



REVISED AGENDA

**CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, OCTOBER 1, 2019
6:00 P.M.**



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. FY2018-2019 Annual Audit: Eric Bowman, PA, will present an update of the City's FY2018/2019 Annual Audit.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, September 17, 2019, as submitted.
- B. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, September 24, 2019, as submitted.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

1. The 2020 Holiday Schedule will be submitted to Council as information.
2. The 2020 City Council Meeting Schedule will be submitted to Council for their review and approval.
3. National Night Out is scheduled from 6:00 p.m. – 9:00 p.m. in downtown Lenoir on Tuesday, October 1. This event is sponsored by the Lenoir Police Department.
4. The Caldwell County Economic Development Commission will meet on Tuesday, October 8 at 8:00 a.m.
5. The Lenoir Tourism Development Authority will meet on Thursday, October 10 at 4:00 p.m. at City Hall, Third Floor.
6. The Lenoir Business Advisory Board will meet on Thursday, October 10 at 6:00 p.m. at City Hall, Third Floor.
7. The City/County Services Committee will meet on Monday, October 14 at 11:45 a.m.
8. The annual Smoking in the Foothills Barbeque Festival will be held on Friday, October 18 from 5:00 p.m. – 10:30 p.m. and on Saturday, October 16 from 10:00 a.m. – 10:30 p.m. in downtown Lenoir.

9. Early Voting for the Municipal Elections begins on Wednesday, October 16 through Friday, November 1 from 8:00 a.m. until 5:00 p.m. at the Caldwell County Resource Center located at 120 Hospital Avenue, Lower Level. Early voting will also be held on Saturday, October 26 from 8:00 a.m. until 1:00 p.m.

B. Items for Council Action

1. Delegate/Alternate; NLC City Summit: City Council will choose a Delegate and an Alternate Delegate to represent the City of Lenoir at the National League of Cities (NLC) City Summit's Annual Business Meeting in San Antonio, Texas on Saturday, November 23. Councilmembers Todd Perdue and Ben Willis along with City Attorney Timothy Rohr and City Manager Scott Hildebran will be representing the City of Lenoir at the meeting.
2. Appalachian Regional Commission (ARC); Grant Administration (WPCOG): Staff recommends City Council enter into an Agreement with Western Piedmont Council of Governments (WPCOG) in the amount of \$20,000.00 (not to exceed) in accordance with the attached Grant Management Services Agreement to provide grant administration and technical assistance for the ARC Grant Project.
3. Budget Amendment: Staff recommends approval of an amendment to be made to the annual budget ordinance for the fiscal year ending June 30, 2020 as follows:
 - 1) Adjustment to the General Fund (Sanitation) to allocate \$258,000 from fund balance to purchase two (2) used automated refuse trucks.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

- A. Pursuant to N.C.G.S. §143-318.11(a), (4), City Council will enter into closed session on Tuesday, October 1 to discuss economic development.

X. ADJOURNMENT

City of Lenoir, North Carolina

Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2019
(Exhibit D)

	General	Special Revenue Fund	Non Major Governmental Funds	Total Governmental Funds
Revenues				
Ad valorem taxes	\$ 8,772,029			\$ 8,772,029
Other taxes and licenses	4,082,560			4,082,560
Unrestricted intergovernmental revenues	2,503,244			2,503,244
Restricted intergovernmental revenues	576,109	268,176	162,485	1,006,770
Permits and fees	163,124			163,124
Sales and services	1,361,240		5,644	1,366,884
Investment earnings	176,654			176,654
Miscellaneous	443,110	318,734	11,285	773,129
Payment from ABC Board	291,964			291,964
Total revenues	18,370,034	586,910	179,414	19,136,358
Expenditures				
Current:				
General Government	2,705,252			2,705,252
Public safety	8,872,350			8,872,350
Transportation	1,832,873			1,832,873
Environmental protection	828,952			828,952
Economic and physical development	549,765	668,857		1,218,622
Cultural and recreational	1,738,718			1,738,718
Capital projects			1,586,293	1,586,293
Debt service:				
Principal retirement	771,877			771,877
Interest and fees	14,900			14,900
Total expenditures	17,314,687	668,857	1,586,293	19,569,837
Excess (deficiency) of revenues over (under) expenditures	1,055,347	(81,947)	(1,406,879)	(433,479)
Other financing sources (uses)				
Financing Issuances			1,300,000	1,300,000
Transfers	(60,000)		60,000	-
Total other financing sources (uses)	(60,000)	-	1,360,000	1,300,000
Net change in fund balances	995,347	(81,947)	(46,879)	866,521
Fund balance - beginning	10,365,849	477,106	406,510	11,249,465
Fund balance - ending	\$ 11,361,196	\$ 395,159	\$ 359,631	\$ 12,115,986

City of Lenoir, North Carolina

Balance Sheet
Governmental Funds
June 30, 2019
(Exhibit C)

	General	Special Revenue Fund	Non Major Governmental Funds	Total Governmental Funds
Assets				
Cash and cash equivalents	\$ 10,434,622	\$ 386,187	\$ 181,445	\$ 11,002,254
Cash and cash equivalents-restricted			283,982	283,982
Taxes receivable (net)	236,526			236,526
Accounts receivable (net)	873,362			873,362
Other receivables	525,836	29,188	100,007	655,031
Total assets	<u>\$ 12,070,346</u>	<u>\$ 415,375</u>	<u>\$ 565,434</u>	<u>\$ 13,051,155</u>
Liabilities:				
Accounts payable	472,624	20,216	205,803	698,643
Total liabilities	<u>472,624</u>	<u>20,216</u>	<u>205,803</u>	<u>698,643</u>
Deferred Inflow of Resources:				
Unavailable Property Taxes	236,526			236,526
Total Deferred Inflows of Resources	<u>236,526</u>	<u>-</u>	<u>-</u>	<u>236,526</u>
Fund balances:				
Non Spendable				
Cemetery Care			283,982	283,982
Restricted				
Stabilization by State Statute	1,399,198			1,399,198
Public Safety	132,668			132,668
Assigned				
To Future Capital Projects			75,649	75,649
To Future Economic Development		395,159		395,159
Unassigned	9,829,330			9,829,330
Total fund balances	<u>11,361,196</u>	<u>395,159</u>	<u>359,631</u>	<u>12,115,986</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 12,070,346</u>	<u>\$ 415,375</u>	<u>\$ 565,434</u>	<u>\$ 13,051,155</u>

City of Lenoir, North Carolina

Enterprise Fund - Water and Sewer Fund

**Supplemental Schedule of Revenues and Expenditures -
Budget and Actual (Non-GAAP)
For the Year Ended June 30, 2019**

(Schedule 11, Part III)

Reconciliation from budgetary basis (modified accrual) to full accrual basis:

	<u>2019 Actual</u>
Total revenues and other financing sources on Schedule 11, Part I, Water and Sewer	\$ 9,426,371
Total expenditures on Schedule 7, Part II, Water and Sewer	<u>7,991,198</u>
Revenues and other sources over (under) expenditures and other uses:	<u>1,435,173</u>
Reconciling items:	
Grants - Capital Projects	231,370
Interest Earned - Capital Projects	6,094
Debt principal	1,180,373
Capital outlay	647,245
Transfer to Capital Projects	78,260
Increase in accrued vacation pay	(2,902)
Depreciation expense	(1,428,765)
Increase in Inventory	23,557
Increase in Deferred Outflows	360,328
Decrease in Deferred Inflows	45,598
Increase in Net Pension Liability	(442,308)
Increase (Decrease) in deferred outflows of resources - OPEB	14,854
(Increase) Decrease in deferred outflows of resources - OPEB	(11,415)
(Increase) Decrease in OPEB Liability	<u>(12,635)</u>
Total reconciling items	<u>689,654</u>
Change in Net Position (Exhibit G)	<u>\$ 2,124,827</u>

City of Lenoir, North Carolina

Enterprise Fund - Water and Sewer Fund

Supplemental Balance Sheet

June 30, 2019

(Schedule 10)

	<u>2019</u>
Assets	
Current assets	
Cash and cash equivalents	\$ 7,433,828
Accounts receivable (net)	566,813
Due from other Governmental Entities	1,418,012
Inventories	172,715
Restricted Cash and cash equivalents	6,141,591
Total current assets	<u>15,732,959</u>
Noncurrent assets	
Capital assets, net	<u>60,154,531</u>
Total assets	<u>75,887,490</u>
Deferred Outflows of Resources	
Pension Deferrals	968,237
OPEB Deferrals	26,864
Total Deferred Outflows of Resources	<u>995,101</u>
Liabilities	
Current liabilities	
Accounts payable	335,687
Installment purchase contracts - current	708,954
Revolving loan payable - current	920,995
Customer deposits payable from Restricted Assets	134,335
Compensated absences payable	76,343
Total current liabilities	<u>2,176,314</u>
Noncurrent liabilities	
Revolving loan payable	13,735,376
Installment purchase contracts payable	4,058,323
Total OPEB Liability	398,063
Compensated absences payable	63,529
Net Pension Liability	1,231,530
Total noncurrent liabilities	<u>19,486,821</u>
Total liabilities	<u>21,663,135</u>
Deferred Inflows of Resources:	
Pension Deferrals	46,720
OPEB Deferrals	34,472
Total Deferred Inflows of Resources	<u>81,192</u>
Net Position	
Net investment in capital assets	40,730,883
Unrestricted Net Position	14,407,381
Total Net Position	<u>\$ 55,138,264</u>

City of Lenoir, North Carolina

Management's Discussion and Analysis
For the Year ended June 30, 2019**City of Lenoir's Outstanding Debt
Revolving Loans and Installment Purchases****Figure 7**

	Governmental Activities		Business-type Activities		Total	
	2019	2018	2019	2018	2019	2018
Revolving Loans		\$ -	\$ 14,656,371	\$ 13,823,454	\$ 14,656,371	\$ 13,823,454
Installment Purchase Contracts	\$ 1,667,097	1,138,974	4,767,277	629,957	\$ 6,434,374	\$ 1,768,931
Total	<u>\$ 1,667,097</u>	<u>\$ 1,138,974</u>	<u>\$ 19,423,648</u>	<u>\$ 14,453,411</u>	<u>\$ 21,090,745</u>	<u>\$ 15,592,385</u>

The above debt of the City of Lenoir increased by \$5,498,360 (35.3%) during the past fiscal year.

As mentioned in the financial highlights section of this document, the City of Lenoir has an "A" rating from Standard & Poor's, dated March of 1999; an "A2" rating from Moody's Investors Services dated July of 1997; and an "81" council rating from the North Carolina Municipal Council, Inc., dated January of 1999.

North Carolina general statutes limit the amount of general obligation debt that a unit of government can issue to 8 percent of the total assessed value of taxable property located within that government's boundaries less statutory deductions for bonds applicable to water systems. The legal debt margin for City of Lenoir is \$174,260,868.

Additional information regarding the City of Lenoir's long-term debt can be found beginning on page 63 of this report.

Economic Factors and Next Year's Budgets and Rates

During fiscal year 2018-2019, the economic indicators for Lenoir exhibited small, but significant gains, reflecting that the economy of the City is continuing to recover from the impact of the national recession. Retail sales tax revenue and local occupancy tax revenue both increased. The Hickory-Lenoir-Morganton MSA unemployment rate continued to decline with the availability of more private sector jobs.

**LENOIR CITY COUNCIL
TUESDAY, SEPTEMBER 17, 2019
6:00 P.M.**

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

ABSENT: Councilmember Todd Perdue.

I. CALL TO ORDER

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

PRESENTATION; CONSTITUTION

WEEK: B. On behalf of City Council, Mayor Gibbons presented a proclamation proclaiming the week of September 17 to September 23 as "Constitution Week" throughout the City of Lenoir and Caldwell County to Ms. Cindy Day, Executive Director of the Caldwell Heritage Museum. He also recognized Ms. Sherry Miller, member of the Tuckers Barn Chapter of the Daughters of the Revolution who was in the audience.

Mayor Gibbons reported a ceremony to honor Constitution Day was also held Tuesday morning in downtown Lenoir at the Charters of Freedom located beside of the historic Caldwell County Courthouse.

Mayor Gibbons thanked Ms. Day and Ms. Miller for all they do for the City and the community. In addition, City Attorney T. J. Rohr was asked to recite the Preamble to the Constitution of the United States of America.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**STREET CLOSING;
STEELE STREET:**

- A. A public hearing was held to consider the permanent closure of Steele Street between College Avenue and Harper Avenue as recommended by City Staff and to adopt a Street Closing Ordinance as submitted. This street closure facilitates the long-term goals for City infrastructure as well as private redevelopment in the area immediately adjacent to the Downtown and the planned Rail Trail/OVT greenway project. Note: In accordance with N.C.G.S. §160A-299, the Resolution of Intent was advertised for four (4) consecutive weeks in the *News-Topic*.

Mayor Gibbons opened the public hearing to receive public comments regarding the street closing request.

A copy of the Street Closing Ordinance and maps are here by incorporated into these minutes by reference. (Refer to pages 468-471).

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

Mayor Pro-Tem Willis remarked this is a great project which is part of a great plan. He moved to approve the street closing ordinance as presented.

Upon the motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to adopt the Street Closing Ordinance for the permanent closure of Steele Street between College Avenue and Harper Avenue as recommended by City Staff.

REZONING; COLLEGE/STEELE

STREET: B. A public hearing was held to consider amending the zoning map to change the zoning from I-2 (Heavy Industrial) to R-C (Residential Commercial) on the three subject properties: 1407 College Avenue (Lenoir Depot LLC); 1241 College Avenue (Blue Bell Lenoir LLC); and 1201 Steele Street (James Sullivan). Staff recommended approval based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designating the area to remain “medium density residential” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

Mayor Gibbons opened the public hearing to receive public comments regarding the rezoning request.

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

Planning Director Jenny Wheelock explained this is a city-initiated rezoning from I-2 (Heavy Industrial) to R-C (Residential Commercial). She stated these properties are located adjacent to downtown Lenoir’s Central Business District and were recently designated as Local Landmarks by the Lenoir Historic Preservation Commission.

Director Wheelock explained the rezoning to Residential Commercial would assist with fulfilling the goals of the Fairfield South 2016 Vision Plan which prioritizes mixed-use development, high density housing and productive reuse of historic buildings. Ms. Wheelock stated this is the first application for the residential commercial zoning and is the City’s last step to get all regulations in place to facilitate a mixed use area.

On behalf of City Council, Mayor Gibbons thanked Director Wheelock and

Planning Staff for all of their hard work regarding this project.

Councilmember Perkins referred to the Planning Board and Director Wheelock's plans for this neighborhood and remarked how this project will enhance this area. Mr. Perkins moved to approve the project as presented.

Upon the motion by Councilmember Perkins, Council voted 6 to 0 to approve the zoning map amendments to change the zoning from I-2 (Heavy Industrial to R-C (Residential Commercial) on the three subject properties: 1407 College Avenue (Lenoir Depot LLC); 1241 College Avenue (Blue Bell Lenoir LLC); and 1201 Steele Street (James Sullivan) as recommended by City Staff.

III. CONSENT AGENDA ITEMS

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

1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, September 3, 2019, as submitted.
2. Proclamation; Constitution Week: Approval of a proclamation proclaiming the week of September 17 through September 23, 2019 as "Constitution Week" throughout the City of Lenoir and Caldwell County. Tuesday, September 17 marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 472).

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to approve the above listed items on the Consent Agenda as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

ANNUAL TRASH BASH

WEEK: 1. The Sanitation Division's Annual Trash Bash Week began on Monday, September 16 through Friday, September 20. Additional information is available online at www.cityoflenoir.com.

NCDOT'S FALL LITTER

SWEEP: 2. The North Carolina Department of Transportation's Fall Litter Sweep Campaign began on Saturday, September 14 through Saturday, September 28. Additional information is available online at www.ncdot.gov.

PARKS & RECREATION ADVISORY

BOARD: 3. The Parks and Recreation Advisory Board met on Monday, September 16 at 6:00 p.m. at the Optimist Park Clubhouse.

PLANNING

BOARD: 4. The Planning Board will meet on Monday, September 23 at 5:30 p.m. at the City/County Chambers.

COMMITTEE OF THE

WHOLE: 5. The Committee of the Whole will meet on Tuesday, September 24 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 6. The Foothills Regional Airport Authority will meet on Wednesday, September 25 at noon at the airport.

NATIONAL NIGHT

OUT: 7. The Police Department will host their annual National Night Out on Tuesday, October 1 from 6:00 p.m. – 9:00 p.m. in downtown Lenoir.

LENOIR TOURISM DEVELOPMENT

AUTHORITY: 8. The Lenoir Tourism Development Authority will meet on Thursday, October 3 at 4:00 p.m. at City Hall, Third Floor, former Council Chambers.

SMOKING IN THE FOOTHILLS

BARBEQUE FESTIVAL:

9. The Smoking in the Foothills Barbeque Festival will be held on Friday, October 18 from 5:00 p.m. – 10:30 p.m. and on Saturday, October 19 from 10:00 a.m. – 10:30 p.m. in downtown Lenoir.

B. ITEMS FOR COUNCIL ACTION

AUTHORIZING RESOLUTION; NORTH CAROLINA DEPARTMENT OF COMMERCE; PROJECT VANDERBILT:

1. If Council wishes to proceed with the grant submittal; City Council should adopt the submitted Authorizing Resolution for a NC Department of Commerce One NC Grant Submission for “Project Vanderbilt”.

(A copy of the Authorizing Resolution is hereby incorporated into these minutes by reference. Refer to pages 473-474).

