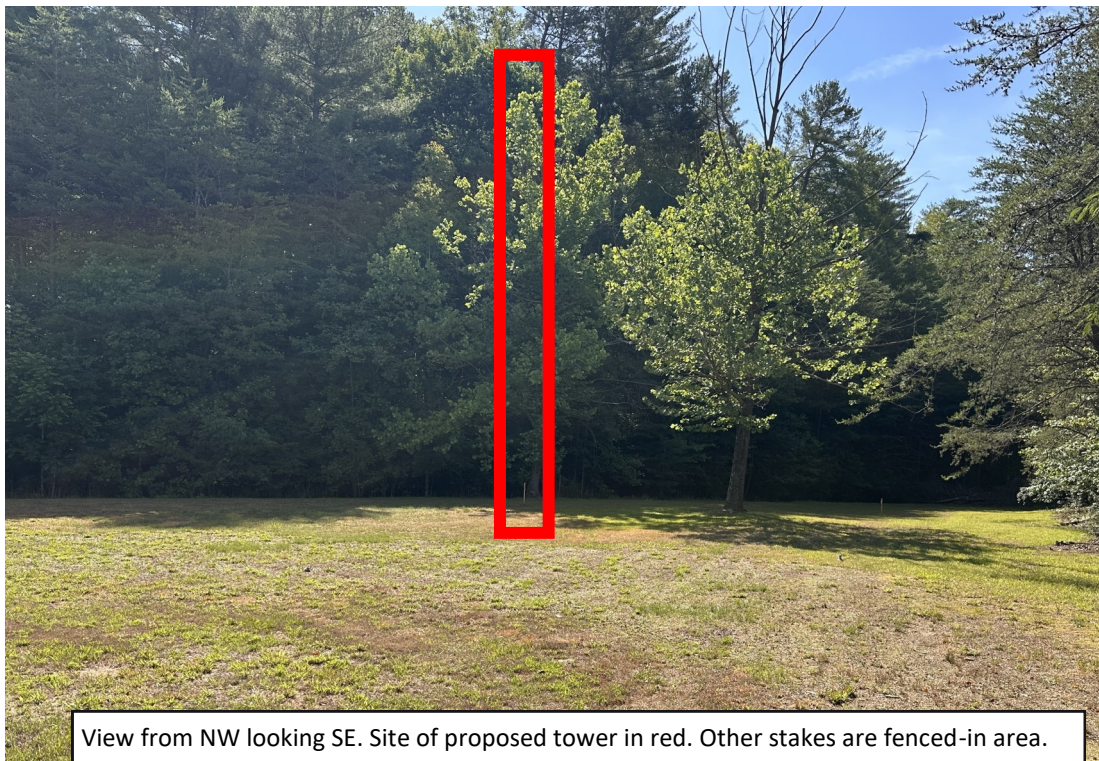
TOWER ELEVATION



PARENT PARCEL PLAN



EXISTING SITE PHOTO



APPENDIX A: EXHIBIT 1, APPLICANT'S RESPONSE TO SUP STANDARDS

Response to the Wireless Communications Tower Development Standards

The following paragraphs are in response to the specific performance standards for special use permit applications for communication towers in Appendix A, Section 910.

910.1 *Communication towers shall at all times comply with Federal Communications Commission (FCC) standards for radio frequency emissions.*

Response: Harmoni will comply with FCC standards for radio frequency emissions.

910.2 *Prior to the issuance of a Special Use Permit, the applicant shall be required to provide certificates of insurance demonstrating it has a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the communication facility. The applicant shall be required to maintain such coverage in full force and effect until such time as all above-ground portions of the facility have been removed and all other conditions of its Maintenance & Removal Agreement have been satisfied.*

Response: Harmoni will comply with the insurance requirements of the Special Use Permit.

910.3 *Applicants shall first consider properties owned by the City of Lenoir or other government entity before considering private properties as locations for communication towers. The Planning Department will provide an inventory of City-owned properties. Public properties shall be subject to the same restrictions as private properties. If suitable public properties cannot be located, justification shall be provided which clearly explains why the public properties are not suitable and what alternatives were considered.*

Response: Harmoni must consider a variety of technical, operational, and coverage-related criteria in evaluating potential tower locations. Using the same distance criteria established under Section 910.8 of the City of Lenoir Code, there are no publicly owned properties, including any owned by the City or other government entities, within one quarter mile of the proposed Tower Facility which would be suitable alternatives for the current proposed Location.

APPENDIX A: EXHIBIT 1

910.4 *An application for a Special Use Permit shall be accompanied by a copy of an executed lease requiring the applicant to remove all above-ground portions of communication towers no later than ninety (90) days after cessation of operations. In addition, each applicant for a communication tower shall execute a facility maintenance/removal agreement prior to issuance of the Special Use Permit. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of this Ordinance and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City for all costs incurred to perform any work required of the applicant by the agreement that the applicant fails to perform. Such costs shall include, but not be limited to, administrative and job supervision costs. It shall also specifically authorize the City and/or its agents to enter onto the property and undertake said work so long as the City has first provided the applicant the following written notices at the applicant's last known address:*

- A. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least thirty (30) days to complete the work; and*
- B. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the City's intent to commence the required work within ten (10) days.*
- C. All portions of abandoned or unused communication towers located above ground that are not removed within ninety (90) days of the cessation of operations, the facility may be removed as provided in the applicant's Maintenance/Removal Agreement by the City and the costs of removal recovered from the applicant's bond or other security.*

Response: A redacted copy of Harmoni's lease with the property owner is attached as Exhibit 2. Harmoni agrees to enter into a mutually acceptable facility maintenance/removal agreement as a condition of the Special Use permit. A copy of a DRAFT License Agreement between Harmoni and the City is attached as Exhibit 3.

910.5 *Any communication tower in existence on the date of enactment of this Ordinance which does not comply in all respects with these provisions shall be deemed a nonconforming use. In the event such facility shall be destroyed, or suffer damage in excess of 50% of the tax value of the facility's improvements, such facility shall not be repaired or replaced and shall be removed unless any replacement facility complies in all respects with the provisions of this Ordinance. Except in the case of destruction or damage in excess of 50% of the tax value of the facility's improvements, technological upgrades of electronics and antennas are permitted, consistent with this Ordinance.*

Response: This application is for a new tower facility and therefore this Standard does not apply.

APPENDIX A: EXHIBIT 1

910.6 *Applications shall require payment of a nonrefundable \$2500 fee. This fee may be reduced to \$1000 when applicant is utilizing existing publicly- owned structures or land.*

Response: A check in the amount of \$2,500 is attached with this application.

910.7 *An applicant for a Special Use Permit for a communication tower that includes a new or additional tower or increase in tower height, shall be required to post a \$10,000 cash bond, or other security satisfactory to the City, to secure costs of removing all above ground portions of a communication tower (not including any part of the foundation) in the event the applicant shall fail to do so within ninety (90) days of cessation of operation of the facility. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied.*

Response: Harmoni will comply with the bonding requirements of the Special Use Permit.

910.8 *No communication tower shall be approved if an electric transmission tower is located within a one quarter mile radius (1320 feet) laterally of the proposed telecommunications tower site and if road access and necessary utilities can be obtained within a one quarter mile radius (1320 feet) of the existing electric transmission tower, unless the applicant can demonstrate that sufficient easements or other interests in real property cannot be obtained to accommodate the communication facilities, or that the electric utility owning the electric transmission tower is unwilling to allow its use for communication facilities, or if the planned equipment would exceed the structural capacity of the existing electrical transmission tower.*

Response: There are no electric transmission towers located within a one quarter mile radius of the proposed tower site.

910.9 *Electric transmission towers less than one hundred ten (110) feet in height may be replaced by metal electric transmission towers up to one hundred ten (110) feet in height. Such replacement shall be at the discretion of the electric utility which owns or operates the electric transmission tower, taking into account safety, service disruptions, structural capacity and structure life or duty cycle. For purposes of this Section, such replacement electric transmission tower shall be deemed to be an existing structure.*

Response: This application is for a new tower facility and therefore this Standard does not apply.

APPENDIX A: EXHIBIT 1

910.10 The tower shall be of a monopole design, engineered and constructed to permit the co-location of at least three additional users.

Response: As shown in Sheet Z-4, the tower will be a monopole design and will accommodate up to three (3) users.

910.11 The exterior appearance of all buildings associated with the tower shall be similar to residences in the general area.

Response: The site for this proposed Tower Facility is located within the Light Industrial District (I-1) and there are no residences in the immediate area. The buildings associated with the tower are limited to the enclosures for base station equipment that will be placed within the fenced compound area. These enclosures typically have the appearance of a small pre-fabricated building or weatherproof outdoor cabinets that are typical of similar utility installations. This type of building or enclosure is common in Industrial settings and therefore the appearance of this tower facility will be compatible with the general area.

910.12 No tower shall exceed the height of 165 feet, which is measured from base of tower to top of tower.

Response: The tower will be 145 feet tall, as measured from the base of the tower to the top of tower and therefore complies with this standard.

910.13 The City Council may require that the applicant apply to the Federal Aviation Administration (FAA) for compliance with FAA standards for a dual lighting system rather than a red and white marking pattern, when such marking pattern is determined to be aesthetically blighting due to the visibility of the tower.

Response: Harmoni will comply with FAA lighting requirements

910.14 The base of the tower shall be surrounded by a fence or wall at least eight feet (8') in height unless the tower co-locates on a structure that makes such fence or wall impractical, as

determined by the City. Such fences or walls shall be screened in accordance with Section 712 (Buffering and Screening) of this Ordinance.

Response: As shown in Sheet Z-4, the Tower Facility will be enclosed with an 8-foot fence in conformance with this standard.

910.15 No advertising logo or signage is permitted on any tower or antenna.

Response: The Tower Facility will have minimal signage, which is typically affixed to the gate of the compound and provides site identification, emergency call numbers and other information as required by the FCC. No advertising signage will be installed.

APPENDIX A: EXHIBIT 1

910.16 The City Council may require any other conditions, such as tower height or appearance, to mitigate the impact of the tower on adjacent properties and land uses.

