



AGENDA

CITY OF LENOIR
CITY COUNCIL MEETING
905 WEST AVENUE
TUESDAY, OCTOBER 15, 2019
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

- A. Amendment; Appendix A, Article IV, Section 611 of the Code of Ordinances; Zoning Regulations as related to Adult Gaming Establishments: A public hearing will be held to consider amending Appendix A, Article IV, Section 611, Performance Standards for Adult Gaming Establishments of the adopted Ordinance as Related to Adult Gaming Establishments, Providing for Codification and an Effective Date. **Note:** The purpose of this amendment is to re-insert lost text that was inadvertently deleted and related to the location standards for Adult Gaming Establishments when City Council adopted a major overhaul to the zoning district and use standards for the City of Lenoir in March 2019.
- B. Contiguous Annexation Petition; 1336 Connelly Springs Road SW: A public hearing will be held to consider a Contiguous Annexation Petition for the entirety of property located at 1336 Connelly Springs Road and approval of an Ordinance to Extend the Corporate Limits of the City of Lenoir, North Carolina to include the entire Callie Knight Brown property located at 1336 Connelly Springs Road SW as Recorded in Plat Book 303, Page 307 in the Caldwell County Registry. **Note:** The front acre of the parcel is currently inside the City limits and the back 4.6 acres are in the (ETJ).
- C. Rezoning; 1336 Connelly Springs Road SW: A public hearing will be held to consider rezoning the portion of 1336 Connelly Springs Road SW, NCPIN#2748823036 (currently in the ETJ) from R-R (Low Density Single Family) to B-2 (General Business). Staff recommends approval based on the following Consistency Statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it provides an opportunity to correct a split zoned parcel and facilitates straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it will allow for commercial redevelopment in areas close to major transportation corridors.

- D. Roger and Deborah Coffey; Old Morganton Road and Brushy Place: A public hearing will be held to consider rezoning property located on the Old Morganton Road and Brushy Place NCPIN#27386774351, NCPIN#2738650432 and 26 acres of NCPIN#2738679061 from R-12 and R-15 (Medium and Low Density

Single Family) to R-20 (Low Density Single Family). **Note:** The purpose of this rezoning is to facilitate a Conditional Use Permit (CUP) for agricultural uses. Staff recommends approval based on the following Consistency Statement:

All decisions of the Planning Board and City Council should be based on the consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. While the comprehensive plan does not specifically discuss agriculture in the City, there is a guideline to adopt sensible, straightforward zoning standards, and procedures easily understood by the general public. There is also an environmentally-conscious theme throughout the plan for any new and existing development through protecting riparian areas and adding BMPs (Best Management Practices for water quality) when possible. The proposed development meets these guidelines by “correcting” a zoning map error, as well as creating a functional BMP that helps to improve water quality in Lower Creek.

Note: There is one Staff Report for the Rezoning of Old Morganton Road and Brushy Place (Item D.) and the Conditional Use Permit (Item E.). We have placed the report in the agenda packet for each of these items.

- E. Conditional Use Permit; Old Morganton Road and Brushy Place: A Quasi-Judicial public hearing will be held to consider a Conditional Use Permit for property located on Old Morganton Road and Brushy Place as submitted by Roger and Deborah Coffey for the expansion of the established agriculture use and construction of a 18’ x 24’ Agrichemical Handling Facility and tree farm, with the following conditions:
 - 1) The Conditional Use Permit is for a tree and shrub farm agriculture use and associated activities. Animals are not permitted, except in accordance with the standards of Chapter 3 of the Lenoir Code of Ordinances.
 - 2) If the agriculture use or agrichemical facility has not been established within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.
 - 3) A 30’ setback will be required along the street side property lines and property lines adjacent to single family residential properties.
 - 4) All development standards of the R-20 and I-1 districts shall apply to new buildings and uses within the respective areas of each zone on this property.
 - 5) All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.

- F. Residential Parking Code Amendment; City of Lenoir: A public hearing will be held to consider approval of an Ordinance Amending Appendix A, Section 1000.9 of the Lenoir Zoning Code, related to parking regulations for multi-family residential uses in the City of Lenoir.

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of the minutes of the City Council meeting of Tuesday, October 1, 2019, as submitted.
- B. Minutes; Closed Session: Approval of the closed session minutes of Tuesday, October 1 as reviewed by the City Attorney, City Council and City Manager.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

B. Items of Information

1. 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 19 from 10:00 a.m. – 10:30 p.m. in downtown Lenoir.
2. The Committee of the Whole will meet on Tuesday, October 22 at 8:30 a.m. at City Hall, Third Floor.
3. The Planning Board will meet on Monday, October 28 at 5:30 p.m.
4. The Foothills Regional Airport Authority will meet on Wednesday, October 30 at noon.
5. The annual Pumpkin Patch Parade will be held on Thursday, October 31 from 3:00 p.m. – 6:00 p.m. in downtown Lenoir.
6. 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.
7. The City Council meeting for Tuesday, November 5 has been **cancelled** due to Election Day. City Council will conduct one meeting in November on Tuesday, November 12 at 6:00 p.m. in the City/County Chambers. **Please note date change.**
8. The annual Light up Lenoir event is scheduled for Thursday, November 21 from 4:00 p.m. – 6:00 p.m. in downtown Lenoir.
9. The Annual Light Show begins on Thursday, November 21 through Wednesday, January 1 from 6:00 p.m. – 10:00 p.m. in downtown Lenoir.

B. Items for Council Action

1. Bid Award; Biosolids Project: Bids were received on Thursday, October 3 for the Lower Creek Wastewater Treatment Plant Biosolids Improvements Project. Staff recommends approval of the proposed Resolution to award the project to Brushy Mountain Builders in the amount of \$4,259,000.00 contingent upon approval of the N.C. Division of Environmental Quality, Division of Water Infrastructure.

Staff further recommends that the City establish a construction contingency of 4.5% (\$192,000.00) of the construction amount due to the unknowns that could exist within a facility of this type and age. In addition, Staff recommends Council grant the City Manager authority to execute necessary change orders associated with the project (within the established project contingency) and report those changes to City Council.

2. Request for Additional Funds; Biosolids Project: The low bid combined with other project costs were in excess of \$7.0 million and of the approved State Revolving Fund Program (SRP) loan amount of \$6,600,000.00. Staff, in conjunction with McGill Associates, has utilized cost reducing alternatives to lower the total project cost to \$6,995,000.00. Also, we have received notification that a request for an additional \$395,000.00 of loan funding at 1.53% interest

from the SRP Loan Program has been approved.

Staff recommends approval of the request for additional loan funds in the amount of \$395,000.00 and to authorize the City Manager to execute the loan documents related to the additional funds request.

3. Bid Award; Restrooms at Optimist Park: Bids were received on Monday, September 30 for the Restroom Project at Optimist Park. Staff recommends Council award the low bid in the amount of \$31,250.00 to Seagle's Electrical Services, Inc. for the construction of two new restrooms at Optimist Park.
4. 2019 Roof Replacements Contract; City Facilities: Following review of bids received for this contract, Staff recommends Council award the low bid of \$158,000.00 to Barger-Ashe Roofing Company for roof replacements at four (4) City facilities. The locations include the Public Works and Public Utilities Facility, Water Treatment Plant, Fire Station No. 2 and the Police Department.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2019****I. Agenda Item:**

An ordinance correcting regulations related to Adult Gaming Establishments.

II. Background Information:

In March, the City Council adopted a major overhaul to the zoning district and use standards for the City. A part of that code changed consolidated performance standards for various uses under one chapter. The adopted ordinance inadvertently deleted text related to the location standards for Adult Gaming Establishments; this ordinance corrects that error by re-inserting the lost text.

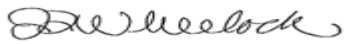
III. Staff and Planning Board Recommendation:

Approval of attached ordinance.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO ADULT GAMING
ESTABLISHMENTS, PROVIDING FOR CODIFICATION, AND
AN EFFECTIVE DATE.**

Whereas, the City adopted standards in 2017 related to the location and performance standards for adult gaming establishments; and

Whereas, separation distances were established in order to mitigate negative secondary impacts related to these uses; and

Whereas, the City adopted a major overall to the zoning district standards in March of 2019, which re-arranged some code sections related to use regulations, including adult gaming establishments, and in doing so inadvertently omitted a previously adopted provision related to the separation of adult gaming establishments from each other, as well as from other land uses like ABC stores and treatment and recovery facilities; and

Whereas, the Lenoir Planning Board and the Lenoir City Council desire to retain the regulations on adult gaming uses as they were originally adopted; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance consistent with the City's adopted Comprehensive Plan, which calls for the adoption of sensible, straightforward zoning standards and procedures that are easily understood by developers and the general public; and

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

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

SECTION 1. Appendix A, Article IV, Section 611 of the Code of Ordinances, City of Lenoir, North Carolina, "Performance Standards for Adult Gaming Establishments" is hereby amended to read as follows:

Section 611 Performance Standards for Adult Gaming Establishments

1. Adult Gaming Establishments must be located at least 350 ft. away from any residential zoning district, measured from the edge of the residential district to the closest door of the adult gaming establishment open to the public in a straight line.

2. Adult Gaming Establishments must be located at least 1,000 ft. away from any school, youth day care, church, park, or playground, measured from the property line of the protected use to the closest door open to the public of the adult gaming establishment in a straight line.
3. Adult Gaming Establishments must be located at least 1,000 ft. away from any other Adult Gaming Establishment, Adult Use, Liquor (ABC) Store, or Addiction Treatment and Recovery Facility, measured from door to door in a straight line.
4. Alcohol Sales are prohibited.
5. Hours of operation are limited to the hours between 11 a.m. and 12:00 midnight.
6. Adult Gaming Establishments are limited to 1,500 sq. ft. of floor area dedicated to gaming operations and must provide 1 parking space for every 150 sq. ft. of floor area.
7. A zoning permit issued by the Planning and Community Development department is required prior to the establishment of any Adult Gaming Establishment within the City.

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

SECTION 3. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this _____ day of _____, and this _____ day of _____, 2019.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2019.

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

Mayor/Mayor Pro Tempore

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

City Clerk

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2019****I. Agenda Item:**

Annexation 1-19

II. Background Information:

A petition has been filed for a contiguous annexation for the entirety of 1336 Connelly Springs Rd. The front acre of the parcel is currently inside the city limits of Lenoir. The back 4.6 acres are in the Lenoir ETJ. The recommended zoning district for this parcel is B-2 (general business), referenced in the case R5-19 staff report.

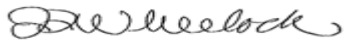
III. Staff Recommendation:

Approval of the annexation ordinance

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF LENOIR, NORTH CAROLINA TO INCLUDE THE ENTIRE CALLIE KNIGHT BROWN PROPERTY LOCATED AT 1336 CONNELLY SPRINGS ROAD, AS RECORDED IN PLAT BOOK 303, PAGE 307 IN THE CALDWELL COUNTY REGISTRY.

WHEREAS, the Lenoir City Council has been petitioned under NCGS 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Lenoir City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition, **A#1-19**; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held on **the 15th day of October, 2019** after due notice by publication on **October 4 and October 11, 2019**; and

WHEREAS, the Lenoir City Council further finds that the area described therein meets the standards for contiguous annexation of NCGS 160A-31; and

WHEREAS, the Lenoir City Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Lenoir City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Lenoir and the area proposed for annexation will be best served by annexing the area described herein;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lenoir, North Carolina:

Section 1. By virtue of the authority granted by NCGS 160A-58, the contiguous territory described in Exhibit "A" is hereby annexed and made part of the City of Lenoir as of the **15th day of October, 2019**.

Section 2. Upon and after the **15th day of October, 2019** the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Lenoir and shall be entitled to the same privileges and benefits as other parts of the City of Lenoir. Said territory shall be subject to municipal taxes according to NCGS 160A-31(e).

Section 3. The Mayor of the City of Lenoir shall cause to be recorded in the office of the Register of Deeds of Caldwell County, and in the office of the Secretary of State of Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance.

Adopted this the 15th day of October, 2019. Effective the 15th day of October, 2019.

Joseph L. Gibbons
Mayor

ATTEST:

APPROVED AS TO FORM:

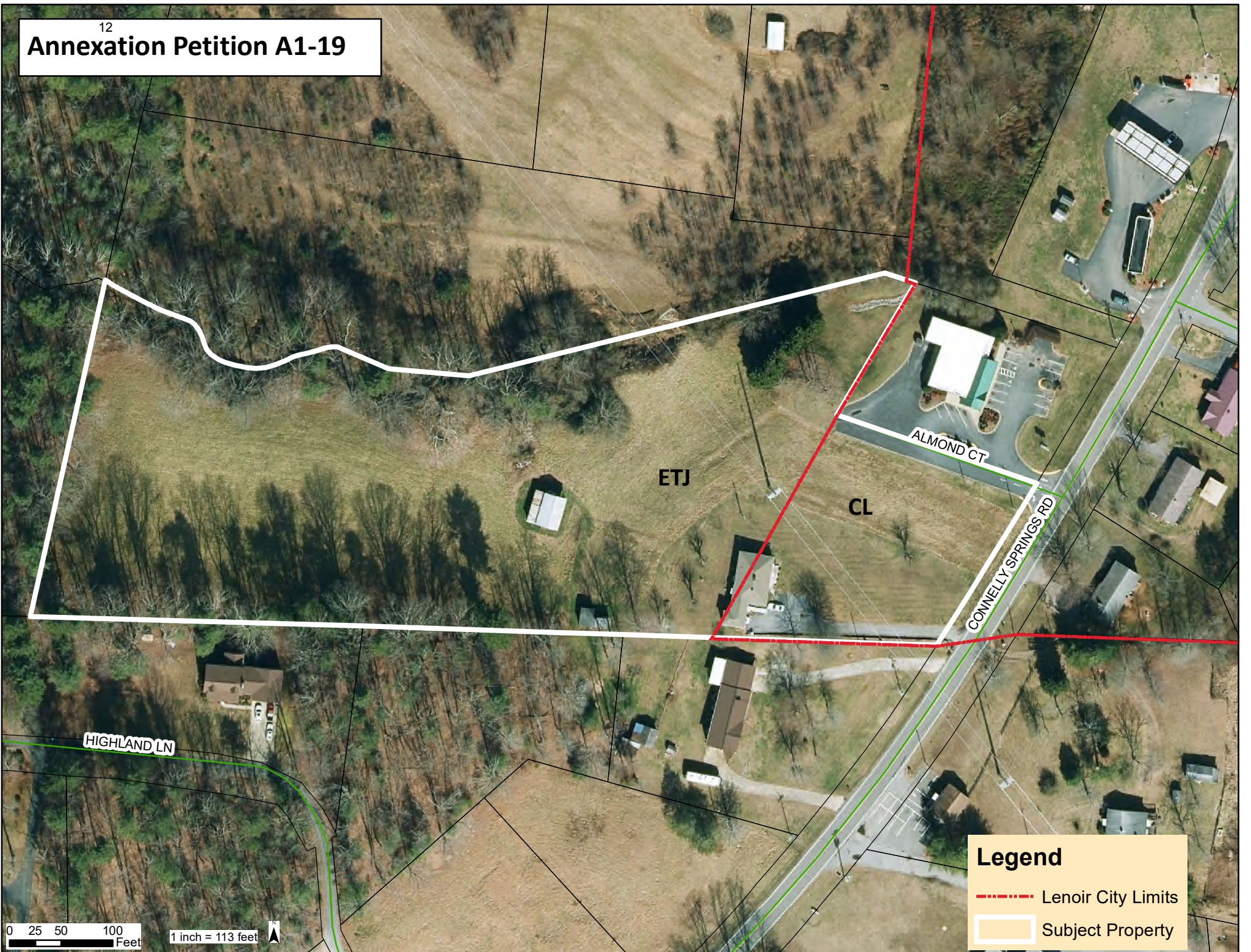
Shirley M. Cannon
City Clerk

Timothy J. Rohr
City Attorney

Exhibit A

Property Legal Description

12
Annexation Petition A1-19



Legend

- Lenoir City Limits
- Subject Property

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2019****I. Agenda Item:**

R5-19: Re-zoning one lot at 1336 Connelly Springs Rd.

II. Background Information:

The applicant requests that the City re-zone the portion of 1336 Connelly Springs Rd SW (currently in ETJ) from R-R (Low Density Single Family) to B-2 (General Business). An annexation petition has also been submitted.

See attached staff report for the analysis and consistency statement supporting this request.