Ms. Deborah Murray, Executive Director of the Caldwell County Economic Development Commission, reminded City Council they approved an Authorizing Resolution on August 20, 2019 to serve as the applicant for a North Carolina Building Reuse application. At that time, the company was in the process of requesting a Jobs Development Incentive Grant (JDIG) from the state. This incentive involved an agreement between the company and the state with no local government involvement.

Ms. Murray explained the company realized during the application process that there was insufficient time to secure a JDIG grant. Instead, they are requesting consideration of the One NC Fund Grant in order to meet their timeline. It was noted the state will be considering their revised incentive request at an upcoming meeting. Ms. Murray informed Council Project Vanderbilt must have a local government to serve as the applicant for funding. She further stated the Company plans an \$8,000,000.00 investment plus the creation of 167 new jobs.

In addition, Ms. Murray reported that Caldwell County officials have already approved a jobs incentive grant that can serve as the local grant match. The City of Lenoir will not be required to provide a City match.

Upon a motion by Councilmember Thomas, Council voted 6 to 0 to adopt the Authorizing Resolution for a NC Department of Commerce One NC Grant Submission for "Project Vanderbilt" as presented.

BID AWARD; OPTIMIST

PARK: 2. Bids were received on Tuesday, September 10 for the Optimist Park Paving Project. Staff recommends Council award the low bid of \$25,000.00 to J.T. Russell & Sons for the paving of the new parking lot at Optimist Park. **Note:** This request is part of the Parks and Recreation Trust Fund Grant for the Mulberry/Optimist Park Project.

A copy of the bid award is hereby incorporated into these minutes by reference. (Refer to page 475).

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to award the low bid of \$25,000.00 to J.T. Russell & Sons for the paving of the new parking lot at Optimist Park as recommended by City Staff.

CONTIGUOUS ANNEXATION PETITION; 1336 CONNELLY SPRINGS ROAD:

3. Staff recommends that Council call for a public hearing to be held on Tuesday, October 15 to consider a Contiguous Annexation Petition for property located at 1336 Connelly Springs Road SW, NCPIN#2748823036. **Note:** The front portion of this parcel (approximately 1 acre) is already in the City limits while the back part of the parcel (approximately 4.1 acres) is not in the City limits but is in the Extra Territorial Jurisdiction (ETJ). This property neighbors the Lenoir ABC Store #2 on the Connelly Springs Road.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 0 to schedule a public hearing to be held on Tuesday, October 15 to consider the Contiguous Annexation Petition for property located at 1336 Connelly Springs Road SW as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned 6:25 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



OFFICE OF THE MAYOR
Joseph L. Gibbons

City of Lenoir North Carolina

PROCLAMATION IN HONOR OF CONSTITUTION WEEK

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2019 marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

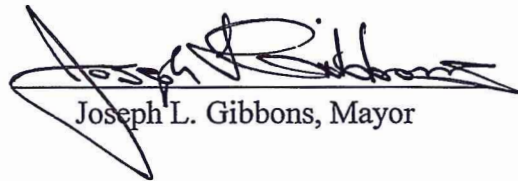
WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating the week of September 17 through September 23 as Constitution Week.

NOW, THEREFORE, I, Joseph L. Gibbons, Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council and all the citizens, do hereby proclaim the week of September 17 through September 23, 2019 as "**Constitution Week**" in the City of Lenoir and Caldwell County and urge all citizens to study the Constitution and reflect on the privilege of being an American with all of the rights and responsibilities this privilege affords.

This the 17th Day of September, 2019.

SEAL



Joseph L. Gibbons, Mayor



Post Office Box 958 • Lenoir, North Carolina 28645-0958 • (828) 757-2200



Fee \$26.00



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

✓✓ CITY OF LENOIR

STREET CLOSING ORDER

A Resolution Ordering the Closing of Steele Street between College Avenue and Harper Avenue.

WHEREAS, on the 6th day of August, 2019, the City Council of the City of Lenoir directed the City Clerk to publish the Resolution of Intent of the City Council to consider the closing of Steele Street between College Avenue and Harper Avenue, in the News-Topic newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the City of Lenoir Council Chambers, 905 West Avenue, on Tuesday, September 17, 2019; and

WHEREAS, the Lenoir City Council on the 6th day of August, 2019 ordered the City Clerk to notify all persons owning property abutting on that portion of property located on Steele Street between College Avenue and Harper Avenue, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent, and

WHEREAS, the City Clerk has advised the City Council that a letter was sent to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing Steele Street between College Avenue and Harper Avenue would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable streets as required by G. S. 160-A299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect of the closing of said street in the public hearing held on Tuesday, September 17; and

WHEREAS, it now appears to the satisfaction of the City Council that the closing of Steele Street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision at which the street is located, will as a result of the closing, be thereby deprived of a reasonable means of ingress and egress to his property.

NOW, THEREFORE, Steele Street between College Avenue and Harper Avenue is specifically being hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the adjacent property owners in accordance with the provisions of G.S.160A-299.

There is reserved, however, a private alleyway for the joint use of the Grantor, his heirs, executors, successors and assigns and the Grantee, his heirs, executors, successors and assigns which alleyway is 30 feet wide, 15 feet of the same being on the foregoing described property the center line of which is described as follows:

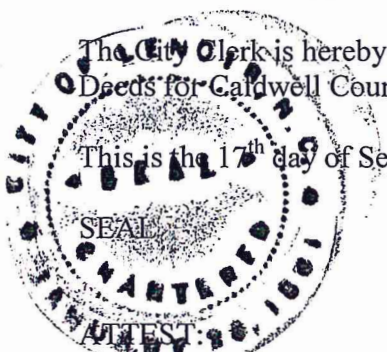
Beginning on an iron pin which iron pin is the Northeastern corner of the foregoing described lot and is located also South 63° 00' West 15.06 feet from Grantor's Northeastern corner with Lenoir High School and runs North 32° 02' West 49.83 feet, thence North 28° 12' 53" West 131.98 feet and North 28° 31' 41" West 134.26 feet to an iron pin in the edge of the sidewalk of West Harper Avenue; the said alleyway is a private alleyway for the use of the Grantees and the Grantor, their heirs, executors, successors, administrators and assigns, but is not a public way.

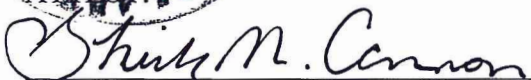
There is also reserved a public utility easement to the City of Lenoir, which is the same as the land described above.

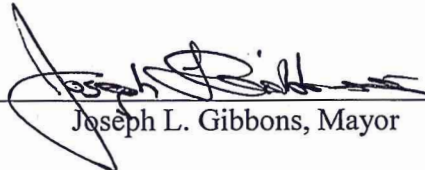
The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all rights, title and interest in Steele Street of the herein closed street (with provision for reservation of easements of the City of Lenoir for utility purposes) in accordance with the provision of G. S. 160A-299 (c).

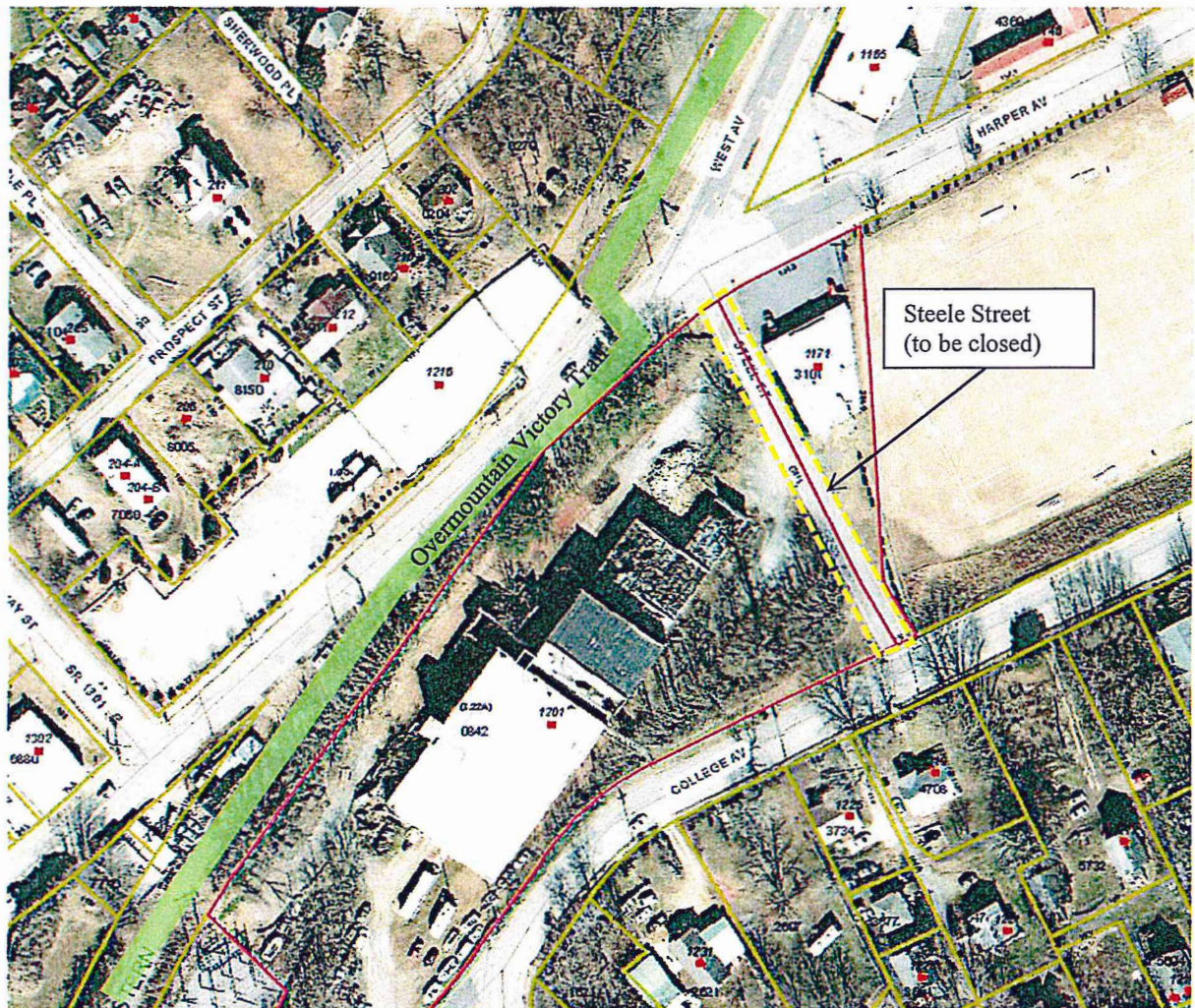
The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds for Caldwell County a certified copy of this resolution and order.

This is the 17th day of September, 2019.

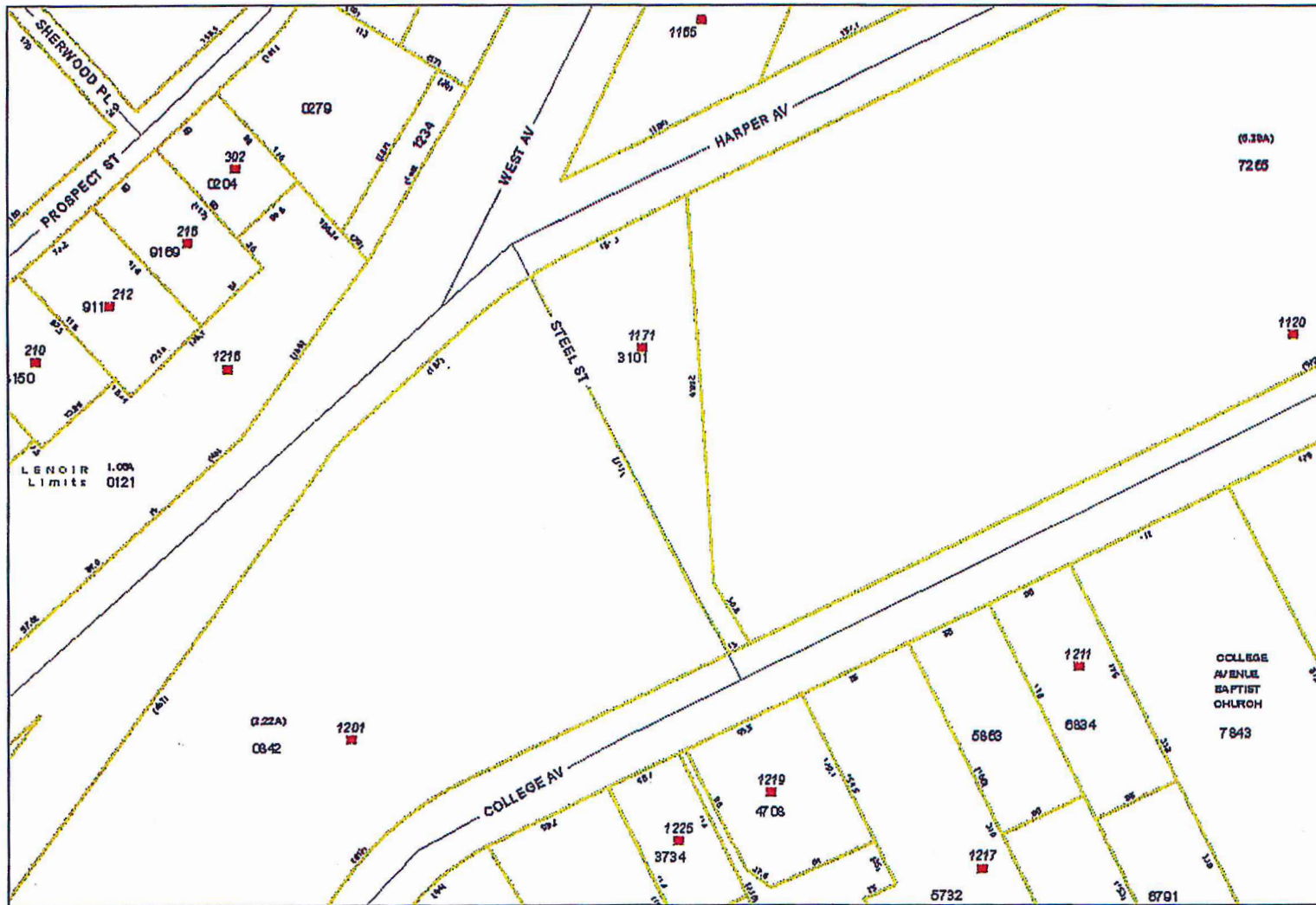



Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

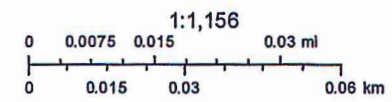


Caldwell County



September 9, 2019

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





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

Resolution
Authority to apply to the North Carolina Department of Commerce
One North Carolina Grant Fund
Project Vanderbilt

Whereas, the City of Lenoir and Ms. Deborah Murray; Executive Director of the Caldwell County Economic Development Commission, are currently recruiting a new company to Lenoir and;

Whereas, this Economic Development Project is titled Project Vanderbilt in order to maintain confidentiality until approved for public release and announcement and;

Whereas, the State of North Carolina Department of Commerce has conducted a preliminary review of this project and determined the company eligible for potential state incentives and;

Whereas, the City of Lenoir has endorsed this Economic Development Project during an August 20, 2019 meeting and;

Whereas, the One NC Program requires a local government to serve as the formal applicant for State Incentive funding under this program and;

Now, therefore, be it resolved, by The Lenoir City Council:

That the City of Lenoir will serve as the official local government applicant for a Project Vanderbilt One NC Fund Grant;

That Scott E. Hildebran, City Manager and successor so titled, is hereby authorized to execute and file an application on behalf of the City of Lenoir with the North Carolina Department of Commerce for a One NC Fund Grant to assist in the recruitment and implementation of Project Vanderbilt and;

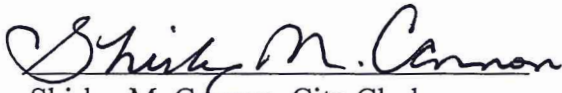
That the City of Lenoir has substantially complied with, or will substantially comply with, all Federal, State and local laws, rules, regulations and ordinances applicable to the project and the grants pertaining thereto.



SEAL

Adopted this the Seventeenth day of September, 2019.

Attest:


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

Date: 9-17-2019

Date:  9.17.2019

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

**Mulberry Recreation Center/Optimist Park Addition Improvements:
Bid request: J.T. Russell & Sons, Inc. for paving new parking lot at
Optimist Park in the amount of \$25,000.00**

II. Background Information:

**This is part of the Parks and Recreation Trust Fund Grant for the
Mulberry Optimist Park Project.**

Bids: J.T. Russell & Sons, Inc. \$25,000.00

M & K Enterprises LLC \$28,993.18

Carolina Paving of Hickory, Inc. \$33,030.00

III. Staff Recommendation:

**Staff recommends to approval the bid to J.T. Russell & Sons in the
amount of \$25,000.00**

IV. Reviewed by:

City Attorney:

Finance Director:

Public Works/Public Utilities Director:

Planning Director:

Recreation Director: Kenny Story

**COMMITTEE OF THE WHOLE
CITY HALL, THIRD FLOOR
TUESDAY, SEPTEMBER 24, 2019
8:30 A.M.**

PRESENT: Mayor Pro-Tem Willis presiding. Committee members Beal, Gibbons, Perkins, Prestwood and Stevens.

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

ABSENT: Councilmembers Todd Perdue and Crissy Thomas.

OTHERS: Virginia Annable, *News-Topic*, Deborah Murray and Ken Neely.

I. CALL TO ORDER

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

B. Update; West End Small Area Plan: Planning Director Jenny Wheelock stated the City is looking at a first step to revitalize the West End Area in order to create ways to bring new investment to the area in addition to getting properties renovated along with having new homes built on the empty lots. She shared that Planning Staff found a 1966 plan for the area that deemed it as a clearance area that should be cleared out and rebuilt but that never happened.

