

**LENOIR CITY COUNCIL
TUESDAY, FEBRUARY 16, 2021
6:00 P.M.**

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Ralph Prestwood, David Stevens and Ben Willis. City Manager Scott Hildebran, Police Chief Brent Phelps, Fire Chief Ken Hair and Communications Director Joshua Harris were also in attendance at the meeting.

ABSENT: Councilmember Ike Perkins.

VIA TELECONFERENCE:

Participating via teleconference were Mayor Pro-Tem Crissy Thomas, Councilmembers Todd Perdue, City Attorney T.J. Rohr, and City Clerk Shirley Cannon.

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

Also participating 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.

GENERAL COMMENTS:

- B. On behalf of City Council, Mayor Gibbons asked everyone to continue to keep all of the doctors, nurses, and health care workers in their thoughts and prayers along with all the individuals who are working to administer the Covid-19 vaccine individuals at the Robbins Center and the Caldwell County Health Department.

On behalf of City Council, Mayor Gibbons commended Garrett Stell, News-Topic Reporter, for all he has done for the City of Lenoir and wished him the very best as he makes plans to move to Scotland.

SPECIAL RECOGNITION;

GARY E. EVERHARDT:

- C. On behalf of City Council, Mayor Gibbons read a resolution in honor and memory of Gary E. Everhardt for his four decades of service with the National Parks Service and his many contributions to the City of Lenoir and Caldwell County. Mr. Everhardt passed away on December 20, 2020.

Mayor Gibbons also expressed appreciation for all of Mr. Everhardt's assistance with the City being successful with its Overmountain Victory

National Historic Trail project in October, 2015. There are 5.8 miles of the historic trail located within the City of Lenoir.

**SPECIAL RECOGNITION; RETIREMENT;
SCOTT E. KANUPP:**

- C. On behalf of City Council, Mayor Gibbons presented a resolution to Master Patrol Community Resource Officer Scott E. Kanupp in honor and recognition of his fifteen years of dedicated and outstanding service with the Lenoir Police Department, City of Lenoir and its citizens. Officer Kanupp is retiring from the City of Lenoir effective March 1, 2021.

Mayor Gibbons commended Officer Kanupp for his years of service and stated he was proud of him and his accomplishments. Mayor Gibbons informed Officer Kanupp that his Sig Sauer Model P220R, Serial #37C007649 service weapon along with his badge would be declared as surplus property by Council in order to be presented to him at a later date. In addition, Mayor Gibbons said a small framed City flag and City coin would also be presented at a later time.

On behalf of the Lenoir Police Department, Chief Brent Phelps congratulated Officer Kanupp and reported Officer Kanupp has taught over 3,000 students in the Drug Abuse Resistance Education (D.A.R.E.) program with the Caldwell County School System. Chief Phelps remarked that Officer Kanupp enjoyed working with students and having an impact on their lives.

Officer Kanupp thanked City Council and the Police Department for the opportunity to serve and remarked leaving the Department was the hardest career decision he has ever had to make.

**SPECIAL RECOGNITION; RETIREMENT
TODD LAWS:**

- D. On behalf of City Council, Mayor Gibbons presented a resolution and a key to the City to Battalion Chief Todd A. Laws in honor and recognition of his 30 years of dedicated and outstanding service with the Lenoir Fire Department, City of Lenoir and its citizens. Chief Laws is retiring from the City of Lenoir effective March 1, 2021.

Mayor Gibbons congratulated Chief Laws and stated he was proud of what he has meant to the community during his tenure. Mayor Gibbons also thanked Chief Laws' wife and daughter who were in attendance at the meeting.

Chief Laws stated, you can't change the world, but you can make a difference in people's lives. He shared he hoped he has been able to accomplish that during his tenure. Chief Laws remarked he was honored and proud to serve with the Staff at the Fire Department because it was the best job in the world. He commented everyone is like family and expressed his thanks and appreciation to all of his co-workers.

Fire Chief Ken Hair stated Chief Laws was truly a public servant with a servant's

heart and remarked the Department would truly miss him. Chief Hair wished Chief Laws the very best in retirement and stated a City flag would be flown over Station No. 3 in his honor.

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.

Councilmember Todd Perdue requested to be recused from voting on Item 2, Change Order No. 2, as listed on the Consent Agenda due to a business conflict. City Attorney T.J. Rohr clarified for Council that Mr. Perdue should be recused due to a conflict that would result in financial gain for his business.

