

**LENOIR CITY COUNCIL
TUESDAY, SEPTEMBER 15, 2020
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Mayor Pro-Tem Crissy Thomas, Ike Perkins, Ralph Prestwood, David Stevens, and City Manager Scott Hildebran. Police Chief Brent Phelps was also in attendance at the meeting.

VIA TELECONFERENCE:

Participating via teleconference were Councilmembers Todd Perdue, Ben Willis, City Attorney T.J. Rohr and City Clerk Shirley Cannon.

Department Directors participating via teleconference were Finance Director Donna Bean, Fire Deputy Chief Kenny Nelson, Recreation Director Kenny Story, Planning Director Jenny Wheelock, Economic Development Director Kaylynn Horn, Public Utilities Director Radford Thomas, Public Works Director Jared Wright and Communications Director Joshua Harris.

Also attending via teleconference was Garrett Stell, News Topic.

I. CALL TO ORDER

- A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance as led by Mayor Gibbons.
- B. Mayor Gibbons requested that everyone keep praying for our leaders across the state, nation, and community as they strive to handle the coronavirus issues and keep everyone safe. Mayor Gibbons also reminded everyone to continue following the protocols established for the COVID-19 virus which include wearing a mask, social distancing and washing your hands.

**SPECIAL RECOGNITION;
CONSTITUTION DAY:**

- C. On behalf of City Council, Mayor Gibbons presented a proclamation to Diana Hale, representative of the Daughters of the American Revolution, proclaiming Thursday, September 17, 2020 as "Constitution Day" and the week of September 17 through September 23 as "Constitution Week" throughout the City of Lenoir and Caldwell County. Mayor Gibbons stated this marks the 233rd anniversary of the signing of the Constitution.

Mayor Gibbons stated a ceremony would also be held on Thursday, September 17 at 9:00 a.m. at the Charters of Freedom located downtown beside of the former Caldwell County Court House in honor of Constitution Day. He thanked Ms. Hale for coming and for all of her support.

Ms. Hale thanked City Council for the recognition for this important occasion

and commented that by working together, everyone can accomplish much.

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, August 18, 2020 as submitted.
2. Proclamation; Constitution Day: Approval of a proclamation proclaiming Thursday, September 17, 2020 as "Constitution Day" and the week of September 17 through September 23 as "Constitution Week" throughout the City of Lenoir and Caldwell County. (A copy of the proclamation is hereby incorporated into these minutes by reference. Refer to page 172).

Upon a motion by Councilmember Stevens, 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

COMMENTS; CONFEDERATE MONUMENT:

- A. Mr. Dennis Benfield, 3455 Civil War Drive, Hudson, NC, addressed City Council and spoke in favor of keeping the Confederate monument that is located downtown in its current location. Mr. Benfield presented a background report on the Civil War and shared his great, great grandfather died at the battle of Gettysburg. Mr. Benfield remarked the monument represents the soldiers who died for the gray and further explained that each state placed a monument at Gettysburg representing the area where their soldiers were standing when the battle began.

In addition to the Confederate monument, Mr. Benfield referred to the City's Veterans Plaza on the downtown square along with the marker that was installed providing information about the Over Mountain Victory Trail battle.

Mr. Benfield further mentioned the City of Lenoir celebrates Black History Month along with Kwanza in December, which is an African-American celebration of life and also has a recreation center named in honor and memory of Dr. Martin Luther King, Jr. Mr. Benfield mentioned that other towns have monuments and reiterated Lenoir's monument has stood as a source of pride for the families who fought for it. He urged City Council to leave it in its current location and pointed out the City has had decades to make a decision to move it as it has stood in its current location for over 110 years.

Mayor Gibbons informed Mr. Benfield that City Council would take his comments under advisement. City Attorney T.J. Rohr is handling the matter and trying to find out who

actually can make a decision about this issue.

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

PARKS AND RECREATION ADVISORY

BOARD: 1. The Parks and Recreation Advisory Board will meet on Monday, September 21 at 6:00 p.m. at Mulberry Recreation Center.

PLANNING

BOARD: 2. The Planning Board will conduct a virtual meeting on Monday, September 28 at 5:30 p.m.

CANCELLED; COMMITTEE OF

THE WHOLE: 3. The Committee of the Whole will not meet in September.

FOOTHILLS REGIONAL

AIRPORT AUTHORITY:

4. The Foothills Regional Airport Authority will conduct a virtual meeting on Wednesday, September 30 at noon.

B. ITEMS FOR COUNCIL ACTION

CHANGE ORDER NO. 1;

BIOSOLIDS PROJECT:

1. City Manager Hildebran recommends that Council approve Change Order No. 1 in the amount of \$23,607.96 for the Lower Creek Wastewater Treatment Plant Biosolids Improvements Project (LCWWTP). The additional cost is well within the 10% construction contingency approved for the project and does not result in an increase to the overall funds approved for the project.

A copy of the Change Order is here by incorporated into these minutes by reference. (Refer to page 173).

Mr. Hildebran stated Change Order NO. 1 is being requested for six (6) revision items for the project.

Upon a motion by Councilmember Beal, Council voted 7 to 0 to approve Change Order No. 1 in the amount of \$23,607.96 for the LCWWTP Biosolids Project as described above and as recommended by City Manager Hildebran.