Director Wheelock further shared Staff's goal is to build keeping in mind what the residents want without losing the history of the area. She further shared one option is a "land bank" model where the City or a nonprofit organization would purchase the unused land either through tax foreclosures or the City purchasing the land, then remove any liability from the property such as unpaid taxes. The property could then be sold to individuals that want to build in the area. Director Wheelock explained another option is to help current property owners locate resources to invest in their property and either build or renovate structures in the neighborhood.

Next, Hannah Williams, Planning/GIS Coordinator reviewed a power point presentation regarding the West End Neighborhood Study. (Please refer to the attached copy of the power point presentation).

Ms. Williams distributed a set of maps that showed the following:

- 1) 1966 Boundaries and areas for Clearance/Conservation
- 2) Vacant Lot Ownership
- 3) Homeowner Location
- 4) Building Value per Square Foot
- 5) Renter Occupied; Owner Occupied; Vacant

6) Tax Delinquent Properties

Copies of the maps are attached to these minutes as information.

Ms. Williams reported there are 41 parcels vacant in the study area and 14 lots are vacant due to demolition. She stated that 29% of these properties owe delinquent taxes, 55% of the lots have structures and 43% of these structures are occupied. In addition, she shared the medium price range is \$22.58 per square foot while Lenoir's medium price range is \$30-\$35.00 per square foot. A brief discussion was held regarding whether several of these properties can be converted for additional housing and whether a mobile home park would work in this area.

Planning Director Wheelock mentioned the City would begin to start foreclosure procedures on several of these properties due to the lengthy process for foreclosures. She further shared that several of these homes were located near the Over Mountain Victory Trail. It was also noted the City does not have any new streets planned for this area in its Capital Improvements Plan (CIP).

Mr. Ken Neely, former resident, stated that he grew up in this neighborhood and he wants to give back to the community. Mr. Neely shared he is looking at options to possibly build some new housing structures in this district.

Director Wheelock stated the next step for West End is to plan a Community Meeting in order to receive feedback from the residents as to what they would like to see in their neighborhood.

II. CITIZEN COMMENT PERIOD

III. COMMITTEE ITEMS

A. Public Works

1. Public Works Director Jared Wright updated City Council on the following Projects:

A. Update; Sanitation Study: Director Wright reviewed information presented to Council at the August Committee of the Whole meeting regarding the City purchasing automated garbage trucks. He stated he received a proposal from the Western Piedmont Council of Governments to research automated solid waste collection, but based on staff research believes automation is overall the most efficient and prevalent method of collection. Director Wright also reported a number of the surrounding municipalities already utilize this process. He advised that regardless of the collection method, the City would need to acquire additional garbage trucks in the near future, which are expensive (ranging from rear-loading at approximately \$205,000 each to automated side-loading at \$330,000 each).

Director Wright informed Council that two used automated side-loading trucks in good condition have recently become available for purchase in the area and he

shared that Staff has identified areas the City can use an automatic truck. Director Wright reiterated the City has an aging fleet ranging from 2004-2014 plus he emphasized how difficult it is to retain CDL drivers and laborers for these positions. In addition, he reported the automated trucks have a large wheel base which may make it more difficult to navigate turns onto streets along with possible backing issues, which will more than likely necessitate a hybrid collection model.

With a change in method of collection, the City would need to implement a new route design. Also, automation from side-arm trucks would require residents to have a cart to use for their garbage pickup and would require the City to consider purchasing these carts at a cost of approximately \$60.00 per container for 7,000 customers.

Director Wright suggested that Western Piedmont Council of Governments could focus their study on routing logistics and essential public education should the City decide to move forward with automation. Based on the immediate availability of two used trucks in the area, Manager Hildebran and Mr. Wright requested Council authorization to place a bid on these trucks as an affordable way to phase in automated garbage collection.

Motion

Upon a motion by Councilmember Beal, Council voted 6 to 0 to authorize Staff to proceed with submitting a bid package for these two vehicles and report back to City Council.

- B. Guying Easement; Duke Energy: Staff recommended approval of a Guying Easement between the City of Lenoir and Duke Energy for the installation of a guy wire on an existing pole in order to facilitate overhead electrical installation for a nearby property.

A copy of the guying easement is attached to these minutes by reference.

Director Wright explained Duke Energy contacted the City regarding provision of electrical service to a property located on Wilkesboro Boulevard SE of Blue Ridge Memorial Park. In order to serve this property at 115 Gateway Court SE with overhead service, a guy wire must be installed on an existing pole within the right-of-way adjacent to the City cemetery property.

Motion

Upon a motion by Councilmember Perkins, Council voted 6 to 0 to approve the Guying Easement between the City of Lenoir and Duke Energy as recommended by City Staff.

Additional Updates

- 1) Leaf season begins October 15 and residents may bag their leaves until this date.
- 2) 15 streets remain on the list to be paved.
- 3) Bid packages have been submitted to contractors for the installation of roofs on four City structures.

C. Update; Public Utilities: Public Utilities Director Radford Thomas updated Council on the following items:

- 1) Bids will be received on Thursday, October 3 for the Biosolids Project.
- 2) Resolution; Biosolids Preferred Alternate Brands: Staff recommended approval of a Resolution to Receive Preferred Brand Alternate Bids from Fairbanks for pumps and Alfa-Laval AS-H for the belt filter press for the Lower Creek Wastewater Treatment Plant for the benefit of the citizens of the City and surrounding communities.

A copy of the resolution is hereby attached to these minutes as information.

Director Thomas explained the alternate bid process would ensure the City would receive the best pricing and it will also assist in standardizing the purchase of spare parts. He further shared the City is working on a timeline for this project.

Motion

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to approve the Resolution to Receive Preferred Brand Alternate Bids as described above and as recommended by City Staff.

- 3) Contractors; Dryer Purchase: Director Thomas reported seven contractors picked up a bid packet for the Biosolids project. A recommendation to award the contract may be placed on the October 15 agenda if ready.
- 4) Update; Brownfields: Mr. Brian Gross, Brownfields Project Officer, US EPA, Atlanta, may present an update at the October 22 Committee of the Whole regarding the status of the City's Brownfield Project and will be conducting site visits as well.
- 5) Update; MeterSys Project: Director Thomas reported the project is underway and the network is currently being developed for the software. Some meters may be installed in residential locations to test signal data.

D. Public Utilities Risk and Resiliency Plan (FNI Proposal): Director Thomas recommended that Council consider approving Freese Nichols, Inc. to conduct a three-part study for FY2019-20 regarding the City's drinking water resiliency in order to comply with current legislation. Director Thomas stated he attended a recent workshop and learned the City would have to periodically submit certifications to the Environmental Protection Agency (EPA) in order to have all necessary documentation in place. He pointed out the biggest constraints will be meeting EPA's deadlines for submissions.

The three-part study will consist of a) drinking water assessment; 2) risk & resiliency survey due June 2021; and 3) an emergency response plan due December 30, 2021. The study will be completed in three phases at a cost of \$192,000. Director Thomas reported he will set the project up to be funded as a capital project.

Motion

Upon a motion by Councilmember Prestwood, Council voted 6 to 0 to enter into an agreement with Freese Nichols, LLC, to conduct the three-part study for the City of Lenoir as described above and as recommended by City Staff.

E. Planning Board: The Planning Board met on Monday, September 23. Planning Director Jenny Wheelock reported on the following items:

1. The Board scheduled public hearings to be held on Tuesday, October 15 for the following items:
 - a) Roger Coffey and Sons Rezoning Applicant: Roger Coffey Owner: Roger Coffey Location: Old Morganton Road and Brushy Place Zoning map amendment to change the zoning from R-12 (Single Family) to R-20 (Low Density Single Family). This request is to allow for a Conditional Use Permit for agriculture uses (CUP #2-19).
 - b) Coffey and Sons agrichemical handling facility/farm use expansion. Applicant: Roger Coffey, Owner: Old Morganton Road and Brushy Place, Conditional Use Permit to allow for the construction of an 18' x 24' agri-chemical handling facility, and the expansion of agriculture uses within the City limits. This Conditional Use Permit is related to R#4-19.
 - c) Tyra Edwards, Owner: Callie Knight Brown Location: 1336 Connelly Springs Road SW Zoning map amendment to change the zoning from R-R (Rural Residential) to B-2 (General Business).
 - d) ZOA# 3-19 Ordinance Correction Applicant: City of Lenoir Owner: N/A The City is proposing amending Appendix A, Section 611 of the Lenoir Zoning Code, in order to correct an omission of text that occurred during the zoning use and district standards in March.
 - e) ZOA# 4-19 Residential Parking Code Amendment Applicant: City of Lenoir Owner: N/A The City is proposing amending Appendix A, Section 1000.9 of the Lenoir Zoning Code, related to parking requirements for multi-family uses.

Note: City Council also scheduled a public hearing at its September 17 meeting for Tuesday, October 15 to consider a Contiguous Annexation for property located at 1336 Connelly Springs Road.

IV. COMMUNITY DEVELOPMENT

- A. The Lenoir Tourism Development Authority (LTDA) did not meet in September. A report was not given at this time.
- B. The Lenoir Business Advisory Board (LTDA) did not meet in September. Kaylynn Horn, Economic Development Director reviewed the schedule for upcoming events. The annual Smoking in the Foothills Barbeque Festival is scheduled for Friday, October 18 and Saturday, October 19 in downtown Lenoir. Light-Up Lenoir begins on Thursday, November 21 and the annual Christmas Festival will be held on Saturday, November 23. The annual Christmas

parade is scheduled for Friday, December 6 at 6:30 p.m. in downtown Lenoir.

C. Financial and Administration

1. Sales Tax Comparison Report: Finance Director Bean reviewed the financial summary as of August 31, 2019. The over/under balance in the General Fund is \$2,227,871.30, Downtown District (\$33,277.15) and Water/Sewer Fund \$774,625.68. She stated the City is on track for expenditures and the water department is also on target with their budget. She stated spending has decreased in the Water/Sewer fund due to fewer projects.

D. Parks & Recreation Advisory Board: The Parks & Recreation Advisory Board met on Monday, September 16. Minutes of the August 19 meeting were submitted as information. Kenny Story, Recreation Director reported on the following:

- 1) Baseball and Softball programs are going well and Staff is currently accepting applications for the basketball program.
- 2) The indoor pool at the Aquatic & Fitness Center will be open for kayaking on Wednesdays from 6:00 to 8:00 p.m. through October 30.
- 3) The annual Halloween Carnival will be held on Thursday, October 31 from 6:00 p.m. – 8:30 p.m. at the Martin Luther King, Jr. Center.
- 4) Paving will begin at the new parking lot located at Optimist Park once the prep work is complete.
- 5) A re-dedication ceremony will be held in mid-October at Optimist Park for the Harold Beach Field that was originally dedicated in 1984 for the Lenoir Little League that Mr. Beach helped established. Also, the W. D. “Dave King Field” will be rededicated for Mr. Dave King in honor of his assistance in establishing the Lenoir Little League.

In addition, new signage will be placed in honor of the Lenoir Little League for being NC State Champions in 1983 and District Champions from 1982 through 1986 and again in 1990 and 2008. Also, new signage will be placed for the Lenoir Tar Heel Leagues in recognition of their winning District Champions in 2011, 2018 and 2019.

- 6) Repairs continue on the water slide at the Aquatic & Fitness Center.

E. Update; Public Communications: Joshua Harris, Public Information Officer, reviewed the highlights of the Communications Reports for August. (A copy of the report is attached to these minutes as information). Activity included 197 social posts, 136 photos, 2 radio spot, 2 videos and 6 news releases. In addition, the website experienced 31,525 views and the City’s Facebook account currently has 22,459 followers.

In addition, Director Harris reported the City’s new website has received a lot of positive feedback and has 472 new subscribers. Also, he shared that Kaylynn Horn, Kyle Case and he would film a show next week regarding downtown

development and the project “Move Lenoir to Second Floor”. This show will be shown on the Caldwell County Government TV Channel.

IV. PUBLIC SAFETY

A. Police Department

1. Update: Police Chief Brent Phelps reported the Department’s Annual National Night Out will be held on Tuesday, October 1 from 6:00 p.m. – 9:00 p.m. in downtown Lenoir. He stated this was a popular event with the community and encouraged everyone to attend.

In addition, he reported the Department currently has three vacancies and mentioned that a section of US Hwy 321 northbound will be closed on Sunday, September 29 in order to allow the Department to recreate a recent accident scene.

- B. Fire Department: Fire Chief Ken Hair stated the Department may have an opportunity to move the City’s equipment to Caldwell County’s current location on Hibriten Mountain. The City will need to conduct a study at a cost of \$900.00 to ensure their equipment will fit into this structure plus pay the expense of having it moved to this location.

Chief Hair also shared the Department has scheduled an Open House for Fire Station No. 3 on Monday, October 7 from 4:00 p.m. – 7:00 p.m. Fire Prevention Week will be held the week of October 16 –20 and he mentioned Staff will be participating in programs scheduled for the school system.

V. OTHER

- A. October Calendar: By consensus of the Council, the calendar for the month of October was approved listing various meetings and events.

VI. Adjourn:

There being no further business; the meeting was adjourned at 10:05 a.m.

Attachments

West End Neighborhood Study (Power Point)

Maps (for West End Study Area)

August Financial Summary

Resolution to Receive Preferred Brand Alternate Bids (Biosolids Project)

Guying Easement w/Duke Energy Carolinas

August Communications Report

WEST END NEIGHBORHOOD STUDY

September 24, 2019

Jenny Wheelock, AICP, CZO

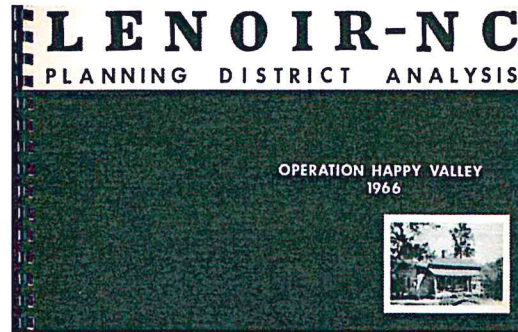
Hannah Williams, CZO



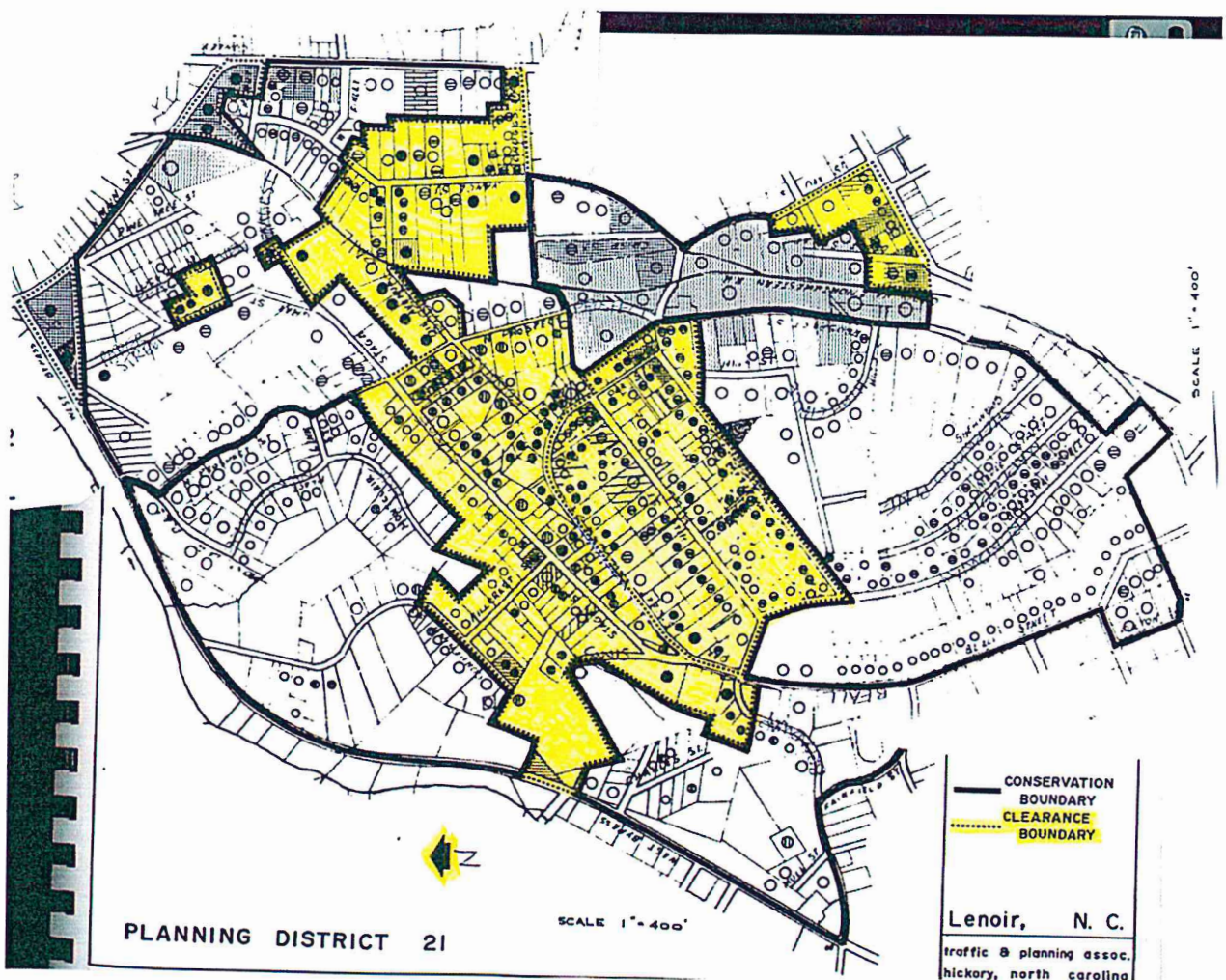
WHY STUDY WEST END?