III. Staff and Planning Board Recommendation:

Approval of the re-zoning based on the consistency statement provided.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

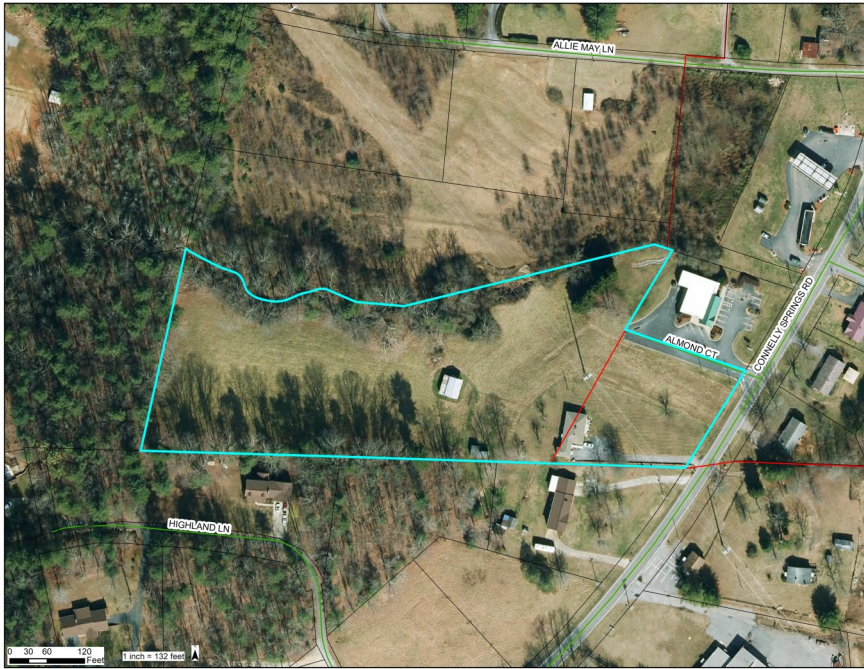


Staff Report

Zoning Amendment

CASE NUMBER R #5-19/A1-19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property ☐

Left: 1336 Connelly Springs Rd

SUMMARY

Owner

Callie Brown

Applicant

Tyra Edwards, Daughter/POA

Location

1336 Connelly Springs Rd SW

Adjacent to the ABC Store on Connelly Springs Road

NC PIN

2748823036

Project Planner

Hannah Williams, CZO

Updated October 4, 2019

Description of Request:

The applicant requests that the City re-zone the portion of 1336 Connelly Springs Rd SW (currently in ETJ) from R-R (Low Density Single Family) to B-2 (General Business). An annexation petition has also been submitted.

Staff Recommendation:

Approval of the request, based on the consistency statement on page 6.

Planning Board Recommendation:

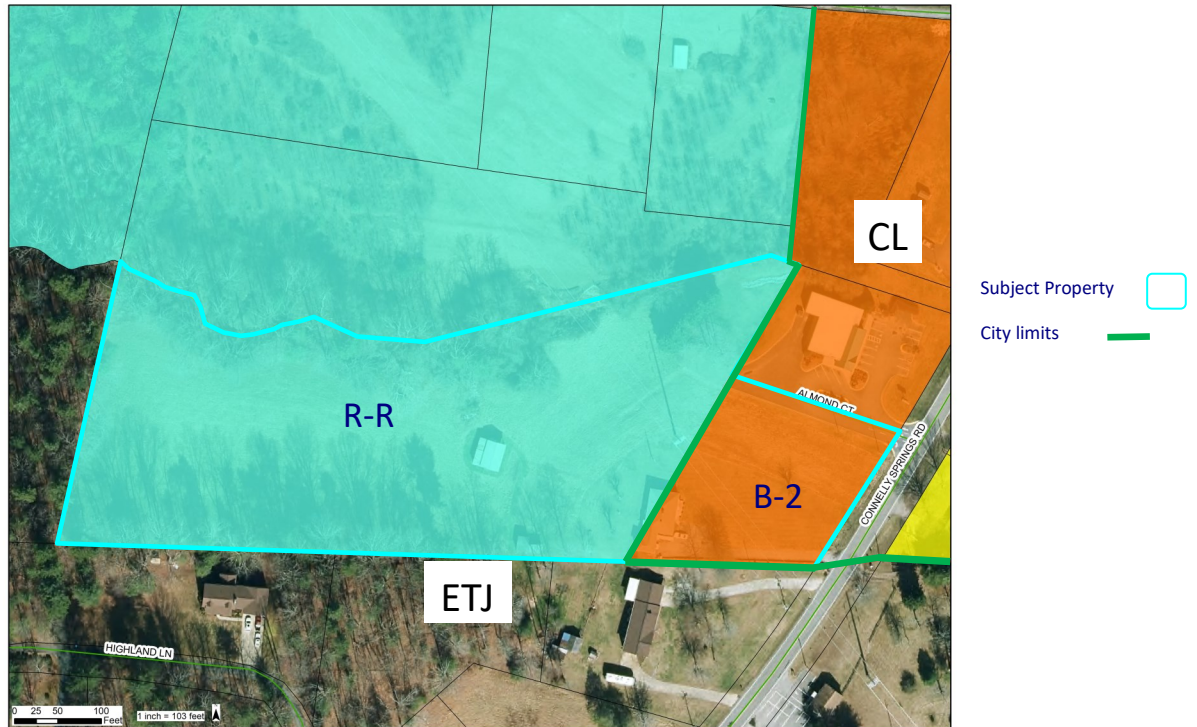
Public Comment:

Planning Board Meetings: September 23, 2019. Notices were mailed to property owners within 100 ft. of the subject property on September 13, 2019.

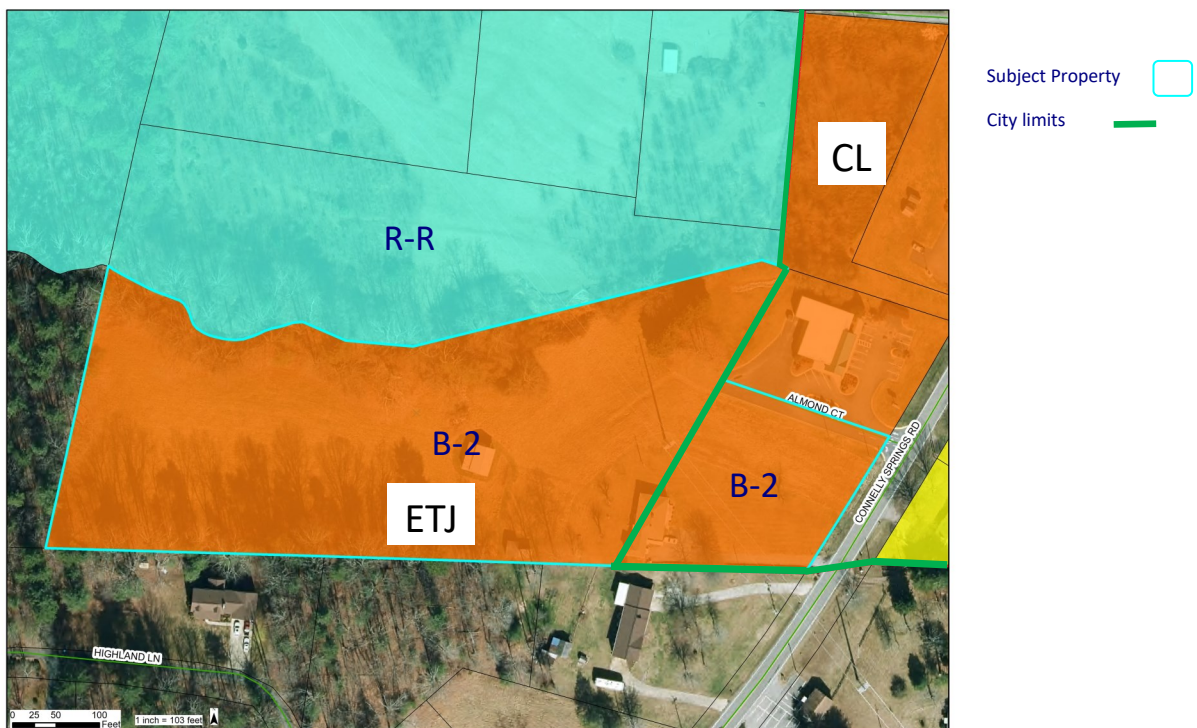
City Council (Public Hearing): Scheduled for October 15, 2019. Notices were mailed to property owners within 100 ft. of the subject property on October 15, 2019.

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: R-R



Proposed Zoning: B-2



BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

The City of Lenoir Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of the Zoning Districts

The B-2 General Business zoning district is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to the motoring public both local and transient.

The R-R (Rural Residential) zoning district is intended to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction for low density single family residences, double wide manufactured homes, and compatible uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

Subject and Surrounding Properties

The subject property is located on Connelly Springs Road at the southern city limits, adjacent to Cajahs Mountain. The lot is developed with a single family home and two detached outbuildings. The parcel is split zoned; about an acre in the front is zoned B-2 (General Business), and the back 4.6 acres is zoned R-R (Rural Residential). The subject property is also split by the city limits line in the same place, with the ETJ in the back acreage. There is a Duke Energy right-of-way easement on this property for overhead power lines.

This property borders the Cajahs Mountain city limits on the southern side. The zoning on the adjacent Cajahs Mountain parcel is residential and developed with a single family house. Directly across from the subject property are other single family homes. To the north are a gas station and a City of Lenoir ABC store. The subject property is .2 mi from the Southwest Boulevard and Connelly Springs Road intersection.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The subject property is already identified as “existing nonresidential” on the future land use map of the comprehensive plan, despite the current single family development. The applicant’s request to rezone this property is an opportunity to correct a split zoned parcel and to make the zoning standards compatible with surrounding land use. Staff finds the proposed re-zoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

Annexation

As stated, this property is partially in the city and partially in Lenoir’s ETJ at this time. The rezoning request is concurrent with an annexation petition. Typically, the City does not assign B-2 zoning outside of the city limits. The more intense the land use, the better suited it is to be inside the city limits—for police and fire protection, environmental quality concerns, and compatible, well-designed development. The City also benefits through the capacity to collect full property tax revenue. We prefer not to have parcels split by zoning lines or jurisdiction, because it creates confusion for taxing, regulation, and redevelopment. This request will bring the entire parcel into the city with one consistent zoning district. The Planning Board must review the zoning for annexation requests when the applicant requests a different zoning classification than the current zoning on the parcel in the ETJ.

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and conditional uses for each zoning district. The B-2 zoning district allows a wide range of residential, commercial, and other non-residential uses. There is some overlap with residential

STAFF ANALYSIS CONTINUED

uses allowed in the R-R district, however, the R-R district is reserved for low density single family houses and manufactured homes. The B-2 district is primarily used for non-residential uses in the city, and comes with architectural and landscape design standards for new development.

Comparison of Zoning Districts

	R-R	B-2
Development Standards	Min Lot Size - 20,000 ft ² Setbacks Front: 40' Side Yard: 15' Abutting side Street: 25' Minimum Rear Yard: 35'	Minimum Lot Size - None Setbacks Front: 10' Side Yard: 0' Abutting side Street: 0' Minimum Rear Yard: 20'
Summary of Permitted Uses	Accessory Cottage or Apartment Dwelling, Group Dwelling, Single-Family Detached	Accessory Cottage or Apartment Attached Dwellings Bed and Breakfast Dwelling, Single/Two Family/Multi-Family/Group Pool Halls Day Care Centers Community Facilities Kennels Eating and Drinking (W/ or W/O Drive-throughs) Greenhouses Hospitals Hotels Office Personal Storage Indoor Retailing Light Retailing Indoor Recreation Automotive Services Business and Personal Services Indoor Shooting Range Studios and Specialty Schools Veterinarian Warehousing **For conditional uses see Section 600, Table A in Lenoir Zoning Ordinance**

SUBJECT PROPERTY 1336 CONNELLY SPRINGS RD SW



Left: Facing subject property (B-2)

Right: Rear of subject property (R-R)

SURROUNDING AREA—CONNELLY SPRINGS RD



Above: Northern view towards Southwest Blvd

Upper Right: Southern neighbor in Cajahs Mtn

Lower Right: Across the street from subject property, facing west

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Staff recommends that the Planning Board recommend approval of the request, based on the following consistency statement, and call for a Public Hearing for City Council to consider the request on October 15, 2019:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it provides an opportunity to correct a split zoned parcel and facilitates straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it will allow expansion for commercial redevelopment in areas close major transportation corridors.

PLANNING BOARD RECOMMENDATION

Planning Board recommends approval of the request, based on the above consistency statement, and call for a Public Hearing for City Council to consider the request on October 15, 2019.

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2019****I. Agenda Item:**

R4-19: Re-zoning three lots off of Old Morganton Rd from R-12 and R-15 to R-20 in order to facilitate a CUP for agricultural uses.

II. Background Information:

The applicant is requesting a rezoning from R-12 and R-15 (Medium and Low Density Single Family to R-20 (Low Density Single Family). The land is currently used as a tree farm. An accessory shed that will be used as a chemical mixing facility is currently under construction. In order for this new development to comply with the Lenoir Zoning Ordinance, rezoning to R-20 to facilitate a CUP for agricultural use is necessary.

See attached staff report for the analysis and consistency statement supporting this request.

III. Staff and Planning Board Recommendation:

Approval of the re-zoning based on the consistency statement provided.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

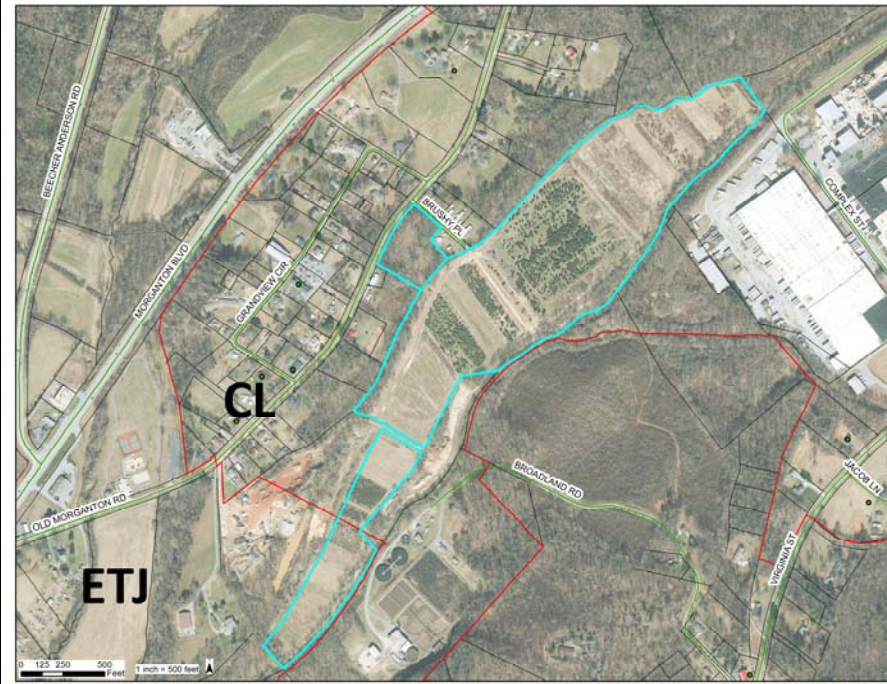


Staff Report

Rezoning and Conditional Use Permit

CASE NUMBER R#4-19/CUP #2-19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property



City Limits Boundary



SUMMARY

Owner

Roger and Deborah Coffey

Applicant

Roger Coffey

Location

Old Morganton Road and
Brushy Place

NC PIN

2738674351, 2738650432, and
26 AC of 2738679061

Project Planner

Hannah Williams

Updated October 4, 2019

Applicant's Request:

The applicant is requesting a rezoning from R-12 and R-15 to R-20 and a Conditional Use Permit for the expansion of the established agriculture use and construction of a 18' x 24' agri-chemical handling facility.

Staff Recommendation:

Approval of the rezoning request, based on the consistency statement on page 4 and approval of the conditional use permit based on the conditions in this report.

Planning Board Recommendation:

Public Comment:

Planning Board Meeting: Scheduled for September 23, 2019. Notices were mailed to property owners within 100 ft. of the subject property on September 13, 2019.

City Council (Public Hearing): Scheduled for October 15, 2019. Notices were mailed to property owners within 100 ft. of the subject property on October 4, 2019.

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

BACKGROUND AND ANALYSIS

Zoning Map Amendments

The City of Lenoir Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of Conditional Use Permits

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

Subject Property

The subject property is located on the western boundary of the city limits. The parcel at the intersection of Brushy Place and Old Morganton Road is zoned R-12, is 2.77 AC in size, and is not currently under cultivation. The largest parcel, NCPIN 2738679061, is 44.1 AC in size and is split zoned between I-1 (~14.1 AC) and R-12 (~30 AC). The third parcel is intersected by the City Limits and extends into the ETJ and is split zoned between R-12 (~3.1 AC) and R-15 (~5 AC). The majority of this property is used for tree and shrub cultivation. About 50 acres of the subject property are in the "flood zone." There are no buildings on the subject property at this time. There is the foundation and frame of the mixing facility as the permits were issued by Caldwell County Building Inspections in error, without City of Lenoir approval. When Building Inspections discovered the error, the applicant was routed to City of Lenoir Planning Department for permit review.

Surrounding Properties

The subject parcel at the intersection of Brushy Place and Old Morganton Road (NCPIN 2738674351) is across from several manufactured homes to the east and other low density single family homes to the north and west. The rest of the property extends behind the low density residential area to the western city limits. The parcel at NCPIN 2738650432 is adjacent to the City of Lenoir Lower Creek Waste Water Treatment Facility to the south, the Gamewell city limits to the west, and a paving company to the north.

Intent of the Zoning Districts

The applicant is seeking to rezone the parts of his property that are zoned R-12 and R-15 to R-20 in order to allow for a CUP request for expanded agricultural uses. The applicant is also seeking a conditional use permit for his entire property to be used for tree cultivation. The R-12 and R-15 single family districts are intended to establish and preserve land within the city for low or medium density single-family residences and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded. The R-20 single-family district allows for single family homes on large lots, as well as Agriculture as a conditional use. The I-1 Light Industrial district also allows for a Agriculture as a conditional use.