2. Change Order #2; Lower Creek WWTP Biosolids Project: Approval of Change Order #2 in the amount of \$9,287.07 as recommended by McGill Associates for the Lower Creek Wastewater Treatment Plant Biosolids Improvements Project. The additional cost is well within the 10% construction contingency approved for the project and the changes do not result in an increase to the overall funds approved for the project. (A copy of the Change Order is hereby incorporated into these minutes by reference. Refer to page 66).

First Motion

Councilmember Willis moved to recuse Councilmember Perdue from voting on the Change Order No. 2, Lower Creek WWTP Biosolids Improvements Project as requested. This motion carried with a 5 to 0 vote.

Second Motion

Councilmember Beal moved to approve Change Order No. 2 as described above and as requested by McGill Associates. This motion carried with 5 to 0 vote.

1. Minutes: Approval of the minutes of the City Council meeting of Tuesday, February 2, 2021 as submitted.
3. Resolution; Gary Everhardt: Approval of a resolution in honor and memory of Gary Everhardt for his four decades of service and his many contributions to the City of Lenoir and Caldwell County. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 67.)
4. Resolution; Scott Kanupp: Approval of a resolution in honor and recognition of Community Resource Officer Scott Kanupp's fifteen years of dedicated and outstanding service to the Lenoir Police Department, City of Lenoir and its citizens.

Staff further recommends approval of a resolution declaring Officer Kanupp's service weapon, Sig Sauer Model R220R, Serial #37C007649, and badge as surplus property in order to be presented to Officer Kanupp upon his retirement from the Lenoir Police Department effective March 1, 2021. (Copies of the two

resolutions are hereby incorporated into these minutes by reference. Refer to pages 68 & 69.)

5. Resolution; Todd Laws: Approval of a resolution in honor and recognition of Battalion Chief Todd Laws' thirty years of dedicated and outstanding service to the Lenoir Fire Department, City of Lenoir and its citizens. (A copy of the resolution is hereby incorporated into these minutes by reference. Refer to page 70).

Third Motion

Upon a motion by Councilmember Stevens, Council voted 6 to 0 to approve items 1, 3, 4 and 5 on the Consent Agenda as presented and 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

PLANNING

- BOARD:** 1. The Planning Board will conduct a virtual meeting on Monday, February 22 at 5:30 p.m.

ANNUAL BUDGET

- RETREAT:** 2. City Council's annual Budget Retreat will be held virtually on Tuesday, February 23 from 8:30 a.m. – 11:30 a.m. during the regular Committee of the Whole meeting. City Council will continue their virtual Budget Retreat on Thursday, February 25 from 2:00 p.m. – 5:00 p.m.

FOOTHILLS REGIONAL AIRPORT

- AUTHORITY:** 3. The Foothills Regional Airport Authority will conduct a virtual meeting on Wednesday, February 24 at noon.

B. ITEMS FOR COUNCIL ACTION

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD RE-APPOINTMENTS:

- A. Mayor Gibbons presented the following list of individuals to City Council for their consideration of approval for re-appointment to the City's Authorities/Boards/Commissions. These individuals were announced at the February 2 City Council meeting.

Lenoir Tourism Development Authority (LTDA)

Matthew Underwood 4-year term

Parks and Recreation Advisory Board

James Robertson 2-year term

Michael Dineen 2-year term

Lenoir Business Advisory Board (LBAB)

Kimmie Rogers 3-year term

Upon a motion by Councilmember Prestwood, Council voted 6 to 0 to re-appoint the above list of individuals to the City's Authorities/Boards/Commissions as recommended by Mayor Gibbons.

Mayor Gibbons also mentioned the following upcoming appointments to the Board of Adjustments that will be voted on at the March 2 City Council meeting.

Board of Adjustments – 3 year terms

James Bradshaw

Mac Martin

Tim Scobie

IX. REPORT AND RECOMMENDATIONS OF COUNCIL MEMBERS

X. ADJOURNMENT

A. There being no further business, the meeting was adjourned at 6:42 p.m.

Shirley M. Cannon, City Clerk

Joseph L. Gibbons, Mayor

Date of Issuance: December 23, 2020
Owner: City of Lenoir
Contractor: Brushy Mountain Builders
Engineer: McGill Associates, P.A.
Project: Biosolids Facility Improvements