ENGINEERING SERVICES; MCGILL ASSOCIATES:

2. Staff recommends acceptance of the McGill Associates proposal and execution of Task Order No. 4 for consultant services related to the replacement of the 96-inch culvert and

headwalls at 206 Blowing Rock Boulevard for a total cost of \$24,400.00.

A copy of Task Order No. 4 is hereby incorporated into these minutes by reference.
(Refer to page 174-175).

City Manager Hildebran explained the current 96" culvert failure has previously been repaired, but it continues to sink. Over the past two (2) years, numerous sinkholes have developed in the greenway path at this location and temporary asphalt repairs completed by City Staff continue to settle, sink, and fail. He referred to Staff's recommendation and clarified for Council the new replacement would be the same type of culvert.

Upon a motion by Councilmember Stevens, Council voted 7 to 0 to approve the proposal and execution of Task Order No. 4 in the amount of \$24,400.00 as described above and as recommended by City Staff.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD ANNOUNCEMENTS:

- A. Mayor Gibbons recommends that Marta Lazo be appointed to serve a four-year term on the Lenoir Planning board, Margaret Forney be appointed to serve a two-year term on the Lenoir Business Advisory Board, and Dr. John Tye be re-appointed to serve a three-year term on the ABC Board.

These two new board appointments and re-appointment will be presented to Council for their consideration of approval at the October 6 City Council meeting.

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

UPDATE; LENOIR GREENWAY:

- A. Councilmember Stevens expressed appreciation for the City's Greenway and stated he receives a lot of compliments about it.

Mayor Gibbons asked Parks and Recreation Director Kenny Story to give an update on the current usage of the City's recreation's centers.

Director Story reported a number of people are now beginning to use the Greenway along with the City's parks and playgrounds. He stated there have not been any issues at the parks with large gatherings of people. It was also noted individuals are using the new tables that have been placed on the downtown square for outside dining.

Mayor Gibbons stated additional tables with the new downtown logo on them will be installed in the near future.

CLOSED SESSION:

- A. Pursuant to N.C.G.S. §143.318.11(a), (3), and upon a motion by Councilmember

Perkins, which unanimously carried, City Council entered into closed session to discuss attorney client privilege.

OPEN SESSION:

B. Upon a motion by Councilmember Stevens, Council voted 7 to 0 to return to open session.

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 8:15 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

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

Constitution Week 2020 Proclamation

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

WHEREAS: September 17, 2020 marks the two hundred and thirty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: Five delegates were therein elected to represent North Carolina at the Constitutional Convention – William Blount, William Richardson Davie, Alexander Martin, Richard Dobbs Spaight, Sr. and Hugh Williamson, and the State of North Carolina ratified the Constitution on November 21, 1789, the twelfth state to do so; and

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

WHEREAS: As Mayor of the City of Lenoir, I encourage our residents to read the United States Constitution and discuss the meaning and importance of the document with children and grandchildren; and

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

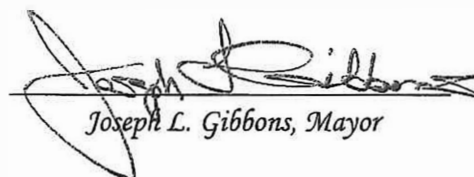
NOW, THEREFORE I, Joseph L. Gibbons, by virtue of the authority vested in me as Mayor of the City of Lenoir in Caldwell County, do hereby proclaim the week of September 17 through 23, 2020, as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Lenoir, North Carolina to be affixed this 15th day of September of the year of our Lord two thousand twenty.

SEAL


Joseph L. Gibbons, Mayor

Change Order No. 01

Date of Issuance: August 25, 2020
 Owner: City of Lenoir
 Contractor: Brushy Mountain Builders
 Engineer: McGill Associates, P.A.
 Project: Biosolids Facility Improvements

Effective Date: August 25, 2020
 Owner's Contract No.:
 Contractor's Project No.:
 Engineer's Project No.: 17.01107
 Contract Name: Biosolids
 Facility Improvements

The Contract is modified as follows upon execution of this Change Order:

Description: Adjust the Contract Price for additional, unforeseen project work items as outlined in the attached Change Order Summary

Attachments: Change Order Summary, with back-up documentation

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 4,259,000.00	Original Contract Times: Substantial Completion: <u>330</u> Ready for Final Payment: <u>360</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. <u>1</u> : \$ <u>N/A</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. <u>1</u> : Substantial Completion: <u>330</u> Ready for Final Payment: <u>360</u> days
Contract Price prior to this Change Order: \$ 4,259,000.00	Contract Times prior to this Change Order: Substantial Completion: <u>330</u> Ready for Final Payment: <u>360</u> days or dates
[Increase] [Decrease] of this Change Order: \$ 23,607.96	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>25 days</u> Ready for Final Payment: <u>25 days</u> days or dates
Contract Price incorporating this Change Order: \$ 4,282,607.96	Contract Times with all approved Change Orders: Substantial Completion: <u>355 days</u> Ready for Final Payment: <u>385 days</u>

RECOMMENDED:
 By: [Signature]
 Title: ENGINEER (if required)
 Date: 8-27-2020

ACCEPTED:
 By: [Signature]
 Title: CITY MANAGER
 Date: 9/16/2020

ACCEPTED:
 By: [Signature]
 Title: Project Manager
 Date: 8-27-2020

Approved by Funding Agency (if applicable):

Date: _____