- ◉ Experiencing disinvestment - property maintenance issues, vacant housing
- ◉ Community walks - great chance to interact with citizens, and see problems “first hand”
- ◉ Without strategic vision, community gets frustrated at lack of progress to correct issues.
- ◉ Beware of too many demolitions - “urban renewal” programs have permanently destroyed many neighborhoods, especially minority communities.

HISTORY OF URBAN RENEWAL IN LENOIR



- ◉ 1966 Plan for Lenoir
- ◉ Identified most of West End for clearance - essentially a plan to “start over” from scratch
- ◉ Was not implemented on a large scale
- ◉ The original “Clearance boundary” represents a core area that continues to struggle today.



WEST END: A LAND-BANKING APPROACH

- ⊙ Modeled after DFI's work in Kinston, NC - concept is to create a “land bank” - not the same thing as clearance boundary
- ⊙ Want to find opportunities for intervention -- areas that the City can have influence for the better



Would you invest in rehabilitation?

You own this building.



The Challenge

- First-mover challenge
- Fragmented ownership
- Limitations of “one-off” investments
- Need for shared vision AND coordinated investment

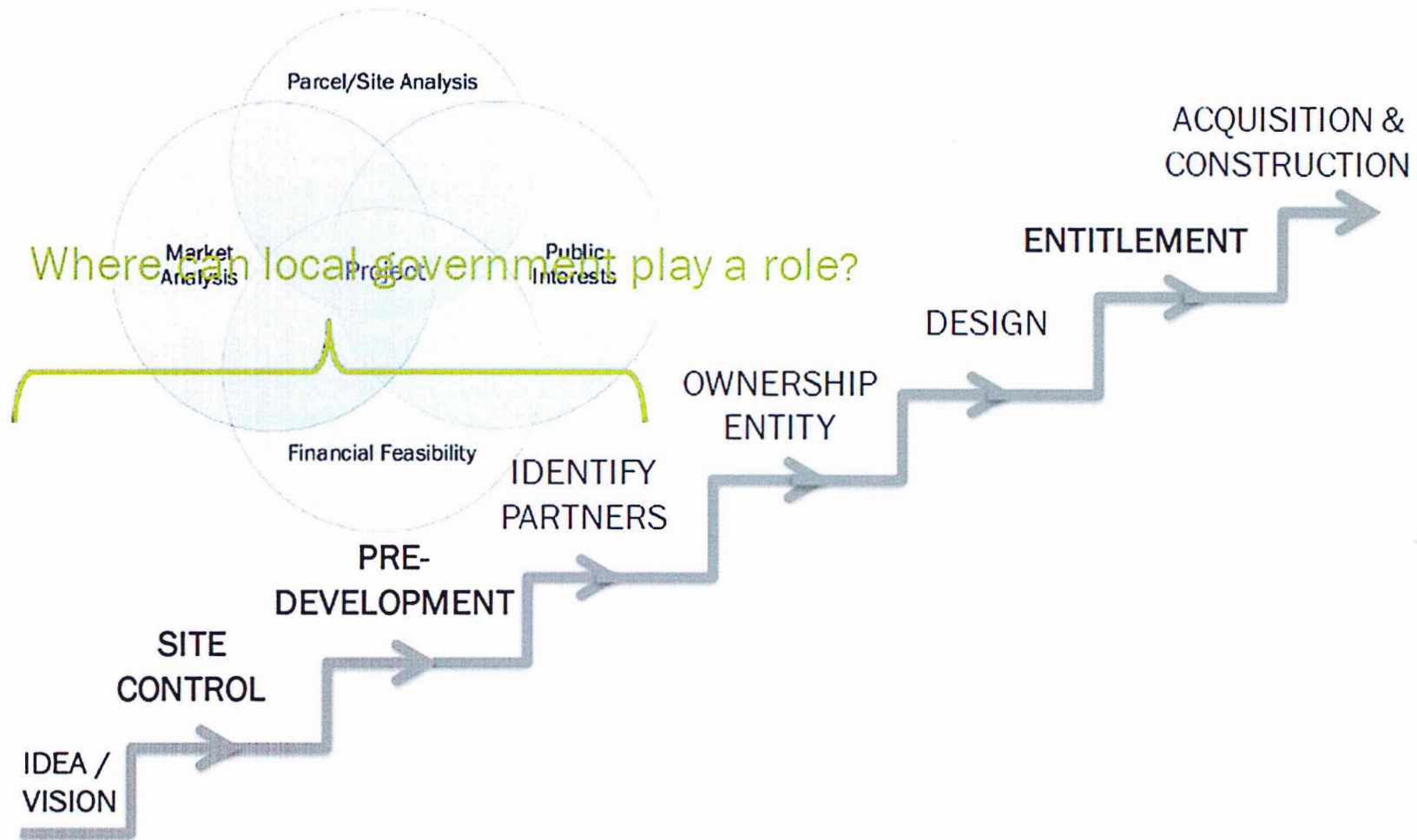


Think Like a Private Developer

- What is the first step in the private real estate development process?
- What comes after that?



Private Development Process



Barriers to Site Control & Redevelopment in Distressed Areas

For everyone:

- Tax Delinquency
- Other Outstanding Liens
 - weed abatement, demo
 - mortgages
- Title Problems
 - not marketable → not insurable → little value
- Heir Property Issues

For local governments:

- Awareness of the Problem
 - Lack clear and comprehensive data to understand the full picture
- Inadequate Code Enforcement
 - Codes themselves, resources, reactive v. proactive
- Property Disposition Requirements

What is a land bank?

- A governmental entity or nonprofit focused on converting vacant, abandoned, and/or tax delinquent properties into productive use.
 - *Strategically* acquire properties and *convert* liabilities into assets
- Land banking actions:
 - Acquire problem property
 - Eliminate the liabilities associated with the property
 - Transfer the properties to new, responsible owners *in a transparent way consistent with community-based plans*



Source: Center for Community Progress

What triggers a need for land banking?

- Large inventories of vacant and abandoned property
- Properties with little to no market value
- Properties with delinquent taxes in excess of fair market value
- Properties with title problems
- The speculation and uncertainty inherent in the auction sale of tax-foreclosed properties

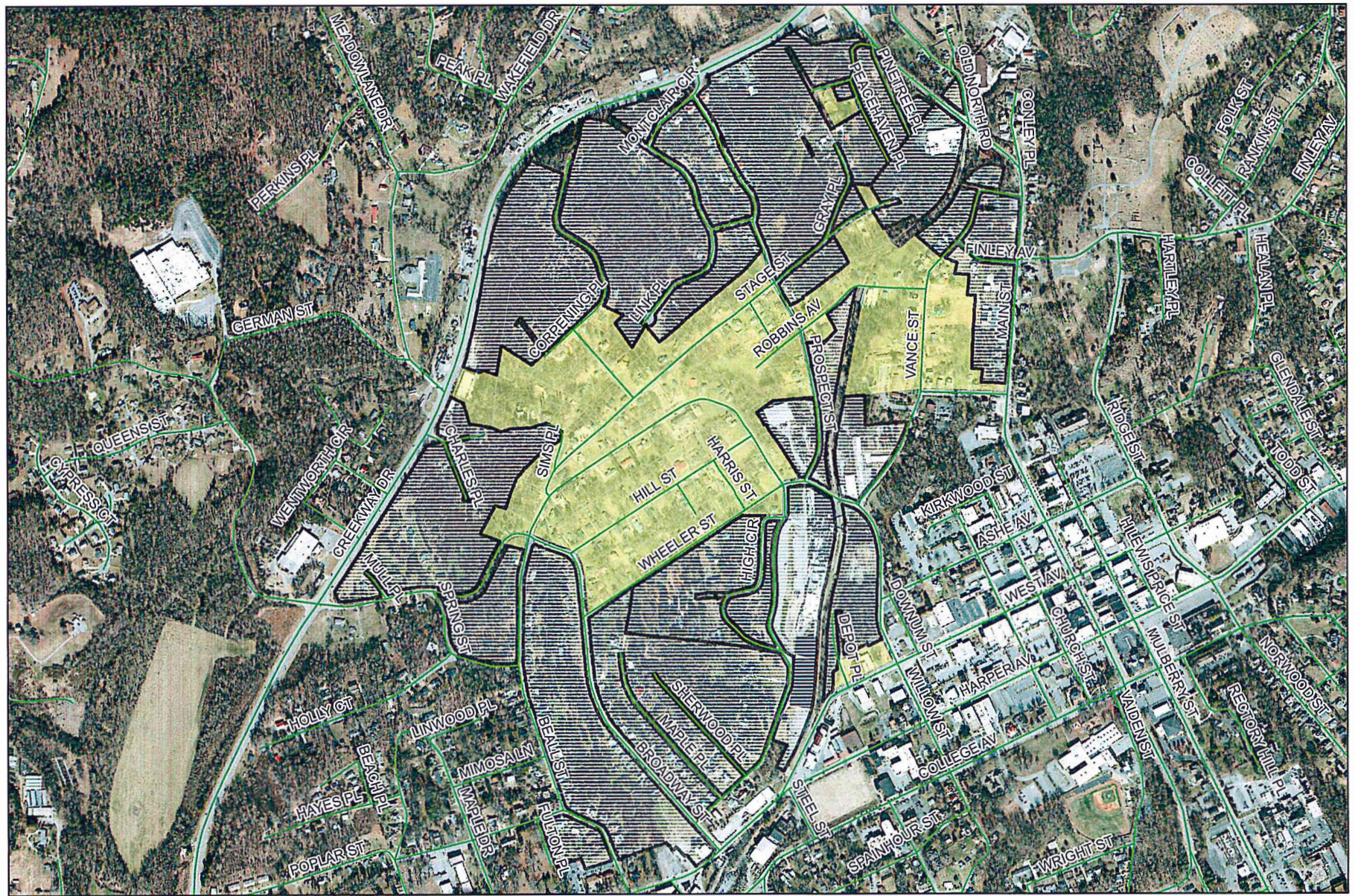


Source: Center for Community Progress

How is a land bank formed?

- Some states have enacted specific enabling authority for the establishment and operation of land banks.
 - Michigan, Ohio, New York, Georgia, and more
- No such land bank legislation exists in North Carolina.
- But you can cobble together the basic functions – *acquire*, *eliminate liabilities*, *convey* – using existing statutory authority
- Funding may come from: general fund appropriations, grants (foundation, federal, state), and sale of properties.