Proposed Development

The applicant proposes to build an 18' x 24' building to be used to mix agricultural chemicals in a well-ventilated environment on the parcel at the intersection of Brushy Place and Old Morganton Road (NCPIN 2738674351), out of the flood zone. The majority of the acreage owned by the applicant has been used for tree cultivation for several decades, despite not conforming to the uses allowed in the R-12 zone. While the agriculture use can continue in its existing footprint under the nonconforming ordinances, the

BACKGROUND AND ANALYSIS

new mixing facility is being developed on a separate parcel, and must meet current zoning standards. R-20 is one of the zoning districts that allows agriculture with a conditional use permit. The applicant is requesting to retain the existing acreage in the I-1 zoning district “as-is”, in order to preserve future industrial activity in an appropriate zone.

The applicant is the recipient of a matching grant through Soil and Water Conservation’s Agriculture Cost Share Program that provides funding for best management practices for water quality, also known as BMPs. The funded BMP is a Agrichemical Handling Facility which is a “permanent structure that provides environmentally safe means of mixing agrichemicals and filling tanks with agrichemicals for the application [...] of agrichemicals to improve water quality.” The mixing facility is built on a thick concrete pad that is designed to prevent cracks and reduce spillage. For additional information, see the letter of support from Soil and Water Conservation chairman Mike Willis as well as Best Management Practices specification document from the NC Department Agriculture and Consumer Services in Appendix A, attached to this report.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. While the comprehensive plan does not specifically discuss agriculture in the city, there is a guideline to adopt sensible, straightforward zoning standards and procedures easily understood by the general public. There is also an environmentally-conscious theme throughout the plan for new and existing development through protecting riparian areas and adding BMPs when possible. The proposed development meets these guidelines by “correcting” a zoning map error, as well as creating a functional BMP that helps to improve water quality in Lower Creek.

Comparison of Zoning Districts

	Existing	Existing	Proposed
	R-15	R-12	R-20
Development Standards	Min Lot Size - 15,000 ft ²	Minimum Lot Size - 12,000 ft ²	Min Lot Size—20,000 ft ²
	Setbacks	Setbacks	Setbacks
	Front - 40'	Front - 40'	Front—40'
	Side Yard—15'	Side Yard—12'	Side Yard—15'
	Abutting side Street: 25'	Abutting side Street: 25'	Abutting side Street: 25'
	Minimum Rear Yard -	Minimum Rear Yard - 30'	Minimum Rear Yard - 35'
Summary of Permitted Uses	Accessory Cottage or Apartment	Accessory Cottage or Apartment	Accessory Cottage or Apartment
	Dwelling, Group	Dwelling, Group	Dwelling, Group
	Dwelling, Single-Family Detached	Dwelling, Single-Family Detached	Dwelling, Single-Family Detached
Summary of Conditional Uses	Bed and Breakfast	Attached Dwellings	Bed and Breakfast
	Communication Towers	Bed and Breakfast	Agriculture (Limits on Livestock, Chp 3 of Lenoir Code)
	Community Facility	Dwellings, 2 Family	Communication Towers
		Low Density MultiFamily	Community Facilities
		Day Care	Commercial Greenhouses
		Communication Towers	Retailing: Neighborhood Business

STAFF REZONING RECOMMENDATION & CONSISTENCY STATEMENT

Staff recommends approval of the requested rezoning based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it facilitates straightforward zoning standards for the expansion of an existing business. The proposed amendment is reasonable and in the public interest because it provides an opportunity for the business to install a BMP that will aid in improving water quality, and will yield compliance with the zoning standards, preventing future complications if the agriculture business expands or changes in this area.

FINDINGS

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

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The development will comply with all requirements of the R-20 district and I-1 district, respectively.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The applicant's site plan proposes an onsite driveway off of Brushy Place. There is an existing driveway at the dead end of Brushy Place to access the lots under cultivation. The two points of access will reduce vehicular impacts to this property.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *Parking and loading on this site will not be allowed in the required setbacks.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The subject property has been used as a tree farm for many years without hindrance in the surrounding neighborhood. Vehicles accessing the mixing facility will have two points of access, having minimal impacts on Brushy Place.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *A landscape plan was not submitted, however, the property owner will maintain a 30' wide setback on each property line along the property lines adjacent to Old Morganton Road and Brushy Place, as well as along the property lines shared with the property at 2508 Brushy Place.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *No signage is currently planned for this development, but any future signage will be regulated to meet code. Any exterior lighting will be incidental to the needs of the agricultural use, and will be designed to be fully cut-off and shielded from neighboring residential property as a condition.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The proposed development is setback about 100 feet from Old Morganton Road and about 200 feet from Brushy Place. There is a significant grade change, and the facility sits lower than the road. This development does not vary greatly from this low density area.*

FINDINGS CONTINUED

8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *The new development on this site will not vary the intensity of the existing tree farm use.*

STAFF CUP RECOMMENDATION

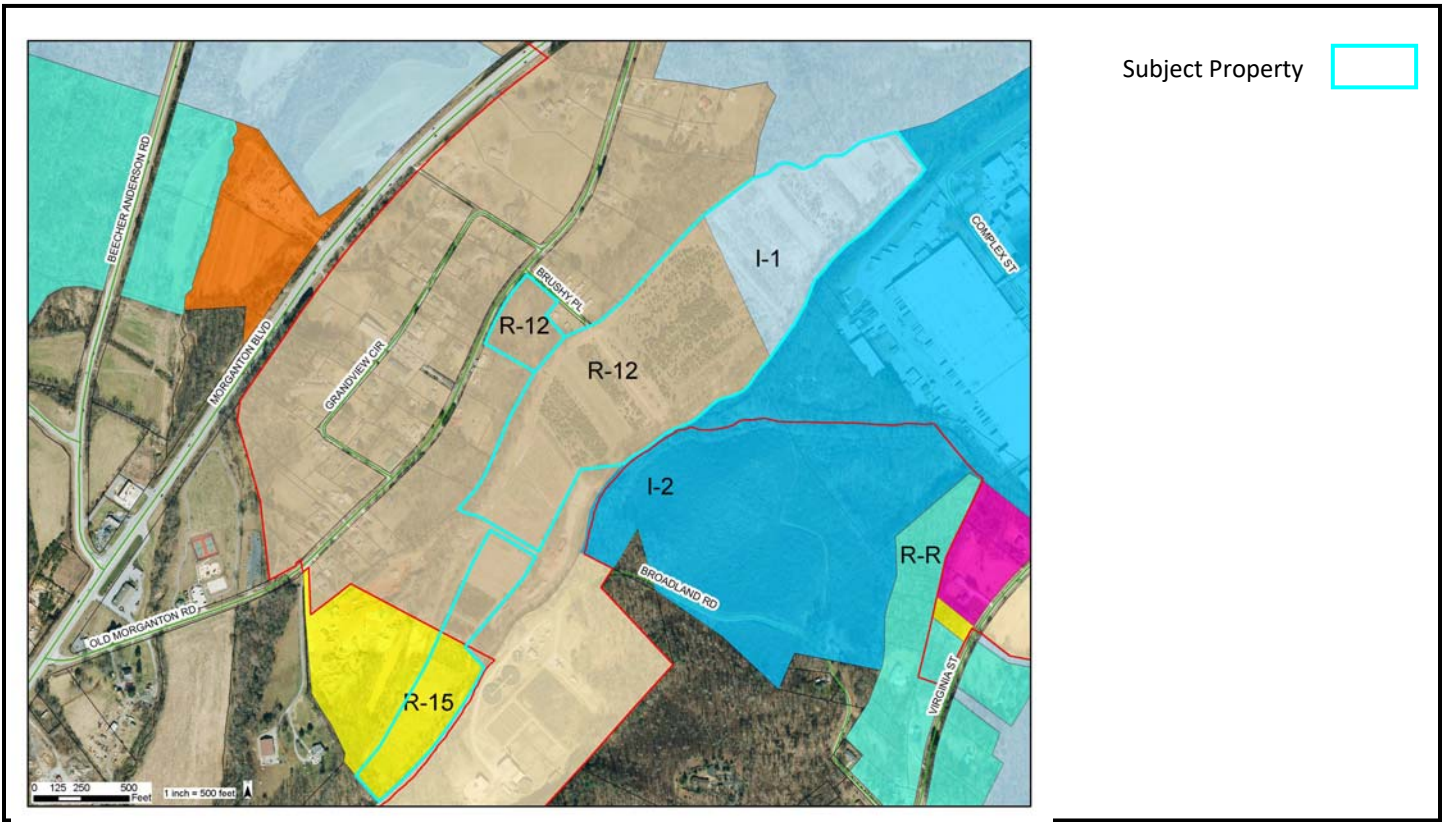
Staff recommends approval of the Conditional Use Permit for the proposed Agrichemical Handling Facility and tree farm, with the following conditions:

1. The Conditional Use Permit is for a tree and shrub farm agriculture use and associated activities. Animals are not permitted, except in accordance with the standards of Chapter 3 of the Lenoir Code of Ordinances.
2. If the agriculture use or agri-chemical facility has not been established within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.
3. A 30' setback will be required along the street side property lines and property lines adjacent to single family residential properties.
4. All development standards of the R-20 and I-1 districts shall apply to new buildings and uses within the respective areas of each zone on this property.
5. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.

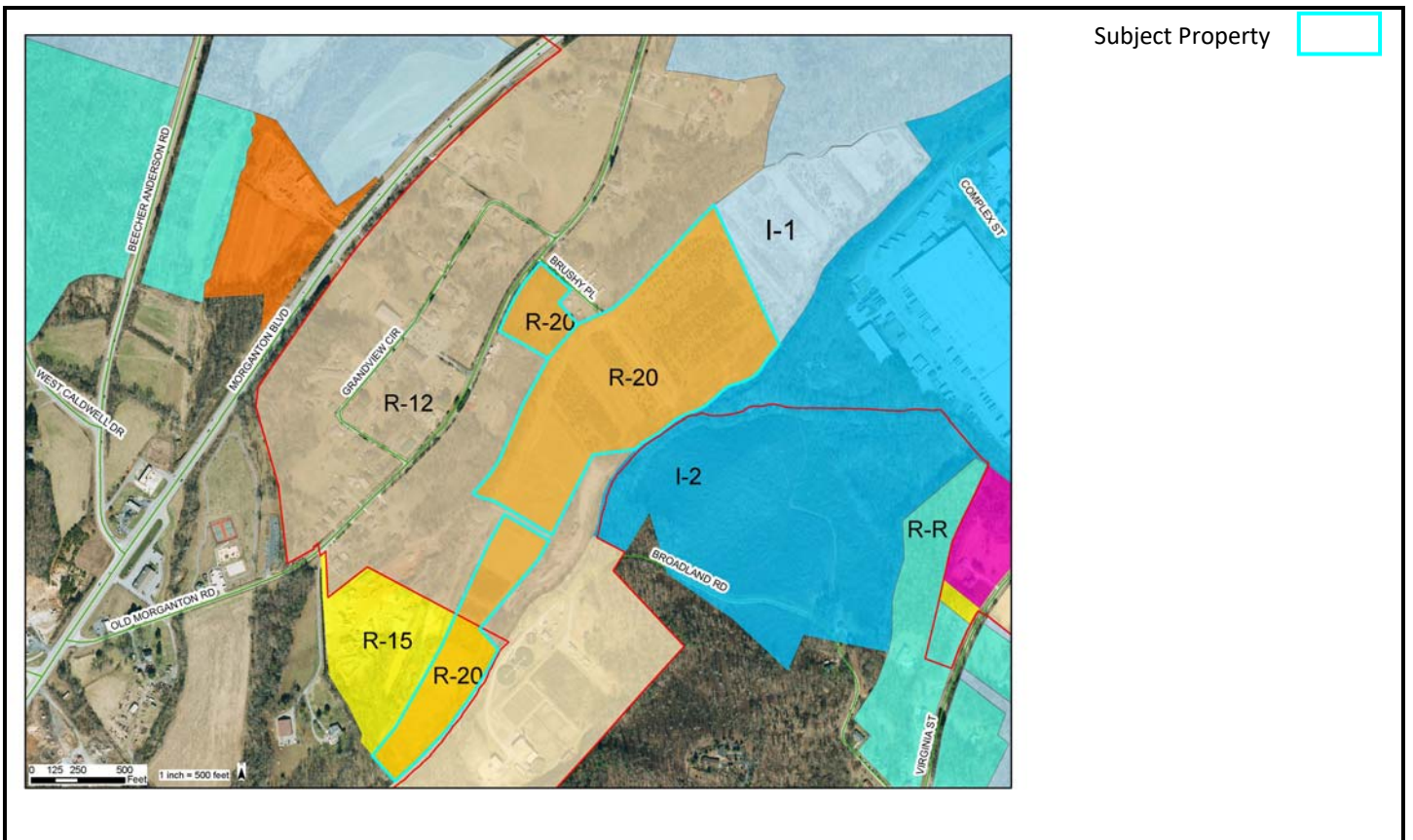
PLANNING BOARD RECOMMENDATIONS

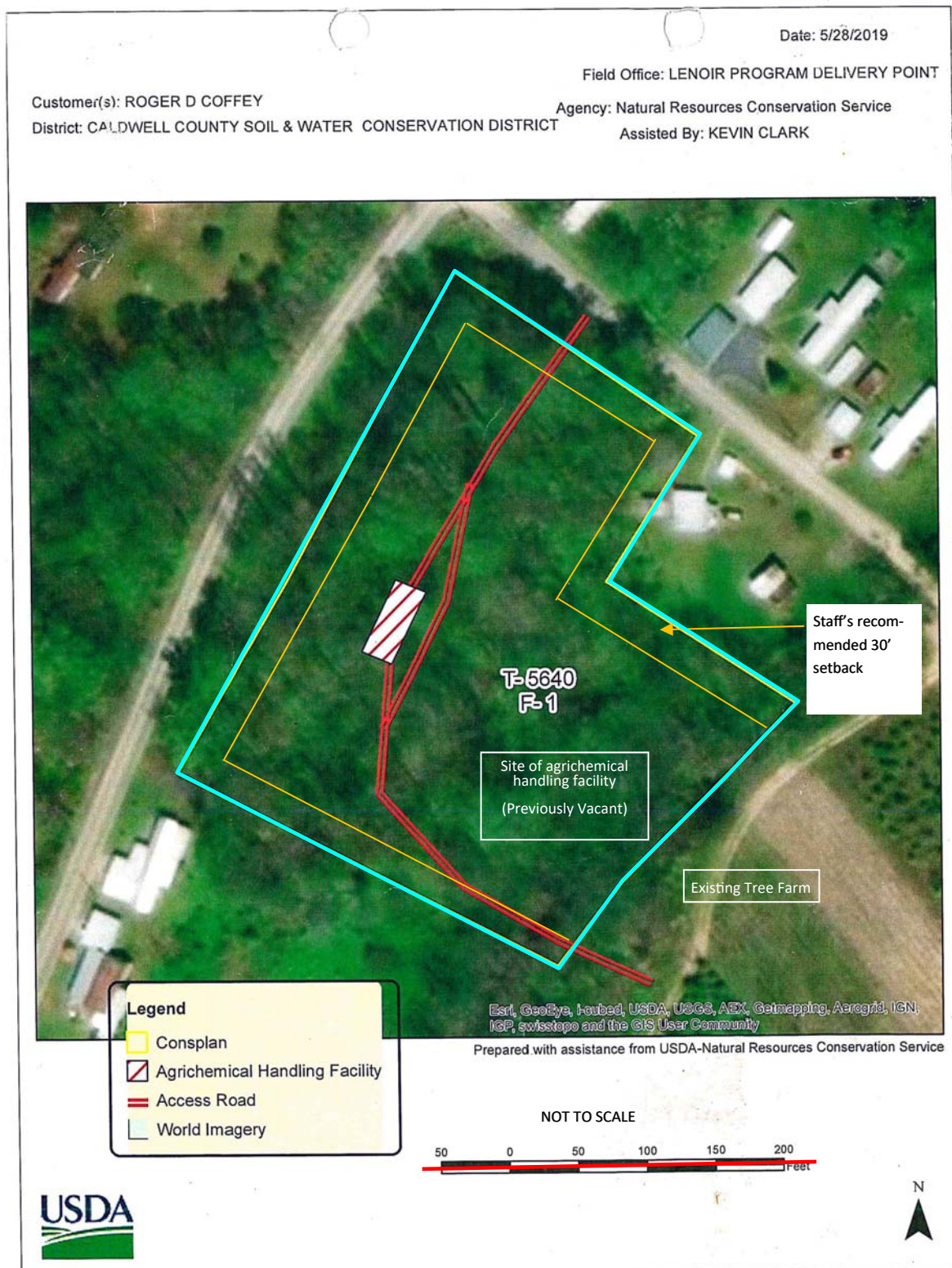
Planning Board recommends approval of the Conditional Use Permit with conditions listed by staff above.

EXISTING ZONING MAP



PROPOSED ZONING MAP





EXISTING CONDITIONS ON SITE



Street view facing subject property from Brushy Place



Street view facing subject property from Old Morganton Road

SURROUNDING PROPERTIES



Three manufactured homes across from subject property



Property adjacent to subject property with several outbuildings

CALDWELL COUNTY SOIL AND WATER CONSERVATION DISTRICT

120 HOSPITAL AVENUE NW., LENOIR NC 28645



October 15th, 2019

City of Lenoir

PO Box 958
801 West Avenue NW
Lenoir, NC 28645

Dear Council Members,

We at the Caldwell County Soil and Water Conservation District align our values with that of the NC Division of Soil and Water Conservation mission statement: "To foster voluntary, incentive-driven management of soil, water, and related natural resources for the benefit of the environment, economy and all citizens." Roger Coffey has utilized our cost share programs to do just that.