Response: The proposed Tower Facility will be a monopole design, in conformance with Section 910.10 and at 145-feet, will be less than the maximum height permitted by Section 910.12. The site is located in an Industrial zoning district, surrounded by industrial uses and buffered from adjacent residential districts by topography and naturally occurring woodland. Harmoni believes that this site will have minimal negative impact on surrounding properties and land uses, while providing improved telecommunications services to the area.

910.17 Modifications to existing communication towers that are otherwise consistent with this ordinance and do not substantially change existing towers shall be allowed to be permitted administratively without requiring additional review as a Special Use when the Planning Director finds that the modifications:

- A. Do not increase the height of the tower by more than 10 percent;*
 - B. Will not extend more than 20 ft. from the tower;*
 - C. Will add no more than one equipment shelter or four equipment cabinets;*
 - D. Will not involve excavation outside the tower site or existing utility or access easements; and*
 - E. Do not exceed the maximum permitted height of 165 ft. for communication towers.*
- Modifications that do not meet the above standards may be allowed, but require review and approval as a Special Use and must meet all standards for such uses.*

Response: This application is for a new tower facility and therefore this Standard does not apply.

911 Communication towers in residential zoning districts:

911.1 The tower shall be setback from any property line or structure not associated with the tower by a distance of not less than 200 feet, unless the Planning Board and City Council find that due to existing topography, vegetation, adjacent commercial or industrial development, or technical practicality, a lesser setback would still be harmonious with the surrounding area and meet the intent of this Ordinance. In no case shall the setback be less than 50% of the height of the tower, and towers must be designed to collapse within a radius of half the tower height. In no case shall a tower be approved that is located within 200 ft. of any off-site residential structure.

Response: The site for this proposed Tower Facility is located within the Light Industrial District (I-1) and therefore this Standard does not apply.

911.2 Buildings associated with communication towers located in residential zoning districts may not be used as an employment center for any worker. This provision does not prohibit periodic maintenance or monitoring of equipment and instruments. Such buildings shall have brick veneer and a pitched roof.

Response: The site for this proposed Tower Facility is located within the Light Industrial District (I-1) and therefore this Standard does not apply.

APPENDIX A: EXHIBIT 1

912 Communication towers located in non-residential zoning districts (excluding B-5, B-6 & B-7):

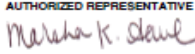
912.1 The tower shall be setback from any property line or structure not associated with the tower by a distance not less than 50% of the tower's height.

Response: The monopole tower will be 145 feet tall, which requires a minimum setback of 72.5 feet from the adjacent property lines and structures. As shown on Sheet 2 of the attached drawings, the tower will be located 73 feet from the north and south property lines and 78 feet from the existing Polychem Alloy building on the property.

912.2 The exterior appearance of all buildings associated with the tower shall be compatible with structures in the general area.

Response: The buildings associated with the tower are limited to the enclosures for base station equipment that will be placed within the fenced compound area. These enclosures typically have the appearance of a small pre-fabricated building or weatherproof outdoor cabinets that are typical of similar utility installations. This type of building or enclosure is common in Industrial settings and therefore the appearance of this tower facility will be compatible with the general area.

APPENDIX A: EXHIBIT 2

Client#: 2209128		140PALISCOM		DATE (MM/DD/YYYY) 5/26/2026			
ACORD_{TM} CERTIFICATE OF LIABILITY INSURANCE							
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.							
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).							
PRODUCER McGriff, a MMA LLC Company 5850 Waterloo Road, Suite 240 Columbia, MD 21045 410 480-4400			CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: mcg.coi@marshmma.com ADDRESS:				
INSURED Harmoni Towers Gateway LLC 6210 Ardrey Kell Road Suite 375 Charlotte, NC 28277			INSURER(S) AFFORDING COVERAGE		NAIC #		
			INSURER A: Hanover Insurance Company		22292		
			INSURER B: The Continental Insurance Company		35289		
			INSURER C: Allmerica Financial Benefits		41840		
			INSURER D:				
			INSURER E:				
COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:							
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.							
INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC ☐ OTHER:	X		ZHQH39487607	12/02/2025	12/02/2026	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/PROP AGG \$2,000,000 \$
C	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY	X		AWQJ29289103	12/02/2025	12/02/2026	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE	X		UHQH39506406	12/02/2025	12/02/2026	EACH OCCURRENCE \$10,000,000 AGGREGATE \$10,000,000
B	☐ RETENTION \$0 WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	X	N/A	7036404314	12/02/2025	12/02/2026	Ea Occ/Agg \$16,000,000 PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) **ADDITIONAL NAMED INSUREDS** Alpha Towers HoldCo III LLC Alpha Towers PropCo III LLC Harmoni Completed Towers, LLC Harmoni Network Services, LLC (See Attached Descriptions)							
CERTIFICATE HOLDER				CANCELLATION			
City of Lenoir Attn: City Hall 801 West Avenue NW Lenoir, NC 28645				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 			

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ACORD 25 (2016/03) 1 of 2 The ACORD name and logo are registered marks of ACORD
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EPET

DESCRIPTIONS (Continued from Page 1)

Harmoni Towers Assetco II, LLC
 Harmoni Towers Assetco, LLC
 Harmoni Towers Development Company Holdings I, LLC
 Harmoni Towers Development Company Holdings II, LLC
 Harmoni Towers Development Company, LLC
 Harmoni Towers Gateway LLC
 Harmoni Towers Holdings, LLC
 Harmoni Towers Infrastructure, LLC
 Harmoni Towers Management, LLC
 Harmoni Towers, L.P.

APPENDIX A: EXHIBIT 3, CASH BOND

Bond No. 016253951

Tower Removal Bond

KNOW ALL PERSONS BY THESE PRESENTS: That we Harmoni Towers Gateway LLC, a corporation duly organized under the laws of the State of , as Principal and The Ohio Casualty Insurance Company, as Surety, are held and firmly bound unto City of Lenoir, NC as Oblige, in the amount of Ten Thousand Dollars and 00/100 (\$ 10,000.00) for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

Whereas, the Principal has obtained written approval from the Oblige for the construction and erection of a wireless communication tower located at 208 Polychem Ct., Lenoir, NC 28645, Site ID# NC0010097 Hoover. Now, therefore if the principal well and truly complies with the maintenance, replacement, removal or relocation of the tower from the aforementioned address within 30 days upon receipt of written notice from the Oblige, to remove, replace, modify, or relocate the tower from said premises then this obligation is void otherwise to remain in full force and effect unless cancelled as set forth below:

1. It shall be a condition precedent to any right of recovery hereunder that, in the event of any default on the part of the Principal, a written statement of the particular facts of such default shall be, within Thirty (30) days, delivered to Surety at it Home Office located at 175 Berkeley Street, Boston, MA 02116 by registered mail to the Surety and the Surety shall not be obligated to perform Principals obligation until sixty (60) days after Surety's receipt of such statement.
2. The surety may cancel this bond at any time by giving Thirty (30) days notice, by registered mail or overnight courier service to 801 West Avenue Northwest, Lenoir, NC 28645 (Oblige). Such termination shall not affect liability incurred under this obligation prior to the effective date of such termination.
3. No action, suit, or proceeding shall be maintained against the Surety on this bond unless the action is brought within twelve (12) months of the cancellation date of this bond.
4. Regardless of the number of years this bond may be renewed; in no event shall the liability of the Surety exceed the penal sum of this bond.
5. It is understood that the non-renewal of this bond by the Surety, or failure or inability of the Principal to file a replacement bond shall not constitute a loss recoverable by the Oblige under this bond.

Signed, sealed, and witnessed this 8th day of June, 2026.

Emily Jenkins
Witness

Harmoni Towers Gateway LLC

Principal

By: Nancy Venturilli
Director, Contracts Administration

The Ohio Casualty Insurance Company

Surety

By: Mark W. Edwards II
Mark W. Edwards, II, Attorney-In-Fact

APPENDIX B LEASE, MAINTENANCE, AND REMOVAL AGREEMENT

***** Lease agreement and maintenance/removal agreement continue on following pages*****

APPENDIX C: REAL ESTATE APPRAISAL



June 4, 2026

City of Lenoir Planning & Development Department
801 West Ave NW, 3rd Floor
Lenoir, NC 28645

Re: Special Use Permit Application
Parcel #06-235-2-24-C
208 Polychem Court,
Lenoir, NC 28645

JC Morgan Company is a real estate appraisal and consulting firm based in Wilmington, NC. Since 2010, our firm has appraised and consulted on hundreds of properties throughout North Carolina. The property types we appraise and provide consulting services for include land, residential, retail, office, special use, multi-family, industrial, mixed-use and more. Our client base consists of real estate owners, developers, banks, local and federal governments, attorneys, utility companies and airport authorities.

We were recently engaged by the applicant to perform research and analysis that would enable me to conclude an opinion as to Item 7 of the Special Use Permit application. Item 7 states:

The exterior architectural appearance and function plan of any proposed building or structure will not vary greatly from any buildings or structures already constructed 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.

As our expertise is in real estate valuation, our research and opinions address the valuation component of Item 7.

Lumina Station
1904 Eastwood Road · Suite 305 · Wilmington, NC · 28403
PO Box 481 · Wrightsville Beach, NC · 28480
Tel: 910-256-2920

APPENDIX C: REAL ESTATE APPRAISAL

To develop an opinion for this requirement, we reviewed the physical characteristics of the property and proposed tower. Then, we performed a *Paired Sales Analysis* and reviewed several Research/Case Studies.

Paired Sales Analysis

This method includes the following:

1. Locating properties that are adjacent to or within close proximity to existing tower structures;
2. Researching those properties to determine if any have recently sold;
3. Comparing those sales to other similar properties that have also recently sold and are not adjacent to or near the same tower;
4. Then, analyze the sales of each property, compare them, and determine if there is any discernable impact that the proposed tower would have on the property values of the adjoining or abutting properties.

We identified several existing tower structures and sales of surrounding residential properties in Cumberland, Carteret, Craven, Nash, Wayne, Yadkin, Caldwell and New Hanover counties.

Also, as part of our *Paired Sales Analysis*, we researched several commercial properties to help determine if the proposed tower would have an impact on commercial property values. We compared the sales prices and lease rates of commercial properties adjacent to or near communication towers, to similar properties further from the towers. The data suggested that the towers had no negative impact on the values of the adjoining or abutting properties.