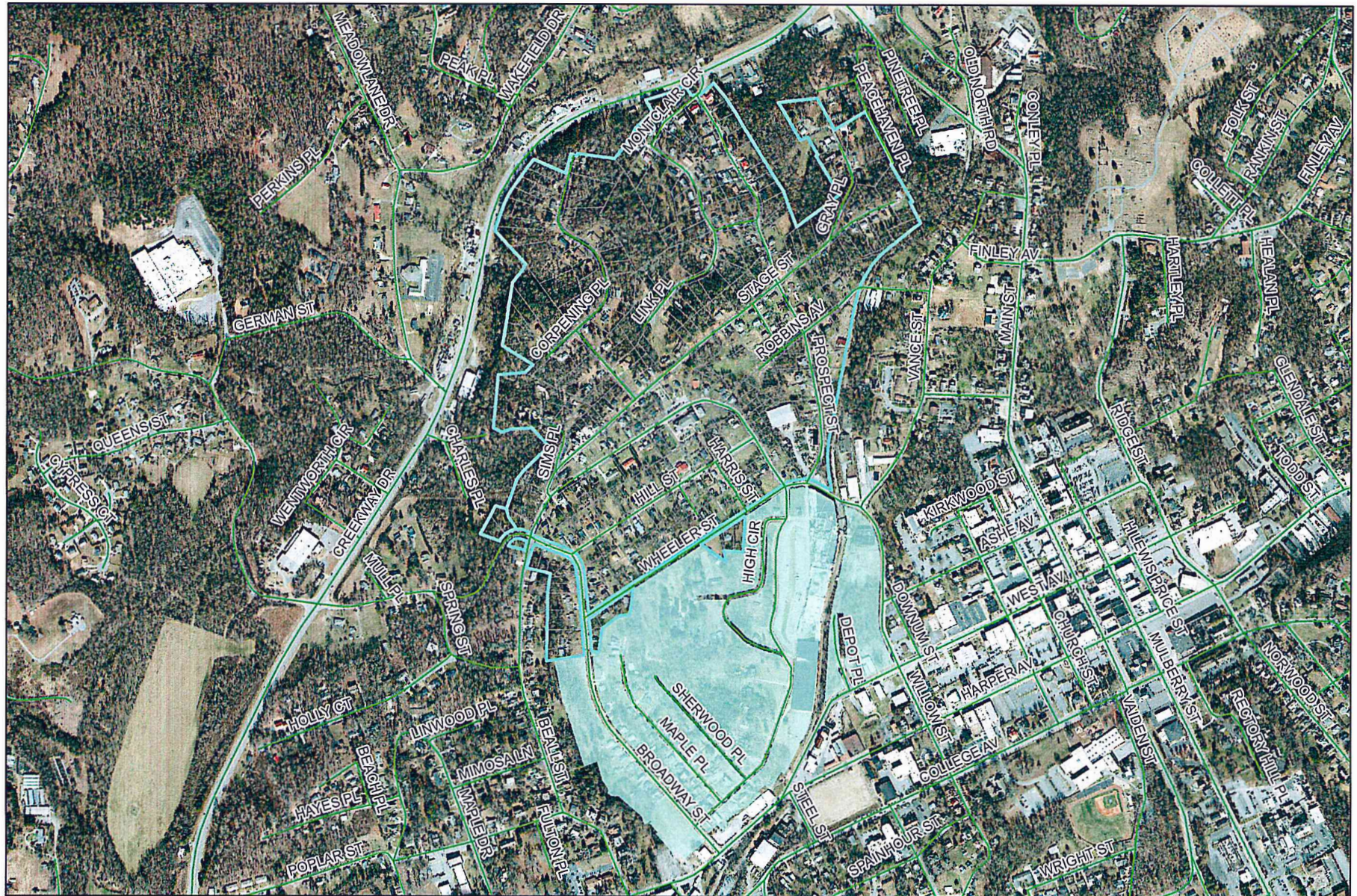
West End 1966

Legend 1 inch = 800 feet

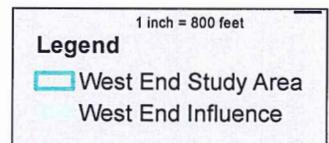
1966 Boundaries

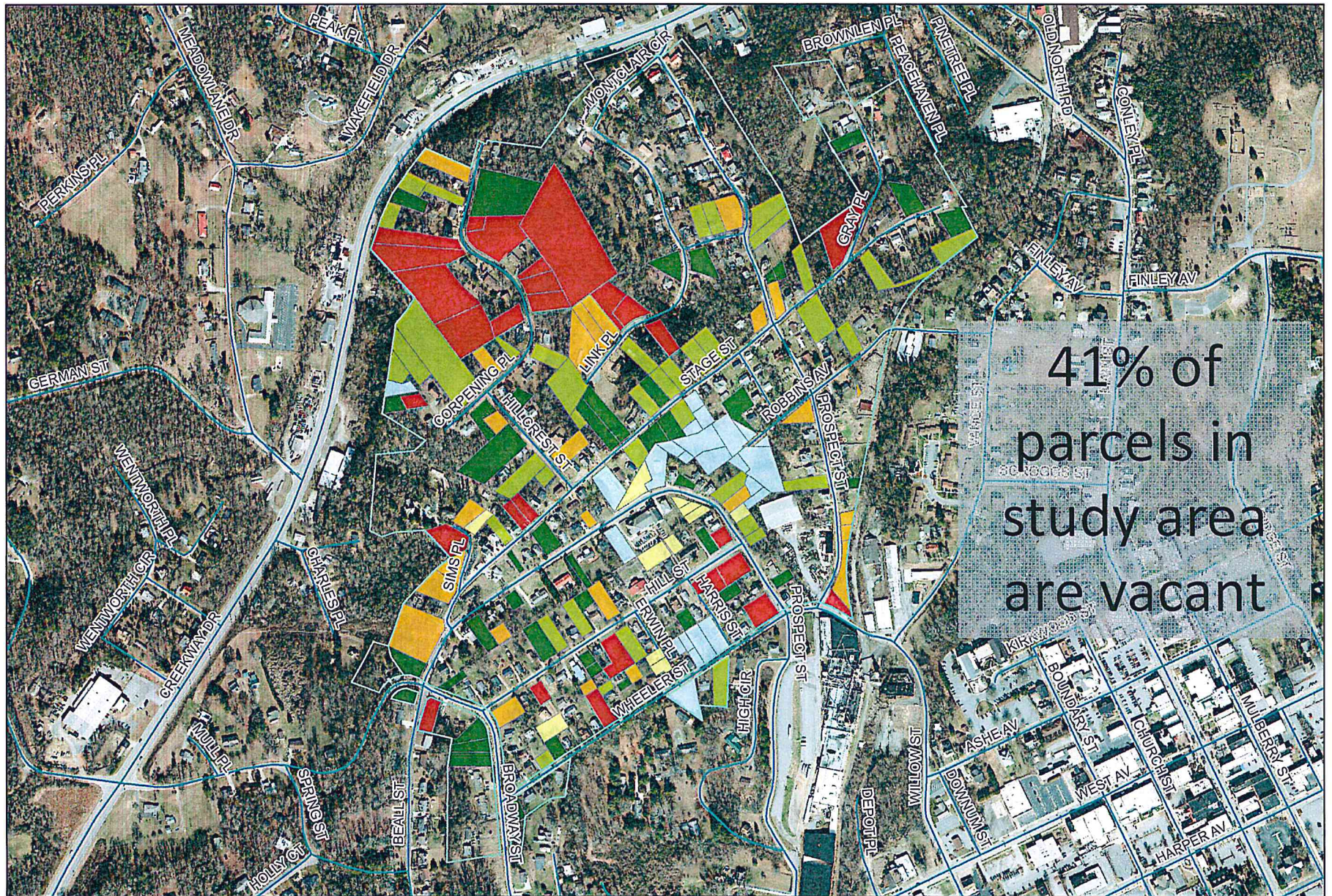
CLEARANCE

CONSERVATION

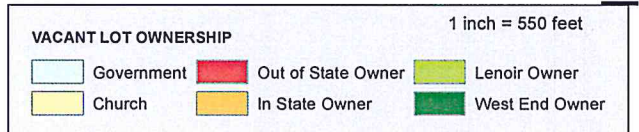


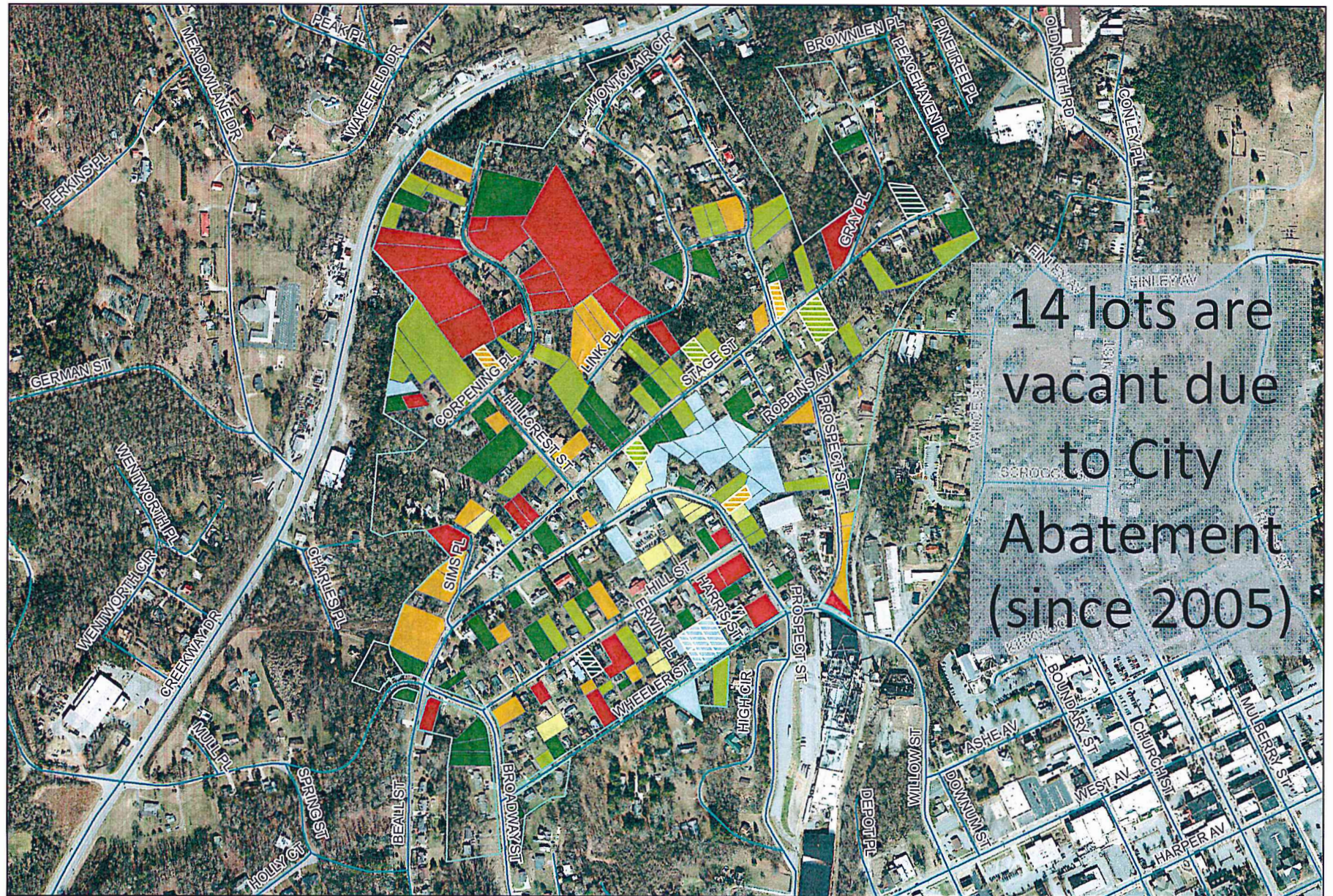
West End Study Area





West End Vacant Lots





West End Vacant Lots

VACANT LOT OWNERSHIP

1 inch = 550 feet

Minimum housing demolition

Government

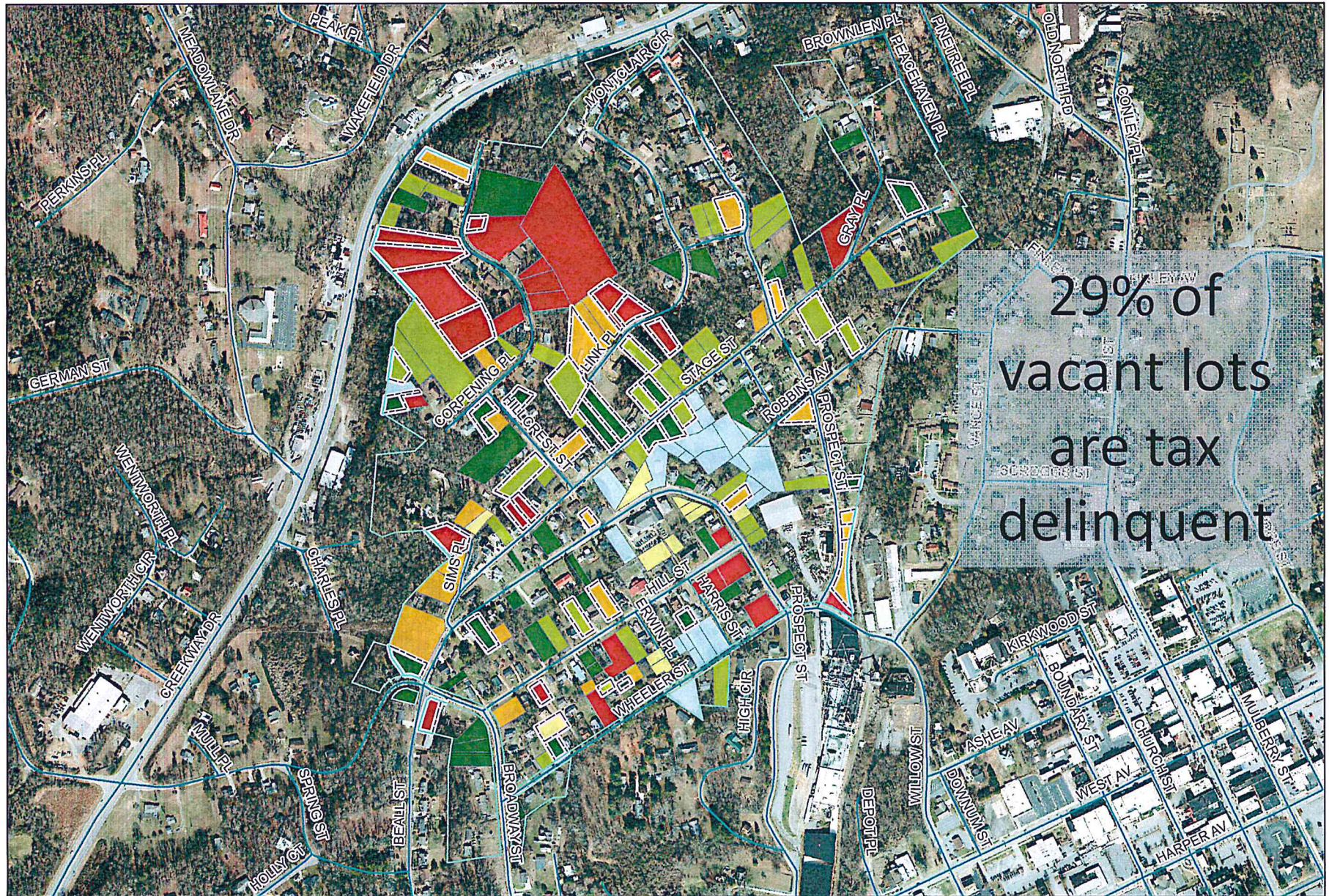
Out of State Owner

Lenoir Owner

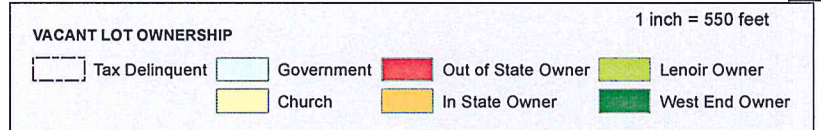
Church

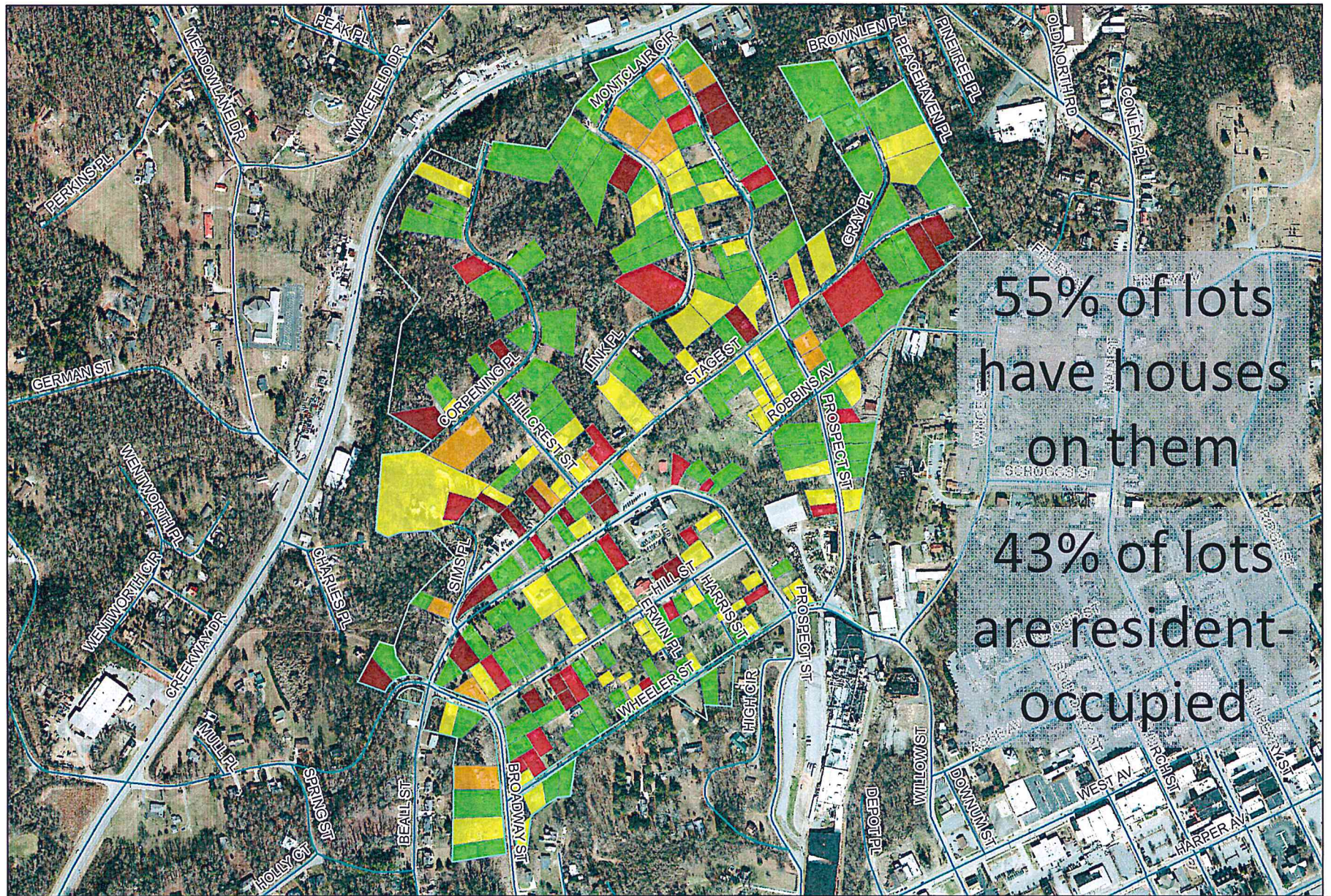
In State Owner

West End Owner



West End Vacant Lots





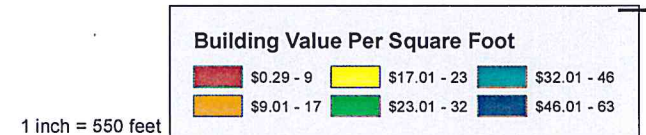
West End Housing - Ownership

HOMEOWNER LOCATION 1 inch = 550 feet

- Out of State
- In County (or Hickory)
- In State
- Lenoir Local
- Possible West End Resident