Farmers and nurserymen are charged with the role to be good stewards for the land that they tend. Roger, like many others in our area, take that endowed role very seriously, and comes to the Soil and Water Conservation District when he wants to improve his stewardship in one area or another.

The Caldwell County Soil and Water Conservation District would like to extend their support for the rezoning of the property on Brushy Place and the construction of the Agricultural Chemical Handling Facility as it will prevent soil and water contamination that can be a result of accidental chemical spills. Environmental and community benefits will be reaped for the lifetime of the building.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Willis", located below the "Sincerely," text.

Mike Willis
Chairman
Caldwell County Soil and Water Conservation District

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION PRACTICE STANDARD

AGRICHEMICAL HANDLING FACILITY

(No.)

CODE 309

DEFINITION

A facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals.

PURPOSE

To provide an environmentally-safe facility to:

- Mix, load, and clean-up agrichemicals;
- Retain incidental spillage or leakage; and
- Reduce pollution to surface water, ground water, air, and/or soil.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies where:

- The handling of agrichemicals creates significant potential for pollution of surface water, ground water, air and/, or soil, and a facility is needed to properly manage and handle the chemical;
- An adequate water supply is available for filling application equipment tanks, rinsing application equipment and chemical containers as needed for the operation;
- Soils and topography are suitable for construction.

This practice does not apply for the following uses:

- Secure and dry storage of unmixed agrichemicals. Refer to NFPA 30 and other applicable codes and regulations for security and dry storage of agrichemicals.
- Fully enclosed or heated structures
- Handling or storage of fuels.
- Commercial or multi-landowner agrichemical handling operations.

CRITERIA

General Criteria Applicable to All Purposes

Plan, design and construct agrichemical handling facilities to meet all federal, tribal, state and local regulations.

Base the size of the temporary agrichemical rinsate storage on the maximum agrichemical use on the farm for a single growing season from any of the last 5 years.

Ensure the materials in the pad, hoses, pipes, valves, seals, connectors, filters, tanks, and related plumbing are compatible with the agrichemicals being handled and capable of withstanding the intended use.

Outlet drains are not permitted in the agrichemical handling facility.

Posts, pipes, hoses, discharge valves, or other features that may leak liquid chemicals will not pass through the floor, containment storage walls, or the sump.

Where the agrichemical handling facility is separate from the mixing/loading area and a hose is used to load the application equipment, provide containment on the mixing/loading area equal to that in the handling facility.

Criteria for Permanent Facilities

Location. Locate the agrichemical handling facility as follows:

- Adjacent to or as near as practical to the existing agrichemical storage building;
- As far as practical from streams, channels, ponds, lakes, wetlands, sinkholes, and water wells, with a minimum setback distance of 100 feet;

- Isolated and located downwind from residences and other buildings used to store feed, seed, petroleum products, or livestock with a minimum distance as required by local regulations (A minimum distance of 200 feet from residences or other occupied buildings is recommended);
- At sites that have not been previously used for stationary pesticide storage and/or mixing/loading sites that may have been contaminated in the past.

Locate the bottom of the facility a minimum of two feet above any seasonal high water table.

Artificially lowering the water table would be acceptable under the following conditions:

- The artificial drainage system is at least 20 feet from any portion of the agrichemical handling facility including mix/load and transfer pads.
- The drawdown is analyzed using the ellipse equation or equivalent to illustrate the modified seasonal high water table.
- The artificial drainage system discharges to an observable sump with a shut off valve on the outlet pipe that may be closed in the event of an agrichemical spill in or around the agrichemical handling facility
- The design is approved by the State Conservation Engineer.

Locate above the 100-year floodplain elevation. However, if site restrictions require location within a floodplain, design to protect the facility from inundation and damage from the 25-year flood event, or larger if required by laws, rules, and regulations.

Agrichemical Handling Pad. Size the pad to accommodate the largest spraying equipment. Equipment access is allowed from more than one direction. Provide adequate space on pad for maneuvering around equipment. Use a minimum of 2 feet for open facilities and 4 feet for partially enclosed facilities. When practical, base the minimum width of the mixing pad on the width of the spray equipment with the booms retracted. Additional room shall be included as necessary to accommodate worker access, tanks, pumps, hoses, and other equipment.

Slope the pad a minimum of 2% or ¼ inch per foot to allow for drainage to a water-tight collection area or sump.

Design Storage Capacity. Provide a minimum storage volume on the agrichemical handling pad of 250 gallons or 1.25 times the volume of the largest storage or spray tank on the pad, whichever is greater.

For unroofed facilities, provide storage on the pad as stated above or the volume of the 25-year, 24-hour storm, whichever is greater.

Provide a means of storing the accumulated rainfall or spilled agrichemical or field applying the collected volume according to the agrichemical label within 72-hours following the rain or spill event.

Prevent outside runoff water from entering the facility for storms up to the 25-year, 24-hour event.

A curb may be required around the pad to prevent outside runoff from entering the pad area or to contain the design storage volume within the pad area.

Agrichemical Collection. Provide a collection area or sump with adequate dimensions for sediment removal and pump operation. The collection area or sump shall be covered with an appropriate grate. Use a manually activated pump to remove accumulated liquids. A filter shall be installed between the pump and outlet.

Equipment Wash Bay. An equipment wash bay may be included as part of the agrichemical handling facility. A sump common to the mixing/handling area and the wash bay could be utilized.

Rinsate Tanks. Provide rinsate tanks of adequate number and size as needed for the type of operation, allowing for separation of non-compatible agrichemicals. Rinsate tanks shall be located so that any spillage or overflow drains to the sump.

Manufactured Components. Manufactured tanks and components will be structurally sound, capable of withstanding all anticipated loads, and constructed of suitable materials for their intended use. Base the tank sizes on the farm owner or operator agrichemical needs.

Liquid Tight. Design the agrichemical handling pad and other areas needing to be liquid tight with either a flexible membrane liner or according to the structural design section for liquid tight concrete.

Flexible Membrane Liners. All flexible membrane installations will meet the material and installation requirements of the plans and specifications provided for each installation

Flexible membrane liners will be installed under the supervision of a qualified representative of the manufacturer and all field constructed seams shall be tested and repaired in accordance with the manufacturer's recommendations.

Minimum Thickness for Membranes	
Type	Minimum Thickness
HDPE	40 mil thickness
LLDPE	40 mil thickness
PVC	30 mil thickness
FPP-R	45 mil thickness
EPDM	45 mil thickness

Concrete Exposed to Agrichemicals.

Concrete exposed to agrichemicals will meet the requirements of NEH Part 642 Construction Specification 31 – Concrete for Major Structures. Use Class 5000 concrete with a water to cementitious materials ratio (w/cm) less than or equal to 0.40.

Use Type II or V Portland cement meeting the requirements of ASTM C150. Use concrete containing a supplementary cementitious material such as fly ash or natural pozzolan meeting the requirements of ASTM C618, silica fume meeting the requirements of ASTM C1240, ground blast furnace slag meeting the requirements of ASTM C989, or blended supplementary cementitious materials meeting the requirements of ASTM C1697. Use concrete that is air entrained and continuously cured for a period of seven days. The use of a curing compound may not be allowed when a chemically resistant coating is being applied. Refer to manufacturer's product data for these two products when considering using a curing compound and chemically resistant coating.

Any portion of the concrete that could potentially be subjected to continual exposure to caustic chemicals or the abrasive effects of prolonged spray, such as might occur from a leaking pressurized vessel, shall be sealed with a chemically resistant coating. Use a non-vapor barrier coating unless measures are successfully implemented to prevent vapor formation. Coatings must be resistant to the agrichemicals that will be handled at the facility and be installed in accordance with manufacturer recommendations.

Structural Design. For the structural design, address all items that will influence the performance of the structure, including loading assumptions, rinsate storage tanks, material properties, and construction quality. Indicate design assumptions and construction requirements on the plans.

Locate footings below the anticipated frost depth unless measures are designed to accommodate frost/freeze conditions.

Concrete slabs shall be a minimum of 6" thick with a minimum reinforcement of #4 bars each way on 12" center.

Permanent structures will be designed according to the criteria in the following references as appropriate:

- Timber - *National Design Specifications for Wood Construction*, American Forest and Paper Association;
- Steel – *Manual of Steel Construction*, AISC, American Institute of Steel Construction;
- Masonry - *Building Code Requirements for Masonry Structures*, ACI 530, American Concrete Institute;
- Concrete non-liquid tight – *Building Code Requirements for Reinforced Concrete*, ACI 318, American Concrete Institute, for concrete structures; *Guide for the Design and Construction of Concrete Parking Lots*, ACI 330R, American Concrete Institute, for slabs-on-ground subject to distributed stationary loads, light vehicular traffic, or infrequent use by heavy trucks or agricultural equipment; *Guide to Design of Slabs-on-Ground*, ACI 360R, American Concrete Institute, for slabs-on-ground

subject to regular or frequent heavy truck or heavy agricultural equipment traffic.

- Concrete liquid tight – *Structural Engineering*, NRCS National Engineering Manual (NEM) Part 536, for concrete structures; *Requirements for Environmental Concrete Structures, Slabs-on-Soil, ACI 350 Appendix H*, for concrete slabs.

Roofed Facilities. When using a roof to cover the facility, use minimum snow and wind loads as specified in the current edition of ASCE 7, *Minimum Design Loads for Buildings and Other Structures*. Roof columns shall be located at the perimeter of the chemical handling pad to prevent interference with equipment. Ensure adequate clearance is provided between the lowest roof member and the highest area of the pad for the equipment being used. Roof structures shall provide a roof overhang a minimum of 2 feet to prevent rainfall from blowing into the facility. For partially enclosed facilities, a ridge vent shall also be provided.

Partially Enclosed Facilities. Facilities shall not be fully enclosed or heated structures. Facilities are allowed to be partially enclosed to prevent precipitation from entering through the endwalls and sidewalls. Partially enclosed facilities shall provide for a sufficient amount of natural ventilation to occur and should include a minimum of 2 feet opening between the roof and sidewalls. The facility may contain endwalls and doors for security and safety purposes to restrict access when the facility is not in use. If doors are installed, they shall remain open when the facility is being used for the mixing of agrichemicals.

Electrical Components. All electrical systems and components shall meet the requirements of the National Electric Code (NEC).

Water Supply. Provide an adequate water supply for mixing agrichemicals, rinsing tanks and containers, and for emergency health and safety needs as appropriate for the facility. Provide all pipelines and hoses with backflow prevention and other hardware, as needed. Backflow preventers, anti-siphon devices or a minimum 2 inch air gap shall be installed on a water supply lines. If a pump and well are planned, they shall be located outside of the facility and meet the distance requirements listed under Location.

Safety. Include appropriate safety features in an easily accessible location to minimize the hazards of the facility. Provide warning signs, emergency eyewash station, deluge shower, spill response kits, fire extinguishers and other devices to ensure the safety of humans. Provide adequate natural ventilation at all times for partially enclosed facilities. Fully enclosed facilities shall not be allowed. Provide controlled access for the facility to prevent entry of unauthorized personnel, livestock, or other animals.

Vegetation. Stabilize disturbed areas, as necessary, using the criteria listed under “Establishment of Vegetation” in the conservation practice standard Critical Area Planting (342) and/or the state planting guide to prevent erosion. Vegetation used to stabilize areas adjacent to the facility must be resistant to herbicide drift and accidental runoff.

Criteria for Portable Facilities

A portable agrichemical handling facility is a manufactured portable device that can be easily moved from field to field and will meet the needs of the user.

Pad. The pad will be constructed of durable material that is chemically resistant for the intended agrichemicals. The minimum containment capacity of the pad is 1.25 times the volume of the largest individual agrichemical container or tank that will be located on the pad. Include a sump or other provisions for easy recovery of spilled liquid.

CONSIDERATIONS

For permanent facilities, the agrichemical handling facility may cause an increase in water use at the site from the mixing of agrichemicals and rinsing of agrichemical sprayers, containers and agrichemical-handling pad.

Consider installing rinsing devices so that residual contents of agrichemical containers can be adequately rinsed. The rinse system could operate from the nurse tank discharge pump or a separate pump that provides adequate pressure. Verify with the manufacturer of the facility that any pump to be used in pressure rinsing is compatible with the rinse device. Dispose of clean, empty agrichemical containers in accordance with local and State requirements.

Consider providing a roof over permanent facilities.

Consider installing an apron at the facility entrance to minimize sediment transport onto the pad.

Consider providing a mixing platform for filling agrichemical sprayers and mounting tanks high enough to provide for gravity flow into mixing tanks or sprayers.

For portable handling facilities, consider using a top/bottom-loading valve with built-in check valve in the hose from the nurse tank to the spray tank. This will enable the operator to remain on the ground while filling the sprayer.

PLANS AND SPECIFICATIONS

Plans and specifications shall describe the requirements for applying this practice. At a minimum, include the following:

1. A plan view of facility layout.
2. Pertinent elevations of the facility.
3. Location of water features.
4. Location of electrical lines, gas lines, and requirements for burial and quality of materials.
5. Structural details of all components.
6. Electrical details of all components.
7. Plumbing details of all components.
8. Locations and details of safety features.
9. Where a roof structure is used to protect the facility, include design data and building dimensions.
10. Ingress/egress to the facility
11. Vegetative requirements.
12. Quantities.
13. Drainage/grading plan if needed.
14. Soil and foundation findings, interpretations, and reports.
15. Temporary erosion control measures during construction.

Review plans and specifications of portable agrichemical handling facilities. Ensure that the information submitted by the manufacturer on the proposed facility meets the requirements of this standard.

OPERATION AND MAINTENANCE

Develop an operation and maintenance (O&M) plan that is consistent with the purpose of the practice, the intended design life, safety requirements, design criteria, and all local, state,

and federal laws and regulations. A copy of the O&M plan shall be located at the facility.

The O&M Plan is to address the following:

- Brief description of the facility. Define parameters used to size and design the facility such as storage tank and equipment sizes.
- The facility will not be used for purposes other than the storing, mixing, loading, cleaning, and maintenance of materials and equipment used for agrichemical application.
- An inventory of agrichemicals to be stored or handled at the facility. Material Safety Data Sheets must be available on site.
- The proposed method of handling and disposing of rinsate, washwater, and spills.
- A process for handling accumulated rainfall.
- A process for handling accumulated sediment.
- A strategy for cleaning surfaces between different agrichemical mixing operations.
- An inspection plan of structural components such as the condition of concrete, curbing, sump, access roads, building structure, etc. Note the timing of inspections, conditions that would cause concern, and required actions as appropriate.
- Any weekly, monthly, or annual maintenance that may be necessary for the proper functioning of the system components including, but not limited to, concrete surfaces, sumps, pumps, hoses, pipelines, building materials, electrical equipment, and other materials and equipment.
- A schedule of any required written inspection and maintenance reports.
- Proper winterization of the facility.
- Required safety signage.
- An Emergency Response Plan with safety procedures in the event of an accidental spill, exposure, fire, or other hazardous incident. Provide a list of safety equipment, contact names, and phone numbers.

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2019****I. Agenda Item:**

CUP 2-19: A CUP for a tree farm and Agri-chemical handling facility in the R-20 (Low Density Single Family) district off of Old Morganton Road and Brushy Place.

II. Background Information:

The applicant is requesting a Conditional Use Permit for the expansion of the established agriculture use and construction of an 18' x 24' agri-chemical handling facility. The land is currently used as a tree farm. An accessory shed that will be used as a chemical mixing facility is currently under construction. In order for this new development to comply with the Lenoir Zoning Ordinance, a CUP for agricultural use is necessary.

Please see the R 4-19 Staff Report relating to this case.

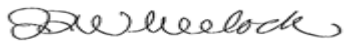
III. Staff and Planning Board Recommendation:

Approval of the CUP along with the conditions recommended by staff.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

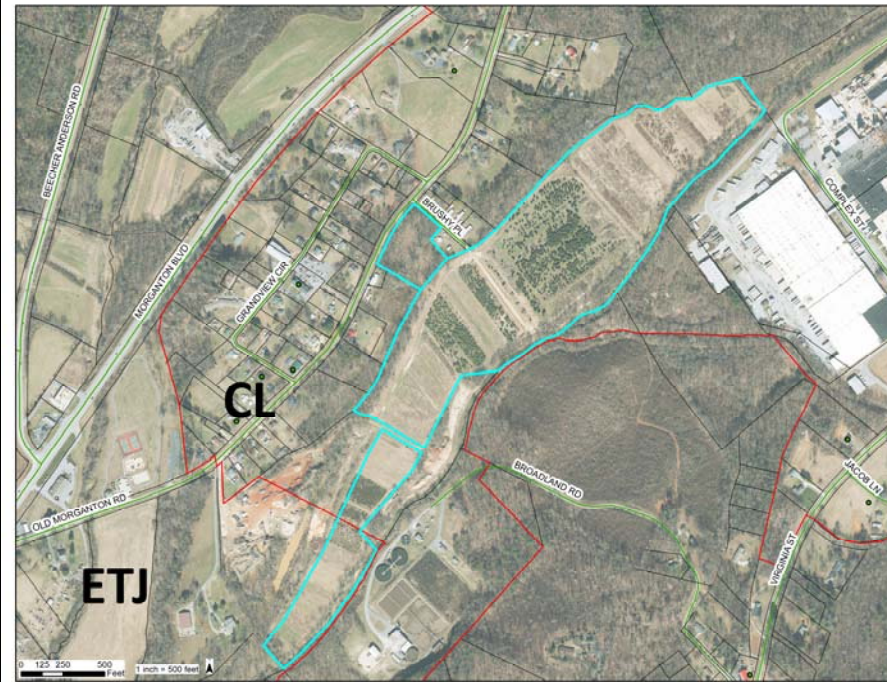


Staff Report

Rezoning and Conditional Use Permit

CASE NUMBER R#4-19/CUP #2-19

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property



City Limits Boundary



SUMMARY

Owner

Roger and Deborah Coffey

Applicant

Roger Coffey

Location

Old Morganton Road and
Brushy Place

NC PIN

2738674351, 2738650432, and
26 AC of 2738679061

Project Planner

Hannah Williams

Updated October 4, 2019

Applicant's Request:

The applicant is requesting a rezoning from R-12 and R-15 to R-20 and a Conditional Use Permit for the expansion of the established agriculture use and construction of a 18' x 24' agri-chemical handling facility.