Research/Case Studies

In addition to this *Paired Sales Analysis*, we reviewed several research/case studies. These include the following:

Wireless Communication Towers (Cell Towers) Influence Residential Real Estate Values, by Valbridge Property Advisors (2018)

Valbridge Property Advisors conducted paired-sales analyses in four U.S. metro areas (Boston, Dallas, Phoenix, and Raleigh) using single-family home sales data from Q1 2015 through Q1 2018. The goal was to measure whether proximity to a wireless

APPENDIX C: REAL ESTATE APPRAISAL

communication tower (within a 0.25-mile radius) negatively affects home values compared to properties 0.50–1.0 mile away.

Overall, the average and median prices increased in four of five sub-areas, and one sub-area showed no measurable difference.

In the Raleigh study, 14 of 22 paired sale comparisons showed higher sale prices for homes within 0.25 miles of a cell tower, while 8 of 22 pairings showed slightly lower sell prices.

The study concluded that there was no negative impact on property values within the 0.25-mile radius of a tower. Any measurable differences (either positive or negative) were less than 1%, often defined as not statistically significant.

Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis, by Affuso, Cummings & Le (2018)

The Affuso et al. (2018) study examined whether wireless towers influence residential property values in one Alabama county, and it found that any measurable effects were limited in size and distance, applying only to homes located within about 0.72 km (0.447 miles) of a tower.

Within this narrow radius, the study reported a modest average price change of about 2.46%, indicating only a small, localized adjustment rather than a broader market impact.

Larger effects appeared only for the subset of homes with direct tower visibility, and even then, the authors emphasized that these results do not extend to properties beyond the 0.447-mile range, where no significant price differences were detected. Importantly, the research addressed only single-family residential sales, meaning its findings do not apply to commercial, industrial, agricultural, or other property types, which were not analyzed in the dataset.

APPENDIX C: REAL ESTATE APPRAISAL

Based on the data reviewed, we were unable to find any evidence that the proposed project would have a negative impact on the adjacent properties. As such, it is our opinion that the proposed project will not substantially injure the value of adjoining or abutting properties.

Should you have any questions, or want to discuss this matter further, please do not hesitate to contact us.

Sincerely,

Cal Morgan

Jack C. (Cal) Morgan, III, MAI, SRA, AI-GRS
JC Morgan Company

Jonathan D. Miles

Jonathan D. Miles, MAI, SRA, AI-GRS, AI-RRS, RW-AC
JC Morgan Company

✓✓
SPECIAL USE PERMIT #1/26
PLANNING DEPARTMENT
CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

APPLICANT: MARK ROBERTS (HARMONI TOWERS)
OWNER: CHAKRA GUPTA LLC
SUBJECT: ORDER OF THE CITY OF LENOIR ISSUING SUP #1/26
SITE: 208 POLYCHEM CT
ZONING: I-1 LIGHT INDUSTRIAL DISTRICT
PROPOSAL: MONOPOLE WIRELESS COMMUNICATION TOWER
DATE EFFECTIVE: JULY 28, 2026

BK 2171 PG 1600 - 1601 (2)
This document presented and filed:
07/30/2026 01:53:07 PM

Fee \$26.00



10121545

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

The Lenoir City Council took action on July 28, 2026 to APPROVE the Special Use Permit (SUP #1/26). The Special Use Permit is for a monopole wireless communication tower in the I-1 (Light Industrial) zone.

The Lenoir City Council having heard the evidence presented by duly sworn staff, considered the argument of the parties, makes the following findings of fact:

1. The proposed special 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 Tower Facility will comply with all height, yard, lot and area requirements as shown on the attached site plan, specifically the tower height and setback requirements of Sections 910.12 and 911.1. The proposed tower will be 145 feet tall, which is less than the maximum height of 165 feet prescribed by the ordinance. The tower will be setback at least 73.1' from adjacent property lines and 78.7' from the PolyChem Alloy building, which meets the required minimum of 50% of its height as from adjacent property lines and buildings.*
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 driveway to the tower will be a paved driveway within a 30' access easement off of the existing parking lot at the PolyChem Alloy property. The tower will generate an average of one vehicle trip per month for maintenance via the existing driveway off Polychem Court. The driveway design will facilitate proper ingress and egress for authorized service vehicles.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *The Tower Facility is a passive, unoccupied use which will only generate an average of one vehicle trip per month for maintenance via the existing driveway off Polychem Court. The monthly maintenance visit will not impact local streets or traffic. Aside from the proposed paved driveway for the tower, there will be no off-street parking or off-street loading associated with the Tower Facility.*
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The Tower Facility is a passive, unoccupied use with limited impacts to uses already developed in the district. The only interaction with surrounding properties is providing reliable wireless telecommunication services in the area.*
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. *The Tower Facility will be screened by the existing mature trees and vegetation surrounding the property. If the existing buffer is damaged, a new buffer meeting the Sec. 712 Buffer and Screening standards will be 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. *The Tower Facility will have minimal signage. Signs are typically affixed to the gate of the compound and provide site identification, emergency call numbers and other information as required by the FCC. The Tower Facility will be designed in compliance with the City's requirements for exterior lighting. Exterior lighting will be limited to the minimum necessary for safe operation.*
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 buildings associated with the Tower Facility are limited to the enclosures for base station equipment that will be placed within the fenced compound area. These enclosures typically have the appearance of a pre-fabricated construction trailer or weatherproof outdoor cabinets that are typical of similar utility installations. This type of building or enclosure is common in Industrial settings and therefore the appearance of this tower facility will be compatible with the general area. The Tower Facility will not cause a substantial depreciation in the property values in the immediate vicinity.*

8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. *Industrial properties are located to the north, west and south and undeveloped wooded properties to the east. Its only interaction with surrounding properties is providing reliable wireless telecommunication services in the area. There are no activities associated with the site that will produce odor, vibration, heat, glare or traffic. All equipment and materials needed to operate the site will be located within the proposed fenced area at the base of the support structure. The only noise generating equipment is the emergency back-up generator which will be limited to emergency purposes and occasional testing. The emergency generator is vital to provide service during power outages when communication is needed most.*

The Lenoir City Council grants the Special Use Permit with the following conditions:

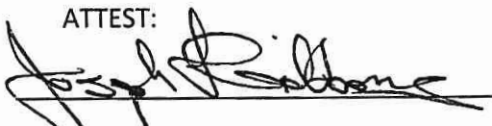
1. Approval of this special use permit request is only valid for the development of the proposed communications tower as shown on the submitted plans. Future modifications to allow for the co-location of additional service providers are allowed, provided such modifications do not increase the height of the tower, or change the design of the tower to anything other than a monopole design.
2. The applicant must maintain the minimum liability coverage required by Sec. 910.2 in full force and effect until such time as all above-ground portions of the facility have been removed and all other conditions of the Maintenance & Removal Agreement have been satisfied.
3. All above-ground portions of the communication tower must be removed within 90 days of the cessation of operations, or the facility may be removed by the City as provided in the applicant's Maintenance/Removal Agreement by the City. The costs of removal will be recovered from the applicant's bond or other security.
4. The applicant shall continue the \$10,000 bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied.
5. No advertising logo is permitted on the tower.
6. The facility must remain an unmanned facility, with occasional on-site checks for operational purposes by staff.
7. 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.
8. If a building permit has not been issued within 24 months of the adoption of the Special Use Permit, the approval shall be considered null and void.

This Special Use Permit shall be effective immediately upon approval and execution. Site plan approval shall be required prior to issuance of the zoning permit.

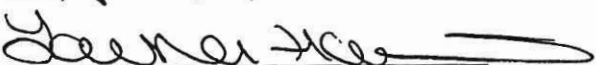
An appeal by those with standing may be taken to the Superior Court of Caldwell County within 30 days of the receipt of this letter.

SO ORDERED this the 28th day of July, 2026 by the Lenoir City Council.

ATTEST:



Joseph Gibbons, Mayor



Lauren Hartley, Clerk



SEAL



CITY OF LENOIR, NORTH CAROLINA

Department of Public Works

June 24, 2026

REQUEST FOR QUALIFICATIONS (RFQ) DESIGN-BUILD SERVICES FOR LENOIR FIRE DEPARTMENT FOUNDATION STABILIZATION

POINT OF CONTACT

Jonathan Hogan, Director of Public Works
City of Lenoir, North Carolina
Post Office Box 958 | Lenoir, NC 28645
Physical: 510 B Greer Circle, Lenoir, NC 28645
jon.hogan@CI.LENOIR.NC.US

DEADLINE FOR SUBMISSIONS – July 10, 2026 BY 3:00 PM

All communication regarding this RFQ must be directed to the Point of Contact above. Any request for clarification shall be directed by email only. Contact with elected officials or other City staff regarding this solicitation may result in disqualification.

INVITATION AND PURPOSE

The City hereby invites qualified design-build teams to submit a Statement of Qualification (SOQ) for the design and rehabilitation of the existing City of Lenoir Fire Station #1. The City has elected to use the design-build delivery method pursuant to North Carolina General Statute § 143-128.1A.

This Request for Qualifications (RFQ) is issued for the purpose of identifying the most qualified design-build team to provide comprehensive architectural, engineering, and construction services for this critical public safety facility. Selection will be based on demonstrated competence and qualifications; price and fee information shall not be submitted at this stage.

PROJECT BACKGROUND AND NEED

The City of Lenoir Fire Station #1 is located at 602 Harper Ave NW, Lenoir, NC (NCPIN #27498765549). In 2021, the City of Lenoir Public Works Department was alerted to a possible infrastructure failure when a sinkhole appeared on the south lawn of Fire Station #1.

Upon initial inspection, it was determined that the 42-inch corrugated metal pipe (CMP) storm drainage pipe running parallel to the facility was severely compromised. The City contracted with Catawba Valley Engineering & Testing in October 2021 to provide an evaluation and analysis to develop the scope of work necessary to address the storm drainage system failure, provide foundation support for the existing building, and evaluate the slab-on-grade conditions of the Fire Station.

The initial study included a visual culvert inspection, subsurface exploration (SPT borings and CPT soundings), and a Geophysical Exploration to evaluate overall soil consistency at the site. A subsequent supplemental study was performed in May 2026, which included an updated Geophysical Exploration.

The supplemental study revealed significant deterioration in subsurface soil conditions near the culvert and building since the 2021 investigation.