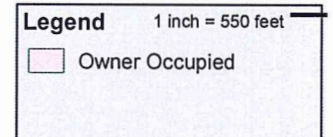


West End Housing - Value



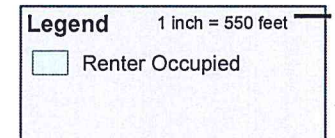


West End Housing – Utility Data



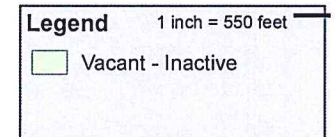


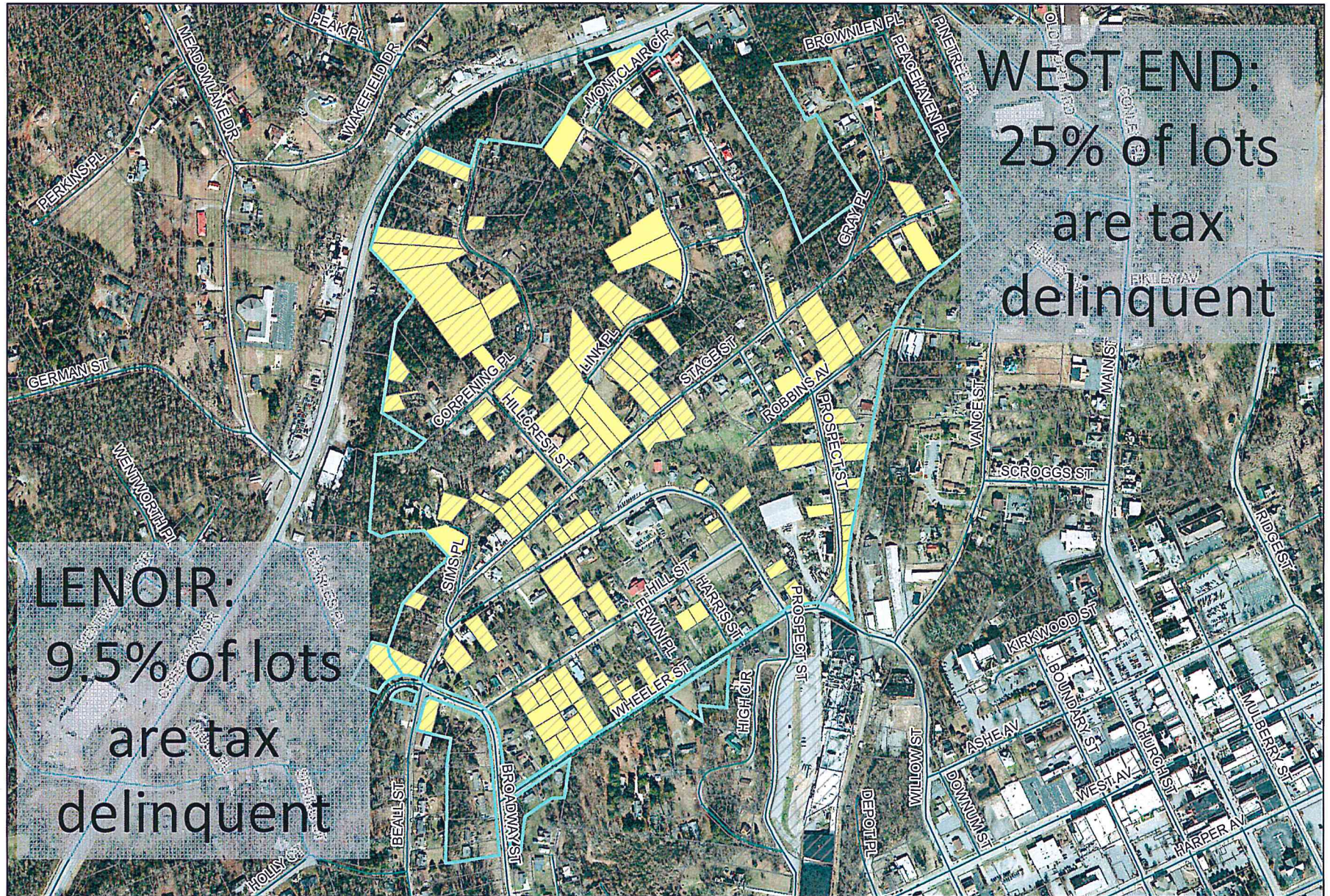
West End Housing – Utility Data



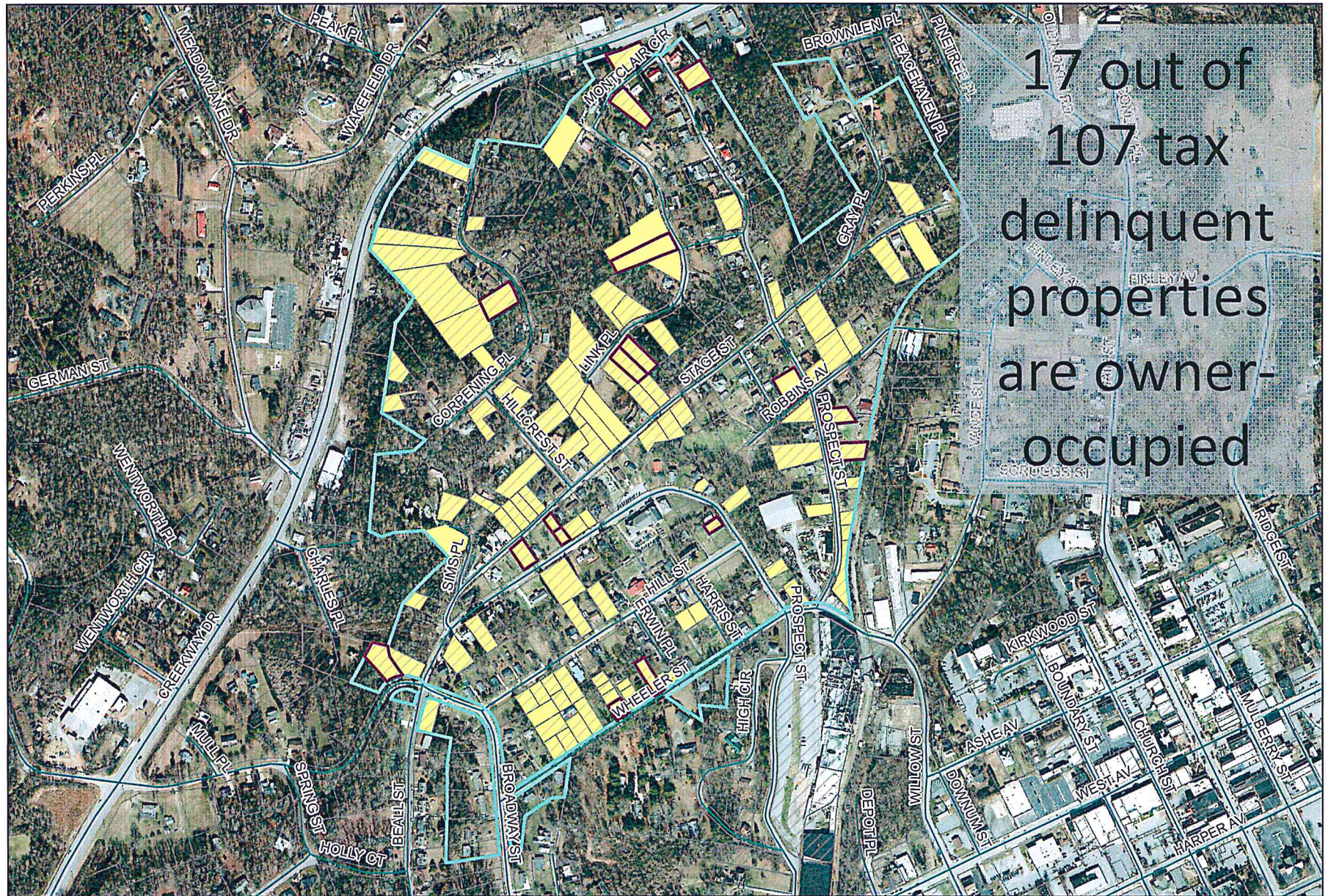


West End Housing – Utility Data





West End Housing – Tax

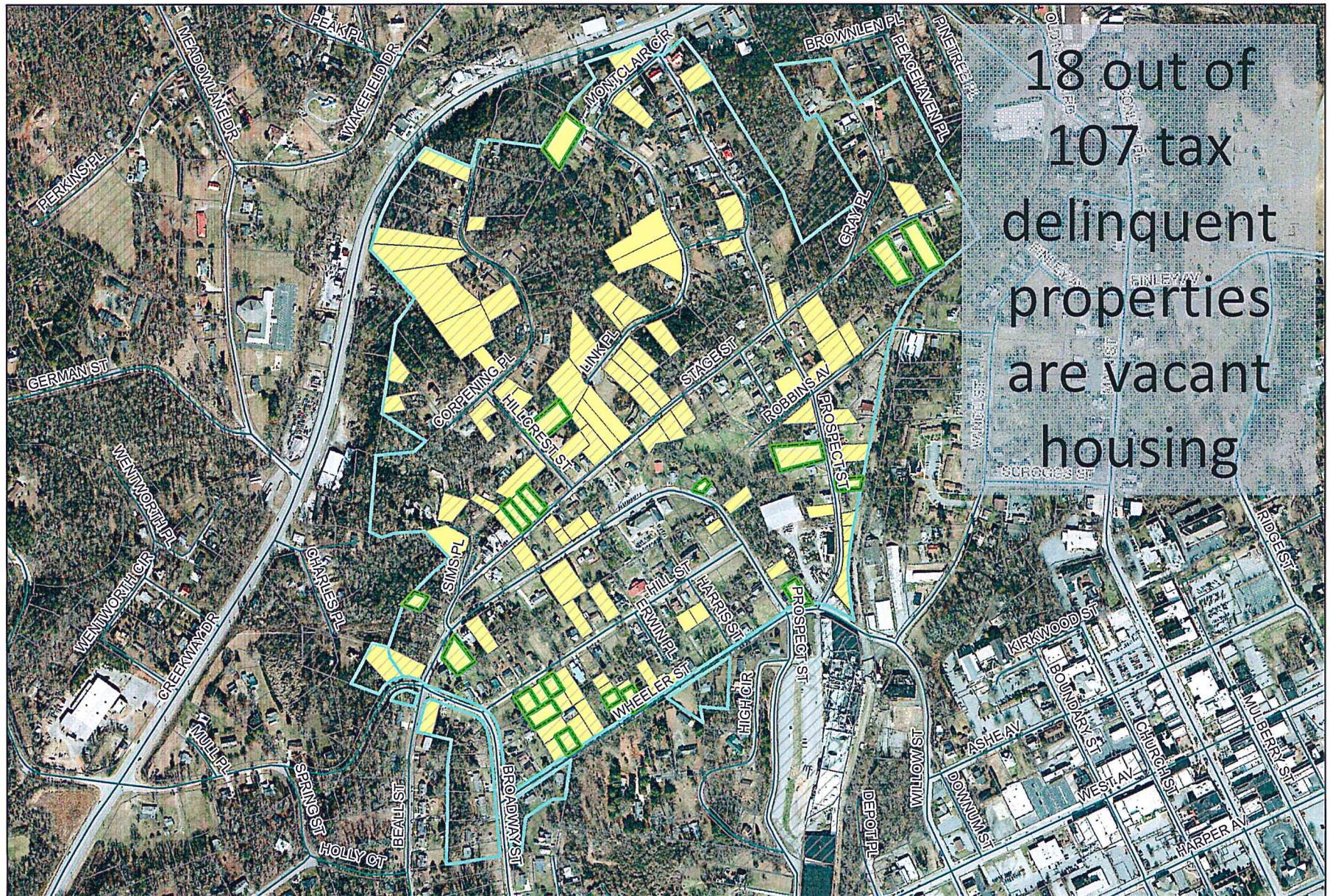


West End Housing – Tax

Tax Delinquent Properties

1 inch = 550 feet

- Owner Occupied & Tax Delinquent
- City Tax Delinquent
- County Tax Delinquent

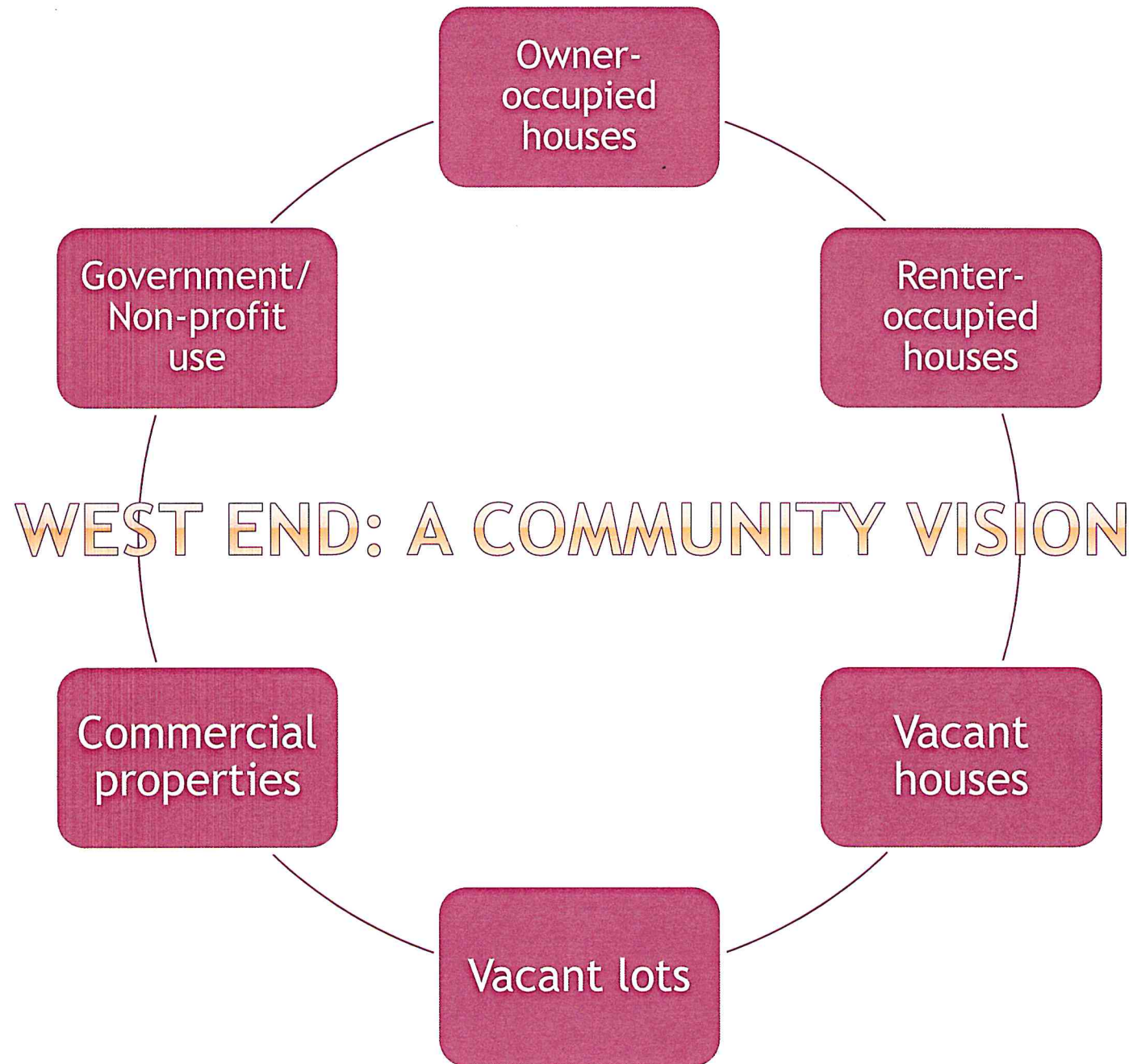


West End Housing – Tax

Tax Delinquent Properties

1 inch = 550 feet

- Vacant House & Tax Delinquent
- City Tax Delinquent
- County Tax Delinquent



NEXT STEPS

- ⊙ Get the community involved to define the “vision” - what does infill look like? Who’s involved? Mobile homes? Apartments? Single Family homes? What about re-use of commercial properties?
- ⊙ Continue to refine data through field work - for distressed properties and vacant lots, what is feasible? (condition of structure, development potential of property, etc.)
- ⊙ Reach out to community partners - Habitat for Humanity, Lenoir Housing Authority, Arts Council, Blue Ridge Community Action
- ⊙ Initiate strategic tax foreclosure proceedings and code enforcement cases as appropriate (progress is SLOW - we can start even without the full vision in place)
- ⊙ Tie-in to momentum for Downtown Living, Overmountain Victory Trail project (a Greenway trail is being developed in West End!), neighborhood sign project - the “livability” aspect.

CONTACT INFORMATION

◎ Jenny Wheelock, Planning Director

jwheelock@lenoir-nc.gov

◎ Hannah Williams, Planner/GIS Coordinator

hwilliams@lenoir-nc.gov

828-610-8442



**City of Lenoir
Financial Summary
As of 8/31/2019**



General Fund					
	2019-2020 Budget	8/31/2019	% of Budget	Change from Previous Year	8/31/2018
Total Revenue	\$ 17,362,391.00	\$ 5,468,205.75	31%	\$ (5,947,797.78)	\$ 11,416,003.53
Expenditures	\$ 17,362,391.00	\$ 3,240,334.45	19%	\$ 1,210.42	\$ 3,239,124.03
Over/Under	\$ -	\$ 2,227,871.30		\$ (5,949,008.20)	\$ 8,176,879.50

Downtown District					
	2019-2020 Budget	8/31/2019	% of Budget	Change from Previous Year	8/31/2018
Revenues	\$ 183,736.00	\$ 186.17	0%	\$ (2,173.44)	\$ 2,359.61
Expenditures	\$ 183,736.00	\$ 33,463.32	18%	\$ 3,167.70	\$ 30,295.62
Over/Under	\$ -	\$ (33,277.15)		\$ (5,341.14)	\$ (27,936.01)

Water/Sewer Fund					
	2019-2020 Budget	8/31/2019	% of Budget	Change from Previous Year	8/31/2018
Revenues	\$ 8,941,688.00	\$ 1,610,263.81	18%	\$ (6,193.59)	\$ 1,616,457.40
Expenditures	\$ 8,941,688.00	\$ 835,638.13	9%	\$ (256,349.51)	\$ 1,091,987.64
Over/Under	\$ -	\$ 774,625.68		\$ 250,155.92	\$ 524,469.76



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

**RESOLUTION TO RECEIVE PREFERRED BRAND ALTERNATE BIDS FOR THE
BIOSOLIDS FACILITY IMPROVEMENTS PROJECT**

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

WHEREAS, the City of Lenoir intends to construct the Biosolids Facility Improvements project at the Lower Creek Wastewater Treatment Plant; and

WHEREAS, as part of the treatment process, the plant has existing processes and equipment in operation, including Fairbanks pumps; and

WHEREAS, the project involves the replacement of processes and equipment that are aging, including Fairbanks pumps; and

WHEREAS, the project also includes a belt filter press, which is a complex sludge dewatering machine that is sized based on equipment by Alfa-Laval AS-H, who has sufficient experience, adequate number of installations, and capability of meeting the following size requirements and general performance standards:

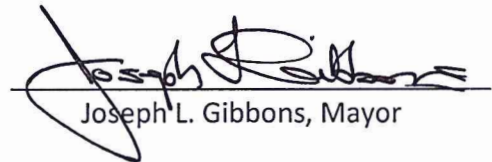
Belt Filter Press shall be designed to dewater sludge with a solids content as low as 1% to a minimum solids content of 16% at a flow rate of 140 gallons per minute and solids loading rate of 878 dry pounds per hour. The equipment shall be sized with maximum approximate dimensions of 20.5 feet long by 12 feet wide at a maximum height of 8.6 feet.

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

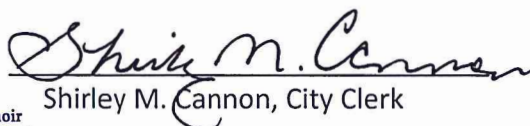
That the Lenoir City Council does hereby decide to receive preferred brand alternate bid pricing from Fairbanks for replacement pumps and Alfa-Laval AS-H for the belt filter press, and to select preferred alternate equipment if deemed in the best interest of the City of Lenoir.

Adopted this the 24th day of September 2019 at Lenoir, North Carolina.

(SEAL)


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



GUYING EASEMENT

NORTH CAROLINA
CALDWELL COUNTY

Prepared By: Duke Energy
Return to: Duke Energy Carolinas
Attn: David M. Gourley
250 9th Street Lane SE
Hickory, NC 28602

THIS EASEMENT ("Easement") is made this _____ day of _____, 20____
("Effective Date"), from THE CITY OF LENOIR, A North Carolina body politic, located in Caldwell County, North Carolina,
("GRANTOR," whether one or more), to Duke Energy Carolinas, LLC, a North Carolina limited liability company. ("DEC");
its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEC, its successors, licensees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Lower Creek Township, described as follows: containing 0.480 acres, more or less, and being the land described in a deed from Earl G. Hall and wife, Jessie G. Hall to The City of Lenoir, a municipal corporation located in Caldwell County, North Carolina, dated January 7, 1966, and recorded in Deed Book 515, Page 313, Caldwell County Registry, (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove facilities thereon including but not limited to, supporting structures such as guy poles, span guy wires, down guy wires, anchors, and other appurtenant apparatus' and equipment (the "Facilities") within an easement area being ten (10) feet wide (the "Easement Area") for the purpose supporting a line transmitting power of electricity. The center line of the Facilities shall be the center line of the Easement Area.

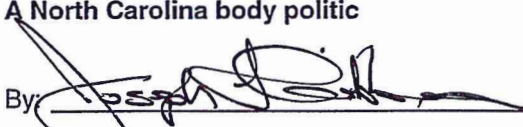
TO HAVE AND TO HOLD said rights, privilege, and easement unto DEC, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEC that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed under seal by GRANTOR, as of the date first above written.