Staff Recommendation:

Approval of the rezoning request, based on the consistency statement on page 4 and approval of the conditional use permit based on the conditions in this report.

Planning Board Recommendation:

Public Comment:

Planning Board Meeting: Scheduled for September 23, 2019. Notices were mailed to property owners within 100 ft. of the subject property on September 13, 2019.

City Council (Public Hearing): Scheduled for October 15, 2019. Notices were mailed to property owners within 100 ft. of the subject property on October 4, 2019.

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

BACKGROUND AND ANALYSIS

Zoning Map Amendments

The City of Lenoir Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of Conditional Use Permits

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

Subject Property

The subject property is located on the western boundary of the city limits. The parcel at the intersection of Brushy Place and Old Morganton Road is zoned R-12, is 2.77 AC in size, and is not currently under cultivation. The largest parcel, NCPIN 2738679061, is 44.1 AC in size and is split zoned between I-1 (~14.1 AC) and R-12 (~30 AC). The third parcel is intersected by the City Limits and extends into the ETJ and is split zoned between R-12 (~3.1 AC) and R-15 (~5 AC). The majority of this property is used for tree and shrub cultivation. About 50 acres of the subject property are in the "flood zone." There are no buildings on the subject property at this time. There is the foundation and frame of the mixing facility as the permits were issued by Caldwell County Building Inspections in error, without City of Lenoir approval. When Building Inspections discovered the error, the applicant was routed to City of Lenoir Planning Department for permit review.

Surrounding Properties

The subject parcel at the intersection of Brushy Place and Old Morganton Road (NCPIN 2738674351) is across from several manufactured homes to the east and other low density single family homes to the north and west. The rest of the property extends behind the low density residential area to the western city limits. The parcel at NCPIN 2738650432 is adjacent to the City of Lenoir Lower Creek Waste Water Treatment Facility to the south, the Gamewell city limits to the west, and a paving company to the north.

Intent of the Zoning Districts

The applicant is seeking to rezone the parts of his property that are zoned R-12 and R-15 to R-20 in order to allow for a CUP request for expanded agricultural uses. The applicant is also seeking a conditional use permit for his entire property to be used for tree cultivation. The R-12 and R-15 single family districts are intended to establish and preserve land within the city for low or medium density single-family residences and compatible land uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded. The R-20 single-family district allows for single family homes on large lots, as well as Agriculture as a conditional use. The I-1 Light Industrial district also allows for a Agriculture as a conditional use.

Proposed Development

The applicant proposes to build an 18' x 24' building to be used to mix agricultural chemicals in a well-ventilated environment on the parcel at the intersection of Brushy Place and Old Morganton Road (NCPIN 2738674351), out of the flood zone. The majority of the acreage owned by the applicant has been used for tree cultivation for several decades, despite not conforming to the uses allowed in the R-12 zone. While the agriculture use can continue in its existing footprint under the nonconforming ordinances, the

BACKGROUND AND ANALYSIS

new mixing facility is being developed on a separate parcel, and must meet current zoning standards. R-20 is one of the zoning districts that allows agriculture with a conditional use permit. The applicant is requesting to retain the existing acreage in the I-1 zoning district “as-is”, in order to preserve future industrial activity in an appropriate zone.

The applicant is the recipient of a matching grant through Soil and Water Conservation’s Agriculture Cost Share Program that provides funding for best management practices for water quality, also known as BMPs. The funded BMP is a Agrichemical Handling Facility which is a “permanent structure that provides environmentally safe means of mixing agrichemicals and filling tanks with agrichemicals for the application [...] of agrichemicals to improve water quality.” The mixing facility is built on a thick concrete pad that is designed to prevent cracks and reduce spillage. For additional information, see the letter of support from Soil and Water Conservation chairman Mike Willis as well as Best Management Practices specification document from the NC Department Agriculture and Consumer Services in Appendix A, attached to this report.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. While the comprehensive plan does not specifically discuss agriculture in the city, there is a guideline to adopt sensible, straightforward zoning standards and procedures easily understood by the general public. There is also an environmentally-conscious theme throughout the plan for new and existing development through protecting riparian areas and adding BMPs when possible. The proposed development meets these guidelines by “correcting” a zoning map error, as well as creating a functional BMP that helps to improve water quality in Lower Creek.

Comparison of Zoning Districts

	Existing	Existing	Proposed
	R-15	R-12	R-20
Development Standards	Min Lot Size - 15,000 ft ²	Minimum Lot Size - 12,000 ft ²	Min Lot Size—20,000 ft ²
	Setbacks	Setbacks	Setbacks
	Front - 40'	Front - 40'	Front—40'
	Side Yard—15'	Side Yard—12'	Side Yard—15'
	Abutting side Street: 25'	Abutting side Street: 25'	Abutting side Street: 25'
	Minimum Rear Yard -	Minimum Rear Yard - 30'	Minimum Rear Yard - 35'
Summary of Permitted Uses	Accessory Cottage or Apartment	Accessory Cottage or Apartment	Accessory Cottage or Apartment
	Dwelling, Group	Dwelling, Group	Dwelling, Group
	Dwelling, Single-Family Detached	Dwelling, Single-Family Detached	Dwelling, Single-Family Detached
Summary of Conditional Uses	Bed and Breakfast	Attached Dwellings	Bed and Breakfast
	Communication Towers	Bed and Breakfast	Agriculture (Limits on Livestock, Chp 3 of Lenoir Code)
	Community Facility	Dwellings, 2 Family	Communication Towers
		Low Density MultiFamily	Community Facilities
		Day Care	Commercial Greenhouses
		Communication Towers	Retailing: Neighborhood Business

STAFF REZONING RECOMMENDATION & CONSISTENCY STATEMENT

Staff recommends approval of the requested rezoning based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it facilitates straightforward zoning standards for the expansion of an existing business. The proposed amendment is reasonable and in the public interest because it provides an opportunity for the business to install a BMP that will aid in improving water quality, and will yield compliance with the zoning standards, preventing future complications if the agriculture business expands or changes in this area.

FINDINGS

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

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The development will comply with all requirements of the R-20 district and I-1 district, respectively.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The applicant's site plan proposes an onsite driveway off of Brushy Place. There is an existing driveway at the dead end of Brushy Place to access the lots under cultivation. The two points of access will reduce vehicular impacts to this property.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *Parking and loading on this site will not be allowed in the required setbacks.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The subject property has been used as a tree farm for many years without hindrance in the surrounding neighborhood. Vehicles accessing the mixing facility will have two points of access, having minimal impacts on Brushy Place.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *A landscape plan was not submitted, however, the property owner will maintain a 30' wide setback on each property line along the property lines adjacent to Old Morganton Road and Brushy Place, as well as along the property lines shared with the property at 2508 Brushy Place.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *No signage is currently planned for this development, but any future signage will be regulated to meet code. Any exterior lighting will be incidental to the needs of the agricultural use, and will be designed to be fully cut-off and shielded from neighboring residential property as a condition.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The proposed development is setback about 100 feet from Old Morganton Road and about 200 feet from Brushy Place. There is a significant grade change, and the facility sits lower than the road. This development does not vary greatly from this low density area.*

FINDINGS CONTINUED

8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *The new development on this site will not vary the intensity of the existing tree farm use.*

STAFF CUP RECOMMENDATION

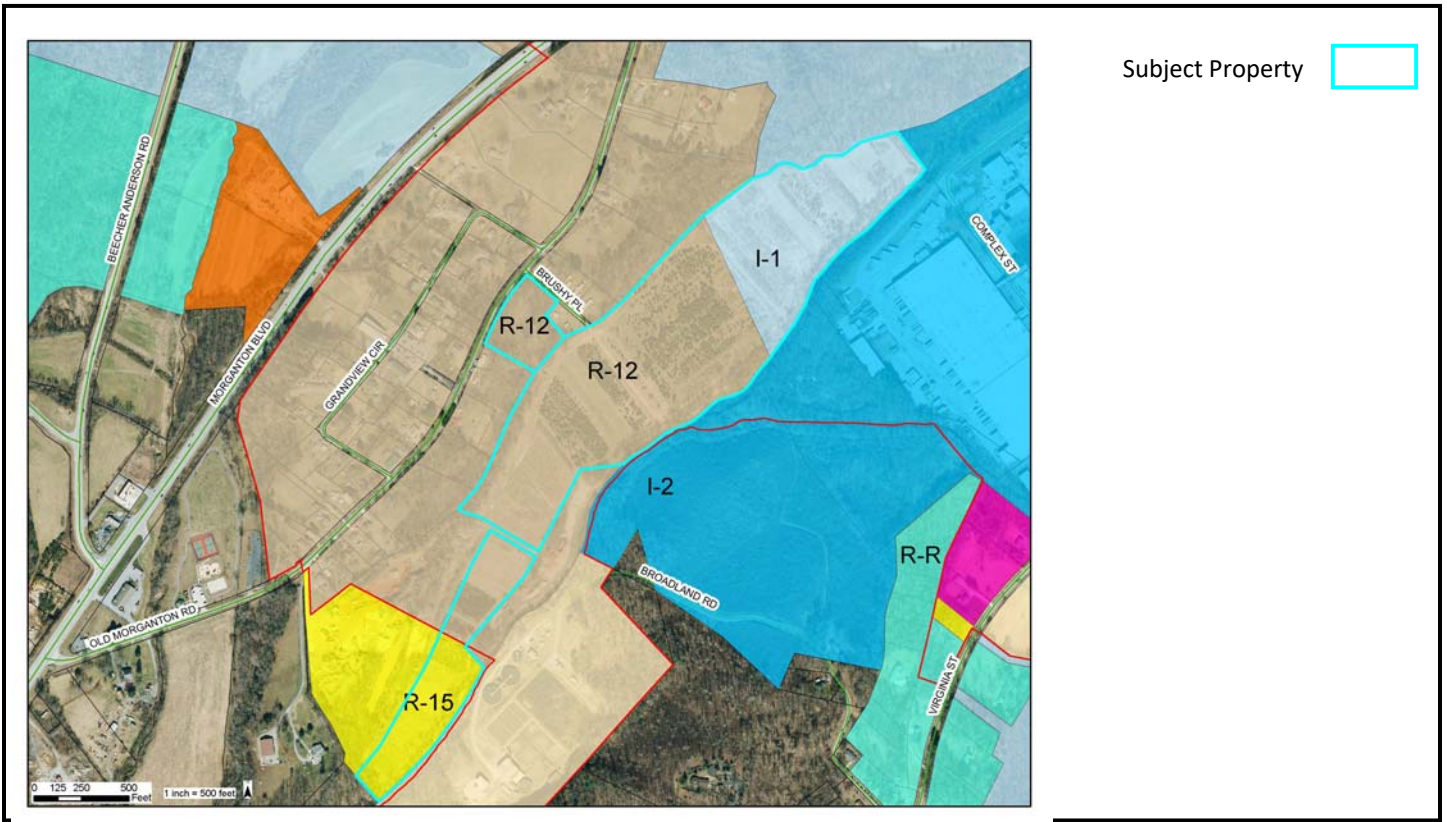
Staff recommends approval of the Conditional Use Permit for the proposed Agrichemical Handling Facility and tree farm, with the following conditions:

1. The Conditional Use Permit is for a tree and shrub farm agriculture use and associated activities. Animals are not permitted, except in accordance with the standards of Chapter 3 of the Lenoir Code of Ordinances.
2. If the agriculture use or agri-chemical facility has not been established within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.
3. A 30' setback will be required along the street side property lines and property lines adjacent to single family residential properties.
4. All development standards of the R-20 and I-1 districts shall apply to new buildings and uses within the respective areas of each zone on this property.
5. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.

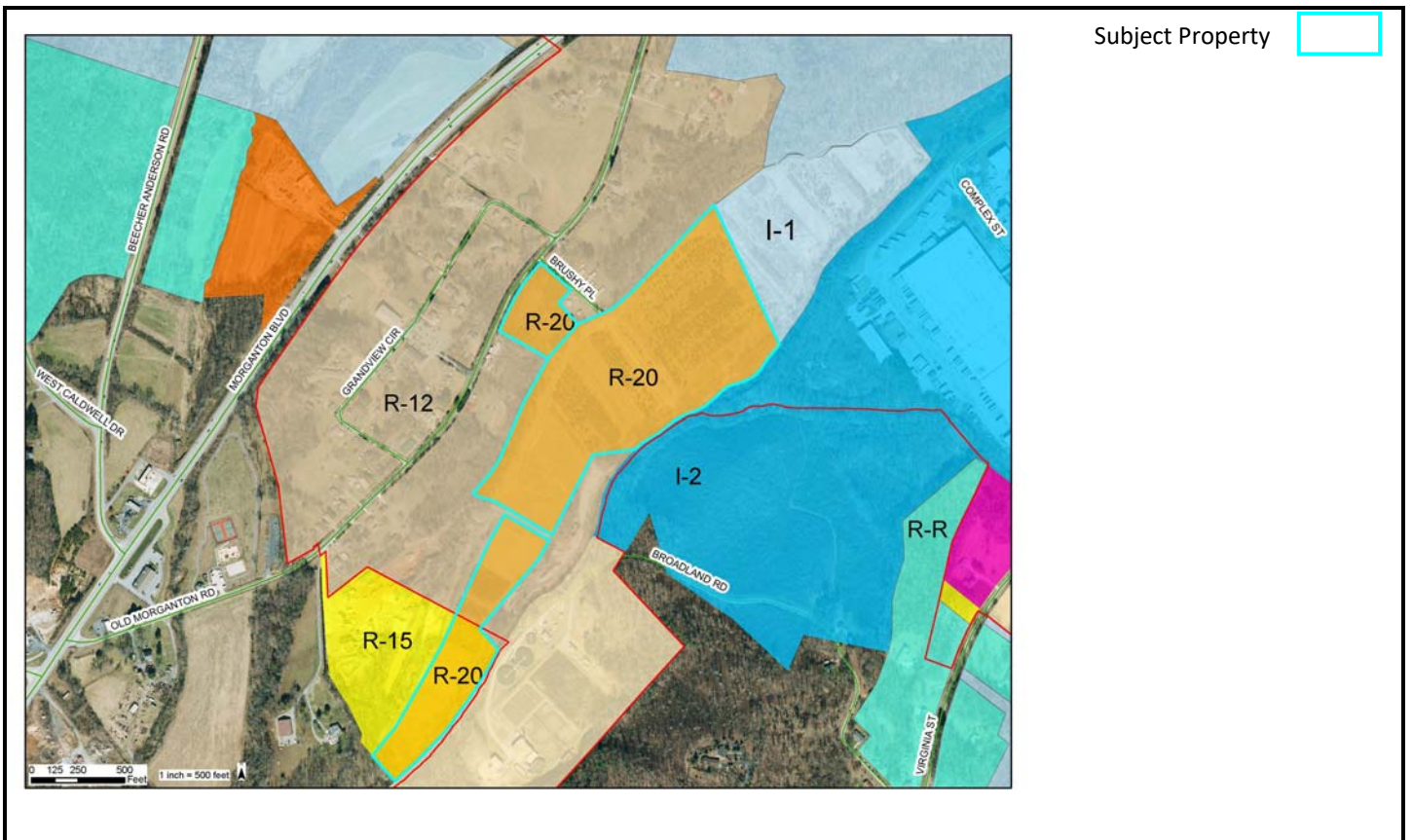
PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of the Conditional Use Permit with conditions listed by staff above.