The goal of this project is to design and install a foundation and slab-on-grade stabilization system so that site stormwater infrastructure can subsequently be repaired and/or replaced, ensuring the long-term structural integrity and continued operational capability of Lenoir Fire Station #1.

DETERMINATION OF APPROPRIATENESS OF DESIGN-BUILD METHOD

The City of Lenoir has determined that the design-build delivery method is appropriate for this project pursuant to North Carolina General Statute §143-128.1A for the following reasons:

Project Complexity and Coordination Needs – Foundation stabilization and slab-on-grade remediation require integrated geo-structural engineering, site-civil work, subsurface investigation, and construction expertise. A design-build approach promotes coordination between disciplines, reducing conflicts and change orders during construction.

Schedule Considerations – The existing infrastructure failure poses ongoing risk to the structural integrity of the fire station and public safety operations. Design-build allows overlapping design and construction activities, compressing overall project delivery time. Timely completion is essential to halt continued deterioration.

Cost Certainty and Budget Management – The City requires ongoing cost estimating and scope refinement during design to maintain the project within available funding of \$2,574,000 as listed in the FY26-27 Budget for all LFD associated work including both this building stabilization and the storm drainage repair (not included in this scope of service). Design-build delivery facilitates continuous cost feedback and value engineering during the planning and design phases.

Ability to Define Project Requirements – The City has existing geotechnical reports, subsurface data, and a defined project site providing a sufficient basis to solicit qualifications and proceed with design-build delivery while allowing the selected team to refine technical details collaboratively with the City.

PROJECT DESCRIPTION AND SCOPE OF SERVICES

This project consists of design-build services for foundation stabilization and slab-on-grade support at Lenoir Fire Station #1, located at 602 Harper Ave NW, Lenoir, NC. The selected design-build team will provide turnkey design and construction services for the permanent remediation of identified subsurface and structural deficiencies.

Scope of Services - The selected design-build team shall provide all services necessary to design and construct a permanent foundation and slab-on-grade stabilization system, including but not limited to:

- Additional site surveys and subsurface explorations as needed to supplement existing geotechnical data
- Geo-structural engineering plans and specifications for the foundation stabilization and slab-on-grade support system(s)
- Permitting and regulatory approvals required for the work
- Installation and construction of remedial stabilization systems per approved design
- Project cost estimating and scope refinement throughout design phases
- Value engineering to optimize cost and performance of the stabilization system
- Construction management, quality control, and safety oversight
- Project closeout and provision of as-constructed drawings

Coordination with Stormwater Infrastructure Repair - The foundation and slab-on-grade stabilization work under this contract is intended to establish the prerequisite structural conditions for subsequent repair and/or replacement of the 42-inch CMP storm drainage infrastructure. The design-build team shall coordinate scope sequencing and design recommendations to facilitate that follow-on work.

PROJECT BUDGET AND FUNDING

The City of Lenoir has allocated funding of \$2,574,000 as noted above for both this building stabilization and the storm drainage repair (not included in this scope of service). This project will determine the allocation of this funding required for the design and construction of the foundation stabilization and slab-on-grade support system at Fire Station #1. The design-build team will be expected to work collaboratively with the City to validate scope, provide cost opinions at key milestones, and deliver a project that balances structural performance, durability, and fiscal responsibility.

Price or fee proposals are prohibited during this RFQ phase. The City reserves the right to issue a subsequent Request for Proposals (RFP) or to execute competitive negotiations with the top-ranked team or selected teams following shortlisting.

PROCUREMENT AND SELECTION PROCESS

This RFQ and the subsequent selection process shall comply with NCGS §143-128.1A, including:

- Use of a qualifications-based selection process at the RFQ stage
- Receipt of at least three (3) responsive SOQs, or re-advertisement if fewer are received
- Selection of the most qualified design-build team prior to contract negotiations
- Minority business participation goals, good-faith efforts, E-Verify, and applicable licensing requirements as required by North Carolina law

The City reserves the right to waive any and all informalities in the selection process and to not award a contract. It is the City’s intent to award one contract for these services; however, the City may elect to shortlist more than one qualified team and issue a subsequent RFP. Selection will be based on evaluation factors including past performance, relevant experience, qualifications of key personnel, and demonstrated ability to deliver similar geo-structural design-build projects.

Issuance of this RFQ does not obligate the City to award a contract or to pay any costs incurred in the preparation of responses.

EVALUATION CRITERIA

Evaluation Criterion for Initial Shortlisting Criteria	Weight
Qualifications and Experience of Key Personnel	20%
Team’s Relevant Geo-Structural and Foundation Stabilization Project Experience	30%
Working Knowledge of Municipal Stormwater Infrastructure & Sinkhole Failure Remediation	20%
Successful Past Performance on Municipal Foundation Stabilization Projects	20%
Project Approach and Understanding	10%

If interviews are conducted with shortlisted firms, the final selection shall be based upon:

Evaluation Criterion – Interview and/or Final Selection Criteria	Weight
Project Team Experience and Qualifications	40%
Project Understanding and Proposed Technical Approach	30%
Project Management Approach	30%

STATEMENT OF QUALIFICATIONS – CONTENT REQUIREMENTS

Responses shall include, at a minimum, the following components:

2.1 – Statement of Services

Provide a narrative describing the Respondent’s understanding of the project scope and the services proposed to be delivered. Address the team’s approach to any additional surveys, site explorations, geotechnical engineering, foundation stabilization design, permitting, construction, project closeout, and as-constructed documentation.

2.2 – Firm and Team Information

Provide team information including:

- Name of company(ies) involved; any prime, joint venture, or subcontractor relationships
- Key services offered and areas of work responsibility by company
- Office location(s) where the work will be performed
- Company size (number of offices and employees per office)
- Brief company history
- Current workload and availability
- Bonding capacity and insurance capability
- Proof of applicable North Carolina licenses for all firms and individuals performing work
- Minority business participation approach

2.3 – Proposed Staff and Qualifications

Provide an organizational chart indicating the proposed team structure, key staffing, assigned project roles, and company affiliation. A written narrative shall accompany the chart briefly describing each team member’s role, professional certifications, years of experience, educational and professional background, and qualifications for the work.

2.4 – Relevant Project Experience

Provide a list of relevant experience in the planning, design, permitting, construction, and construction administration of geo-structural engineering projects of a similar nature. Include for each project:

- Client name and contact information (name, title, and phone number)
- Project description and scope
- Final project cost compared to initial budget
- Delivery method used

2.5 – Litigation and Safety Disclosures

Disclose any litigation history related to design or construction projects within the past five years, and provide the team’s safety record, including EMR (Experience Modification Rate).

SUBMITTAL INSTRUCTIONS

Each respondent shall submit three (3) bound paper copies and one (1) electronic PDF copy via email by 3:00 PM on Friday, July 10, 2026, to:

Jonathan Hogan, Director of Public Works
City of Lenoir
Post Office Box 958 | Lenoir, NC 28645
Physical: City of Lenoir Public Services Building, 510 B Greer Circle, Lenoir, NC 28645
Email: jon.hogan@CI.LENOIR.NC.US

Submittals received after the deadline will not be considered. All questions and requests for clarification must be submitted via email to the Point of Contact.

Format requirements:

- Maximum 15 pages, 8.5” × 11”, single-sided, minimum 11-point font
- A cover letter and table of contents are required; these do not count toward the page limit
- Failure to comply with format requirements may result in disqualification

ESTIMATED PROJECT TIMELINE

The following schedule is anticipated and is subject to change without notice:

June 24, 2026	RFQ Issued
July 2, 2026	Questions Due by 5:00 PM
July 8, 2026	Responses to Questions Provided by 5:00 PM
July 10, 2026	Statements of Qualifications Due by 3:00 PM
July 23, 2026	Review SOQs / Interview Finalists (if needed)
July 30, 2026	Notice of Selection and Award

RESERVATION OF RIGHTS

The City reserves the right to reject any or all SOQs, waive informalities, issue addenda, modify the procurement schedule, or cancel this RFQ if determined to be in the best interest of the City. The City is not liable for any costs incurred by Respondents in preparation of their SOQs.

July 10, 2026

City of Lenoir, North Carolina
Department of Public Works
Jonathan Hogan, Director of Public Works
PO Box

RE: RFQ – Design-Build Services for Lenoir Fire Department Foundation Stabilization

Dear Mr. Jonathan Hogan:

GeoSpecialties LLC is pleased to submit this Statement of Qualifications for design-build services for the Lenoir Fire Department Foundation Stabilization project. We understand that Fire Station #1 is critical public safety infrastructure and that the City needs a technically sound, constructible, and fiscally responsible solution that stabilizes the building and slab-on-grade conditions while preserving the ability to repair or replace the adjacent 42-inch CMP storm drainage system.

Our team is specifically suited for this assignment because we integrate geo-structural engineering, specialty drilling, compaction grouting, micropile underpinning, sinkhole remediation, QA/QC, and construction management under one coordinated design-build team. That integration is important on this project because the final stabilization approach must respond to variable subsurface conditions, the existing building load path, the condition of the storm drainage corridor, and the City's need to keep public safety operations functional during design and construction.

GeoSpecialties will not approach this project as a single predetermined repair. Instead, we will validate the existing Catawba Valley Engineering & Testing data, supplement it where needed, evaluate the foundation and slab performance, develop practical repair alternatives, and work collaboratively with the City to select the stabilization system that best balances performance, risk, schedule, and the available project funding. Based on the RFQ and available information, likely stabilization tools may include compaction grouting, micropile underpinning, localized slab support improvements, storm drainage corridor stabilization, and sinkhole remediation; final quantities and details will be established through the design-build validation process.

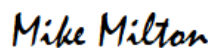
We appreciate the opportunity to support the City of Lenoir on this important project and are prepared to mobilize the appropriate engineering and construction resources immediately upon selection.

Respectfully submitted,

GeoSpecialties



Justin Anderson, PE
justin.anderson@geospecialties.com
c: 859.583.0732



Mike Milton
mike.milton@geospecialties.com
c: 423.494.0945

Attachments: A – Key Personnel Resumes and Certs
B – Relevant Project Experience

1.1 – Statement of Services

The City of Lenoir is seeking a design-build team capable of stabilizing Fire Station #1 after documented deterioration of subsurface conditions near the existing storm drainage infrastructure and building. GeoSpecialties brings the right combination of engineering judgment, field execution, and emergency stabilization experience to deliver this work under a single accountable team.