Effective Date: December 23, 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 [note changes in Milestones if applicable]
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> : \$ 23,607.96	[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. <u>1</u> : Substantial Completion: <u>355</u> Ready for Final Payment: <u>385</u> days
Contract Price prior to this Change Order: \$ 4,282,607.96	Contract Times prior to this Change Order: Substantial Completion: <u>355</u> Ready for Final Payment: <u>385</u> days or dates
[Increase] [Decrease] of this Change Order: \$ 9,287.07	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>18 days</u> Ready for Final Payment: <u>18 days</u> days or dates
Contract Price incorporating this Change Order: \$ 4,291,895.03	Contract Times with all approved Change Orders: Substantial Completion: <u>373 days</u> Ready for Final Payment: <u>403 days</u>

RECOMMENDED: By: <u>[Signature]</u> Engineer (if required) Title: <u>Project Manager</u> Date: <u>1-20-21</u>	ACCEPTED: By: <u>[Signature]</u> Owner (Authorized Signature) Title: <u>City Manager</u> Date: <u>2-17-21</u>	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature) Title: <u>Project Manager</u> Date: <u>1-12-21</u>
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Approved by Funding Agency (if applicable):

Date: _____

**RESOLUTION HONORING GARY E. EVERHARDT FOR HIS
CONTRIBUTIONS TO THE CITY OF LENOIR AND
CALDWELL COUNTY**

WHEREAS, Gary Eugene Everhardt was born on July 8, 1934, in Lenoir, North Carolina, and was the only Caldwell County native to ever serve as the Director of the National Parks Service from January 1975 to May 1977; and

WHEREAS, in October 1977, Gary Everhardt started working as the Superintendent of the Blue Ridge Parkway and oversaw the completion of the parkway, which runs through the northern tip of Caldwell County, including completion of the Linn Cove Viaduct around Grandfather Mountain; and

WHEREAS, The Blue Ridge Parkway brings millions of visitors into North Carolina and Virginia every year to travel all or part the 469 miles of parkway and enjoy our beautiful Appalachian Mountains; and

WHEREAS, Gary Everhardt sought to improve interpretative programming, develop trails and attract visitors to the parkway, and also supervised and supported the construction of the Asheville Folk Art Center, the parkway headquarters, and the Blue Ridge Music Center; and

WHEREAS, The Blue Ridge Parkway Headquarters in North Carolina is named after Gary Everhardt; and

WHEREAS, During his career with the National Parks Service and after, Gary Everhardt was a strong advocate for the Overmountain Victory National Historic Trail, which runs through Lenoir and Caldwell County, and he was a charter member of the Overmountain Victory Trail Association, which seeks to preserve, protect, and interpret the route the Overmountain Men took to the Battle of Kings Mountain; and

WHEREAS, The State of North Carolina recognized Gary Everhardt's 42-year career and service by awarding him the Order of the Long Leaf Pine, the State's highest honor; and

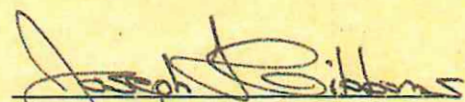
WHEREAS, For his service as the Superintendent of the Blue Ridge Parkway, Gary E. Everhardt was awarded the Department of the Interior's highest honor on April 24, 1985, the Distinguished Service Award, and in 1990, he was awarded the Cornelius Amory Pugsley National Medal Award for his dedication to park conservation.

WHEREAS, Gary Everhardt passed away at 86 years old Sunday, Dec. 27, 2020, in Charlotte, NC, just days after his beloved wife Nancy died on Dec. 23.

NOW THEREFORE BE IT RESOLVED, I, Mayor Joseph L. Gibbons, on behalf of the City of Lenoir City Council, hereby extend sincere appreciation and deep gratitude to Lenoir native Gary Eugene Everhardt, and further recognize and honor his four decades of service and many contributions to our City, our County, our State, and our Nation.

This the 16th day of February, 2021.