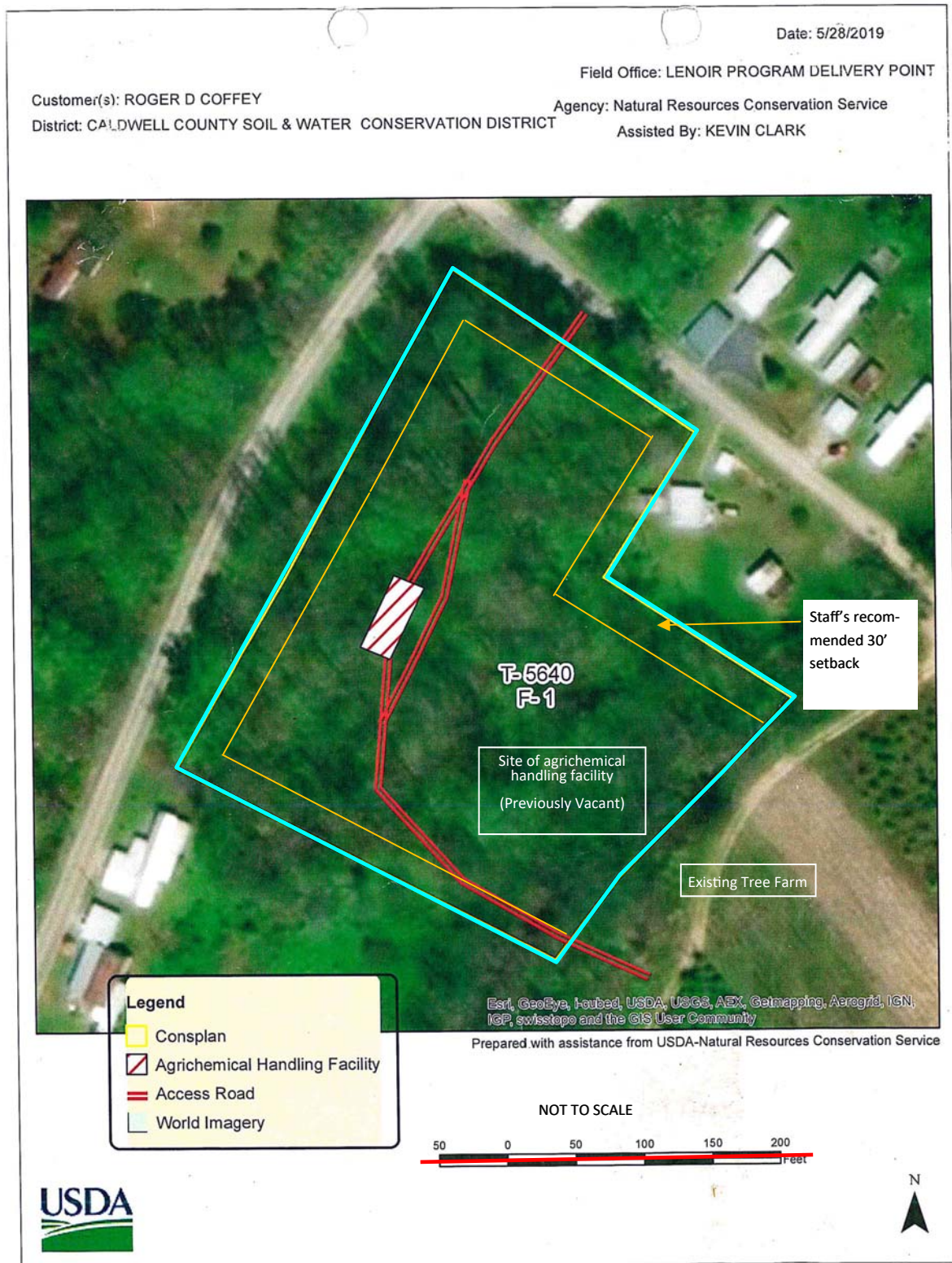
EXISTING ZONING MAP



PROPOSED ZONING MAP



APPLICANT'S SITE PLAN



EXISTING CONDITIONS ON SITE



Street view facing subject property from Brushy Place



Street view facing subject property from Old Morganton Road

SURROUNDING PROPERTIES



Three manufactured homes across from subject property



Property adjacent to subject property with several outbuildings

CALDWELL COUNTY SOIL AND WATER CONSERVATION DISTRICT

120 HOSPITAL AVENUE NW., LENOIR NC 28645



October 15th, 2019

City of Lenoir

PO Box 958
801 West Avenue NW
Lenoir, NC 28645

Dear Council Members,

We at the Caldwell County Soil and Water Conservation District align our values with that of the NC Division of Soil and Water Conservation mission statement: "To foster voluntary, incentive-driven management of soil, water, and related natural resources for the benefit of the environment, economy and all citizens." Roger Coffey has utilized our cost share programs to do just that.

Farmers and nurserymen are charged with the role to be good stewards for the land that they tend. Roger, like many others in our area, take that endowed role very seriously, and comes to the Soil and Water Conservation District when he wants to improve his stewardship in one area or another.

The Caldwell County Soil and Water Conservation District would like to extend their support for the rezoning of the property on Brushy Place and the construction of the Agricultural Chemical Handling Facility as it will prevent soil and water contamination that can be a result of accidental chemical spills. Environmental and community benefits will be reaped for the lifetime of the building.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Willis", located below the "Sincerely," text.

Mike Willis
Chairman
Caldwell County Soil and Water Conservation District

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION PRACTICE STANDARD

AGRICHEMICAL HANDLING FACILITY

(No.)

CODE 309

DEFINITION

A facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals.

PURPOSE

To provide an environmentally-safe facility to:

- Mix, load, and clean-up agrichemicals;
- Retain incidental spillage or leakage; and
- Reduce pollution to surface water, ground water, air, and/or soil.

CONDITIONS WHERE PRACTICE APPLIES

This practice applies where:

- The handling of agrichemicals creates significant potential for pollution of surface water, ground water, air and/, or soil, and a facility is needed to properly manage and handle the chemical;
- An adequate water supply is available for filling application equipment tanks, rinsing application equipment and chemical containers as needed for the operation;
- Soils and topography are suitable for construction.

This practice does not apply for the following uses:

- Secure and dry storage of unmixed agrichemicals. Refer to NFPA 30 and other applicable codes and regulations for security and dry storage of agrichemicals.
- Fully enclosed or heated structures
- Handling or storage of fuels.
- Commercial or multi-landowner agrichemical handling operations.

CRITERIA

General Criteria Applicable to All Purposes

Plan, design and construct agrichemical handling facilities to meet all federal, tribal, state and local regulations.

Base the size of the temporary agrichemical rinsate storage on the maximum agrichemical use on the farm for a single growing season from any of the last 5 years.

Ensure the materials in the pad, hoses, pipes, valves, seals, connectors, filters, tanks, and related plumbing are compatible with the agrichemicals being handled and capable of withstanding the intended use.

Outlet drains are not permitted in the agrichemical handling facility.

Posts, pipes, hoses, discharge valves, or other features that may leak liquid chemicals will not pass through the floor, containment storage walls, or the sump.

Where the agrichemical handling facility is separate from the mixing/loading area and a hose is used to load the application equipment, provide containment on the mixing/loading area equal to that in the handling facility.

Criteria for Permanent Facilities

Location. Locate the agrichemical handling facility as follows:

- Adjacent to or as near as practical to the existing agrichemical storage building;
- As far as practical from streams, channels, ponds, lakes, wetlands, sinkholes, and water wells, with a minimum setback distance of 100 feet;

- Isolated and located downwind from residences and other buildings used to store feed, seed, petroleum products, or livestock with a minimum distance as required by local regulations (A minimum distance of 200 feet from residences or other occupied buildings is recommended);
- At sites that have not been previously used for stationary pesticide storage and/or mixing/loading sites that may have been contaminated in the past.

Locate the bottom of the facility a minimum of two feet above any seasonal high water table.

Artificially lowering the water table would be acceptable under the following conditions:

- The artificial drainage system is at least 20 feet from any portion of the agrichemical handling facility including mix/load and transfer pads.
- The drawdown is analyzed using the ellipse equation or equivalent to illustrate the modified seasonal high water table.
- The artificial drainage system discharges to an observable sump with a shut off valve on the outlet pipe that may be closed in the event of an agrichemical spill in or around the agrichemical handling facility
- The design is approved by the State Conservation Engineer.

Locate above the 100-year floodplain elevation. However, if site restrictions require location within a floodplain, design to protect the facility from inundation and damage from the 25-year flood event, or larger if required by laws, rules, and regulations.

Agrichemical Handling Pad. Size the pad to accommodate the largest spraying equipment. Equipment access is allowed from more than one direction. Provide adequate space on pad for maneuvering around equipment. Use a minimum of 2 feet for open facilities and 4 feet for partially enclosed facilities. When practical, base the minimum width of the mixing pad on the width of the spray equipment with the booms retracted. Additional room shall be included as necessary to accommodate worker access, tanks, pumps, hoses, and other equipment.

Slope the pad a minimum of 2% or ¼ inch per foot to allow for drainage to a water-tight collection area or sump.

Design Storage Capacity. Provide a minimum storage volume on the agrichemical handling pad of 250 gallons or 1.25 times the volume of the largest storage or spray tank on the pad, whichever is greater.

For unroofed facilities, provide storage on the pad as stated above or the volume of the 25-year, 24-hour storm, whichever is greater.

Provide a means of storing the accumulated rainfall or spilled agrichemical or field applying the collected volume according to the agrichemical label within 72-hours following the rain or spill event.

Prevent outside runoff water from entering the facility for storms up to the 25-year, 24-hour event.

A curb may be required around the pad to prevent outside runoff from entering the pad area or to contain the design storage volume within the pad area.

Agrichemical Collection. Provide a collection area or sump with adequate dimensions for sediment removal and pump operation. The collection area or sump shall be covered with an appropriate grate. Use a manually activated pump to remove accumulated liquids. A filter shall be installed between the pump and outlet.

Equipment Wash Bay. An equipment wash bay may be included as part of the agrichemical handling facility. A sump common to the mixing/handling area and the wash bay could be utilized.

Rinsate Tanks. Provide rinsate tanks of adequate number and size as needed for the type of operation, allowing for separation of non-compatible agrichemicals. Rinsate tanks shall be located so that any spillage or overflow drains to the sump.

Manufactured Components. Manufactured tanks and components will be structurally sound, capable of withstanding all anticipated loads, and constructed of suitable materials for their intended use. Base the tank sizes on the farm owner or operator agrichemical needs.

Liquid Tight. Design the agrichemical handling pad and other areas needing to be liquid tight with either a flexible membrane liner or according to the structural design section for liquid tight concrete.

Flexible Membrane Liners. All flexible membrane installations will meet the material and installation requirements of the plans and specifications provided for each installation

Flexible membrane liners will be installed under the supervision of a qualified representative of the manufacturer and all field constructed seams shall be tested and repaired in accordance with the manufacturer's recommendations.

Minimum Thickness for Membranes	
Type	Minimum Thickness
HDPE	40 mil thickness
LLDPE	40 mil thickness
PVC	30 mil thickness
FPP-R	45 mil thickness
EPDM	45 mil thickness

Concrete Exposed to Agrichemicals.

Concrete exposed to agrichemicals will meet the requirements of NEH Part 642 Construction Specification 31 – Concrete for Major Structures. Use Class 5000 concrete with a water to cementitious materials ratio (w/cm) less than or equal to 0.40.

Use Type II or V Portland cement meeting the requirements of ASTM C150. Use concrete containing a supplementary cementitious material such as fly ash or natural pozzolan meeting the requirements of ASTM C618, silica fume meeting the requirements of ASTM C1240, ground blast furnace slag meeting the requirements of ASTM C989, or blended supplementary cementitious materials meeting the requirements of ASTM C1697. Use concrete that is air entrained and continuously cured for a period of seven days. The use of a curing compound may not be allowed when a chemically resistant coating is being applied. Refer to manufacturer's product data for these two products when considering using a curing compound and chemically resistant coating.

Any portion of the concrete that could potentially be subjected to continual exposure to caustic chemicals or the abrasive effects of prolonged spray, such as might occur from a leaking pressurized vessel, shall be sealed with a chemically resistant coating. Use a non-vapor barrier coating unless measures are successfully implemented to prevent vapor formation. Coatings must be resistant to the agrichemicals that will be handled at the facility and be installed in accordance with manufacturer recommendations.

Structural Design. For the structural design, address all items that will influence the performance of the structure, including loading assumptions, rinsate storage tanks, material properties, and construction quality. Indicate design assumptions and construction requirements on the plans.

Locate footings below the anticipated frost depth unless measures are designed to accommodate frost/freeze conditions.

Concrete slabs shall be a minimum of 6" thick with a minimum reinforcement of #4 bars each way on 12" center.

Permanent structures will be designed according to the criteria in the following references as appropriate:

- Timber - *National Design Specifications for Wood Construction*, American Forest and Paper Association;
- Steel – *Manual of Steel Construction*, AISC, American Institute of Steel Construction;
- Masonry - *Building Code Requirements for Masonry Structures*, ACI 530, American Concrete Institute;
- Concrete non-liquid tight – *Building Code Requirements for Reinforced Concrete*, ACI 318, American Concrete Institute, for concrete structures; *Guide for the Design and Construction of Concrete Parking Lots*, ACI 330R, American Concrete Institute, for slabs-on-ground subject to distributed stationary loads, light vehicular traffic, or infrequent use by heavy trucks or agricultural equipment; *Guide to Design of Slabs-on-Ground*, ACI 360R, American Concrete Institute, for slabs-on-ground

subject to regular or frequent heavy truck or heavy agricultural equipment traffic.

- **Concrete liquid tight** – *Structural Engineering*, NRCS National Engineering Manual (NEM) Part 536, for concrete structures; *Requirements for Environmental Concrete Structures, Slabs-on-Soil, ACI 350 Appendix H*, for concrete slabs.

Roofed Facilities. When using a roof to cover the facility, use minimum snow and wind loads as specified in the current edition of ASCE 7, *Minimum Design Loads for Buildings and Other Structures*. Roof columns shall be located at the perimeter of the chemical handling pad to prevent interference with equipment. Ensure adequate clearance is provided between the lowest roof member and the highest area of the pad for the equipment being used. Roof structures shall provide a roof overhang a minimum of 2 feet to prevent rainfall from blowing into the facility. For partially enclosed facilities, a ridge vent shall also be provided.

Partially Enclosed Facilities. Facilities shall not be fully enclosed or heated structures. Facilities are allowed to be partially enclosed to prevent precipitation from entering through the endwalls and sidewalls. Partially enclosed facilities shall provide for a sufficient amount of natural ventilation to occur and should include a minimum of 2 feet opening between the roof and sidewalls. The facility may contain endwalls and doors for security and safety purposes to restrict access when the facility is not in use. If doors are installed, they shall remain open when the facility is being used for the mixing of agrichemicals.

Electrical Components. All electrical systems and components shall meet the requirements of the National Electric Code (NEC).

Water Supply. Provide an adequate water supply for mixing agrichemicals, rinsing tanks and containers, and for emergency health and safety needs as appropriate for the facility. Provide all pipelines and hoses with backflow prevention and other hardware, as needed. Backflow preventers, anti-siphon devices or a minimum 2 inch air gap shall be installed on a water supply lines. If a pump and well are planned, they shall be located outside of the facility and meet the distance requirements listed under Location.

Safety. Include appropriate safety features in an easily accessible location to minimize the hazards of the facility. Provide warning signs, emergency eyewash station, deluge shower, spill response kits, fire extinguishers and other devices to ensure the safety of humans. Provide adequate natural ventilation at all times for partially enclosed facilities. Fully enclosed facilities shall not be allowed. Provide controlled access for the facility to prevent entry of unauthorized personnel, livestock, or other animals.

Vegetation. Stabilize disturbed areas, as necessary, using the criteria listed under “Establishment of Vegetation” in the conservation practice standard Critical Area Planting (342) and/or the state planting guide to prevent erosion. Vegetation used to stabilize areas adjacent to the facility must be resistant to herbicide drift and accidental runoff.

Criteria for Portable Facilities

A portable agrichemical handling facility is a manufactured portable device that can be easily moved from field to field and will meet the needs of the user.

Pad. The pad will be constructed of durable material that is chemically resistant for the intended agrichemicals. The minimum containment capacity of the pad is 1.25 times the volume of the largest individual agrichemical container or tank that will be located on the pad. Include a sump or other provisions for easy recovery of spilled liquid.

CONSIDERATIONS

For permanent facilities, the agrichemical handling facility may cause an increase in water use at the site from the mixing of agrichemicals and rinsing of agrichemical sprayers, containers and agrichemical-handling pad.

Consider installing rinsing devices so that residual contents of agrichemical containers can be adequately rinsed. The rinse system could operate from the nurse tank discharge pump or a separate pump that provides adequate pressure. Verify with the manufacturer of the facility that any pump to be used in pressure rinsing is compatible with the rinse device. Dispose of clean, empty agrichemical containers in accordance with local and State requirements.

Consider providing a roof over permanent facilities.

Consider installing an apron at the facility entrance to minimize sediment transport onto the pad.

Consider providing a mixing platform for filling agrichemical sprayers and mounting tanks high enough to provide for gravity flow into mixing tanks or sprayers.

For portable handling facilities, consider using a top/bottom-loading valve with built-in check valve in the hose from the nurse tank to the spray tank. This will enable the operator to remain on the ground while filling the sprayer.

PLANS AND SPECIFICATIONS

Plans and specifications shall describe the requirements for applying this practice. At a minimum, include the following:

1. A plan view of facility layout.
2. Pertinent elevations of the facility.
3. Location of water features.
4. Location of electrical lines, gas lines, and requirements for burial and quality of materials.
5. Structural details of all components.
6. Electrical details of all components.
7. Plumbing details of all components.
8. Locations and details of safety features.
9. Where a roof structure is used to protect the facility, include design data and building dimensions.
10. Ingress/egress to the facility
11. Vegetative requirements.
12. Quantities.
13. Drainage/grading plan if needed.
14. Soil and foundation findings, interpretations, and reports.
15. Temporary erosion control measures during construction.

Review plans and specifications of portable agrichemical handling facilities. Ensure that the information submitted by the manufacturer on the proposed facility meets the requirements of this standard.

OPERATION AND MAINTENANCE

Develop an operation and maintenance (O&M) plan that is consistent with the purpose of the practice, the intended design life, safety requirements, design criteria, and all local, state,

and federal laws and regulations. A copy of the O&M plan shall be located at the facility.