City Need	GeoSpecialties Response	Benefit to Lenoir
Integrated design-build delivery	Engineer-led specialty contractor with in-house drilling, grouting, micropile, shotcrete, and sinkhole repair capabilities.	Fewer handoffs, faster decisions, and more constructible design details.
Foundation and slab stabilization	Evaluation-based repair using compaction grouting, underpinning micropiles, slab support, and sinkhole remediation as appropriate.	Permanent stabilization without overcommitting to quantities before final engineering.
Coordination with 42-inch CMP repair	Design sequencing that stabilizes the building first and preserves future storm drainage replacement access.	Reduces risk of rework and protects public investment.
Operational public safety facility	Phased construction, monitoring, vibration controls, utility protection, and site safety planning.	Maintains fire station operations and limits disruption.
Budget stewardship	Cost opinions, VE workshops, and constructability reviews during design.	Aligns repair scope with the City's overall LFD funding constraints.

Why GeoSpecialties

- Single-source delivery: professional engineering, geotechnical construction, drilling, grouting, micropiles, QA/QC, and closeout are coordinated by one accountable design-build team.
- Direct experience with sinkholes, voided ground, municipal emergency stabilization, stormwater-related failures, underpinning, and difficult access construction.
- Technical flexibility: our approach validates the ground model first, then selects the most appropriate repair instead of forcing a predetermined method.
- Field-proven constructability: our engineers work directly with superintendents and drill crews to select means, methods, sequencing, and acceptance criteria that can be built safely and efficiently.
- Public owner mindset: our team understands schedule pressure, cost transparency, documentation, and operational constraints associated with critical municipal facilities.

GeoSpecialties will use a staged design-build process that keeps the City informed, validates assumptions before construction, and allows the final repair to be tailored to actual subsurface conditions and building performance.

Phase 1 - Kickoff, Records Review, and Site Controls

- Review RFQ materials, Catawba Valley Engineering & Testing reports, boring logs, CPT data, geophysical results, storm drainage observations, building condition information, and available utility records.
- Conduct a kickoff meeting with Public Works and Fire Department representatives to confirm operational restrictions, emergency access, work hours, staging, and communication protocols.

-
- Establish baseline site documentation, including photographs, existing distress mapping, slab/foundation observations, and preliminary settlement monitoring points.

Phase 2 - Supplemental Investigation and Monitoring

- Perform targeted supplemental borings, CPT soundings, test pits, DCP testing, geophysical follow-up, or probe drilling as needed to validate loose/voided zones, unsuitable material, groundwater, and the limits of affected ground.
- Locate utilities and evaluate conflicts with proposed drilling/grouting operations and future CMP repair or replacement.
- Establish precision elevation monitoring, crack gauges where appropriate, vibration monitoring thresholds, and baseline floor-slab/foundation movement data.

Phase 3 - Geo-Structural Evaluation and Alternative Development

- Evaluate shallow foundation performance, slab-on-grade support, subsurface loss mechanisms, and the likely influence of the storm drainage corridor on foundation soils.
- Develop repair alternatives that may include compaction grouting, limited mobility grouting, micropile underpinning, brackets or grade-beam connections, localized slab support, drainage corridor stabilization, sinkhole remediation, and temporary work sequencing.
- Compare alternatives based on technical performance, risk, constructability, schedule, future stormwater repair compatibility, and cost opinions.

Phase 4 - Final Design, Permitting, and Value Engineering

- Prepare sealed geo-structural drawings, specifications, instrumentation requirements, QA/QC criteria, sequencing requirements, and design calculations by properly licensed professionals.
- Coordinate permitting and regulatory approvals required for earthwork, drainage-adjacent construction, erosion control, traffic/site access, and any required building or specialty trade permits.
- Conduct a design-phase value engineering meeting with the City to confirm scope, repair limits, allowances, contingency items, and cost impacts before construction release.

Phase 5 - Construction and Quality Control

- Install approved stabilization systems in a controlled sequence that protects the building, adjacent utilities, and the future storm drainage repair corridor.
- Use real-time field logs for grout volumes, injection pressures, drilling refusal, grout behavior, micropile installation criteria, reinforcement placement, and acceptance testing.
- Implement QA/QC through grout cube testing, load testing where required, survey monitoring, daily reports, photo logs, and engineer review of field conditions.

Phase 6 - Closeout and As-Constructed Documentation

- Submit as-constructed drawings showing actual grout points, micropile locations, depths, quantities, limits of stabilization, field changes, and utility conflicts encountered.
- Provide final QA/QC records, test results, monitoring summaries, engineer closeout letter, and recommendations for future storm drainage replacement coordination.

- Conduct a final walk-through with the City and Fire Department to verify restoration, access, drainage considerations, and remaining maintenance items.

Anticipated Stabilization Concepts to be Validated During Design

- Compaction grouting or low-mobility grouting to densify loose/voided soils, reduce future settlement potential, and improve support below slab and foundation areas where appropriate.
- Micropile underpinning, with brackets, grade beams, or other engineered connections where foundation load transfer must bypass compromised near-surface soils.
- Localized slab-on-grade stabilization, void filling, or replacement where slab support has been lost or where grout improvement alone is not the most reliable repair.
- Stabilization of soils adjacent to the storm drainage corridor so the subsequent CMP repair/replacement can occur without undermining the building.
- Sinkhole throat treatment or inverted filter/backfill repair where discrete sinkhole features are identified and accessible.

Final means, methods, locations, depths, and quantities will be developed after supplemental validation and City review. This protects the City from premature commitments and allows the design-build process to optimize performance and cost.

Risk Management and Operational Controls

Primary Risk	GeoSpecialties Control	Owner Benefit
Continued settlement or void migration	Baseline survey, staged grouting/underpinning, monitoring triggers, engineer review of field response.	Early detection and controlled construction sequence.
Impact to fire station operations	Phased staging, access planning, daily communication, work zones separated from emergency response movements.	Maintains facility function during construction.
Utility and CMP conflicts	Utility locating, potholing, drilling exclusion zones, coordination with future stormwater work.	Reduces damage and rework.
Unknown karst/voided conditions	Probe drilling, flexible repair toolbox, field-fit details, contingency procedures.	Responsive design without schedule paralysis.
Cost growth	Design milestone estimates, VE options, transparent quantities, allowance/contingency tracking.	Improved budget control.

1.2 – Firm and Team Information

GeoSpecialties LLC will serve as the prime design-build entity and will coordinate all engineering, investigation, specialty construction, QA/QC, safety, and closeout services. APS GEO, a wholly owned subsidiary of GeoSpecialties, provides additional geotechnical engineering, field, and materials testing resources. Specialty subconsultants such as surveying, utility locating, laboratory testing, traffic control, erosion control, or restoration subcontractors will be added as needed to support the final scope and North Carolina requirements.

RFQ Requirement	GeoSpecialties Response
Companies and responsibilities	GeoSpecialties LLC - prime design-builder, specialty geotechnical construction, project management, safety, QA/QC, and overall contract responsibility. APS GEO - geotechnical engineering, investigation support, testing, and technical

	review. Surveying, utility locating, and other specialty services will be provided by qualified subconsultants as needed.
Key services	Foundation stabilization, micropile underpinning, compaction grouting, sinkhole remediation, drilling, soil nail and shotcrete stabilization, drainage-adjacent stabilization, constructability review, and as-built documentation.
Office locations	Headquarters: Lexington, Kentucky. Field Operations Yard: LaFollette, Tennessee. Work will be supported by engineering, project management, and field operations personnel assigned specifically to the Lenoir project.
Company size	Approximately 53 full-time staff, including professional engineers, professional geologists, project managers, superintendents, foremen, drillers, operators, laboratory/testing personnel, QA/QC personnel, and safety professionals.
Company history	GeoSpecialties has provided specialty geotechnical construction and stabilization services throughout Appalachia and the surrounding region since 2020, with a focus on emergency stabilization, sinkhole remediation, municipal infrastructure, transportation, and foundation systems.
Current workload and availability	GeoSpecialties operates multiple full-time geotechnical crews and maintains drilling/grouting equipment capable of supporting immediate mobilization. The Lenoir project would be assigned dedicated project management and field leadership for continuous support through design and construction.
Bonding and insurance	Bonding capacity and insurance capability exceed \$10 million. GeoSpecialties will provide required performance and payment bonds and insurance certificates in accordance with the RFQ and North Carolina procurement requirements if awarded.
North Carolina licensing	GeoSpecialties understands the requirement for applicable North Carolina licensing for firms and individuals performing the work and meets the requirement with License No. 105523. Final sealed design documents will be prepared or directly supervised by appropriately licensed professionals.
Minority business participation	GeoSpecialties will make good-faith efforts to identify and include qualified North Carolina HUB/MBE/WBE firms for appropriate scopes such as surveying, trucking, erosion control, restoration, materials, and support services, consistent with North Carolina procurement requirements.

1.3 – Proposed Staff and Qualifications

GeoSpecialties proposes an engineer-led design-build team with direct communication between the City, the Engineer of Record, the Project Manager, and field supervision. This structure is intended to reduce design/construction disconnects and allow quick field decisions during drilling, grouting, and underpinning work.

Proposed Team Organization

Authorized Representative / Principal-in-Charge	Justin Anderson, P.E.	Contract authority, executive oversight, design-build accountability
Engineer of Record / Technical Lead	Matt Birchmier, P.E.	Geo-structural design, sealed plans, analysis, alternatives, QA review
Project Manager	Jeff Bonaventura / Clark Parker	Schedule, budget, coordination, RFIs, submittals, City communication
Construction Superintendent / Field Leadership	Jamie Bevard / Tommy Smiddy / assigned	Drilling, grouting, micropile sequencing, field production, safety coordination

	superintendent	
Safety and QA/QC	Safety Director + Project Engineer / QA staff	Site safety plan, monitoring, testing, daily reports, closeout documentation

Key Personnel Narrative

Matt Birchmier, P.E. - Principal-in-Charge / Technical Lead - Matt will provide executive-level accountability and senior technical oversight for the project. His experience includes compaction grouting, micropile underpinning, soil nail walls, Matt stabilization, sinkhole remediation, and design-build geo-structural work. For this project, Justin will guide the initial evaluation, repair alternative development, cost/risk discussions, and final technical approach.