SEAL


Joseph L. Gibbons, Mayor
City of Lenoir, North Carolina



RESOLUTION

In Recognition of Dedicated Service



WHEREAS, on the 24th day of July, in the year 2006, Scott Edward Kanupp was appointed as a Patrol Officer for the Lenoir Police Department by Chief Joey Reynolds;

THAT, as of the date of this Resolution, he has admirably and with great distinction, served the citizens of Lenoir during the tenures of three Police Chiefs, and has formed close relations with the citizens of Lenoir through his genuine concern and professional dedication to duty. He has contributed to the success of his community not only professionally, but with the support of his family – wife Melissa; a nurse in the medical field, and two sons; Bradley and Josh, both currently working in the law enforcement field;

THAT, prior to being hired by the City of Lenoir, Scott served his country as a Medical Specialist with the United States Army, with service dates of December 1979 to December 1985; and was hired by the North Catawba Fire & Rescue in October 1999 as a Firefighter and Emergency Medical Technician;

THAT, while a member of the Lenoir Police Department, he served in a number of capacities, to include Crime Prevention, Public Information Officer, Incident Command, Special Response Team, D.A.R.E. Instructor and Board Member, and School Resource Officer;

THAT, due to Scott's dedication and diligence in performing in such an exemplary manner, he was promoted to Master Patrol Officer and Community Resource Officer in August 2010; and played an active and vital role with the community, as well as daycare, elementary, middle, and high school age children;

THAT, on August 2017, he was awarded the Advanced Law Enforcement Certificate. He received an Associates Degree in Emergency Management in 2006, and has made a number of other significant contributions throughout his career;

THAT, society and law enforcement as a whole has gone through many changes and challenges over the last 15 years, and Scott has stayed abreast through those changing trends to remain an effective mentor and leader within the Lenoir Police Department, as well as in the community at large;

THAT, Scott Kanupp has humbly served the citizens of the City of Lenoir and Caldwell County and will be retiring on March 1, 2021 with over 15 years of creditable service in the North Carolina Local Government Retirement System;

THEREFORE, BE IT RESOLVED, by authority of the Mayor and City Manager, and on behalf of the City Council, that Officer Scott Kanupp has been an exemplary employee, and is himself the epitome of the professional Law Enforcement Officer. His contributions to the safety and well-being of the citizens of Lenoir and officers of the Lenoir Police Department will be held in high esteem and remembrance by this governing body, as well as persons impacted by his accomplishments;

THIS, the 16th day of February, 2021.

Joseph L. Gibbons, Mayor

Scott E. Hildebran, City Manager



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

RESOLUTION

WHEREAS, the City of Lenoir, North Carolina, City Council desires to dispose of certain surplus property of the City of Lenoir to be awarded to Master Patrol/Community Resource Officer Scott Kanupp upon his retirement, and

NOW, THEREFORE BE IT RESOLVED,

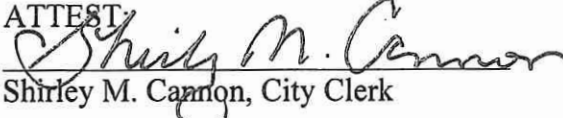
- 1) the Mayor and City Council of the City of Lenoir acknowledge Master Patrol/Community Resource Officer Scott Kanupp's loyal and dedicated service to the Lenoir Police Department and the citizens of Lenoir, and
- 2) the Mayor and City Council declare the following police weapon of Master Patrol/Community Resource Officer Scott Kanupp, upon retirement, as surplus and no longer have any additional use to the City of Lenoir {Sig Sauer Model P220R .45 caliber (Serial # 37C007649)}; and
- 3) the Mayor and City Council authorize the City Manager to proceed with the procedures as outlined in N.C.G.S. §20-187.2 regarding the service side arms of retiring members of City law enforcement agencies.

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

Adopted this the 16th day of February 2021.

SEAL


Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





RESOLUTION

CITY OF LENOIR

HONORING

TODD ALAN LAWS

WHEREAS, *Todd Alan Laws* began his career as a Firefighter with the Lenoir Fire Department on March 1, 1991, and was promoted to 2nd Lieutenant on February 7, 2002, Lieutenant on July 7, 2004, Captain on February 11, 2008, and Battalion Chief on May 6, 2018; and

WHEREAS, *Todd Laws* has announced his retirement effective March 1, 2021 ending 30 years of exemplary service to the citizens of Lenoir and Caldwell County; and

WHEREAS, during his tenure of dedicated service, *Todd Laws* has served with great competence and always contributed positively to the professional development of those around him; and

WHEREAS, during all of his endeavors both in and outside the Fire Department *Todd Laws* has brought honor and respect to himself and the City of Lenoir by his actions and his fair treatment of all persons;

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

BE IT FURTHER RESOLVED that we extend our sincere appreciation and deep gratitude for his faithful and outstanding service which has contributed to the betterment of our City.

Witness my hand and seal this the 16nd day of February, 2021.

SEAL

A handwritten signature in black ink, appearing to read "Joseph L. Gibbons".
Joseph L. Gibbons
Mayor