The O&M Plan is to address the following:

- Brief description of the facility. Define parameters used to size and design the facility such as storage tank and equipment sizes.
- The facility will not be used for purposes other than the storing, mixing, loading, cleaning, and maintenance of materials and equipment used for agrichemical application.
- An inventory of agrichemicals to be stored or handled at the facility. Material Safety Data Sheets must be available on site.
- The proposed method of handling and disposing of rinsate, washwater, and spills.
- A process for handling accumulated rainfall.
- A process for handling accumulated sediment.
- A strategy for cleaning surfaces between different agrichemical mixing operations.
- An inspection plan of structural components such as the condition of concrete, curbing, sump, access roads, building structure, etc. Note the timing of inspections, conditions that would cause concern, and required actions as appropriate.
- Any weekly, monthly, or annual maintenance that may be necessary for the proper functioning of the system components including, but not limited to, concrete surfaces, sumps, pumps, hoses, pipelines, building materials, electrical equipment, and other materials and equipment.
- A schedule of any required written inspection and maintenance reports.
- Proper winterization of the facility.
- Required safety signage.
- An Emergency Response Plan with safety procedures in the event of an accidental spill, exposure, fire, or other hazardous incident. Provide a list of safety equipment, contact names, and phone numbers.

CITY OF LENOIR**COUNCIL ACTION FORM: October 15, 2019****I. Agenda Item:**

An ordinance amending the parking regulations related to multi-family residential uses in the City of Lenoir.

II. Background Information:

The current ordinance requires 2 spaces per dwelling unit for multi-family uses, regardless of the number of bedrooms. The proposed amendment changes the parking requirements to be more sensitive to the actual parking demands of a proposed development, with less parking required for studios and 1-bedroom apartments than those with more bedrooms. Overall, this represents a reduction in parking requirements for multi-family uses, reducing construction costs and impervious surface impacts of parking for multi-family projects while ensuring that sufficient parking is constructed for each project.

A comparison of parking requirements in place for surrounding communities is attached for information.

III. Staff and Planning Board Recommendation:

Approval of ordinance amending the parking requirements.

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Planning Director:  _____

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO REQUIRED PARKING
RATIOS, PROVIDING FOR SEVERABILITY, CODIFICATION,
AND AN EFFECTIVE DATE.**

Whereas, the Lenoir Zoning Ordinance currently requires 2 spaces for every multi-family apartment unit, regardless of size, rather than linking parking requirements to the number of bedrooms in each unit; and

Whereas, the Lenoir City Council and the Lenoir Planning Board recognize the need for additional housing types to be developed within the City, especially smaller units to serve young professionals and retirees looking for an alternative to detached single family homes; and

Whereas, the development of parking areas adds to the overall cost of development, as well as the overall environmental impact of the development, and therefore requiring parking to be provided in excess of typical demand unnecessarily increases the cost and impact of development; and

Whereas, the code currently does not provide any standards for, or incentive for, the provision of parking for motorcycles and bicycles, despite the growing popularity of these alternative personal transportation modes; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City's adopted Comprehensive Plan, which calls for sensible, straight-forward zoning standards, a reduction in large expanses of asphalt for parking, and the encouragement of affordable housing for all stages of life, as well as the Bicycle Plan, which calls for code changes to address bicycle parking; and

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

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

SECTION 1. Appendix A, Article X of the Code of Ordinances, City of Lenoir, North Carolina, "Off-Street Parking and Loading Requirements" is hereby amended to read as follows:

TABLE OF MINIMUM PARKING REQUIREMENTS

~~Where parking ratios are based on ratios per 1,000 sq. ft. of gross floor area, a~~ All partial parking spaces ~~space requirements~~ of .4 or less will be rounded down and all partial parking spaces of .5 or greater will be rounded up to the next nearest whole number to determine the minimum number of parking spaces required for the particular use or development.

For uses required to have more than 4 parking spaces, providing designated and marked areas for motorcycle and/or bicycle parking shall count towards the required parking requirements as follows: Every 2 motorcycle parking spaces or bike rack spaces provided shall reduce the required number of automobile parking spaces by 1 space, for up to a 10% reduction of the required parking.

TYPE OF USE	OFF-STREET PARKING REQUIRED
Multifamily Residential** (elderly and handicapped units)	<u>1 space per dwelling unit</u>
Multifamily Residential** (non-elderly)	2 spaces per dwelling unit <u>1 space for every studio or 1-bedroom unit</u> <u>1.5 spaces for every 2-bedroom unit</u> <u>2 spaces for 3+ bedroom units</u> <u>Required parking is calculated based on the overall breakdown of unit types in the proposed development.</u>
Manufactured Home Park	2 spaces per manufactured home space
Automobile Service Stations	3 spaces for each grease or wash rack and 3 parking spaces for each 1,000 square feet of gross floor area
Bank or Savings & Loan	3 space for each 1,000 square feet gross floor area plus stacking space for 5 vehicles at each drive-through window (including the car being served)(1)
Business and Professional Offices	3 spaces for each 1,000 square feet gross floor area
Cultural and Community Facility	3 spaces for each 1,000 square feet gross floor area
Doctors and Dentists Offices	3 spaces per 1,000 square feet gross floor area
Educational Facility Elementary or Junior High School* Senior High School or College*	1 space for each 20 students plus one bus space per 100 students for students 1 space for each 4 students plus 1 space for each 100 students plus 1 space for each 15 students for staff
Funeral Home	1 space for each 3 seats in the chapel or parlor or 3 spaces for each 1,000 square feet of gross floor area, whichever is greater
Group Care Facility * (Nursing Homes, Rest Homes, etc.)	1 space for each 3 patient beds
Hospital *	2 spaces for each patient bed
Hotel	1 parking space for each room to be rented

Manufacturing	1 space for each 2 employees at maximum employment on a single shift, plus sufficient parking space for each company vehicle, plus 3 spaces for each 1,000 square feet of sales and service area
Tennis court	2 spaces per court
Ball field	1 space per 5 seats in stand
Religious Complexes	1 space for each 3 seats in principal assembly room
Restaurants * (no drive-through)	1 space for each 3 seats
Restaurants (drive-through)	1 space for each 3 seats plus stacking space for 5 vehicles at each drive-through window (including the car being served) (1)
Retail Business	3 spaces for each 1,000 square feet of gross floor area
Service and Repair Establishment	3 spaces for each 1,000 square feet of floor area not used for storage
Warehouse	3 spaces for each 1,000 square feet of sales and office area and 1 space for each 2 employees at maximum employment
* Based on Design Capacity	
** Units designated for occupancy by persons over 60 years of age or handicapped or disabled shall be required to provide 80 percent of the parking required for other types of multi-family housing. Such designations shall be made by a public agency (such as Lenoir Housing Authority, HUD, Farmers Home Administration) for subsidized apartments or by the private developer in a form prescribed by the Planning Department which would be attached to and made a part of the Certificate of Occupancy.	
(1) Stacking spaces must be (a) a minimum of 9 ft. in width, as measured from any service window to the outside edge of the driveway, and 18 ft. in length; (b) placed in a single or double line behind the drive through window; and (c) located so that, when in use, they do not obstruct ingress/egress to the site and do not obstruct access to required parking or loading spaces.	

SECTION 2. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 4. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this _____ day of _____ and this _____ day of _____, 2019.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2019.

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

Mayor/Mayor Pro Tempore

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

City Clerk

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

Comparison of Multi-Family Parking Requirements						
Town	Studio	1-bedroom	2-bedroom	3-bedroom	Senior Housing Reductions	Other requirements
	(Numbers below represent number of spaces required per unit)					
Asheville	1	1	1	2	-	-
Blowing Rock	1.5	1.5	2	2.5	1/unit for seniors	+1 additional space for every 4 units in development
Hickory	1.5	1.5	1.5	1.5	.6/unit for Seniors	-
Morganton	2	2	2	2	1/accessory dwelling units	-
Salisbury	1	1	2	2	-	Bike parking required at 5% of automobile parking
Wilkesboro	2	2	2	2.5	1 space/resident – senior and group homes	-
Lenoir – Existing	2	2	2	2	1/unit	-
Lenoir – Proposed	1	1	1.5	2	80% of required parking for senior housing	Up to 20% reduction in parking when motorcycle parking and/or bicycle racks are required.

**LENOIR CITY COUNCIL
TUESDAY, OCTOBER 1, 2019
6:00 P.M.**

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

I. CALL TO ORDER

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

COMMENDED; CITY

STAFF: B. On behalf of City Council, Mayor Gibbons commended Police Chief Brent Phelps and Staff for the successful National Night Out event that was held on Tuesday, October 1 in downtown Lenoir. Mayor Gibbons also thanked City Staff for all they do for the citizens of Lenoir.

FY2018-2019 AUDIT

REPORT: C. Eric Bowman, PA, presented the FY2018-2019 Audit Report for the City of Lenoir. Mr. Bowman reported there was a net change of \$995,347 added to the City's Fund Balance which as of June 30, equals to 57% or seven months of expenditures in reserves. He stated the City has experienced two great financial years in a row.

In addition, Mr. Bowman reported the City's Enterprise Fund for Water and Sewer has \$1,435,173 in revenues and commended Staff for their cost savings efforts regarding both the General Fund and Fund Balance. It was noted the City's net change in position is \$2,124,827 and the City increased its General Fund by 3% and Water and Sewer Fund by 2%.

Mr. Bowman shared the City's long-term debt has increased by \$5,498,360 (35.3%), but he pointed out that 49% of this debt is at 0% interest. Mr. Bowman explained this new debt is comprised of the City's Metering Project and construction of Fire Station No. 3.

Mr. Bowman commended Finance Director Donna Bean and Staff for all their hard work regarding the budget and stated everyone with the City is great to work with. He remarked that Staff has done an outstanding job over the past year.

On behalf of City Council, Mayor Gibbons expressed Council's appreciation of City Staff and all they do for the citizens of Lenoir. Mayor Gibbons also commended City Manager Hildebran for all of his cost savings efforts and remarked "he ran a good ship".

Councilmember Stevens reiterated the City has great staff and managing personnel and pointed out that Council has been able to cover its cost without putting it on the backs of the citizens.

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to accept the FY2018-2019 Annual Audit Report as presented.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

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

1. Minutes: Approval of the minutes of the City Council Meeting of Tuesday, September 17, 2019, as submitted.
2. Minutes: Approval of the minutes of the Committee of the Whole meeting of Tuesday, September 24, 2019 as submitted.

Upon a motion by Mayor Pro-Tem Willis, Council voted 7 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

2020 HOLIDAY

SCHEDULE: 1. The 2020 Holiday Schedule was submitted to Council as information. (A copy of the schedule is hereby incorporated into these minutes as reference. Refer to page 481).

2020 CITY COUNCIL MEETING

SCHEDULE: 2. The 2020 City Council Meeting Schedule was reviewed and approved by City Council as submitted. (A copy of the Meeting Schedule is hereby incorporated into these minutes by reference. Refer to pages 482-483).

NATIONAL NIGHT

OUT: 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.

OPEN HOUSE; FIRE STATION

- NO. 3:** 4. An Open House will be held for the new Fire Station No. 3 located at 1015 Wilkesboro Boulevard on Monday, October 7 from 4:00 p.m. – 7:00 p.m.

FIRE PREVENTION

- WEEK:** 5. Fire Prevention Week is scheduled on Sunday, October 6 through Saturday, October 12. Staff will be participating in several programs throughout the Caldwell County School System.

CALDWELL COUNTY ECONOMIC DEVELOPMENT

COMMISSION:

6. The Caldwell County Economic Development Commission will meet on Tuesday, October 8 at 8:00 a.m.

CANCELLED; LENOIR TOURISM DEVELOPMENT

- AUTHORITY:** 7. The Lenoir Tourism Development Authority has cancelled its meeting of Thursday, October 3. The next meeting will be held on Thursday, November 14 at 4:00 p.m. at City Hall, Third Floor, former Council Chambers.

LENOIR BUSINESS ADVISORY

- BOARD:** 8. The Lenoir Business Advisory will meet on Thursday, October 10 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.

CITY/COUNTY SERVICES

COMMITTEE:

9. The City/County Services Committee will meet on Monday, October 14 at 11:45 a.m.

SMOKING IN THE FOOTHILLS

BARBEQUE FESTIVAL:

10. 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.

EARLY VOTING SCHEDULE;

MUNICIPAL ELECTIONS:

11. 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

DELEGATE/ALTERNATE DELEGATE;

NLC CITY SUMMIT:

1. Upon a motion by Councilmember Thomas, Council voted 7 to 0 to appoint Todd Perdue to serve as the City's Delegate at the National League of Cities (NLC) City Summit's Annual Business Meeting in San Antonio, Texas on Saturday,

November 23. Mayor Pro-Tem Ben Willis was appointed to serve as the Alternate Delegate.

**APPALACHIAN REGIONAL COMMISSION (ARC);
GRANT ADMINISTRATION:**

2. Staff recommended 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.

A copy of the Grant Management Services Agreement is hereby incorporated into these minutes by reference. (Refer to pages 484-492).

City Manager Hildebran reminded Council they approved the Appalachian Regional Grant earlier in the spring for the purpose of cleaning up the former Broyhill site located at the corner of College Avenue and Virginia Street. Mr. Hildebran stated the cost of the project is \$768,000 and the grant amount is \$300,000. The City will also allocate \$250,000 from Fund Balance.

Upon a motion by Councilmember Perdue, Council voted 7 to 0 to approve the Grant Services Agreement with the WPOCG in the amount of \$20,000 (not to exceed) as recommended by City Staff.

**BUDGET AMENDMENT; SANITATION DIVISION;
TWO REFUSE TRUCKS:**

3. Staff recommends approval of an amendment to be made to the annual budget ordinance for the fiscal year ending June 30, 2020 as follows: a) Adjustment to the General Fund (Sanitation) to allocate \$258,000 from fund balance to purchase two (2) used automated side-loading trucks automated refuse trucks from the Town of Sawmills. It was noted that City Council authorized Staff at the September 24 Committee of the Whole meeting to submit a bid for these trucks to replace some of the City's aging fleet and move to a more automated solid waste collection process.

A copy of the budget amendment is hereby incorporated into these minutes by reference. (Refer to page 493).

City Manager Hildebran explained the City was the successful bidder for the two refuse trucks which consist of a 2009 (LE 600 Mack Truck) and a 2018 (LR 613 Mack Truck). Mr. Hildebran further stated the City will also be trading in a 40-foot trailer from the Fire Department as well.

On behalf of City Council, Mayor Gibbons thanked Public Works Director Jared Wright for all of his assistance regarding this purchase.

Upon a motion by Councilmember Prestwood, Council voted 7 to 0 to approve the budget amendment as described above and 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

CLOSED SESSION:

- A. Pursuant to N.C.G.S. §143-318.11(a), (4), and upon a motion by Councilmember Perkins, Council voted 7 to 0 to enter into closed session to discuss economic development.

OPEN SESSION:

- B. Upon a motion by Mayor Pro-Tem Willis, Council voted unanimously to re-enter into open session.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned 6:22 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

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
December 24, 25, & 28**

Christmas Holiday

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 am.

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.
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*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)
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November 18-21

City Summit
(Tampa, Florida)

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.

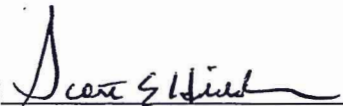
IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of the date first above written.

LOCAL GOVERNMENT:
CITY OF LENOIR

PLANNING AGENCY:
WESTERN PIEDMONT COUNCIL
OF GOVTS.

By: 
Joseph L. Gibbons, Mayor

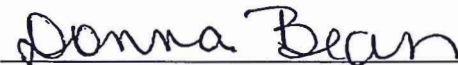
By: _____
Executive Director

By: 
Scott E. Hildebran, City Manager

PLANNING AGENCY:
By: _____
Chairman

Preaudit statement:

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

By: 
Donna Bean, Local Government Finance Officer

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851
SEAL

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.

**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

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item: Construction Bid Award – Lower Creek Wastewater Treatment Plant Biosolids Project

Background Information: The City of Lenoir has planned for and received formal bids for the construction of improvements to the Lower Creek Wastewater Treatment Plant biosolids handling facility. A total of six (6) bids were received and opened on October 3, 2019 for the Biosolids Improvements Project. The project generally consists of the installation of a new belt press, thermal dryer system and related improvements to piping, valves, electrical systems and telemetry systems (A copy of the bid tabulation and other supporting documentation is attached for your review.). Brushy Mountain Builders of Lenoir, NC was the lowest responsive, responsible bidder with a total base bid amount of \$4,259,000.00.

The bid has been reviewed by McGill Associates for completeness and compliance with applicable state bidding requirements and they have reviewed the bid with city staff.

II. Staff Recommendation: Staff recommends City Council approval of the proposed resolution to award the project to Brushy Mountain Builders in the amount of \$4,259,000.00 contingent upon the approval of the NC Division of Environmental Quality, Division of Water Infrastructure. Brushy Mountain Builders is appropriately licensed with the NC General Contractor Board and has successfully completed similar projects.

It is also recommended that the City establish a construction contingency of 4.5% (\$192,000.00) of the construction amount due to the unknowns that could exist within a facility of this type and age. In addition, it is recommended that Council grant the City Manager authority to execute necessary change orders associated with the project (within the established project contingency) and report those change orders to the city council.

III. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____

October 8, 2019

Mr. Radford L. Thomas
Director of Public Utilities
City of Lenoir
rlthomas@ci.lenoir.nc.us
Post Office Box 958
Lenoir, North Carolina 28645

SENT VIA EMAIL

RE: Award Recommendation
Biosolids Facility Improvements
Project No. E-SRP-W-17-0044
City of Lenoir, North Carolina

Dear Mr. Thomas:

A total of six (6) bids were received on October 3, 2019 for the Biosolids Facility Improvements project. Brushy Mountain Builders was the lowest responsive, responsible bidder with a total base bid amount of \$4,259,000. In addition to the base bid, several alternate bids were submitted. As we discussed, Alternate No. 5 (submersible jet aerator in lieu of a submersible mixer) for no price increase is the only alternate bid recommended.