Project Engineer / Engineer of Record - GeoSpecialties / APS GEO - The project engineer will review existing and supplemental geotechnical data, develop calculations and sealed design documents, coordinate with the construction team, establish acceptance criteria, and review field observations during installation. A North Carolina-licensed professional engineer will seal documents as required.

Project Manager - GeoSpecialties - The Project Manager will be the day-to-day single point of contact for the City, responsible for schedule, submittals, procurement, field coordination, cost updates, quality documentation, meeting minutes, and closeout deliverables.

Jamie Bevard - Field Leadership / Grouting and Foundation Stabilization - Jamie brings direct field experience in specialty foundation construction, grouting, sinkhole repair, and emergency stabilization. His role will include field constructability review, equipment planning, grouting sequence input, and daily coordination with drill crews.

Tommy Smiddy - Field Leadership / Micropile and Specialty Stabilization - Tommy provides senior supervision for micropile, drilling, underpinning, and stabilization work. His experience is particularly important for constructability in constrained building-adjacent environments and for adapting means and methods to actual ground conditions.

Safety Director / QA-QC Support - Safety and QA/QC staff will prepare the site-specific safety plan, review excavation/drilling hazards, establish public safety controls, coordinate daily toolbox talks, and compile testing, monitoring, and as-built records.

Attachment A should include resumes, licenses, certifications, OSHA/safety credentials, and project-specific experience summaries for each proposed key person. The body of the SOQ should summarize the team, while Attachment A provides the detailed support.

1.4 – Relevant Project Experience

The projects below demonstrate GeoSpecialties' direct experience with the same technical elements that control the Lenoir project: sinkhole remediation, stormwater-related ground loss, emergency stabilization, design-build delivery, micropiles, grouting, shotcrete/soil nails, sheet piles, and construction adjacent to critical infrastructure.

Project	Owner / Contact	Relevance to Lenoir	Cost / Budget	Delivery
Elizabeth Court Sinkhole Remediation, Gallatin, TN	City of Gallatin Engineering Department; Nick Nuttle, City Engineer;	Municipal sinkhole remediation; excavation to identify sinkhole throat; inverted filter system; geotextile, boulder, stone, structural backfill, and drainage coordination. Demonstrates direct sinkhole repair experience for	\$173,725 final / \$173,725 initial	Bid-build / General Contractor

	615-451-5965	public owner.		
8703 and 8711 Lynnhall Court Slope Stabilization, Louisville, KY	Louisville Metro Government / NRCS EWP; Edward Meiman III, Emergency Management Director	Emergency design-build stabilization after rainfall and rapid drawdown; soil nail and reinforced shotcrete wall; sheet pile toe/scour protection; supplemental geotechnical investigation and permitting coordination. Demonstrates fast-track public emergency stabilization.	\$1,821,620 final; \$1,682,475 initial	Design-build Specialty Geotechnical Contractor
Buffalo Trace Slope Stabilization, Frankfort, KY	Buffalo Trace Distillery / ThermalTech Turnkey Solutions; Kyle Lehman, Project Manager; 513-873-8667	Major landslide stabilization along Kentucky River; micropiles, soil nails, reinforced shotcrete, drainage systems, scour protection, deadman anchors, drilled shafts, and phased stabilization as conditions evolved. Demonstrates flexible specialty stabilization toolbox.	Undisclosed project value / over \$1M;	Design-build Specialty Geotechnical Contractor
New Richmond Wall Design-Build, New Richmond, OH	Village of New Richmond / Liberty Landing Development	Design-build riverbank stabilization in constrained public corridor; sheet pile wall, tieback anchors, concrete waler, cellular concrete backfill, utility/access constraints. Demonstrates design-build delivery adjacent to infrastructure and public access.	\$1,894,567 final; \$1,894,567 initial	Design-build Specialty Geotechnical Contractor

Past Performance Themes Relevant to the City

- Municipal & public-sector: experience coordinating with city representatives, emergency management, federal program requirements, and public infrastructure constraints.
- Design-build responsiveness: ability to use supplemental investigations and field observations to refine final designs as conditions are confirmed.
- Complex stabilization systems: practical field experience with micropiles, compaction grouting, soil nails, shotcrete, drainage, sheet piles, tiebacks, and sinkhole remediation.
- Constrained sites: experience maintaining access and working near structures, utilities, waterways, roads, and occupied facilities.
- Documentation: daily field reports, logs, testing, monitoring, and as-constructed drawings for public-owner closeout.

1.5 – Litigation and Safety Disclosures

GeoSpecialties response includes zero litigation history related to design or construction projects with the past five years. GeoSpecialties maintains an Experience Modification Rate (EMR) below 1.0 and has recorded zero lost-time incidents in the past three years.

A – Key Personnel Resumes & Certs

PROJECT TEAM

GeoSpecialties and APS GEO leadership team provides **more than 350 years of combined experience** in geotechnical engineering, engineering geology, construction materials testing, drilling, and specialty geotechnical construction. This depth of experience allows the department to access senior technical expertise, experienced project managers, and seasoned field personnel capable of supporting both routine task orders and emergency geohazard response assignments.

Justin Anderson, P.E. | President / Principal Engineer

Education: Master of Science, Civil Engineering, University of Kentucky, 2006

Bachelor of Science, Civil Engineering, University of Kentucky, 2005

Licenses: Professional Engineer (KY, IN, OH, TN, VA, MN, TX, NE, IA)

Professional Summary: Justin Anderson is the Founder and Principal Engineer of GeoSpecialties with more than 20 years of experience in geotechnical engineering and slope stabilization. He has led over 1,000 geohazard repair projects, including award-winning work for state DOTs and Class I railroads. A licensed Professional Engineer in multiple states and a patent holder, he provides technical leadership and develops innovative solutions that improve the safety, efficiency, and performance of geotechnical stabilization projects.

Certification	Count
ASA Certified Shotcrete Nozzleman	12
OSHA 30	13
OSHA 10	7
CPR / First Aid	13
CDL Licensed	4
Forklift Certified	5
Lean Six Sigma Green Belt	1
Professional Engineer (Multi-State)	3
Professional Geologist	6
MSHA Part 48	1
Rope Access Technician	6

Key Capabilities & Expertise

- Design and engineering oversight for multi-million-dollar stabilization projects, including design-build delivery.
- Licensed PE with experience across state DOTs, railroads, and municipal infrastructure.
- Specializes in subgrade stabilization and specialty grouting.
- Proven leader with deep understanding of field operations, traffic management, and QA/QC processes.

Awards & Recognition

- ENR Regional Best Project – Renovation/Restoration: *Lexington Historic Courthouse* (Structural stabilization & temporary works support role).
- NRC Award: *Mankato Landslide Stabilization, Union Pacific Railroad (Mankato, MN)*
Implemented a three-tier soil-nail and shotcrete wall protecting the Union Pacific mainline and adjacent cemetery. Project completed on time and received the National Railroad Construction (NRC) Award for Excellence.

Certifications & Licenses

- PE Licenses – TN, KY, IN, OH, VA, MN, TX, NE, IA
- OSHA 30

- FEMA Disaster Recovery Training
- CPR / First Aid
- Tennessee Contractor's License – Specialty Construction

Matt Birchmier, P.E. | Chief Operating Officer / Senior Engineer

Education: Master of Science, Geotechnical Engineering, Iowa State University

Bachelor of Science, Civil Engineering, Iowa State University

Licenses: PE (KY plus 25 States)

Professional Summary: Matt Birchmier brings over two decades of experience leading engineering and operations for complex geotechnical projects. He specializes in **soil nailing, deep foundations, micropile design, and rockfall stabilization**, with extensive experience managing multi-state contracts and high-volume stabilization programs. Matt ensures operational excellence across all GeoSpecialties crews, providing direct oversight for project scheduling, safety compliance, and resource management.

Key Capabilities & Expertise

- Multi-state PE licenses supporting broad DOT and federal project work.
- Skilled in **large-scale soil nail wall and micropile system design and execution**.
- Expert in traffic management planning and environmental permitting.
- Lean Six Sigma Green Belt – focused on operational efficiency and continuous improvement.

Certifications & Licenses

- PE Licenses – 25 States
- Lean Six Sigma Green Belt
- OSHA 30
- CPR / First Aid

Education: Bachelor of Science & Master of Science; Civil Engineering – Iowa State University

Clark Parker, P.E. | Senior Geotechnical Engineer / Project Manager

Role: Lead Engineer – Stabilization Systems

Education: Bachelor of Science, Civil Engineering, Western Kentucky University (2018)

Employment: 2025 - Present

PE Licensure: Indiana, Kentucky (#38437) and Wisconsin

Professional Summary: Clark Parker is a licensed Professional Engineer with more than six years of experience in geotechnical stabilization and design-build delivery. He has completed over 300 projects involving slope stabilization, landslide repair, shoring, and deep foundations for DOTs and municipalities across Indiana, Kentucky, and Tennessee. His expertise combines practical engineering design with field execution to deliver safe, constructible, and cost-effective solutions.

Certifications & Licenses

- Licensed Professional Engineer – Indiana, Kentucky & Wisconsin
- OSHA 10
- Louisville MSD EPSC Certification

Noel Philippon | Operations Manager – Rockfall & Specialty Stabilization

Professional Summary: Noel Philippon is a nationally recognized leader in rockfall mitigation and geohazard response, with more than three decades of experience overseeing complex stabilization projects across the United States. He specializes in rock scaling, anchored mesh systems, and emergency slide response. Noel has managed **hundreds** of high-risk projects for DOTs, railroads, and federal agencies, including the **I-75 Rockfall Emergency Response** and large-scale planned rockfall programs.

Certifications

- ASA Certified Shotcrete Nozzleman – Supervisory Level
- OSHA 30 – Construction Safety
- Rope Access Level II Certified
- CPR / First Aid
- MSHA Part 48 – Mine Safety

Jeff Bonaventura | Project Manager

Education: Bachelor of Science, Civil Engineering, Fairmont State University (2008)

Professional Summary: Jeff Bonaventura has nearly 20 years of experience managing large-scale slope stabilization projects, including soil nailing, retaining walls, and compaction grouting in active roadway environments. He has completed over 230 projects for the West Virginia Department of Highways and is skilled at coordinating multi-crew operations to deliver work on time and on budget.