SEAL

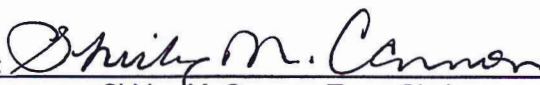
The City of Lenoir
A North Carolina body politic

By: 

Printed Name: Joe L. Gibbons

Title: Mayor, The City of Lenoir

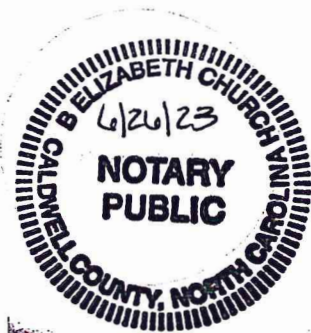
ATTEST:

By: 
Shirley M. Cannon, Town Clerk

NORTH CAROLINA, Caldwell COUNTY

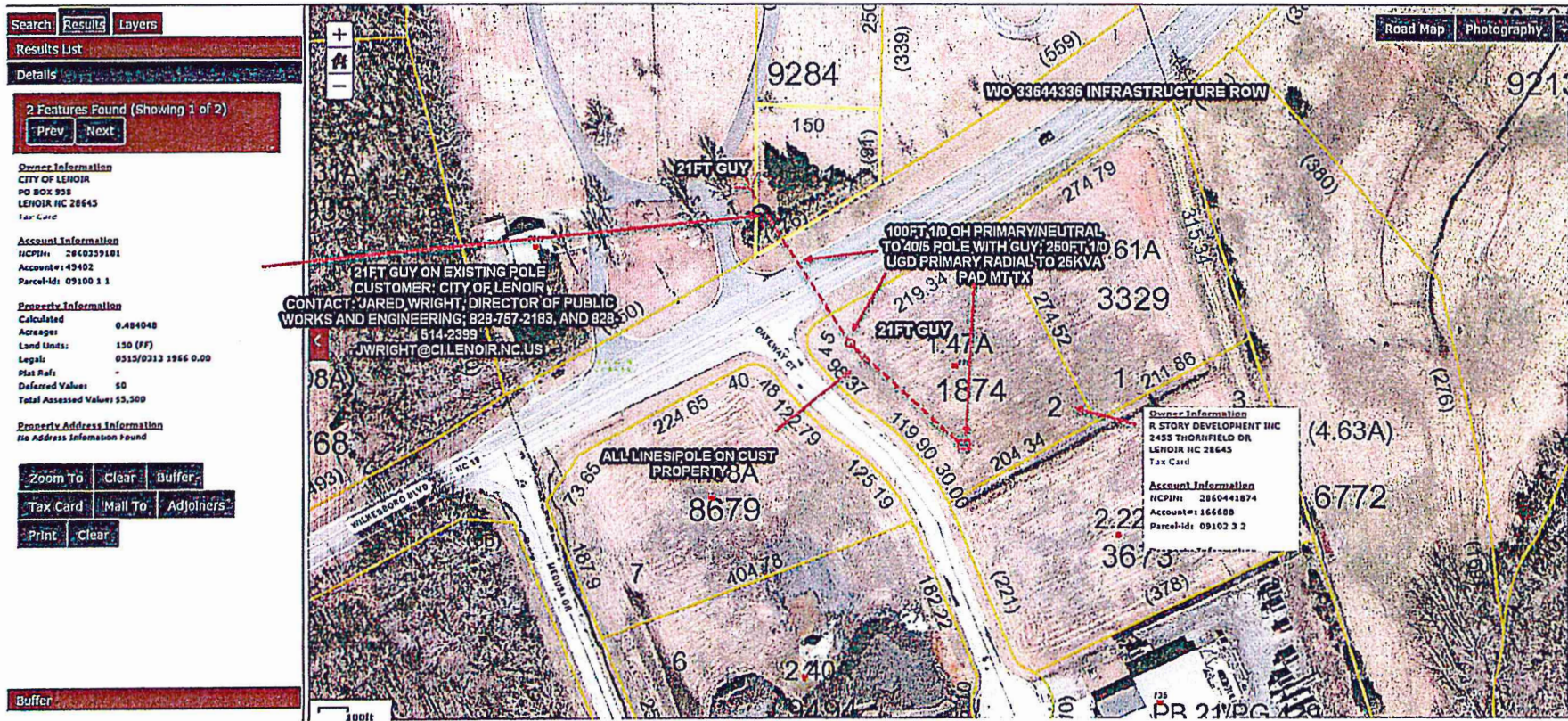
I, B Elizabeth Church, a Notary Public of Caldwell County, North Carolina, certify that Shirley M. Cannon personally appeared before me this day and acknowledged that she is Town Clerk of the THE CITY OF LENOIR, a North Carolina body politic, and that by authority duly given and as the act of said THE CITY OF LENOIR, a North Carolina body politic, the foregoing EASEMENT was signed in its name by its Mayor, sealed with its official seal, and attested by herself as its Town Clerk.

Witness my hand and notarial seal, this 24th day of September, 2019.



B Elizabeth Church
Notary Public

My commission expires: June 26 2023



Cust:
Richard Story
828-228-5107
R Story Development, Inc.
Rstorydev@aol.com

Gatway, Lenoir
Mary Bruce



August 2019 Communications Report

By Joshua Harris, Director, Communications

Sept. 12, 2019



LENOIR
NORTH CAROLINA

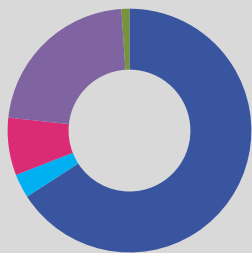
CONTENT CREATION

News Releases	Photos	Videos	Radio Spots	Social Posts	Notify Me	Q&A	eSign
6	136	4	2	197	45	11	3

PUBLIC ENGAGEMENT

New Followers

472



Facebook Twitter Instagram
eNews City Alerts

Social Reach

95,255

Facebook **86,785**
Twitter **7,707**

Video Views

3,124

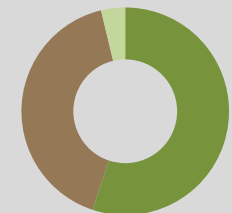
Facebook **3,092**
YouTube **32**

Website Views

31,525

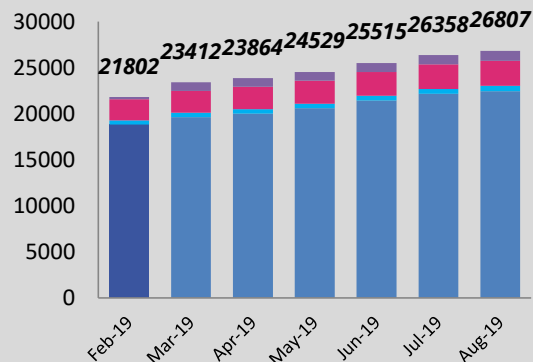
Top Pages

- 1 Payment Options
- 2 Jobs
- 3 LAFC
- 4 Water & Sewer Service
- 5 Calendar
- 6 Contact The City
- 7 Garbage Collection

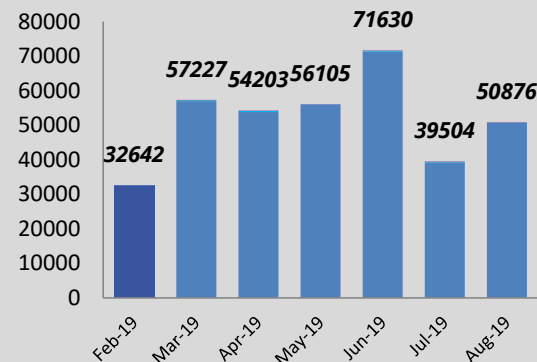


Mobile
Desktop
Tablet

Total Followers



Social Engagement

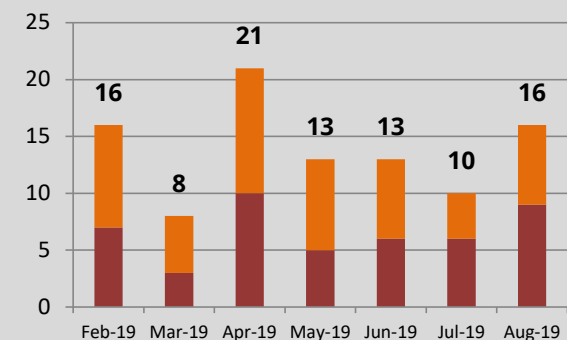


Media Coverage

16

Papers 9

Web 7





Top Facebook

Reach: The number of people who saw the post on their feed

Engagements: Reactions, comments, shares, photo/video views, and clicks

Total Facebook Followers

22,459

Last Month 22,148

Gain **311**

Downtown Lenoir is at Downtown Lenoir. Published by kyle case [?] · August 5 at 1:46 PM · Lenoir · 🌐 · 📍

Join us for shopping, art, and more in Downtown Lenoir! Together we create... a great place!

Together We Create... Lasting Impressions! 00:31 WWW.DOWNTOWNLENOIRNC.COM

DOWNTOWNLENOIRNC.COM

Together We Create... Lasting Impressions! [Learn More](#)

19,248 People Reached 938 Engagements [Boost Again](#)

Boosted on Aug 5, 2019 By kyle case Completed

People Reached	14.5K	ThruPlays	3.1K
----------------	-------	-----------	------

[View Results](#)

👍❤️👏 132 8 Comments 51 Shares

City of Lenoir, NC Government Published by Joshua Harris [?] · August 22 at 2:52 PM · 🌐

Around 1:15 pm today, Aug. 22, 2019, a tree fell across Norwood Street at the intersection with Jenednell Court. The tree is laying on electrical lines. The power company will have to turn off power to the lines before crews can clear the tree from the road. The road is closed. Staff does not have an estimated time of when the road will be open.

16,680 People Reached 3,501 Engagements [Boost Post](#)

👍👎😬 98 16 Comments 168 Shares

City of Lenoir Fire Department Published by Jason C. Hines [?] · August 12 at 1:34 PM · 🌐 [Like Page](#) ...

Lenoir Fire would like to announce and congratulate our newest Captains. This morning, Capt Kenny McCall, Capt Cory Houck, and Capt Roger Whisnant took the Captain's Oath. These new Captains will be the officers of Engine 3 at new Station 3.

12,451 People Reached 4,136 Engagements [Boost Post](#)

👍❤️👏 You and 323 others 67 Comments 28 Shares

	Paid	Organic
Reach	14,804	4,891
Engagements		938
Comments		8
Shares		51

	Paid	Organic
Reach		16,680
Engagements		3,501
Comments		16
Shares		168

	Paid	Organic
Reach		12,451
Engagements		4,136
Comments		67
Shares		28



Top Tweets

Impressions: Times people saw this Tweet on Twitter

Engagements: Times people interacted with this Tweet

Total Twitter Followers

567

Last Month 552 Gain **15**



City of Lenoir, NC @CityofLenoir

We're looking for a dedicated, hard-working person to join our Building Maintenance Division in Public Works. Great benefits and great coworkers. Read more at <http://bit.ly/33x5nwv> . pic.twitter.com/bpjcaut1fO

Impressions 554

Total engagements 11

Retweets 4

Link clicks 4

Likes 3



City of Lenoir, NC @CityofLenoir

Do you want to save time, save gas, and save a trip? Set up an automatic bank draft for your water bills, or pay online. Read more at <http://bit.ly/2H8D1PE> . pic.twitter.com/gSNnRp5cCH

Impressions 351



Downtown Lenoir, NC @DowntownLenoir

Check out the August 2019: Together We Create Newsletter for Downtown Lenoir events, street closure information, and more! - <https://mailchi.mp/03edd5d78cbb/downtownch> ristas-697179 ... pic.twitter.com/u9yrKKoRb2

Impressions 186

Total engagements 2

Media engagements 2



Top Instagram

Likes: The number of people who liked the post on their feed

Total Instagram Followers

2,715

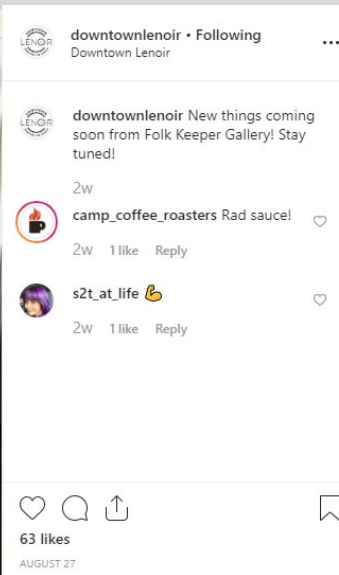
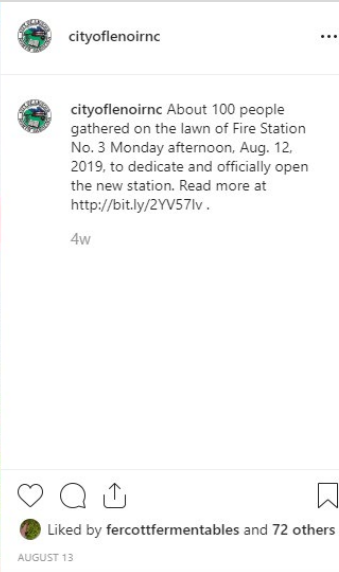
Last Month 2,679

Gain **36**

Likes

73

Comments



Likes

63

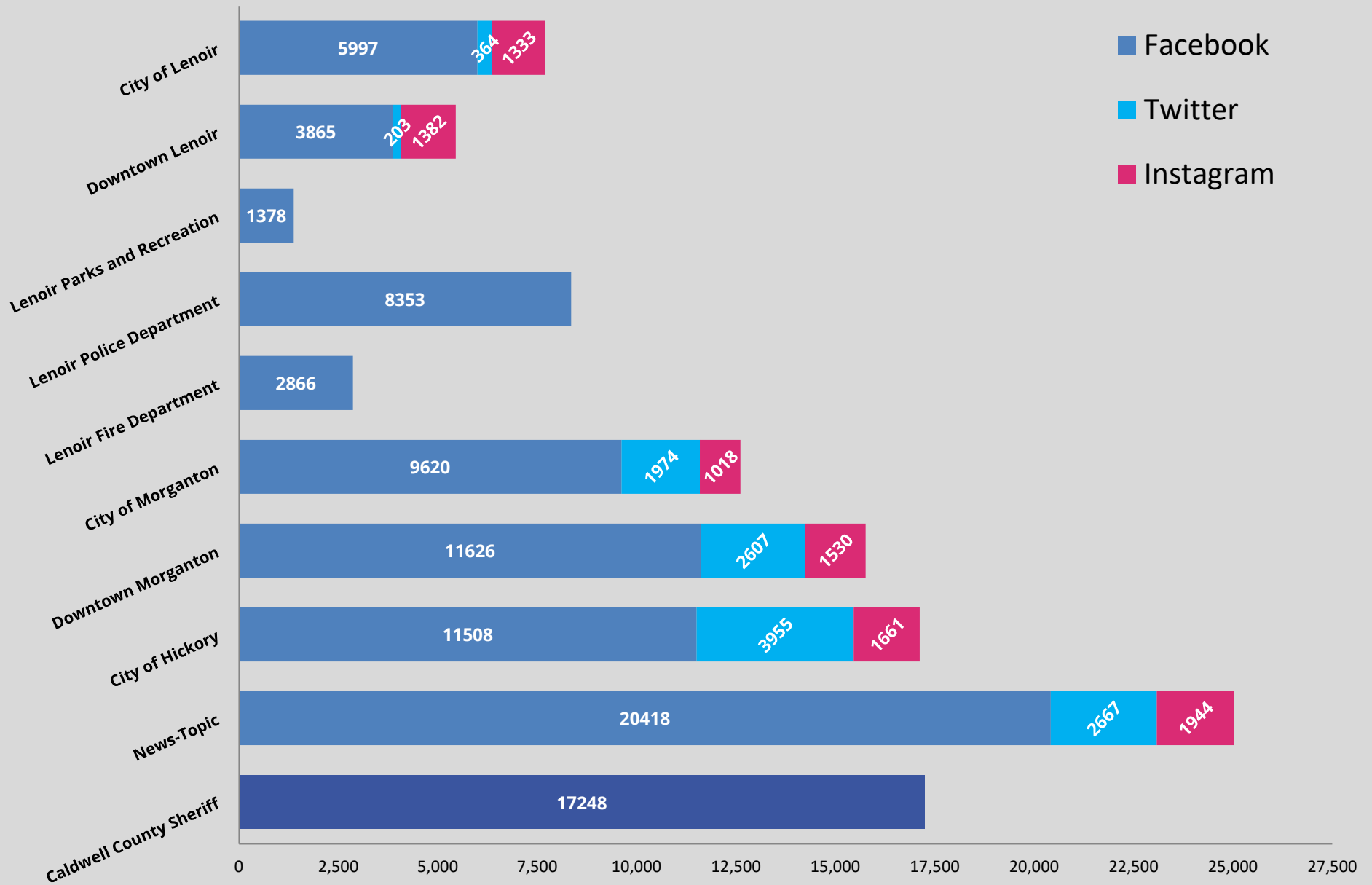
Comments

2



Social Comparison

The chart below compares Lenoir's social accounts with surrounding organizations.





Questions from the public

11

The resident of 210 Beall Street NW has not mowed or tended their yard in over a month.

I would like to make a request to have access to the arrest records/mugshots from Fri, Aug 2nd to Aug 4th.

I had sent an email a little while back concerning a street water runoff problem I have.

To whom do I report malfunctioning traffic lights? At the corner of Southwest Blvd and Morganton Blvd.

On Tuesday, August 13, 2019, the trash pickup service left the empty trash bin in the direct center of our narrow driveway.