Brushy Mountain Builders is appropriately licensed with the NC General Contractor Licensing Board and has completed similar projects. Therefore, we recommend that the City award the project to Brushy Mountain Builders in the amount of \$4,259,000. The award should be made contingent upon approval by NC DEQ Division of Water Infrastructure (DWI).

It is also recommended that the City establish a construction contingency in the amount of \$192,000, or 4.5% of the contract price. This is important due to uncertainties with work on an operational and previously disturbed plant site. Finally, to maintain the project schedule, it is recommended that the City Council grant the City Manager the authority to approve change orders within the contingency amount.

Enclosed for your use is the Certified Bid Tabulation. If you have any questions, please do not hesitate to contact us.

Sincerely,
McGILL ASSOCIATES, P.A.

A handwritten signature in blue ink, appearing to read 'Joel Whitford', written over a blue horizontal line.

JOEL WHITFORD, PE
Senior Project Manager

jw:

Enclosure

CERTIFIED BID TABULATION
BIOSOLIDS FACILITY IMPROVEMENTS
CITY OF LENOIR NORTH CAROLINA

Thursday, October 3, 2019; 2:00 pm

Former City Council Chambers, 3rd Floor, City Hall, 801 West Main Street, Lenoir, North Carolina 28645

BIDDER	TOTAL BASE BID INCLUDING ALLOWANCES	ALTERNATE BID ITEMS				
		No. 1 <i>Add</i>	No. 2 <i>Deduct</i>	No. 3 <i>Add</i>	No. 4 <i>Add</i>	No. 5 <i>Add</i>
Brushy Mountain Builders	\$4,259,000	\$350,000	(\$100,000)	\$91,000	\$86,000	\$0
The Harper Corporation	\$4,509,000	\$57,715	(\$128,671)	\$88,096	\$88,096	\$16,250
Gilbert Engineering Company	\$4,755,930	\$170,360	(\$247,300)	\$86,150	\$86,000	\$10,200
Frizzell Construction Co., Inc.	\$4,887,000	\$500,000	(\$150,000)	\$65,000	\$65,000	\$0
M. B. Kahn Construction	\$5,187,000	\$56,000	(\$280,574)	\$67,767	\$66,228	\$9,728
Carolina Grading & Utilities, Inc.	\$5,509,432	\$250,000	(\$168,000)	\$70,843	\$68,882	\$67,000
J S Haren Company	No Bid	-----	-----	-----	-----	-----

This is to certify that the bids tabulated herein were accompanied by a 5% bid bond or certified check and publicly opened and read aloud at 2:00 pm local time on the 3rd day of October 2019 in the former Council Chambers (3rd Floor), City Hall, 801 West Avenue NW, Lenoir, North Carolina 28645.

JOEL WHITFORD, PE



1240 19th Street Lane NW
Hickory, North Carolina 28601
License No. C-0459



RESOLUTION BY LENOIR CITY COUNCIL

WHEREAS, the City of Lenoir, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the **Biosolids Facility Improvements**, and

WHEREAS, the City's Consulting Engineer, McGill Associates, has reviewed the bids; and

WHEREAS, of six (6) bids, Brushy Mountain Builders of Lenoir, North Carolina was the lowest responsive, responsible bidder for the Biosolids Facility Improvements, in the total bid amount of \$4,259,000, and

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

That **TENTATIVE AWARD** is made to Brushy Mountain Builders in the Total Bid Amount of \$4,259,000.

That such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

That Scott Hildebran, the **Authorized Official**, and successors so titled, is hereby authorized to execute all contract documents and change orders for this project on behalf of the City of Lenoir.

Adopted this the ____ day of October, 2019 at Lenoir, North Carolina.

Joseph L. Gibbons, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution, as regularly adopted at a legally convened meeting of the City Council of Lenoir duly held on the 15th day of October, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of October, 2019.

Shirley M. Cannon, City Clerk

CITY OF LENOIR
COUNCIL ACTION FORM

- I. Agenda Item:** Lower Creek WWTP Biosolids Project – Request for Additional Loan Funds

Background Information: The City of Lenoir has planned for and received formal bids for the construction of improvements to the Lower Creek Wastewater Treatment Plant biosolids handling facility. A total of six (6) bids were received and opened on October 3, 2019 for the Biosolids Improvements Project. The project generally consists of the installation of a new belt press, thermal dryer system and related improvements to piping, valves, electrical systems and telemetry systems. Brushy Mountain Builders of Lenoir, NC was the lowest responsive, responsible bidder with a total base bid amount of \$4,259,000.00.

The bid has been reviewed by McGill Associates for completeness and compliance with applicable state bidding requirements and they have reviewed the bid with city staff.

- II. Staff Recommendation:** The low bid combined with other project costs were in excess of \$7.0 million and of the approved SRP loan amount of \$6,600,000. Staff, in conjunction with McGill Associates, has utilized cost reducing alternatives to lower the total project cost to \$6,995,000.00. Also, we have received notification that a request for an additional \$395,000.00 of loan funding at 1.53% interest from the SRP Loan Program has been approved.

Staff recommends City Council approval of the request for additional loan funds in the amount of \$395,000.00 and authorizes the City Manager to execute the loan documents related to the additional funds request.

- III. Reviewed by:**

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____



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
R. S. PRESTWOOD
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

October 7, 2019

Mr. Mark Hubbard, PE
NC Division of Water Infrastructure
8th Floor Archdale Building
512 N. Salisbury Street
Raleigh, North Carolina 27604

RE: Request to Increase Funding Amount
Project No. E-SRP-W-17-0044
Biosolids Facility Improvements
City of Lenoir, North Carolina

Dear Mr. Hubbard:

On October 3, 2019, the City of Lenoir received bids for the subject project. Brushy Mountain Builders submitted the lowest responsible, responsive bid with a bid amount of \$4,290,000.

Since bids were higher than anticipated, the City of Lenoir hereby requests an additional \$395,000 of low-interest SRP loan funding for this project. The attached project cost summary indicates the project costs and funding amounts, including the SRP and local funds.

Please do not hesitate to contact me at (828) 757-2200, or Joel Whitford with McGill Associates at (828) 328-2024, with any questions related to this request. We appreciate your assistance with this important project.

Sincerely,

CITY OF LENOIR

Scott E. Hildebran
City Manager

Enclosure

Cc: Anita Robertson, PE, Division of Water Infrastructure
Radford Thomas, Public Utilities Director
Joel Whitford, PE, McGill Associates

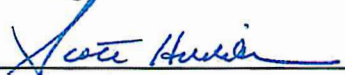


PROJECT COST SUMMARY (as-bid)		
List contractor names below:	TOTAL	ELIGIBLE*
1. Brushy Mountain Builders	\$ 4,259,000	\$ 4,259,000
2. Gryphon Environmental LLC	\$ 1,711,275	\$ 1,711,275
3.		
4.		
5.		
EQUIPMENT AND MATERIALS		
SUBTOTAL	\$ 5,970,275	\$ 5,970,275
PLANNING AND DESIGN (attach contract)	\$ 455,000	\$ 455,000
CONSTRUCTION PHASE ENGINEERING	\$ 325,000	\$ 325,000
CONTINGENCY (4.5% of construction)	\$ 192,000	\$ 192,000
LEGAL, TESTING, ETC.	\$ 10,725	\$ 10,725
OTHER (specify) ⇨ Bidding & Award Phase	\$ 17,000	\$ 17,000
OTHER (specify) ⇨ Funding Administration	\$ 25,000	\$ 25,000
CLOSING COSTS (Not eligible in CWSRF)	\$ 139,900	-----
TOTAL	\$ 7,134,900	\$ 6,995,000

*Please see eligibility guidance for a full accounting of eligible costs. ** Please use the form provided on the website in addition to land cost invoices.

REVENUE SOURCES FOR PROJECT CONSTRUCTION	
List funds that are available for this project	AMOUNT
DENR FUNDING (specify) ⇨ SRP Loan at 1.53% Interest	\$ 6,600,000
CASH	-----
GENERAL OBLIGATION or REVENUE BONDS	-----
OTHER AGENCY (specify) ⇨ Additional SRP Loan Amount	\$ 395,000
OTHER AGENCY (specify) ⇨	-----
OTHER (specify) ⇨	-----
OTHER (specify) ⇨	-----
TOTAL	\$ 6,995,000

The undersigned representative of the Recipient certifies that the information contained above and in any attached statements and material in support thereof is true and correct to the best of his or her knowledge.


 Signature of Authorized Representative

Scott Hildebran, City Manager
 Name and Title (type or print)

10/7/2019
 Date

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

**Mulberry Recreation Center/Optimist Park Addition Improvements:
Bid request: Seagle's Electrical Service Inc. for renovation project for
two new restrooms at Optimist Park in the amount of \$31,250.00.**

II. Background Information:

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

Bids: Seagle's Electrical Service Inc. \$31,250.00

Roy Hall Construction \$34,103.75.00

Gary D. Cornell \$35,153.75

III. Staff Recommendation:

**Staff recommends to approval the bid to Seagle's Electrical Service Inc.
in the amount of \$31,250.00**

IV. Reviewed by:

City Attorney:

Finance Director:

Public Works/Public Utilities Director:

Planning Director:

Recreation Director: Kenny Story

2019 Lenoir Optimist Park
City of Lenoir
30-Sep-19

[illegible]

Seagle's Electrical Service Inc.
 296 PLEASANT HILL RD
 LENOIR, NC 28645-0719 US
 tammyseagle@yahoo.com

Estimate

ADDRESS

CITY OF LENOIR
 MULBERRY REC. BATHROOMS

ESTIMATE #	DATE	EXPIRATION DATE
1160	09/27/2019	10/31/2019

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
09/27/2019	RENOVATOIN	RENOVATION PROJECT, TWO NEW FAMILY RESTROOMS TO BE INSTALLED IN THE CONCESSION BUILDING BETWEEN THE TWO BALL FIELDS AT THE PARK ACROSS FROM MULBERRY REC. CENTER. SCOPE OF WORK TO BE PERFORMED BUT NOT LIMITED TO AS FOLLOWS. CUT CONCRETE FLOOR TO ADD PLUMBING FOR NEW RESTROOMS, INSTALL PLUMBING AND REPLACE CONCRETE IN FLOOR. ADD THREE NEW MASONRY BLOCK WALLS INSIDE THE EXISTING CONCESSION BUILDING. CUT IN AND ADD THREE NEW STEEL DOORS AND HARDWARE FOR ENTRY INTO THE NEW RESTROOMS AND CONCESSION SIDE OF BUILDING. INSTALL TILE IN BATHROOMS ONLY, INSTALL TWO TANK FLUSH TOILETS, AND TWO 19" VANITY SINKS WITH TOUCH LESS FAUCETS . TWO 120 VOLT HAND DRYERS, TWO EXHAUST FANS AND LED LIGHTING AND ANY ELECTRICAL NEEDED INSIDE THE RESTROOM AND CONCESSION AREA. REPAIR WOOD ON THE OUTSIDE OF BUILDING ON THE GABLES AND FASCIA. INSTALL NEW METAL ROOF OVER TOP OF EXISTING ROOF.	1	0.00	0.00

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
		PAINT INSIDE AND OUT OF BUILDING. (WITH OWNER FURNISHED PAINT) NOTE NO MONIES HAVE BEEN ALLOWED FOR ANY SIGNAGE, OR ANY OUTSIDE WALKWAYS OR CONCRETE. OWNER TO FURNISH CONSTRUCTION DUMPSTER FOR PROJECT. OWNER IS RESPONSIBLE FOR REPAIRS AND LANDSCAPING OF GRASS AND AREA AROUND JOB SITE AFTER CONSTRUCTION IS COMPLETE. ON REQUEST CONTRACTOR WILL FURNISH COPIES OF WORKER COMP. AND GENERAL LIABILITY. CONTRACTOR WILL MAINTAIN A CLEAN AND SAFE WORK AREA AND ALL MATERIAL PERTAINING TO PROJECT WILL BE REMOVED AFTER JOB IS COMPLETE. PROJECT WILL BE DESIGNATED BY TEMPORARY BARRIER AROUND WORK SITE TO INSURE PUBLIC SAFETY AS BEST AS POSSIBLE.			
09/27/2019	MATERIAL	MATERIAL FOR PROJECT	1	21,545.67	21,545.67
09/27/2019	LABOR	LABOR FOR ENTIRE JOB	1	8,250.00	8,250.00

SUBTOTAL 29,795.67

TAX (6.75%) 1,454.33

TOTAL **\$31,250.00**

Accepted By

Accepted Date

Lenoir, NC 28645

828-381-3358 Cell

Estimate

September 30, 2019

For:

Optimist Park Bathroom Construction

Lenoir, NC 28645

DESCRIPTION	AMOUNT
Renovation Project	
Install two new restrooms to the end of concession building at Optimist Park	
Add plumbing for new restrooms, install two toilets, two sinks, two 120V hand dryers and two exhaust fans	
Install masonry block walls inside the concession building.	
Update lighting concession area and install new lighting in restrooms	
Repair gable and fascia on insisting building	
Install metal roofing on building	
Paint inside and outside of building	
Install three steel doors	
Materials	\$23,985.50
Tax	\$1,619.02
Labor	\$8,500.00
Total	\$34,103.75

Work will be complete (weather permitting) within 90 of acceptance of this estimate

Estimate good for 30 days

Thank you for your business!

Garry D Cornell
102 Old Mill Drive
Morganton, NC 28655
828-217-0490

Project:
Optimist Park Restrooms
Lenoir, NC

Estimate - September 27, 2019

Plumbing Includes:

Kohler Toilets with Seats
Sloan Sensor Flush Valves
American Standard Wall Hung Lavatories
Delta Metered Faucets for Lavatories

Electrical includes:

Lithonia FMLWL LED Wrap Fixtures
Lutron MS-OPS2 occupancy sensors
Excel Hand Dryers
Panasonic FV-08-11VF5 Bath Vent Fans

Building Construction and Remodel includes:

Repair wood on the gables and fascia of the existing building
Construct two new gender neutral restrooms at end of existing structure.
Install plumbing in new addition and connect to existing plumbing under concrete flooring. Replace concrete flooring.
Add three new masonry block walls inside the existing structure.
Install new metal roofing to structure.
Install tile flooring in the restroom area
Metal doors with hinges, closures, lever passage, deadbolt and latch guard installed at all door locations.
Paint inside and outside of structure (owner to supply paint)
There were no specifications for toilet paper holders, mirrors, or other amenities in the restroom areas.

Estimate cost:

Materials	\$24,500.00
Labor	\$ 9,000.00
Tax	<u>\$ 1,653.75</u>
Total	\$35,153.75

Estimate expires on October 31, 2019

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Recommendation for Award: 2019 Roof Replacements Contract

II. Background Information:

Public Works Department staff assembled a bid package for roof replacements at four (4) City facilities. The locations included the Public Works and Public Utilities Facility, Water Treatment Plant, Fire Station 2, and the Police Department. Bid packages were provided to contractors on an invitation-only basis (formal advertising and solicitation of sealed bids was not required due to the total dollar value of the project not exceeding the formal bidding threshold). Three (3) contractors expressed interest and were provided bidding documents. A total of two (2) bids were received. A bid tabulation has been included for review.

III. Staff Recommendation:

Following review of bids received for this contract, staff recommends awarding the 2019 Roof Replacements contract to Barger-Ashe Roofing Company. The total contract value for this project will be \$158,000.00. This amount is under the total budgeted amount for roof replacements at these facilities.

****The Bid Tab indicates a wide margin between bids for three (3) of the four (4) facilities. The roof replacement material was specified in the bidding documents, however means and methods for completion of each roof was at the discretion of the contractor. Based on the description of work provided by bidders, each bid was developed with similar approaches to completion, therefore staff believes the bids are comparable.****

IV. Reviewed by:

City Attorney: _____

Finance Director: _____

Public Works/Public Utilities Director: _____





BID TAB

**Bid Results
2019 Roof Replacements
City of Lenoir
October 07, 2019**

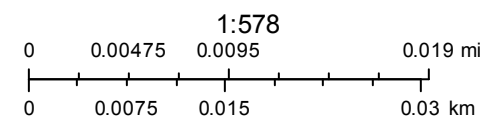
Contractor	Public Works/ Public Utilities Facility	Water Treatment Plant	Fire Station Number 2	Police Department	TOTAL BID
Barger-Ashe Roofing	\$50,000.00	\$35,000.00	\$31,000.00	\$42,000.00	\$158,000.00
Price Roofing	\$77,737.00	\$64,834.00	\$33,600.00	\$61,489.00	\$237,660.00
Turner Waterproofing	-	-	-	-	No bid

Lenoir PW Roof Replacement



September 9, 2019

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

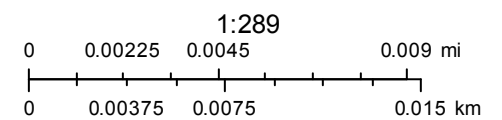


Lenoir WTP Roof Replacement



September 9, 2019

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

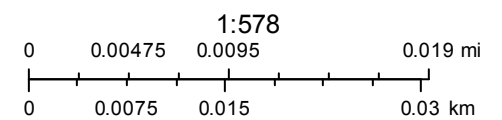


Lenoir FD2 Roof Replacement



September 9, 2019

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



Lenoir PD Roof Replacement



September 9, 2019

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