Certifications

- OSHA 30
- Safeland Oil & Gas Safety
- CPR / First Aid

Tommy Smiddy | Senior General Superintendent

Professional Summary: Tommy Smiddy is a senior field leader with more than 35 years of experience in geotechnical construction, specializing in driven piles, retaining walls, and deep foundation systems. He has supervised some of GeoSpecialties' largest stabilization projects for DOTs, railroads, and municipalities, providing expert leadership in complex and emergency field conditions while ensuring safe and efficient project execution.

Key Qualifications and Contributions:

- Over **1,000 stabilization** projects constructed including soil nail, rock bolt, compaction grout, slurry grout, driven piles, shotcrete and micropiles.
- Deep foundation construction, including driven rail steel, drilled rail systems, and large-diameter piles.
- Retaining wall design-build execution for large-scale embankment repairs.
- Skilled traffic control and logistics planning for simultaneous multi-crew deployments.
- Integration of stabilization and earth retention systems and grouting methods for comprehensive stabilization.
- Mentorship and training of field crews to meet ASA and OSHA safety standards.

Casey Prine | General Superintendent

Education: Jelico High School, 2008

Professional Summary: Casey Prine is an experienced superintendent who oversees multiple stabilization crews and has installed more than 10,000 soil nails and rock bolts, managed over 1,000 micropiles, and completed dozens of DOT stabilization projects. He is recognized for leading high-pressure field operations while maintaining exceptional safety and quality standards.

Key Capabilities & Expertise

- Over 200 stabilization projects constructed including soil nail, rock bolt, compaction grout, slurry grout, driven piles, shotcrete and micropiles.
- Stamped and architectural concrete
- Skilled traffic control and logistics planning for simultaneous multi-crew deployments.
- Integration of rail steel systems with soil nail walls and shotcrete facing for comprehensive stabilization.
- Mentorship and training of field crews to meet ASA and OSHA safety standards.

Certifications

- ASA Certified Shotcrete Nozzleman
- OSHA 10 & 30
- CDL Licensed
- Forklift Certified
- CPR / First Aid

Key Qualifications and Contributions:

- Proven expertise in **top-down stabilization techniques**, allowing for continuous traffic flow on active roadway projects.
- Leadership in QA/QC testing for soil nails, shotcrete strength, and drainage systems.
- Experienced with **environmentally sensitive sites**, ensuring compliance with DOT and state permitting requirements.

James (Jamie) Bevard | Superintendent / Lead Driller

Professional Summary: Jamie Bevard is one of GeoSpecialties' most experienced drillers, specializing in cased drilling and anchor installation for soil nail walls, micropiles, and DCP anchors along with many years of compaction and slurry grouting. With over 20 years of expertise specializing in geotechnical and environmental drilling, Jamie ensures safety with aggressive production rates and precision installation and high QA/QC compliance.

Key Capabilities & Expertise

- Over 500 stabilization projects constructed including soil nail, rock bolt, compaction grout, slurry grout, driven piles, shotcrete and micropiles.
- Extensive experience in deep foundations such as cased micropiles and specialty grouting such as compaction grouting.

Certifications

- ASA Certified Shotcrete Nozzleman
- OSHA 30
- CPR / First Aid

B – Relevant Project Experience

GEO240028
Elizabeth Court Sinkhole
Remediation

Gallatin, TN

Client:

City of Gallatin

Total Project Construction Cost:
\$173,725

Date(s) Work Performed:
October 2024

Key Personnel:

- Justin Anderson, P.E. – Engineer of Record
- James Brevard

Worked Performed As:
General Contractor

Project Overview:

GeoSpecialties performed sinkhole remediation in Gallatin, TN, using the inverted filter method. The work included 1,200 CY of excavation, installation of boulders and geotextile fabric, and placement of compacted stone, backfill, and drainage elements to restore the site to the required subgrade elevation.

Scope of Work:

Key components of the work included:

- Remediation of a sinkhole using the inverted filter method at a single location in Gallatin, Tennessee.
- Excavation of approximately 1,200 CY to expose the sinkhole throat.
- Identification and exposure of a sinkhole throat approximately 6 feet in diameter.
- Placement of approximately 125 tons of boulders and over 1,000 SY of geotextile fabric along the excavation sidewalls and across the base to establish the inverted filter system.
- Installation of approximately 275 tons of compacted stone and 300 CY of structural backfill, placed in coordination with drainage elements, to restore the area to the required subgrade elevation.



**GEO250013
8703 and 8711 Lynnhall
Court Slope Stabilization**

Louisville, KY

Client:Louisville Metro Government /
NRCS Emergency Watershed
Protection Program**Total Project Construction Cost:**
\$1,821,620**Date(s) Work Performed:**
2025**Key Personnel:**

- Brian Miller - Sr. General Super
- Tommy Smiddy - Sr. General Super
- Jessee Ricker – Superintendent
- Thomas Hylton – Foreman

Engineer of Record:

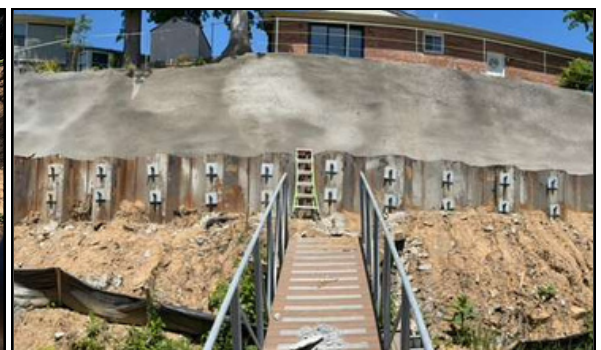
Justin Anderson, PE

Worked Performed As:Design-Build Specialty
Geotechnical Contractor**Description of Work Performed:**

GeoSpecialties provided design-build services for the emergency stabilization of a major landslide along the bluff above Harrods Creek at 8703 and 8711 Lynnhall Court in Louisville, KY. The failure occurred after extreme rainfall, elevated creek levels, and rapid drawdown conditions caused instability along the saturated slope, threatening nearby residential homes.

To restore long-term stability and protect the structures above, GeoSpecialties designed and constructed an integrated stabilization system consisting of a soil nail wall with reinforced shotcrete facing along the upper slope and a driven sheet pile wall at the creek bank to provide toe support and scour protection. The systems were structurally connected to create a continuous stabilization solution from the creek bank to the residential grade.

The project was completed under the NRCS Emergency Watershed Protection (EWP) program and included coordination with Louisville Metro Government, federal permitting agencies, and supplemental geotechnical investigations to confirm subsurface conditions and refine the final design.



**GEO250013
Buffalo Trace Slope
Stabilization**

Frankfort, KY

Client:

Buffalo Trace Distillery

Date(s) Work Performed:

2025

Key Personnel:

- Clark Parker - Project Engineer
- Zach Harmon - Foreman
- Thomas Hylton - Foreman
- Casey Prine -General Superintendent

Engineer of Record:

Justin Anderson, PE

Worked Performed As:

Design-Build Specialty
Geotechnical Contractor

Project Overview:

- GeoSpecialties completed emergency slope stabilization along the Kentucky River after a major landslide impacted the rear of the Buffalo Trace facility. The 200-foot-long failure area required a permanent stabilization solution that included micropiles, soil nails, reinforced shotcrete, drainage systems, scour protection, and the largest A-Wall ever constructed—a 25-foot-tall by 200-foot-long system.
- Additional stabilization measures were implemented as site conditions evolved, including deadman anchors and drilled shafts. Following completion, GeoSpecialties also installed concrete flatwork and paving to create a finished courtyard space for the facility. The completed system provides long-term slope stability while protecting critical infrastructure and utilities along the river.



GEO250015 – New Richmond Wall Design- Build

New Richmond, OH

Client:

Village of New Richmond /
Liberty Landing Developmen

Total Project Construction Cost:
\$1,894,567

Date(s) Work Performed:
2025

Key Personnel:

- Noel Philippon
- Tommy Smiddy -General
Superintendent

Engineer of Record:
Matt Williams, PE

Worked Performed As:
Design-Build Specialty
Geotechnical Contractor

Project Overview:

GeoSpecialties served as the design-build specialty contractor for the stabilization of the Ohio River riverbank along Front Street in New Richmond, Ohio. The project was completed to facilitate the redevelopment of the Liberty Landing area, including improvements to the riverfront boardwalk and public access to the waterfront.

The work included the design and construction of an approximately 387-foot-long permanent sheet pile retaining wall system installed along the riverbank to stabilize the slope and support the roadway and new boardwalk infrastructure above. The wall system consisted of PZC18 sheet piles installed up to approximately 45 feet in depth, supported by a row of tieback anchors extending up to 50 feet into the hillside behind the wall.

GeoSpecialties also installed a 24-inch by 30-inch reinforced concrete waler along the length of the wall to distribute anchor loads across the sheet piles and provide long-term structural durability. The area behind the wall was backfilled using lightweight cellular concrete to reduce lateral loads and improve the long-term performance of the riverbank stabilization system. Construction was performed in a constrained urban riverfront environment adjacent to active roadways, utilities, and historic downtown structures while maintaining access along the riverfront corridor.



CNY315 Cocke County I-40 Slope Stabilization

Cocke County, Tennessee

Client:

Tennessee Department of
Transportation (TDOT)

Completion Date:

2025 - 2026

Total Project Construction Cost:

\$12,438,608

Work Was Performed As:

Specialty Geotechnical
Subcontractor

Key Personnel:

- Justin Anderson, P.E. – Engineer of Record
- Casey Prine
- Noel Phillippon
- Clark Parker
- Jeff Bonaventura
- Zach Harmon
- Jesse Ricker
- Tommy Smiddy
- Michael Bevard



Project Overview:

GeoSpecialties provided specialty geotechnical construction services for slope stabilization along Interstate 40 in Cocke County, Tennessee, addressing three active slope failure areas near mile markers 450.7, 451.0, and 451.6. The project included the design and construction of soil nail "A" walls with reinforced shotcrete facing, installation of approximately 140,000 linear feet of soil nails, and secondary wall facing systems to restore long-term slope stability. At the most critical location, GeoSpecialties also installed rock anchors, rock bolts, and pinned draped mesh to stabilize exposed rock faces and protect motorists from potential rockfall. Completed alongside an active interstate, the project showcased GeoSpecialties' expertise in complex geotechnical stabilization, specialized drilling, and safe execution in challenging transportation environments.