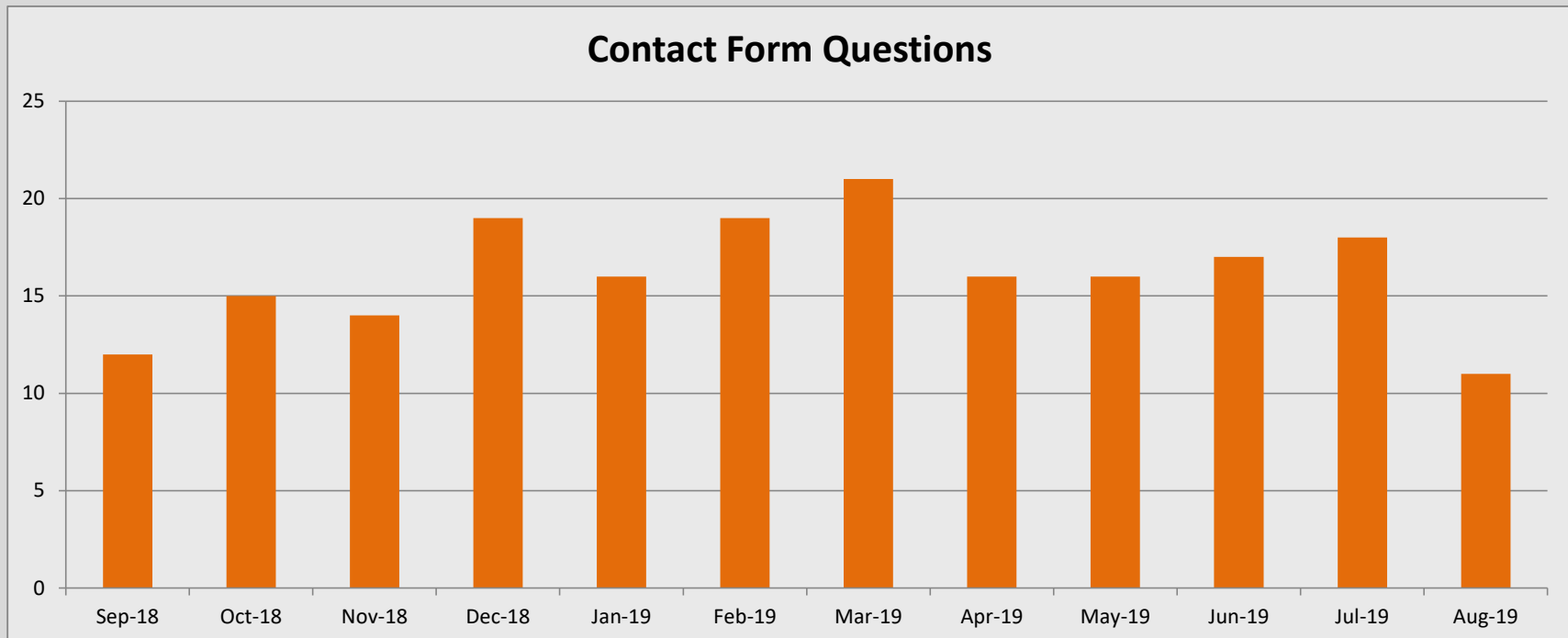
When will something be done about the stoplights at the intersections of Westview st and Morganton Blvd and mulberry st and Morganton Blvd not changing?

I am needing to disconnect my water services at the above address.

Our neighbor has a junk car and other junk piling up on their property.

Do you have any music in downtown Lenoir tonight?

Who would i contact about getting some speed bumps put in our neighborhood??



CITY OF LENOIR

2020 HOLIDAY SCHEDULE

Wednesday, January 1

New Year's Day

Monday, January 20

Martin Luther King, Jr. Day

Friday, April 10

Good Friday

Monday, May 25

Memorial Day

Friday, July 3

Independence Day

Monday, September 7

Labor Day

Wednesday, November 11

Veterans Day

Thursday, November 26

Thanksgiving Holiday

Friday, November 27

Thursday, Friday & Monday

Christmas Holiday

December 24, 25, & 28

CITY OF LENOIR

LISTING OF CITY COUNCIL MEETINGS FOR 2020

JANUARY

City Council	Tuesday, January 7	6:00 p.m.
City Council	Tuesday, January 21	6:00 p.m.
Committee of the Whole	Tuesday, January 28	8:30 a.m.

FEBRUARY

City Council	Tuesday, February 4	6:00 p.m.
City Council	Tuesday, February 18	6:00 p.m.
Committee of the Whole	Tuesday, February 25	8:30 a.m.

MARCH

City Council	Tuesday, March 3	6:00 p.m.
City Council	Tuesday, March 17	6:00 p.m.
Committee of the Whole	Tuesday, March 24	8:30 a.m.

APRIL

City Council	Tuesday, April 7	6:00 p.m.
City Council	Tuesday, April 21	6:00 p.m.
Committee of the Whole	Tuesday, April 28	8:30 a.m.

MAY

City Council	Monday, May 4	6:00 p.m.
City Council	Tuesday, May 19	6:00 p.m.
Committee of the Whole	Tuesday, May 26	8:30 a.m.

JUNE

City Council	Tuesday, June 2	6:00 p.m.
City Council	Tuesday, June 16	6:00 p.m.
Committee of the Whole	Tuesday, June 23	8:30 a.m.

JULY

City Council	Tuesday, July 21	6:00 p.m.
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***Only one meeting in July.**

AUGUST

City Council	Tuesday, August 4	6:00 p.m.
City Council	Tuesday, August 18	6:00 p.m.
Committee of the Whole	Tuesday, August 25	8:30 a.m.

SEPTEMBER

City Council	Tuesday, September 1	6:00 p.m.
City Council	Tuesday, September 15	6:00 p.m.
Cancelled-C.O.W. Meeting		

OCTOBER

City Council	Tuesday, October 6	6:00 p.m.
City Council	Tuesday, October 20	6:00 p.m.
Committee of the Whole	Tuesday, October 27	8:30 am.

NOVEMBER

City Council	Tuesday, November 3	6:00 p.m.
*Only one meeting in November		

DECEMBER

City Council	Tuesday, December 1	6:00 p.m.
City Council	Tuesday, December 15	6:00 p.m.

2020 SCHEDULE OF EVENTS**NCLM MEETINGS****Event**

TBA	Town & State Dinner
May 5-7	Annual City Vision Conference (Wilmington, NC)

NLC MEETINGS**Event**

March 8-11	Congressional City Conference (Washington, DC)
November 18-21	City Summit (Tampa, Florida)

CITY OF LENOIR
COUNCIL ACTION FORM

Agenda Item: Consideration of an Agreement between the Western Piedmont Council of Governments and the City Of Lenoir for the Provision of Grant Management Services - Appalachian Regional Commission Broyhill Plant Site Redevelopment Project October 1, 2019 – September 30, 2021

- I. **Background Information:** The City of Lenoir recently was awarded an Appalachian Regional Commission Grant (ARC) to be utilized for the cleanup of the Old Broyhill plant site on College Avenue. The grant is for \$300,000 to assist the City in the revitalization of this site. The ARC funds will be combined with EPA Assessment Grant funds and City funds to undertake this project. The total project budget is \$768,000. It is recommended that the City engage the services of the Western Piedmont Council of Governments located in Hickory, NC to assist city staff with the administration of the grant and to provide technical assistance over the project period.
- II. **Staff Recommendation:** Staff recommends City Council approval to enter into an agreement with WPCOG in the amount of \$20,000.00 (not to exceed) in accordance with the attached Grant Management Services Agreement to provide grant administration and technical assistance for the ARC grant project.
- III. **Reviewed by:**
- City Attorney: _____
- Finance Director: _____
- Public Works/Public Utilities Director: _____

AGREEMENT BETWEEN THE
 WESTERN PIEDMONT COUNCIL OF GOVERNMENTS AND
 THE CITY OF LENOIR
 FOR THE PROVISION OF
 GRANT MANAGEMENT
 APPALACHIAN REGIONAL COMMISSION
 BROYHILL PLANT SITE REDEVELOPMENT PROJECT
 OCTOBER 1, 2019 – SEPTEMBER 30, 2021

This AGREEMENT, entered into on this the _____ day of _____, 2019, by and between the Western Piedmont Council of Governments (hereinafter referred to as the "Planning Agency") and the City of Lenoir, North Carolina (hereinafter referred to as the "Local Government"); WITNESSETH THAT:

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

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

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

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

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

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

3. **Compensation.** The Local Government will pay the Planning Agency an amount not to exceed \$20,000 (twenty thousand dollars) for the satisfactory performance of all services related to administration of the project as defined in the attached Scope of Services. Planning Agency personnel will keep an accurate record of

time spent, which will serve as the basis for the amount charged to the Local Government per month. The Local Government will reimburse the Planning Agency monthly at a rate per hour for each of the personnel involved, which includes the salary, fringe benefits, travel and indirect costs, plus travel and other approved expenses. It is expressly understood and agreed that total compensation shall not exceed the maximum sum specified without prior approval of both agencies.

4. **Termination/Modifications.** The Local Government may terminate the Contract by giving the Planning Agency a thirty-day written notice. Furthermore, if there is a need to amend the proposal outlined in Attachment A, either party may do so with the written consent of the other.
5. **Time of Performance.** The Planning Agency shall ensure that all services required herein shall be completed and all required reports, maps, and documents submitted during the period beginning October 1, 2019, and ending September 30, 2021.
6. **Interest of Members, Officers, or Employees of the Planning Agency, Members of the Local Government, or Other Public Officials.** No member, officer, or employee of the Planning Agency or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The Planning Agency shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.
7. **Nondiscrimination Clause.** No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination with any program or activity funded in whole or in part with funds available under the Housing and Community Development Act of 1974, Section 109.
8. **Age Discrimination Act of 1975, as amended.** No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.
9. **Section 504, Rehabilitation Act of 1973, as amended.** No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under

any program or activity which receives or benefits from federal financial assistance.

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

LOCAL GOVERNMENT:
CITY OF LENOIR

PLANNING AGENCY:
WESTERN PIEDMONT COUNCIL
OF GOVTS.

By: _____
Mayor

By: _____
Executive Director

PLANNING AGENCY:

By: _____
City Manager

By: _____
Chairman

Preaudit statement:

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

By: _____
Local Government Finance Officer

GRANTS MANAGEMENT ASSISTANCE
 WORK PROGRAM/BUDGET
 OCTOBER 1, 2019 – SEPTEMBER 30, 2021
 ATTACHMENT A
 SCOPE OF SERVICES

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

Erin Schotte, Economic & Community Development Administrator, will be responsible for administering the ARC Broyhill Plant Site Redevelopment grant.

Work Program

The activities to be completed include:

- Prepare Environmental Assessment and coordinate Request for Release of Funds (RROF) from NC Commerce
- Work with City and ARC on any amendments needed to the contract between ARC and the City
- Coordinate requests for reimbursement from NC Commerce to the City
- Meet with consultants, City staff, and Brownfield Committee as needed
- Work with City to assure compliance with federal guidelines relating to procurement, outreach, and labor standards
- Be present at any state or federal project monitoring visits
- Complete and file Annual Performance Reports

Time of Performance

The WPCOG will complete all activities involved in administration of this project in a 24-month period beginning October 1, 2019, and ending September 31, 2021.

Budget

The WPCOG will provide these administrative services for a fee not to exceed \$20,000. The budget is broken down as follows:

Salaries	\$ 9,406
Fringe Benefits	4,891
Travel	1,199
Indirect	4,504
Total	\$ 20,000

Assurances

Assurances are attached as a part of the Agreement.

Amendments

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

ASSURANCES OF COMPLIANCE

ATTACHMENT B

Executive Order 11246

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

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

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

ATTACHMENT C

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

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

ATTACHMENT D

Lobbying Clause

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

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

ARC Grant

BE IT ORDAINED by the City Council Members of the City of Lenoir, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project to authorize activities for the ARC Grant for the Broyhill Plant Site Redevelopment project to clear the waste from a portion of site, a 15-acre brownfield located in the center of the Fairfield South redevelopment area. The scope of work also includes completion of Phase II level testing and entering the property into a Brownfield Agreement with the state of North Carolina. Upon build-out, the site will serve at least one business and attract up to \$10 million in private investment and create at least 50 jobs.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Demo & Removal	\$ 550,000.00
Architectural/Engineering Fees	\$ 45,000.00
Land & Rights-of-Way	\$ 173,000.00
Total	<u>\$ 768,000.00</u>

Section 4: The following revenues are anticipated to be available to complete this project:

ARC Funds	\$ 300,000.00
EPA Assessment Funds	\$ 45,000.00
City In-Kind	\$ 173,000.00
City of Lenoir Funds	\$ 250,000.00
Total	<u>\$ 768,000.00</u>

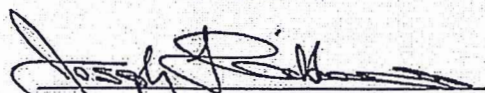
Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Project Ordinance.

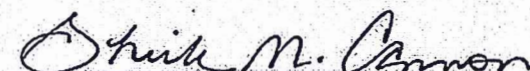
Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8: Copies of this capital project ordinance shall be furnished to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 7th day of May, 2019


Mayor


Clerk

OMB Approval No. 0348-0041

BUDGET INFORMATION - Construction Programs*NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.*

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ 8,000 .00	\$.00	\$ 8,000 .00
2. Land, structures, rights-of-way, appraisals, etc.	\$ 173,000 .00	\$.00	\$ 173,000 .00
3. Relocation expenses and payments	\$.00	\$.00	\$ 0 .00
4. Architectural and engineering fees	\$.00	\$.00	\$ 0 .00
5. Other architectural and engineering fees	\$.00	\$.00	\$ 0 .00
6. Project inspection fees	\$.00	\$.00	\$ 0 .00
7. Site work	\$ 37,000 .00	\$.00	\$ 37,000 .00
8. Demolition and removal	\$ 550,000 .00	\$.00	\$ 550,000 .00
9. Construction	\$.00	\$.00	\$ 0 .00
10. Equipment	\$.00	\$.00	\$ 0 .00
11. Miscellaneous	\$.00	\$.00	\$ 0 .00
12. SUBTOTAL (sum of lines 1-11)	\$ 768,000 .00	\$ 0.00	\$ 768,000 .00
13. Contingencies	\$.00	\$.00	\$ 0 .00
14. SUBTOTAL	\$ 768,000 .00	\$ 0.00	\$ 768,000 .00
15. Project (program) income	\$.00	\$.00	\$ 0 .00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 768,000 .00	\$ 0.00	\$ 768,000 .00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X <u>39.06</u> %		\$ 300,000.00

SECTION 4: BUDGET INFORMATION AND SUPPORTING MATERIALS

1. Detailed budget and narrative for the project listed below:

Administrative & legal expenses—\$8,000

\$2,000 Brownfield Application Fee. Paid by EPA funds.

\$6,000 Brownfield Program Fee. Paid by EPA funds.

Land, structures, rights-of-way, appraisals, etc.—\$173,000

\$173,000 Appraised value of 15-acre land. Owned by City of Lenoir.

Other architectural and engineering fees—\$37,000

\$27,000 Estimated cost to address testing requirements for EPA Brownfield Program. Likely to include 4+ Soil Borings (need identified in 2014 Tetrtech Study) and a possible Vapor Intrusion Study. Paid by EPA funds.

\$10,000 Brownfield Plat required for Brownfield Agreement. Paid by EPA funds.

Demolition and removal—\$550,000

\$550,000 Removal of C&D waste from industrial property. Paid by \$300,000 ARC and \$250,000 local matching funds.

Total—\$768,000

a. Non-ARC Funding Commitment

The proposed matching funds for the ARC project include:

ARC Request	\$300,000	<i>Demo/removal</i>
EPA Assessment Funds	\$45,000	<i>Architectural/Engineering Fees</i>
City of Lenoir In-Kind	\$173,000	<i>Land</i>
City of Lenoir Cash	\$250,000	<i>Demo/removal</i>
Project Total	\$768,000	

EPA Assessment Funds—Estimated eligible expenses to be paid by Brownfield Assessment Grant (secured). Full range of required testing will not be determine until Brownfield application has been submitted and reviewed by NCDEQ. See discussion of assessment costs in Letter of Support from Mid-Atlantic Associates.

City of Lenoir (in-kind)—\$173,000 The appraised value of the 15-acre property owned by the City of Lenoir. (See attached MAI Appraisal.)

City of Lenoir (cash)—\$250,000 The City of Lenoir has committed to pay the remainder of the project cost, estimated at \$250,000. (See attached Letter of Commitment.)

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Budget Amendments - Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

II. Background Information:

Request for amendment to be made to the annual budget ordinance for the fiscal year ending June 30, 2020 as follows:

- **Budget Amendment 2020-1**
 - **Allocate funding for the purchase of two (2) used automated garbage trucks in the amount of \$258,000.00. Council approved bidding on the trucks at the 9/24/19 Committee of the Whole meeting. The City was the winning bidder on the trucks.**

Staff Recommendation:

Approve as requested

III. Reviewed by:

City Attorney:

Finance Director:

Public Works/Public Utilities Director:

Planning Director:

Recreation Director:

**2019-2020 Fiscal Year
Budget Amendment Ordinance 2020-01
1-Oct-19**

Request for amendments to be made to the annual budget ordinance for the fiscal year ending June 30, 2020 as follows:

Section 1. To amend the General Fund - the appropriations are to be changed as follows:

Item 1: Allocate funding for the purchase of two (2) used automated garbage trucks. Council approved bidding on the trucks at the 9/24/19 Committee of the Whole meeting. The City was the winning bidder for the trucks.

ACCOUNT	TYPE	AMOUNT OF INCREASE
Fund Balance	Revenue	258,000.00
Sanitation	Expenditure	258,000.00