Scope of Work:

- Designed and constructed soil nail "A" walls with reinforced shotcrete facing.
- Installed approximately 140,000 LF of soil nails at three slope stabilization sites.
- Constructed secondary wall facing systems.
- Installed rock anchors, rock bolts, and pinned draped mesh for rockfall protection.
- Performed staged excavation using specialized geotechnical drilling equipment.
- Coordinated construction within an active interstate corridor while maintaining safe operations.

Scoring Rubric**Design-Build Servies For Lenoir Fire Department Foundation Stabilization**

All evaluation factors should be rated 1-10 and entered into the box. Formula at total will apply weight.

EVALUATION FACTORS

1. 20% = Qualifications and Experience of Key Personnel
2. 30% = Teams Relevant Geo-Structural and Foundation Stabilization Project Experience
3. 20% = Working knowledge of Municipal Stormwater Infrastructure & Sinkhole Failure Remediation
4. 20% = Successful past performance on Municipal Foundation Stabilization Projects
5. 10% = Project Approach and Understanding

Score 1-10 for each factor

COMMITTEE MEMBERS

Reviewer #1
Reviewer #2
Reviewer #3
Reviewer #4
Reviewer #5

RESPONSIVE FIRMS

Team 1: Wilkie Construction Company Southeast, LLC
Team 2: GeoSpecialties LLC
Team 3: JM Cope Construction

Reviewer #1								
FACTOR	Team 1	Team 2	Team 3					
1	7.0	8.0	7.0					
2	4.0	8.0	8.0					
3	5.0	7.0	6.0					
4	3.0	8.0	5.0					
5	7.0	9.0	7.0					
TOTAL	24.5	39.5	33.5					
Reviewer #2								
FACTOR	Team 1	Team 2	Team 3					
1	6.0	8.0	8.0					
2	6.0	7.0	9.0					
3	8.0	8.0	9.0					
4	6.0	8.0	9.0					
5	7.0	8.0	9.0					
TOTAL	32.5	38.5	44.0					
Reviewer #3								
FACTOR	Team 1	Team 2	Team 3					
1	10.0	10.0	10.0					
2	8.0	9.0	8.0					
3	8.5	9.0	8.0					
4	8.0	9.0	8.0					
5	9.0	9.0	9.0					
TOTAL	43.0	46.0	42.5					
Reviewer #4								
FACTOR	Team 1	Team 2	Team 3					
1	7.5	7.5	9.0					
2	8.0	9.0	8.0					
3	8.0	7.0	9.0					
4	6.0	9.0	8.0					
5	8.0	7.0	9.0					
TOTAL	37.5	40.5	42.5					
Reviewer #5								
FACTOR	Team 1	Team 2	Team 3					
1	8.0	9.0	9.0					
2	6.0	10.0	8.0					
3	4.0	7.0	8.0					
4	5.0	8.0	9.0					
5	8.0	8.0	9.0					
TOTAL	30.0	43.0	42.5					
FACTOR	Team 1	Team 2	Team 3					
TOTAL:	33.50	41.50	41.00					

BK 2171 PG 1476 - 1479 (4)

This document presented and filed:
07/30/2026 10:28:43 AM

Fee \$26.00 Excise Tax: \$0.00



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

NORTH CAROLINA NON-WARRANTY DEED

Excise Tax: \$0.00

Parcel Identifier No.:

Mail after recording to: Wexford Village Homeowners' Association, Inc., 1200 Wexford Village Circle Northeast, Lenoir, NC 28645

This instrument was prepared by: Delk 4 Law, 110 Church Street Northwest, Lenoir, NC 28645

Brief Description from the Index:

THIS DEED made this 21st day of July, 2026, by and between

GRANTOR

City of Lenoir

801 West Avenue
Lenoir, NC 28645

GRANTEE

Wexford Village Homeowners' Association, Inc.

1200 Wexford Village Circle Northeast
Lenoir, NC 28645

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in , City of Lenoir, Caldwell County, North Carolina and more particularly described as follows:

See Exhibit "A" Attached Hereto and Made a Part Hereof

**THE DRAFTSMAN OF THIS INSTRUMENT HAS NOT CHECKED THE TITLE TO
THE ABOVE-DESCRIBED PROPERTY AND MAKES NO CERTIFICATION AS TO
TITLE, AND WAS NOT RESPONSIBLE FOR CLOSING A SALE OF THE PROPERTY.**

The property herein described ☐ is or ☒ is not the primary residence of the Grantors.

WHEREAS, by plat entitled "Final Design for Wexford Village," prepared by Western Carolina Surveyors, P.A., and recorded on August 12, 1999, in Plat Book 18, Page 199, Caldwell County Registry (the "1999 Plat"), H.B. Development, Inc., as owner, dedicated to public use the streets, walks, parks, and easements shown on the 1999 Plat, including Wexford Village Circle and Wexford Court (collectively, the "Dedicated Streets"); and

WHEREAS, the Director of Public Works of the City of Lenoir executed a Certificate of Acceptance of Streets, Water and Sewer on the 1999 Plat, accepting the Dedicated Streets together with the water and sewer infrastructure of Wexford Village; and

WHEREAS, the dedication shown on the 1999 Plat was not accompanied by any separate instrument of conveyance and is therefore properly construed as a dedication of an easement for public street purposes, the underlying fee in the right-of-way remaining vested in the dedicator, H.B. Development, Inc.; and

WHEREAS, a structure commonly known as the "guardhouse" is situated within the right-of-way of Wexford Village Circle and has historically been used and maintained in connection with the operation of the Wexford Village subdivision; and

WHEREAS, by plat entitled "Exempt Lot 'I', 0.015 Acre, Survey Plat for Wexford Village Homeowners Association Inc.," prepared by David S. Clark, Surveyor, PA, dated March 17, 2026, and recorded on March 23, 2026, in Plat Book 42, Page 66, Caldwell County Registry (the "2026 Plat"), the area containing the guardhouse was surveyed and identified as a discrete 0.015-acre parcel (the "Property"); and

WHEREAS, Grantee desires to obtain clear title to the Property so that it may maintain, insure, and operate the guardhouse as a common amenity of Wexford Village; and

WHEREAS, the City Council of the City of Lenoir, at its regular meeting held on July 28, 2026, by resolution duly adopted, authorized the execution and delivery of this Deed to release the public street easement, quitclaim any other interest of Grantor in the Property, and convey the Property to Grantee, subject to the reservations set forth herein;

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby:

1. RELEASE, ABANDON, and SURRENDER unto Grantee, its successors and assigns forever, all right, title, interest, and easement of Grantor in and to the Property for public street purposes, including without limitation any easement acquired by virtue of the dedication shown on the 1999 Plat and the acceptance thereof by the City of Lenoir; and
2. REMISE, RELEASE, and FOREVER QUITCLAIM unto Grantee, its successors and assigns forever, all other right, title, claim, and interest of Grantor in and to the Property, whether legal or equitable, whether held in fee, by easement, by license, or otherwise.

The Property hereby released and quitclaimed is more particularly described as follows:

See Exhibit "A" Attached Hereto and Made a Part Hereof

RESERVATION OF EASEMENTS. Notwithstanding the foregoing release and quitclaim, Grantor expressly RESERVES unto itself, its successors and assigns, and unto any public or franchise utility provider holding a current franchise or utility agreement with the City of Lenoir, perpetual non-exclusive easements over, under, upon, through, and across the Property for the installation, operation, maintenance, inspection, repair, replacement, and removal of:

- a) water mains, lines, hydrants, valves, meters, and appurtenances;
- b) sanitary sewer mains, lines, manholes, and appurtenances;
- c) storm sewer and drainage lines, pipes, ditches, swales, and appurtenances, it being acknowledged that primary responsibility for maintenance of the storm water drainage system within Wexford Village is allocated to Grantee under Article VII, Section 4 of the Declaration of Covenants, Conditions and Restrictions of Wexford Village recorded in Book 1273, Page 1184, Caldwell County Registry (the "Declaration");
- d) electric power lines, transformers, and street lighting fixtures, including those installed pursuant to the street lighting contract referenced in Article III, Section 3 of the Declaration;
- e) telephone, cable television, fiber optic, and other communications lines and appurtenances; and
- f) any other public or franchise utility currently or hereafter serving Wexford Village,

together with rights of reasonable ingress and egress over the Property for any of the foregoing purposes. Grantee shall not construct, place, or maintain any structure or improvement upon the Property that materially interferes with the easements reserved herein; provided, however, that the existing guardhouse, together with any replacement, repair, modification, or improvement thereof, may be maintained upon the Property.

TO HAVE AND TO HOLD the Property, together with all rights, privileges, and appurtenances thereto belonging, unto Grantee, its successors and assigns forever, subject to the reservations set forth herein.

This conveyance is made WITHOUT WARRANTY of any kind, express or implied. Grantor makes no representation as to the nature, extent, or marketability of any title or interest hereby conveyed, and Grantee accepts the Property in its "AS IS, WHERE IS" condition.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand, or if corporate, has caused this to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

City of Lenoir

By: Scott Hildebran
Scott Hildebran, City Manager

By: Lauren Hartley
Lauren Hartley, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF CALDWELL

I, Erika K. Leonhardt, Notary Public, do hereby certify that Scott Hildebran, City Manager of City of Lenoir and Lauren Hartley, City Clerk of City of Lenoir personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 29 day of July, 2026.

Erika K. Leonhardt
Official Signature of Notary
Printed or typed name of Notary

My Commission Expires:

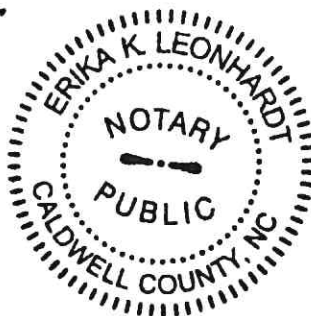


Exhibit "A"

BEING that real property labeled as "Guard House, Exempt Lot 1, 0.015 Acre" on the plat map at Plat Book 42, Page 66, Caldwell County Registry.

Tax Parcel Number:

Property Address: Wexford Village Circle Northeast, Lenoir, NC 28645